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1                   A bill to be entitled  
2       An act relating to government reorganization; creating s.  
3       20.60, F.S.; creating the Department of Economic  
4       Opportunity; providing for the appointment of the  
5       Commissioner of Economic Opportunity, subject to  
6       confirmation by the Senate; specifying the commissioner's  
7       duties; restricting the amount of the commissioner's  
8       public remuneration; specifying the purpose and duties of  
9       the department; establishing divisions within the  
10      department and the duties of such divisions; designating  
11      the department as the administrative agency for receipt  
12      and administration of certain federal grants; providing  
13      for disbursement of such grants; authorizing the  
14      department to serve as contract administrator for  
15      specified contracts; specifying that the Unemployment  
16      Appeals Commission is not subject to the department's  
17      control, supervision, or direction; requiring the  
18      department to submit an annual report to the Governor and  
19      Legislature; requiring the department to establish  
20      performance standards for specified public-private  
21      partnerships; requiring the department to establish an  
22      official seal and provide for use of the seal; designating  
23      the department as the state agency responsible for the  
24      state's role in housing and urban development; assigning  
25      the role of state government to the department under the  
26      Housing Authorities Law, Housing Cooperation Law, and  
27      provisions relating to the tax exemption of housing  
28      authorities; repealing s. 14.2015, F.S., relating to the

29 establishment of the Office of Tourism, Trade, and  
30 Economic Development within the Executive Office of the  
31 Governor; transferring functions and trust funds of the  
32 Office of Tourism, Trade, and Economic Development of the  
33 Executive Office of the Governor to the Department of  
34 Economic Opportunity; repealing ss. 288.1221, 288.1222,  
35 288.1223, 288.1224, 288.1226, and 288.1227, F.S., relating  
36 to the Florida Commission on Tourism and the Florida  
37 Tourism Industry Marketing Corporation, doing business as  
38 VISIT Florida; repealing ss. 288.7065, 288.707, 288.708,  
39 288.709, 288.7091, and 288.712, F.S., relating to the  
40 Florida Black Business Investment Board, Inc.; providing  
41 for the merger of the Florida Sports Foundation, the  
42 Florida Tourism Industry Marketing Corporation, and the  
43 Florida Black Business Investment Board, Inc., into  
44 Enterprise, Florida, Inc.; requiring the not-for-profit  
45 entities to enter into a merger plan with Enterprise  
46 Florida, Inc.; providing legislative intent related to the  
47 merger; requiring the Governor to designate a transition  
48 coordinator for the merger; providing for certain  
49 transition activities; amending s. 14.32, F.S.; providing  
50 additional duties of the Chief Inspector General relating  
51 to public-private partnerships; amending s. 112.313, F.S.;  
52 providing for applicability of certain employment and  
53 contracting restrictions to the Commissioner of Economic  
54 Opportunity and the commissioner's duties as president of  
55 Enterprise Florida, Inc.; creating s. 288.005, F.S.;  
56 defining the terms "commissioner," "department," and

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57 | "economic benefits"; amending s. 288.012, F.S.; renaming  
58 | the state's foreign offices as international offices;  
59 | authorizing the Governor to designate a state protocol  
60 | officer; requiring the state protocol officer to publish a  
61 | state protocol manual; amending s. 288.061, F.S.; revising  
62 | the economic development incentive review process;  
63 | providing for the Commissioner of Economic Opportunity to  
64 | review and submit recommendations to the Governor on  
65 | economic development incentive applications; providing for  
66 | incentive award contracts; amending ss. 288.901, 288.9015,  
67 | 288.903, 288.904, 288.905, and 288.906, F.S.; revising the  
68 | organization, governance, powers, and duties of Enterprise  
69 | Florida, Inc.; revising the membership, powers, and duties  
70 | of the board of directors of Enterprise Florida, Inc.;  
71 | revising private-sector matching requirements for state  
72 | operational funding provided to Enterprise Florida, Inc.;  
73 | providing that the Commissioner of Economic Opportunity  
74 | serves ex officio as president of Enterprise Florida,  
75 | Inc.; providing duties of the president; requiring  
76 | contracts for performance bonuses for employees receiving  
77 | compensation that exceeds a specified amount; revising  
78 | requirements for the annual report of Enterprise Florida,  
79 | Inc.; creating s. 288.907, F.S.; requiring Enterprise  
80 | Florida, Inc., to submit an annual incentive report to the  
81 | Governor and Legislature; specifying contents of the  
82 | report; amending s. 288.911, F.S.; authorizing Enterprise  
83 | Florida, Inc., to register a certain fictitious name for  
84 | purposes of tourism promotion; creating s. 288.912, F.S.;

85 requiring certain counties and municipalities to submit  
86 certain information to the Department of Economic  
87 Opportunity related to economic development incentives;  
88 creating s. 288.920, F.S.; requiring the establishment of  
89 divisions within Enterprise Florida, Inc.; providing for  
90 the division employees; establishing an advisory council  
91 for certain divisions; providing for the qualifications,  
92 nominations, appointments, terms, and removal of advisory  
93 council members; providing for the selection of advisory  
94 council chairs; creating ss. 288.921, 288.922, 288.923,  
95 and 288.925, F.S.; establishing specified divisions within  
96 Enterprise Florida, Inc.; specifying the duties of each  
97 division; requiring certain divisions to submit annual  
98 reports; providing for the appointment of advisory  
99 councils for each division; authorizing the advisory  
100 councils to submit recommendations to the board of  
101 directors of Enterprise Florida, Inc., on specified  
102 matters; transferring, renumbering, and amending s.  
103 288.1229, F.S.; deleting provisions relating to the  
104 direct-support organization for promotion and development  
105 of sports-related industries and amateur athletics;  
106 establishing the Division of Sports Industry Development  
107 within Enterprise Florida, Inc.; specifying the division's  
108 duties; providing for the appointment of an advisory  
109 council for the division; authorizing the advisory council  
110 to submit recommendations to the board of directors of  
111 Enterprise Florida, Inc., on specified matters; amending  
112 s. 288.9624, F.S.; revising provisions for the appointment

113 of the board of directors of the Florida Opportunity Fund  
 114 and filling of anticipated vacancies on such board of  
 115 directors; amending s. 331.3081, F.S.; revising the  
 116 organization, governance, powers, and duties of Space  
 117 Florida; specifying that Space Florida shall be governed  
 118 by certain members of the board of directors of Enterprise  
 119 Florida, Inc.; providing for an advisory council for Space  
 120 Florida; providing for the qualifications, nominations,  
 121 appointments, terms, and removal of advisory council  
 122 members; providing for the selection of advisory council  
 123 chairs; authorizing the advisory council to submit  
 124 recommendations to the board of directors of Enterprise  
 125 Florida, Inc., on specified matters; amending s. 331.310,  
 126 F.S.; redesignating the president of Space Florida as the  
 127 executive director; amending ss. 377.711 and 377.712,  
 128 F.S.; reviving provisions of the Southern States Energy  
 129 Compact to revise the powers of the Southern States Energy  
 130 Board; deleting an obsolete reference to the former  
 131 Department of Commerce; authorizing various state  
 132 departments to cooperate with the Southern States Energy  
 133 Board for certain purposes; amending ss. 15.182, 23.22,  
 134 24.113, 120.54, 125.045, 159.803, 159.8081, 159.8083,  
 135 159.809, 159.81, 163.3180, 163.3187, 166.021, 186.504,  
 136 212.08, 212.096, 212.097, 212.098, 212.20, 213.053,  
 137 218.64, 220.181, 220.182, 220.183, 220.1895, 220.1896,  
 138 220.1899, 220.191, 267.0625, 272.11, 282.34, 287.0931,  
 139 287.0943, 287.09451, 287.0947, 288.017, 288.018, 288.019,  
 140 288.021, 288.0251, 288.035, 288.037, 288.041, 288.047,

141 288.063, 288.065, 288.0655, 288.0656, 288.06561, 288.0657,  
 142 288.0658, 288.0659, 288.075, 288.095, 288.1045, 288.106,  
 143 288.107, 288.108, 288.1081, 288.1082, 288.1083, 288.1088,  
 144 288.1089, 288.1095, 288.1162, 288.11621, 288.1168,  
 145 288.1169, 288.1171, 288.1175, 288.122, 288.12265, 288.124,  
 146 288.1251, 288.1252, 288.1253, 288.1254, 288.7015, 288.703,  
 147 288.705, 288.706, 288.7094, 288.7102, 288.714, 288.773,  
 148 288.774, 288.776, 288.7771, 288.816, 288.809, 288.8175,  
 149 288.826, 288.95155, 288.955, 288.9604, 288.9605, 288.9606,  
 150 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916,  
 151 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 288.99,  
 152 290.004, 290.0055, 290.0056, 290.0058, 290.0065, 290.0066,  
 153 290.00710, 290.0072, 290.00725, 290.0073, 290.0074,  
 154 290.0077, 290.014, 290.053, 290.06561, 310.0015, 311.09,  
 155 311.11, 311.115, 311.22, 320.08058, 320.63, 331.3051,  
 156 375.021, 376.60, 376.86, 380.06, 381.0054, 403.973,  
 157 440.45, 473.3065, 570.96, 597.006, 624.5105, 627.3511,  
 158 641.217, 657.042, 658.67, 1003.492, 1003.493, 1004.226,  
 159 and 1004.435, F.S.; conforming provisions to changes made  
 160 by the act; deleting obsolete provisions; conforming  
 161 cross-references; repealing s. 42, ch. 2005-71, and s. 1,  
 162 ch. 2005-261, Laws of Florida, relating to the  
 163 authorization for funding certain dredging projects, to  
 164 delete obsolete provisions; repealing ss. 216.235,  
 165 216.236, 216.237, and 216.238, F.S., relating to the  
 166 Innovation Investment Program, the selection of review  
 167 boards to evaluate innovative investment projects, the  
 168 appointment of the State Innovation Committee and approval

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169 of such projects, the funding, recordkeeping, and  
170 reporting for such projects, the establishment by state  
171 agencies of internal innovations funds, and the adoption  
172 of rules by the Department of Management Services for the  
173 program; repealing s. 287.115, F.S., relating to  
174 provisions requiring the Chief Financial Officer to submit  
175 annual reports on disallowed contractual service  
176 contracts; repealing s. 288.038, F.S., relating to  
177 agreements for appointing county tax collectors as agents  
178 of the former Department of Labor and Employment Security  
179 for licenses and similar registrations; repealing s.  
180 288.12295, F.S., relating to a public records exemption  
181 for donors for a direct-support organization on promotion  
182 and development of sports-related industries and amateur  
183 athletics; repealing s. 288.386, F.S., relating to the  
184 Florida-Caribbean Basin Trade Initiative; repealing s.  
185 288.7011, F.S., relating to contracts between the Office  
186 of Tourism, Trade, and Economic Development and a certain  
187 nonprofit statewide development corporation; repealing s.  
188 288.90151, F.S., relating to the return on investment from  
189 activities of Enterprise Florida, Inc.; repealing s.  
190 288.9415, F.S., relating to Enterprise Florida, Inc., and  
191 international trade grants; repealing s. 288.9618, F.S.,  
192 relating to an economic development program for  
193 microenterprises; repealing s. 288.982, F.S., relating to  
194 a public records exemption for certain records relating to  
195 the United States Department of Defense Base Realignment  
196 and Closure 2005 process; repealing s. 373.461, F.S.,

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197 relating to Lake Apopka improvement and management;  
198 repealing s. 379.2353, F.S., relating to enterprise zone  
199 designations for certain communities suffering adverse  
200 impacts from the adoption of the constitutional amendment  
201 limiting the use of nets to harvest marine species;  
202 repealing ss. 409.944, 409.945, and 409.946, F.S.,  
203 relating to the Inner City Redevelopment Assistance Grants  
204 Program, eligibility criteria for the program, and the  
205 membership of the Inner City Redevelopment Review Panel;  
206 repealing s. 624.4072, F.S., relating to certain expired  
207 tax exemptions for minority-owned property and casualty  
208 insurers; repealing s. 625.3255, F.S., relating to capital  
209 participation investments issued by the Florida Black  
210 Business Investment Board; repealing s. 20.18, F.S.,  
211 relating to the establishment of the Department of  
212 Community Affairs; transferring the functions and trust  
213 funds of the Department of Community Affairs to other  
214 agencies; transferring the Division of Housing and  
215 Community Development to the Department of Economic  
216 Opportunity; transferring the Division of Community  
217 Planning to the Department of Economic Opportunity;  
218 transferring the Division of Emergency Management to the  
219 Executive Office of the Governor; transferring the Florida  
220 Building Commission to the Department of Business and  
221 Professional Regulation; transferring the responsibilities  
222 under the Florida Communities Trust to the Department of  
223 Environmental Protection; transferring the  
224 responsibilities under the Stan Mayfield Working



225 | Waterfronts Program to the Department of Environmental  
 226 | Protection; transferring the responsibilities under the  
 227 | Special District Information Program to the Department of  
 228 | Financial Services; transferring the responsibilities  
 229 | under the Community Services Block Grant Programs to the  
 230 | Department of Children and Family Services; transferring  
 231 | specified trust funds from the Department of Community  
 232 | Affairs to the Department of Economic Opportunity;  
 233 | transferring specified trust funds from the Department of  
 234 | Community Affairs to the Executive Office of the Governor;  
 235 | transferring specified trust funds from the Department of  
 236 | Community Affairs to the Department of Business and  
 237 | Professional Regulation; transferring the Florida Forever  
 238 | Program Trust Fund and the Florida Communities Trust Fund  
 239 | from the Department of Community Affairs to the Department  
 240 | of Environmental Protection; transferring the Community  
 241 | Services Block Grant Trust Fund from the Department of  
 242 | Community Affairs to the Department of Children and  
 243 | Families; terminating the Administrative Trust Fund of the  
 244 | Department of Community Affairs and providing for the  
 245 | transfer of the trust fund balance to a specified trust  
 246 | fund; providing for the continuation of binding contracts  
 247 | or agreements with the successor department or entity;  
 248 | providing for a type two transfer from the Department of  
 249 | Community Affairs to the Department of Economic  
 250 | Opportunity of all other things not specifically  
 251 | delineated for transfer; creating s. 14.2016, F.S.;  
 252 | establishing the Division of Emergency Management within

253 the Executive Office of the Governor; providing for the  
 254 director of the division to serve at the pleasure of the  
 255 Governor; providing duties of the division; amending s.  
 256 163.03, F.S.; deleting a requirement that the Secretary of  
 257 Community Affairs administer certain programs during  
 258 emergency situations; conforming provisions to changes  
 259 made by the act; reenacting and amending s. 163.3191,  
 260 F.S.; conforming provisions to changes made by the act;  
 261 amending s. 215.559, F.S.; delaying the expiration date of  
 262 the Hurricane Loss Mitigation Program; conforming  
 263 provisions to changes made by the act; amending s. 290.044  
 264 F.S., relating to unallocated funds in the Florida Small  
 265 Cities Community Development Block Grant Fund; amending s.  
 266 290.047, F.S.; deleting statutory grant ceilings for the  
 267 Florida Small Cities Community Development Block Grant  
 268 program; authorizing ceilings to be established by rule;  
 269 amending ss. 11.40, 11.45, 11.905, 17.61, 20.181, 68.096,  
 270 68.105, 112.63, 112.665, 119.071, 161.142, 161.54, 163.06,  
 271 163.2517, 163.3164, 163.3177, 163.3178, 163.3180,  
 272 163.3204, 163.3221, 163.3246, 163.3247, 163.336, 163.458,  
 273 163.460, 163.461, 163.462, 163.5055, 163.506, 163.508,  
 274 163.511, 163.512, 165.031, 171.204, 189.403, 189.4035,  
 275 189.412, 189.413, 189.425, 189.427, 190.009, 190.047,  
 276 191.009, 191.015, 201.15, 215.5586, 215.55865, 215.5588,  
 277 218.32, 218.37, 218.411, 220.183, 252.34, 252.355,  
 278 252.371, 252.373, 252.55, 252.60, 252.61, 252.82, 252.83,  
 279 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943,  
 280 252.946, 255.042, 258.004, 258.501, 259.035, 259.042,

281 259.105, 260.0142, 282.34, 282.709, 288.021, 288.0656,  
 282 288.109, 288.975, 288.984, 290.042, 290.043, 290.046,  
 283 290.048, 290.0491, 311.105, 327.803, 332.115, 333.065,  
 284 339.135, 339.175, 342.201, 369.303, 369.318, 369.321,  
 285 369.322, 369.323, 369.324, 373.199, 373.4149, 373.453,  
 286 376.86, 377.6015, 377.703, 377.809, 378.411, 379.2291,  
 287 380.031, 380.06, 380.061, 380.0677, 380.503, 380.504,  
 288 380.5115, 381.0303, 381.7354, 393.067, 395.1055, 395.1056,  
 289 397.321, 397.801, 400.23, 400.497, 400.506, 400.605,  
 290 400.935, 400.967, 401.245, 403.0752, 403.0891, 403.42,  
 291 403.507, 403.508, 403.524, 403.526, 403.527, 403.757,  
 292 403.941, 403.9411, 403.973, 404.056, 404.0617, 409.508,  
 293 409.509, 410.502, 418.12, 420.0003, 420.0004, 420.0005,  
 294 420.101, 420.111, 420.36, 420.424, 420.503, 420.504,  
 295 420.506, 420.5095, 420.602, 420.606, 420.609, 420.622,  
 296 420.631, 420.635, 421.001, 422.001, 423.001, 429.41,  
 297 429.929, 450.261, 489.103, 489.109, 489.509, 497.271,  
 298 526.144, 553.36, 553.382, 553.512, 553.71, 553.74,  
 299 553.721, 553.841, 553.896, 553.901, 553.9085, 553.954,  
 300 553.955, 553.973, 553.992, 553.995, 570.71, 604.006,  
 301 624.5105, 627.0628, 627.0629, 720.403, 720.404, 720.406,  
 302 760.854, 768.13, 943.0311, 943.0313, 1004.46, 1013.37,  
 303 1013.372, and 1013.74, F.S.; conforming provisions to  
 304 changes made by the act; deleting obsolete provisions;  
 305 repealing s. 163.2523, F.S., relating to an urban infill  
 306 and redevelopment assistance grant program; repealing s.  
 307 380.285, F.S., relating to a study of lighthouses in the  
 308 state; repealing s. 943.402, F.S., relating to transfer of

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309 the criminal justice program of the Department of  
310 Community Affairs to the Department of Law Enforcement;  
311 repealing s. 20.50, F.S., relating to the establishment of  
312 the Agency for Workforce Innovation; transferring the  
313 functions and trust funds of the Agency for Workforce  
314 Innovation to other agencies; transferring the Office of  
315 Early Learning to the Department of Economic Opportunity;  
316 transferring the Office of Unemployment Compensation  
317 Services to the Department of Economic Opportunity;  
318 transferring the Office of Workforce Services to the  
319 Department of Economic Opportunity; providing for the  
320 continuation of binding contracts or agreements with the  
321 successor department or entity; providing for a type two  
322 transfer; transferring, renumbering, and amending ss.  
323 20.505, 331.369, and 1004.99, F.S.; conforming provisions  
324 to changes made by the act; amending s. 112.044, F.S.;  
325 requiring employers, employment agencies, and labor  
326 organizations to post notices required by the United  
327 States Department of Labor and the United States Equal  
328 Employment Opportunity Commission; amending s. 409.942,  
329 F.S.; deleting requirements that Workforce Florida, Inc.,  
330 establish an electronic transfer benefit program; amending  
331 s. 411.0102, F.S.; requiring each participating early  
332 learning coalition board to develop a plan for the use of  
333 child care purchasing pool funds; conforming provisions to  
334 changes made by the act; amending s. 445.004, F.S.;  
335 providing that the Commissioner of Economic Opportunity  
336 shall serve ex officio as a voting member of the board of

337 | directors of Workforce Florida, Inc.; deleting a provision  
 338 | pertaining to funds and contributions provided by clients  
 339 | of the Quick Response Training Program; amending s.  
 340 | 445.007, F.S.; revising the membership of the regional  
 341 | workforce boards; conforming provisions to changes made by  
 342 | the act; amending s. 553.62, F.S.; deleting provisions  
 343 | authorizing the adoption of rules to incorporate future  
 344 | changes to certain federal excavation safety standards;  
 345 | amending ss. 11.905, 14.20195, 16.615, 39.001, 45.031,  
 346 | 69.041, 112.3135, 120.80, 202.37, 212.096, 213.053,  
 347 | 216.136, 216.292, 216.231, 220.03, 222.15, 250.06,  
 348 | 255.099, 287.09431, 287.09451, 381.0086, 383.14, 402.281,  
 349 | 402.45, 402.56, 403.7032, 409.017, 409.1451, 411.01,  
 350 | 411.0101, 411.01013, 411.01014, 411.01015, 411.0103,  
 351 | 411.0104, 411.0105, 411.0106, 411.011, 411.226, 411.227,  
 352 | 414.24, 414.295, 414.411, 427.012, 429.907, 440.12,  
 353 | 440.15, 440.381, 443.012, 443.036, 443.041, 443.051,  
 354 | 443.071, 443.091, 443.101, 443.111, 443.1113, 443.1115,  
 355 | 443.1116, 443.1215, 443.1216, 443.1217, 443.131, 443.1312,  
 356 | 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151,  
 357 | 443.163, 443.171, 443.1715, 443.181, 443.191, 443.211,  
 358 | 443.221, 445.002, 445.003, 445.009, 445.016, 445.024,  
 359 | 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051,  
 360 | 446.41, 446.44, 446.50, 446.52, 448.109, 448.110, 450.161,  
 361 | 450.191, 450.31, 464.203, 468.529, 489.1455, 489.5335,  
 362 | 551.104, 944.708, 944.801, 945.10, 985.601, 1002.375,  
 363 | 1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69,  
 364 | 1002.71, 1002.72, 1002.75, 1002.77, 1002.79, 1003.4285,

365 | 1003.491, 1003.492, 1003.493, 1003.575, 1008.39, 1008.41,  
 366 | 1011.76, and 1012.2251, F.S.; conforming provisions to  
 367 | changes made by the act; conforming cross-references;  
 368 | deleting obsolete provisions; repealing s. 446.60, F.S.,  
 369 | relating to assistance for displaced local exchange  
 370 | telecommunications company workers; repealing s. 445.056,  
 371 | F.S., relating to the Citizen Soldier Matching Grant  
 372 | Program and the award of grants to private sector  
 373 | employers who employ certain military personnel on federal  
 374 | active duty; directing the Department of Economic  
 375 | Opportunity, the Department of Education, and the  
 376 | Department of Children and Family Services to submit a  
 377 | joint report to the Legislature on the state's early  
 378 | learning programs; directing the Auditor General to  
 379 | conduct audits of the early learning coalitions by a  
 380 | specified date; providing legislative intent with respect  
 381 | to the transfer of programs and administrative  
 382 | responsibilities; providing for a transition period;  
 383 | providing for coordination between the Department of  
 384 | Community Affairs, the Agency for Workforce Innovation,  
 385 | the Office of Tourism, Trade, and Economic Development,  
 386 | and other state agencies to implement the transition;  
 387 | providing for the appointment of agency transition  
 388 | coordinators; requiring the transition coordinators to  
 389 | submit a progress report to the Governor and Legislature  
 390 | by a specified date; authorizing the Executive Office of  
 391 | the Governor, upon approval by the Legislative Budget  
 392 | Commission, to transfer funds between agencies under

393 certain circumstances; requiring that the Governor submit  
 394 information and obtain waivers as required by federal law;  
 395 providing effective dates.

396  
 397 Be It Enacted by the Legislature of the State of Florida:

398  
 399 Section 1. Section 20.60, Florida Statutes, is created to  
 400 read:

401 20.60 Department of Economic Opportunity.-There is created  
 402 a Department of Economic Opportunity.

403 (1) (a) The head of the department is the Commissioner of  
 404 Economic Opportunity, who shall be appointed by the Governor,  
 405 subject to confirmation by the Senate. The commissioner shall  
 406 serve at the pleasure of and report to the Governor.

407 (b) The commissioner shall:  
 408 1. Manage all activities and responsibilities of the  
 409 Department of Economic Opportunity.

410 2. Serve as the state's chief negotiator for business  
 411 recruitment and business expansion.

412 (2) The purpose of the department is to assist the  
 413 Governor in working with the Legislature, state agencies, local  
 414 governments, business leaders, and economic development  
 415 professionals to formulate and implement coherent and consistent  
 416 policies and strategies designed to promote economic  
 417 opportunities for the people of this state. To accomplish these  
 418 purposes, the department shall:

419 (a) Facilitate the direct involvement of the Governor and  
 420 the Lieutenant Governor in economic development and workforce

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421 development projects designed to create, expand, and retain  
422 businesses in the state, to globally recruit business, and to  
423 facilitate other job-creating efforts.

424 (b) Recruit new businesses to the state and promote the  
425 expansion of existing businesses by expediting location  
426 decisions, worker placement and training, and incentive awards.

427 (c) Promote viable, sustainable communities by providing  
428 technical assistance and guidance on growth and development  
429 issues, grants, and other assistance to local communities.

430 (d) Ensure that the state's goals and policies relating to  
431 economic development, workforce development, community planning  
432 and development, and affordable housing are fully integrated  
433 with appropriate implementation strategies.

434 (e) Manage the activities of public-private partnerships  
435 and coordinate with other state agencies in order to avoid  
436 duplication and promote coordinated and consistent  
437 implementation of programs in areas including, but not limited  
438 to, tourism; international trade and investment; business  
439 recruitment, creation, retention, and expansion; minority and  
440 small business development; community planning and development;  
441 commercialization of products, services, or ideas developed in  
442 public universities or other public institutions; and the  
443 development and promotion of professional and amateur sporting  
444 events.

445 (f) Coordinate efforts of entities to address  
446 transportation needs, including port development, housing,  
447 recreation, and other community infrastructure to support the  
448 needs of local and regional areas.



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449 (g) Assist, promote, and enhance economic opportunities in  
450 the state's rural and urban communities.

451 (3) The following divisions are established within the  
452 department and have the following specific responsibilities in  
453 order to achieve the department's duties, responsibilities, and  
454 goals:

455 (a) The Division of Strategic Business Development shall:

456 1. Analyze and evaluate business prospects identified by  
457 the Governor, the commissioner, and Enterprise Florida, Inc.

458 2. Administer certain tax refund, tax credit, and grant  
459 programs created in law.

460 3. Develop a 5-year statewide strategic plan. The  
461 strategic plan shall include, but is not limited to:

462 a. Strategies for the promotion of business formation,  
463 expansion, recruitment, and retention through aggressive  
464 marketing, international development, and export assistance,  
465 which lead to more and better jobs and higher wages for all  
466 geographic regions, disadvantaged communities, and populations  
467 of the state, including rural areas, minority businesses, and  
468 urban core areas.

469 b. The development of realistic policies and programs to  
470 further the economic diversity of the state, its regions, and  
471 their associated industrial clusters.

472 c. Specific provisions for the stimulation of economic  
473 development and job creation in rural areas and midsize cities  
474 and counties of the state.

475 d. Provisions for the promotion of the successful long-  
476 term economic development of the state with increased emphasis

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477 in market research and information.

478 e. Plans for the generation of foreign investment in the  
479 state which creates jobs with above-average wages and results in  
480 reverse investment in the state, including programs that  
481 establish viable overseas markets, assist in meeting the  
482 financing requirements of export-ready firms, broaden  
483 opportunities for international joint venture relationships, use  
484 the resources of academic and other institutions, coordinate  
485 trade assistance and facilitation services, and facilitate  
486 availability of and access to education and training programs  
487 which will assure requisite skills and competencies necessary to  
488 compete successfully in the global marketplace.

489 f. The identification of business sectors that are of  
490 current or future importance to the state's economy and to the  
491 state's global business image, and development of specific  
492 strategies to promote the development of such sectors.

493 g. Strategies for talent development necessary in the  
494 state to encourage development growth, taking into account  
495 factors such as the state's talent supply chain, education and  
496 training opportunities, and available workforce.

497 4. Update the strategic plan every 5 years. The division  
498 shall involve Enterprise Florida, Inc., Workforce Florida, Inc.,  
499 local governments; the general public; local and regional  
500 economic development organizations; other local, state, and  
501 federal economic, international, and workforce development  
502 entities; the business community; and educational institutions  
503 to assist with each update.

504 (b) The Division of Community Planning and Development

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505 shall:

506 1. Assist local governments and their communities in  
507 finding creative planning solutions to help them foster vibrant,  
508 healthy communities, while protecting the functions of important  
509 state resources and facilities.

510 2. Administer state and federal grant programs as provided  
511 by law to provide community development and project planning  
512 activities to maintain viable communities, revitalize existing  
513 communities, and expand economic development and employment  
514 opportunities.

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

517 (c) The Division of Workforce Services shall:

518 1. Administer federal and state workforce funding by  
519 administering plans and policies of Workforce Florida, Inc.,  
520 under contract with Workforce Florida, Inc. The operating budget  
521 and midyear amendments thereto must be part of such contract.

522 a. All program and fiscal instructions to regional  
523 workforce boards shall emanate from the department pursuant to  
524 plans and policies of Workforce Florida, Inc. Workforce Florida,  
525 Inc., is responsible for all policy directions to the regional  
526 workforce boards.

527 b. Unless otherwise provided by agreement with Workforce  
528 Florida, Inc., administrative and personnel policies shall  
529 apply.

530 2. Implement the state's unemployment compensation  
531 program, pursuant to state and federal law.

532 3. Implement and administer, through the Office of Early

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533 Learning, the state's school readiness system and the Voluntary  
534 Prekindergarten Education Program.

535 (d) The Division of Finance and Administration shall:

536 1. Administer all department budget and finance matters.

537 2. Administer all department personnel matters.

538 3. Maintain proper records.

539 (4) The department is designated as the administrative  
540 agency designated for receipt and administration of federal  
541 workforce development grants and other federal funds and shall  
542 carry out the duties assigned to it by the Governor, under the  
543 terms and conditions of each grant. The department shall  
544 disburse such grants pursuant to the plans and policies of  
545 Workforce Florida, Inc. The department may, to the extent  
546 authorized by Workforce Florida, Inc., serve as the contract  
547 administrator for contracts entered into by Workforce Florida,  
548 Inc., pursuant to s. 445.004(5). The Governor may sign  
549 contracts, grants, and other instruments as necessary to execute  
550 functions assigned to the department. Notwithstanding any other  
551 law, the department shall administer other programs funded by  
552 federal or state appropriations, as determined by the  
553 Legislature in the General Appropriations Act or by law.

554 (5) The department may provide or contract for training  
555 for employees of administrative entities and case managers of  
556 any contracted providers to ensure they have the necessary  
557 competencies and skills to provide adequate administrative  
558 oversight and delivery of the full array of client services.

559 (6) The Unemployment Appeals Commission created pursuant  
560 to s. 443.012 is not subject to control, supervision, or

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561 direction by the department in the performance of the  
562 commission's powers and duties. However, the department shall  
563 provide any support and assistance that is required for the  
564 performance of the commission's duties.

565 (7) The department, with assistance from Enterprise  
566 Florida, Inc., and Workforce Florida, Inc., shall, by January 1  
567 of each year, submit an annual report to the Governor, the  
568 President of the Senate, and the Speaker of the House of  
569 Representatives on the condition of the business climate and  
570 economic development in the state. The report shall include the  
571 identification of problems and a prioritized list of  
572 recommendations.

573 (8) The department shall establish annual performance  
574 standards for Enterprise Florida, Inc., Workforce Florida, Inc.,  
575 and Space Florida and report annually on how these performance  
576 measures are being met in the annual report required under  
577 subsection (7).

578 (9) The department shall have an official seal by which  
579 its records, orders, and proceedings are authenticated. The seal  
580 shall be judicially noticed.

581 (10) The department shall administer the role of state  
582 government under part I of chapter 421, relating to the Housing  
583 Authorities Law; chapter 422, relating to the Housing  
584 Cooperation Law; and chapter 423, relating to the tax exemption  
585 of housing authorities. The department is the state agency  
586 responsible for the state's role in housing and urban  
587 development.

588 Section 2. Section 14.2015, Florida Statutes, is repealed.

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589           Section 3. Transfers from Executive Office of the  
590 Governor.—

591           (1) All powers, duties, functions, records, offices,  
592 personnel, associated administrative support positions,  
593 property, pending issues, and existing contracts, administrative  
594 authority, administrative rules, and unexpended balances of  
595 appropriations, allocations, and other funds relating to the  
596 Office of Tourism, Trade, and Economic Development in the  
597 Executive Office of the Governor are transferred by a type two  
598 transfer, as defined in s. 20.06(2), Florida Statutes, to the  
599 Department of Economic Opportunity.

600           (2) The following trust funds are transferred from the  
601 Executive Office of the Governor to the Department of Economic  
602 Opportunity:

603           (a) The Economic Development Trust Fund, FLAIR number 31-  
604 2-177.

605           (b) The Economic Development Transportation Trust Fund,  
606 FLAIR number 31-2-175.

607           (c) The Tourism Promotional Trust Fund, FLAIR number 31-2-  
608 722.

609           (d) The Professional Sports Development Trust Fund, FLAIR  
610 number 31-2-551.

611           (e) The Florida International Trade and Promotion Trust  
612 Fund, FLAIR number 31-2-338.

613           (3) Any binding contract or interagency agreement existing  
614 on or before July 1, 2011, between the Office of Tourism, Trade,  
615 and Economic Development in the Executive Office of the  
616 Governor, or an entity or agent of the office, and any other

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617 agency, entity, or person shall continue as a binding contract  
618 or agreement for the remainder of the term of such contract or  
619 agreement with the successor department, agency, or entity  
620 responsible for the program, activity, or functions relative to  
621 the contract or agreement.

622 (4) All powers, duties, functions, records, offices,  
623 personnel, property, pending issues, and existing contracts,  
624 administrative authority, administrative rules, and unexpended  
625 balances of appropriations, allocations, and other funds  
626 relating to the Office of Tourism, Trade, and Economic  
627 Development in the Executive Office of the Governor, and not  
628 specifically delineated for transfer within this section are  
629 transferred by a type two transfer to the Department of Economic  
630 Opportunity.

631 Section 4. Sections 288.1221, 288.1222, 288.1223,  
632 288.1224, 288.1226, and 288.1227, Florida Statutes, are  
633 repealed.

634 Section 5. Sections 288.7065, 288.707, 288.708, 288.709,  
635 288.7091, and 288.712, Florida Statutes, are repealed.

636 Section 6. (1) The not-for-profit corporations  
637 established in ss. 288.1226, 288.1229, and 288.707, Florida  
638 Statutes, are merged into and transferred to Enterprise Florida,  
639 Inc.

640 (2) The Florida Sports Foundation; the Florida Tourism  
641 Industry Marketing Corporation, doing business as VISIT Florida;  
642 and the Florida Black Business Investment Board, Inc., must  
643 enter into a plan of merger to merge into Enterprise Florida,  
644 Inc. Such merger must be complete by December 31, 2011. The

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645 merger is governed by chapter 617, Florida Statutes, related to  
646 the merger of not-for-profit corporations.

647 (3) It is the intent of the Legislature that the changes  
648 made by this act be accomplished with minimal disruption of  
649 services provided to the public and with minimal disruption to  
650 employees of any organization. To that end, the Legislature  
651 directs that notwithstanding the changes made by this act, the  
652 Florida Sports Foundation; the Florida Tourism Industry  
653 Marketing Corporation, doing business as VISIT Florida; and the  
654 Florida Black Business Investment Board, Inc., may continue with  
655 such powers, duties, functions, records, offices, personnel,  
656 property, pending issues, and existing contracts as provided in  
657 Florida Statutes 2010 until December 31, 2011. The Legislature  
658 believes that a transition period between the effective date of  
659 this act and December 31, 2011, is appropriate and warranted.

660 (4) The Governor shall designate a transition coordinator  
661 who shall serve as the Governor's primary representative on  
662 matters related to the implementation of this act for the merger  
663 of the Florida Sports Foundation; the Florida Tourism Industry  
664 Marketing Corporation, doing business as VISIT Florida; and the  
665 Florida Black Business Investment Board, Inc., into Enterprise  
666 Florida, Inc., and the transition plans developed pursuant to  
667 this section. The Governor's transition coordinator shall submit  
668 a progress report to the Governor, the President of the Senate,  
669 and the Speaker of the House of Representatives on the  
670 implementation of this act and the transition plans, including,  
671 but not limited to, any adverse impact or negative consequences  
672 on programs and services, of meeting any deadline imposed by



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673 this act, and any difficulties experienced by the entities. The  
 674 Governor's transition coordinator shall also coordinate the  
 675 submission of any budget amendments, in accordance with chapter  
 676 216, Florida Statutes, that may be necessary to implement this  
 677 act.

678 (5) Any funds held in trust which were donated to or  
 679 earned by the Florida Sports Foundation; the Florida Tourism  
 680 Industry Marketing Corporation, doing business as VISIT Florida;  
 681 or the Florida Black Business Investment Board, Inc., while  
 682 previously organized as a corporation under chapter 617, Florida  
 683 Statutes, shall be transferred to Enterprise Florida, Inc., to  
 684 be used by the respective division for the funds' original  
 685 purposes.

686 (6) Upon the recommendation and guidance of the Florida  
 687 Sports Foundation; the Florida Tourism Industry Marketing  
 688 Corporation, doing business as VISIT Florida; or the Florida  
 689 Black Business Investment Board, Inc., the Governor shall submit  
 690 in a timely manner to the applicable Federal departments or  
 691 agencies any necessary amendments or supplemental information  
 692 concerning plans that the state or one of the entities is  
 693 required to submit to the Federal Government in connection with  
 694 any federal or state program. The Governor shall seek any  
 695 waivers from the requirements of federal law or rules which may  
 696 be necessary to administer this act.

697 (7) The transfer of any program, activity, duty, or  
 698 function under this act includes the transfer of any records and  
 699 unexpended balances of appropriations, allocations, or other  
 700 funds related to such program, activity, duty, or function.

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701 Except as otherwise provided by law, Enterprise Florida, Inc.,  
 702 shall become the custodian of any property of the Florida Sports  
 703 Foundation; the Florida Tourism Industry Marketing Corporation,  
 704 doing business as VISIT Florida; and the Florida Black Business  
 705 Investment Board, Inc., on the date specified in the plan of  
 706 merger or December 31, 2011, whichever occurs first.

707 (8) The Department of Management Services may establish a  
 708 lease agreement program under which Enterprise Florida, Inc.,  
 709 and may hire any individual who was employed by the Florida  
 710 Black Business Investment Board, Inc., under a previous lease  
 711 agreement under s. 288.708(2), Florida Statutes 2010. Under such  
 712 agreement, the employee shall retain his or her status as a  
 713 state employee but shall work under the direct supervision of  
 714 Enterprise Florida, Inc. Retention of state employee status  
 715 shall include the right to participate in the Florida Retirement  
 716 System and shall continue until the employee voluntarily or  
 717 involuntarily terminates his or her status with Enterprise  
 718 Florida, Inc. The Department of Management Services shall  
 719 establish the terms and conditions of such lease agreements.

720 Section 7. Subsection (3) of section 14.32, Florida  
 721 Statutes, is renumbered as subsection (4), and a new subsection  
 722 (3) is added to that section, to read:

723 14.32 Office of Chief Inspector General.—

724 (3) The Chief Inspector General:

725 (a) Shall advise public-private partnerships, including  
 726 Enterprise Florida, Inc., in their development, utilization, and  
 727 improvement of internal control measures necessary to ensure  
 728 fiscal accountability.

729 (b) May conduct, direct, and supervise audits relating to  
 730 the programs and operations of public-private partnerships.

731 (c) Shall receive and investigate complaints of fraud,  
 732 abuses, and deficiencies relating to programs and operations of  
 733 public-private partnerships.

734 (d) May request and have access to any records, data, and  
 735 other information of public-private partnerships that the Chief  
 736 Inspector General deems necessary to carry out his or her  
 737 responsibilities with respect to accountability.

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

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

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

747 Section 8. Section 15.182, Florida Statutes, is amended to  
 748 read:

749 15.182 International travel by state-funded musical,  
 750 cultural, or artistic organizations; notification to Department  
 751 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 752 ~~Development.~~—

753 (1) If a musical, cultural, or artistic organization that  
 754 receives state funding is traveling internationally for a  
 755 presentation, performance, or other significant public viewing,  
 756 including an organization associated with a college or

757 university, such organization shall notify the Department of  
 758 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 759 ~~Development~~ of its intentions to travel, together with the date,  
 760 time, and location of each appearance.

761 (2) The Department of Economic Opportunity ~~Office of~~  
 762 ~~Tourism, Trade, and Economic Development~~, in conjunction with  
 763 Enterprise Florida, Inc., shall act as an intermediary between  
 764 performing musical, cultural, and artistic organizations and  
 765 Florida businesses to encourage and coordinate joint  
 766 undertakings. Such coordination may include, but is not limited  
 767 to, encouraging business and industry to sponsor cultural  
 768 events, assistance with travel of such organizations, and  
 769 coordinating travel schedules of cultural performance groups and  
 770 international trade missions.

771 (3) An organization shall provide the notification to the  
 772 Department of Economic Opportunity ~~State~~ required by this  
 773 section at least 30 days before ~~prior to~~ the date the  
 774 international travel is to commence or, when an intention to  
 775 travel internationally is not formed at least 30 days before ~~in~~  
 776 ~~advance of~~ the date that ~~the~~ travel is to commence, as soon as  
 777 feasible after forming such travel intention. The Department of  
 778 Economic Opportunity ~~State~~ shall take an active role in  
 779 informing such groups of the responsibility to notify the  
 780 department of travel intentions.

781 Section 9. Subsection (3) of section 23.22, Florida  
 782 Statutes, is renumbered as subsection (2) and present subsection  
 783 (2) of that section is amended to read:

784 23.22 Paperwork reduction; activities of departments.—

785 ~~(2) Departments shall consider applying to the Innovation~~  
 786 ~~Investment Program, pursuant to s. 216.235, for financial~~  
 787 ~~assistance required in streamlining and integrating information~~  
 788 ~~systems to reduce paperwork requirements.~~

789 Section 10. Subsection (1) of section 24.113, Florida  
 790 Statutes, is amended to read:

791 24.113 Minority participation.—

792 (1) It is the intent of the Legislature that the  
 793 department encourage participation by minority business  
 794 enterprises as defined in s. 288.703. Accordingly, 15 percent of  
 795 the retailers shall be minority business enterprises as defined  
 796 in s. 288.703~~(2)~~; however, no more than 35 percent of such  
 797 retailers shall be owned by the same type of minority person~~7~~, as  
 798 defined in s. 288.703~~(3)~~. The department is encouraged to meet  
 799 the minority business enterprise procurement goals set forth in  
 800 s. 287.09451 in the procurement of commodities, contractual  
 801 services, construction, and architectural and engineering  
 802 services. This section does ~~shall~~ not preclude or prohibit a  
 803 minority person from competing for any other retailing or  
 804 vending agreement awarded by the department.

805 Section 11. Paragraph (c) is added to subsection (7) of  
 806 section 112.313, Florida Statutes, to read:

807 112.313 Standards of conduct for public officers,  
 808 employees of agencies, and local government attorneys.—

809 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

810 (c) This subsection does not prohibit the Commissioner of  
 811 Economic Opportunity, who, by virtue of his or her office,  
 812 serves as president of Enterprise Florida, Inc., from executing

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813 an annual contract with the board of directors of Enterprise  
814 Florida, Inc., that provides the basis for privately funded  
815 performance bonuses.

816 Section 12. Paragraph (b) of subsection (3) of section  
817 120.54, Florida Statutes, as amended by chapter 2010-279, Laws  
818 of Florida, is amended to read:

819 120.54 Rulemaking.—

820 (3) ADOPTION PROCEDURES.—

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

822 1. Statement of estimated regulatory costs.—~~Before~~ ~~Prior~~  
823 ~~to~~ the adoption, amendment, or repeal of any rule other than an  
824 emergency rule, an agency is encouraged to prepare a statement  
825 of estimated regulatory costs of the proposed rule, as provided  
826 by s. 120.541. However, an agency must prepare a statement of  
827 estimated regulatory costs of the proposed rule, as provided by  
828 s. 120.541, if:

829 a. The proposed rule will have an adverse impact on small  
830 business; or

831 b. The proposed rule is likely to directly or indirectly  
832 increase regulatory costs in excess of \$200,000 in the aggregate  
833 in this state within 1 year after the implementation of the  
834 rule.

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

836 a. Each agency, before the adoption, amendment, or repeal  
837 of a rule, shall consider the impact of the rule on small  
838 businesses as defined by s. 288.703 and the impact of the rule  
839 on small counties or small cities as defined by s. 120.52.

840 Whenever practicable, an agency shall tier its rules to reduce

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841 disproportionate impacts on small businesses, small counties, or  
842 small cities to avoid regulating small businesses, small  
843 counties, or small cities that do not contribute significantly  
844 to the problem the rule is designed to address. An agency may  
845 define "small business" to include businesses employing more  
846 than 200 persons, may define "small county" to include those  
847 with populations of more than 75,000, and may define "small  
848 city" to include those with populations of more than 10,000, if  
849 it finds that such a definition is necessary to adapt a rule to  
850 the needs and problems of small businesses, small counties, or  
851 small cities. The agency shall consider each of the following  
852 methods for reducing the impact of the proposed rule on small  
853 businesses, small counties, and small cities, or any combination  
854 of these entities:

855 (I) Establishing less stringent compliance or reporting  
856 requirements in the rule.

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

859 (III) Consolidating or simplifying the rule's compliance  
860 or reporting requirements.

861 (IV) Establishing performance standards or best management  
862 practices to replace design or operational standards in the  
863 rule.

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

866 b.(I) If the agency determines that the proposed action  
867 will affect small businesses as defined by the agency as  
868 provided in sub-subparagraph a., the agency shall send written

869 notice of the rule to the Small Business Regulatory Advisory  
 870 Council and the Department of Economic Opportunity at least  
 871 ~~Office of Tourism, Trade, and Economic Development not less than~~  
 872 28 days before ~~prior to~~ the intended action.

873 (II) Each agency shall adopt those regulatory alternatives  
 874 offered by the Small Business Regulatory Advisory Council and  
 875 provided to the agency no later than 21 days after the council's  
 876 receipt of the written notice of the rule which it finds are  
 877 feasible and consistent with the stated objectives of the  
 878 proposed rule and which would reduce the impact on small  
 879 businesses. When regulatory alternatives are offered by the  
 880 Small Business Regulatory Advisory Council, the 90-day period  
 881 for filing the rule in subparagraph (e)2. is extended for a  
 882 period of 21 days.

883 (III) If an agency does not adopt all alternatives offered  
 884 pursuant to this sub-subparagraph, it shall, before ~~prior to~~  
 885 rule adoption or amendment and pursuant to subparagraph (d)1.,  
 886 file a detailed written statement with the committee explaining  
 887 the reasons for failure to adopt such alternatives. Within 3  
 888 working days after ~~of~~ the filing of such notice, the agency  
 889 shall send a copy of such notice to the Small Business  
 890 Regulatory Advisory Council. The Small Business Regulatory  
 891 Advisory Council may make a request of the President of the  
 892 Senate and the Speaker of the House of Representatives that the  
 893 presiding officers direct the Office of Program Policy Analysis  
 894 and Government Accountability to determine whether the rejected  
 895 alternatives reduce the impact on small business while meeting  
 896 the stated objectives of the proposed rule. Within 60 days after



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897 the date of the directive from the presiding officers, the  
898 Office of Program Policy Analysis and Government Accountability  
899 shall report to the Administrative Procedures Committee its  
900 findings as to whether an alternative reduces the impact on  
901 small business while meeting the stated objectives of the  
902 proposed rule. The Office of Program Policy Analysis and  
903 Government Accountability shall consider the proposed rule, the  
904 economic impact statement, the written statement of the agency,  
905 the proposed alternatives, and any comment submitted during the  
906 comment period on the proposed rule. The Office of Program  
907 Policy Analysis and Government Accountability shall submit a  
908 report of its findings and recommendations to the Governor, the  
909 President of the Senate, and the Speaker of the House of  
910 Representatives. The Administrative Procedures Committee shall  
911 report such findings to the agency, and the agency shall respond  
912 in writing to the Administrative Procedures Committee if the  
913 Office of Program Policy Analysis and Government Accountability  
914 found that the alternative reduced the impact on small business  
915 while meeting the stated objectives of the proposed rule. If the  
916 agency will not adopt the alternative, it must also provide a  
917 detailed written statement to the committee as to why it will  
918 not adopt the alternative.

919 Section 13. Subsections (4) and (5) of section 125.045,  
920 Florida Statutes, are amended to read:

921 125.045 County economic development powers.—

922 (4) A contract between the governing body of a county or  
923 other entity engaged in economic development activities on  
924 behalf of the county and an economic development agency must

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925 require the agency or entity receiving county funds to submit a  
 926 report to the governing body of the county detailing how county  
 927 funds were spent and detailing the results of the economic  
 928 development agency's or entity's efforts on behalf of the  
 929 county. By January 15, 2011, and annually thereafter, the county  
 930 must file a copy of the report with the Office of Economic and  
 931 Demographic Research ~~Legislative Committee on Intergovernmental~~  
 932 ~~Relations or its successor entity~~ and post a copy of the report  
 933 on the county's website.

934 (5) (a) By January 15, 2011, and annually thereafter, each  
 935 county shall report to the Office of Economic and Demographic  
 936 Research ~~Legislative Committee on Intergovernmental Relations or~~  
 937 ~~its successor entity~~ the economic development incentives in  
 938 excess of \$25,000 given to any business during the county's  
 939 previous fiscal year. The Office of Economic and Demographic  
 940 Research ~~Legislative Committee on Intergovernmental Relations or~~  
 941 ~~its successor entity~~ shall compile the information from the  
 942 counties into a report and provide the report to the Department  
 943 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 944 ~~Development~~. Economic development incentives include:

945 1. Direct financial incentives of monetary assistance  
 946 provided to a business from the county or through an  
 947 organization authorized by the county. Such incentives include,  
 948 but are not limited to, grants, loans, equity investments, loan  
 949 insurance and guarantees, and training subsidies.

950 2. Indirect incentives in the form of grants and loans  
 951 provided to businesses and community organizations that provide  
 952 support to businesses or promote business investment or

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953 development.

954 3. Fee-based or tax-based incentives, including, but not  
 955 limited to, credits, refunds, exemptions, and property tax  
 956 abatement or assessment reductions.

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

958 (b) A county shall report its economic development  
 959 incentives in the format specified by the Office of Economic and  
 960 Demographic Research ~~Legislative Committee on Intergovernmental~~  
 961 ~~Relations or its successor entity.~~

962 (c) The Office of Economic and Demographic Research  
 963 ~~Legislative Committee on Intergovernmental Relations or its~~  
 964 ~~successor entity~~ shall compile the economic development  
 965 incentives provided by each county in a manner that shows the  
 966 total of each class of economic development incentives provided  
 967 by each county and all counties.

968 Section 14. Subsection (11) of section 159.803, Florida  
 969 Statutes, is amended to read:

970 159.803 Definitions.—As used in this part, the term:

971 (11) "Florida First Business project" means any project  
 972 which is certified by the Governor, through the Department of  
 973 Economic Opportunity, ~~Office of Tourism, Trade, and Economic~~  
 974 ~~Development~~ as eligible to receive an allocation from the  
 975 Florida First Business allocation pool established pursuant to  
 976 s. 159.8083. The Governor ~~Office of Tourism, Trade, and Economic~~  
 977 ~~Development~~ may certify those projects meeting the criteria set  
 978 forth in s. 288.106(4) (b) or any project providing a substantial  
 979 economic benefit to this state.

980 Section 15. Paragraph (a) of subsection (2) of section

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981 159.8081, Florida Statutes, is amended to read:

982 159.8081 Manufacturing facility bond pool.—

983 (2) (a) The first 75 percent of this pool shall be  
 984 available on a first come, first served basis, except that 15  
 985 percent of the state volume limitation allocated to this pool  
 986 shall be available as provided in paragraph (b). ~~Before~~ Prior to  
 987 issuing any written confirmations for the remaining 25 percent  
 988 of this pool, the director shall forward all notices of intent  
 989 to issue which are received by the division for manufacturing  
 990 facility projects to the Department of Economic Opportunity  
 991 ~~Office of Tourism, Trade, and Economic Development~~. The Governor  
 992 ~~Office of Tourism, Trade, and Economic Development~~ and the  
 993 ~~Department of Community Affairs~~ shall decide, after receipt of  
 994 the notices of intent to issue, which notices shall ~~will~~ receive  
 995 written confirmations. The Department of Economic Opportunity  
 996 shall communicate the Governor's ~~Such~~ decision ~~shall be~~  
 997 ~~communicated~~ in writing ~~by the Office of Tourism, Trade, and~~  
 998 ~~Economic Development~~ to the director within 10 days after ~~of~~  
 999 receipt of such notices of intent to issue. The Department of  
 1000 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 1001 ~~Development, in consultation with the Department of Community~~  
 1002 ~~Affairs,~~ may adopt ~~develop~~ rules to ensure that allocation of  
 1003 the remaining 25 percent is consistent with the state's economic  
 1004 development policy.

1005 Section 16. Section 159.8083, Florida Statutes, is amended  
 1006 to read:

1007 159.8083 Florida First Business allocation pool.—The  
 1008 Florida First Business allocation pool is ~~hereby~~ established.

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1009 The Florida First Business allocation pool shall be available  
1010 solely to provide written confirmation for private activity  
1011 bonds to finance Florida First Business projects certified by  
1012 the Governor, through the Department of Economic Opportunity,  
1013 ~~Office of Tourism, Trade, and Economic Development~~ as eligible  
1014 to receive a written confirmation. Allocations from such pool  
1015 shall be awarded statewide pursuant to procedures specified in  
1016 s. 159.805, except that the provisions of s. 159.805(2), (3),  
1017 and (6) do not apply. Florida First Business projects that are  
1018 eligible for a carryforward do ~~shall~~ not lose their allocation  
1019 pursuant to s. 159.809(3) on October 1, or pursuant to s.  
1020 159.809(4) on November 16, if they have applied for and have  
1021 been granted a carryforward by the division pursuant to s.  
1022 159.81(1). In issuing written confirmations of allocations for  
1023 Florida First Business projects, the division shall use the  
1024 Florida First Business allocation pool. If allocation is not  
1025 available from the Florida First Business allocation pool, the  
1026 division shall issue written confirmations of allocations for  
1027 Florida First Business projects pursuant to s. 159.806 or s.  
1028 159.807, in such order. For the purpose of determining priority  
1029 within a regional allocation pool or the state allocation pool,  
1030 notices of intent to issue bonds for Florida First Business  
1031 projects to be issued from a regional allocation pool or the  
1032 state allocation pool shall be considered to have been received  
1033 by the division at the time it is determined by the division  
1034 that the Florida First Business allocation pool is unavailable  
1035 to issue confirmation for such Florida First Business project.  
1036 If the total amount requested in notices of intent to issue

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1037 private activity bonds for Florida First Business projects  
 1038 exceeds the total amount of the Florida First Business  
 1039 allocation pool, the director shall forward all timely notices  
 1040 of intent to issue, which are received by the division for such  
 1041 projects, to the Governor, through the Department of Economic  
 1042 Opportunity, Office of Tourism, Trade, and Economic Development  
 1043 who ~~which~~ shall render a decision as to which notices of intent  
 1044 to issue are to receive written confirmations. The Department of  
 1045 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 1046 ~~Development,~~ in consultation with the division, shall adopt  
 1047 ~~develop~~ rules to ensure that the allocation provided in such  
 1048 pool is available solely to provide written confirmations for  
 1049 private activity bonds to finance Florida First Business  
 1050 projects and that such projects are feasible and financially  
 1051 solvent.

1052 Section 17. Subsection (3) of section 159.809, Florida  
 1053 Statutes, is amended to read:

1054 159.809 Recapture of unused amounts.—

1055 (3) On October 1 of each year, any portion of the  
 1056 allocation made to the Florida First Business allocation pool  
 1057 pursuant to s. 159.804(5), or ~~or~~ subsection (1), or ~~or~~ subsection (2),  
 1058 which is eligible for carryforward pursuant to s. 146(f) of the  
 1059 Code but which has not been certified for carryforward by the  
 1060 Governor, through the Department of Economic Opportunity ~~Office~~  
 1061 ~~of Tourism, Trade, and Economic Development,~~ shall be returned  
 1062 to the Florida First Business allocation pool.

1063 Section 18. Subsection (1) of section 159.81, Florida  
 1064 Statutes, is amended to read:

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1065 159.81 Unused allocations; carryforwards.—  
 1066 (1) The division shall, when requested, provide  
 1067 carryforwards pursuant to s. 146(f) of the Code for written  
 1068 confirmations for priority projects which qualify for a  
 1069 carryforward pursuant to s. 146(f) of the Code, if such request  
 1070 is accompanied by an opinion of bond counsel to that effect. In  
 1071 addition, in the case of Florida First Business projects, the  
 1072 division shall, when requested, grant requests for carryforward  
 1073 only after receipt of a certification from the Governor, through  
 1074 the Department of Economic Opportunity, ~~Office of Tourism,~~  
 1075 ~~Trade, and Economic Development~~ that the project has been  
 1076 approved by the Governor, through the department, ~~such office~~ to  
 1077 receive carryforward.

1078 Section 19. Subsection (10) of section 163.3180, Florida  
 1079 Statutes, is amended to read:

1080 163.3180 Concurrency.—

1081 (10) Except in transportation concurrency exception areas,  
 1082 with regard to roadway facilities on the Strategic Intermodal  
 1083 System designated in accordance with s. 339.63, local  
 1084 governments shall adopt the level-of-service standard  
 1085 established by the Department of Transportation by rule.  
 1086 However, if the Department of Economic Opportunity ~~Office of~~  
 1087 ~~Tourism, Trade, and Economic Development~~ concurs in writing with  
 1088 the local government that the proposed development is for a  
 1089 qualified job creation project under s. 288.0656 or s. 403.973,  
 1090 the affected local government, after consulting with the  
 1091 Department of Transportation, may provide for a waiver of  
 1092 transportation concurrency for the project. For all other roads

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1093 on the State Highway System, local governments shall establish  
1094 an adequate level-of-service standard that need not be  
1095 consistent with any level-of-service standard established by the  
1096 Department of Transportation. In establishing adequate level-of-  
1097 service standards for any arterial roads, or collector roads as  
1098 appropriate, which traverse multiple jurisdictions, local  
1099 governments shall consider compatibility with the roadway  
1100 facility's adopted level-of-service standards in adjacent  
1101 jurisdictions. Each local government within a county shall use a  
1102 professionally accepted methodology for measuring impacts on  
1103 transportation facilities for the purposes of implementing its  
1104 concurrency management system. Counties are encouraged to  
1105 coordinate with adjacent counties, and local governments within  
1106 a county are encouraged to coordinate, for the purpose of using  
1107 common methodologies for measuring impacts on transportation  
1108 facilities for the purpose of implementing their concurrency  
1109 management systems.

1110 Section 20. Paragraph (c) of subsection (1) of section  
1111 163.3187, Florida Statutes, is amended to read:

1112 163.3187 Amendment of adopted comprehensive plan.—

1113 (1) Amendments to comprehensive plans adopted pursuant to  
1114 this part may be made not more than two times during any  
1115 calendar year, except:

1116 (c) Any local government comprehensive plan amendments  
1117 directly related to proposed small scale development activities  
1118 may be approved without regard to statutory limits on the  
1119 frequency of consideration of amendments to the local  
1120 comprehensive plan. A small scale development amendment may be



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1121 adopted only under the following conditions:

1122 1. The proposed amendment involves a use of 10 acres or  
1123 fewer and:

1124 a. The cumulative annual effect of the acreage for all  
1125 small scale development amendments adopted by the local  
1126 government may ~~shall~~ not exceed:

1127 (I) A maximum of 120 acres in a local government that  
1128 contains areas specifically designated in the local  
1129 comprehensive plan for urban infill, urban redevelopment, or  
1130 downtown revitalization as defined in s. 163.3164, urban infill  
1131 and redevelopment areas designated under s. 163.2517,  
1132 transportation concurrency exception areas approved pursuant to  
1133 s. 163.3180(5), or regional activity centers and urban central  
1134 business districts approved pursuant to s. 380.06(2)(e);  
1135 however, amendments under this paragraph may not be applied to  
1136 ~~no~~ more than 60 acres annually of property outside the  
1137 designated areas listed in this sub-sub-subparagraph. Amendments  
1138 adopted pursuant to paragraph (k) may ~~shall~~ not be counted  
1139 toward the acreage limitations for small scale amendments under  
1140 this paragraph.

1141 (II) A maximum of 80 acres in a local government that does  
1142 not contain any of the designated areas set forth in sub-sub-  
1143 subparagraph (I).

1144 (III) A maximum of 120 acres in a county established  
1145 pursuant to s. 9, Art. VIII of the State Constitution.

1146 b. The proposed amendment does not involve the same  
1147 property granted a change within the previous ~~prior~~ 12 months.

1148 c. The proposed amendment does not involve the same

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1149 owner's property within 200 feet of property granted a change  
1150 within the previous ~~prior~~ 12 months.

1151 d. The proposed amendment does not involve a text change  
1152 to the goals, policies, and objectives of the local government's  
1153 comprehensive plan, but only proposes a land use change to the  
1154 future land use map for a site-specific small scale development  
1155 activity.

1156 e. The property that is the subject of the proposed  
1157 amendment is not located within an area of critical state  
1158 concern, unless the project subject to the proposed amendment  
1159 involves the construction of affordable housing units meeting  
1160 the criteria of s. 420.0004(3), and is located within an area of  
1161 critical state concern designated by s. 380.0552 or by the  
1162 Administration Commission pursuant to s. 380.05(1). Such  
1163 amendment is not subject to the density limitations of sub-  
1164 subparagraph f., and shall be reviewed by the state land  
1165 planning agency for consistency with the principles for guiding  
1166 development applicable to the area of critical state concern  
1167 where the amendment is located and does ~~shall~~ not become  
1168 effective until a final order is issued under s. 380.05(6).

1169 f. If the proposed amendment involves a residential land  
1170 use, the residential land use has a density of 10 units or less  
1171 per acre or the proposed future land use category allows a  
1172 maximum residential density of the same or less than the maximum  
1173 residential density allowable under the existing future land use  
1174 category, except that this limitation does not apply to small  
1175 scale amendments involving the construction of affordable  
1176 housing units meeting the criteria of s. 420.0004(3) on property

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1177 | which will be the subject of a land use restriction agreement,  
1178 | or small scale amendments described in sub-sub-subparagraph  
1179 | a.(I) that are designated in the local comprehensive plan for  
1180 | urban infill, urban redevelopment, or downtown revitalization as  
1181 | defined in s. 163.3164, urban infill and redevelopment areas  
1182 | designated under s. 163.2517, transportation concurrency  
1183 | exception areas approved pursuant to s. 163.3180(5), or regional  
1184 | activity centers and urban central business districts approved  
1185 | pursuant to s. 380.06(2)(e).

1186 |       2.a. A local government that proposes to consider a plan  
1187 | amendment pursuant to this paragraph is not required to comply  
1188 | with the procedures and public notice requirements of s.  
1189 | 163.3184(15)(c) for such plan amendments if the local government  
1190 | complies with the provisions in s. 125.66(4)(a) for a county or  
1191 | in s. 166.041(3)(c) for a municipality. If a request for a plan  
1192 | amendment under this paragraph is initiated by other than the  
1193 | local government, public notice is required.

1194 |       b. The local government shall send copies of the notice  
1195 | and amendment to the state land planning agency, the regional  
1196 | planning council, and any other person or entity requesting a  
1197 | copy. This information shall also include a statement  
1198 | identifying any property subject to the amendment that is  
1199 | located within a coastal high-hazard area as identified in the  
1200 | local comprehensive plan.

1201 |       3. Small scale development amendments adopted pursuant to  
1202 | this paragraph require only one public hearing before the  
1203 | governing board, which shall be an adoption hearing as described  
1204 | in s. 163.3184(7), and are not subject to the requirements of s.

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1205 163.3184(3)-(6) unless the local government elects to have them  
 1206 subject to those requirements.

1207 4. If the small scale development amendment involves a  
 1208 site within an area that is designated by the Governor as a  
 1209 rural area of critical economic concern under s. 288.0656(7) for  
 1210 the duration of such designation, the 10-acre limit listed in  
 1211 subparagraph 1. shall be increased by 100 percent to 20 acres.  
 1212 The local government approving the small scale plan amendment  
 1213 shall certify to the Department of Economic Opportunity ~~Office~~  
 1214 ~~of Tourism, Trade, and Economic Development~~ that the plan  
 1215 amendment furthers the economic objectives set forth in the  
 1216 executive order issued under s. 288.0656(7), and the property  
 1217 subject to the plan amendment shall undergo public review to  
 1218 ensure that all concurrency requirements and federal, state, and  
 1219 local environmental permit requirements are met.

1220 Section 21. Paragraphs (d) and (e) of subsection (9) of  
 1221 section 166.021, Florida Statutes, are amended to read:

1222 166.021 Powers.—

1223 (9)

1224 (d) A contract between the governing body of a  
 1225 municipality or other entity engaged in economic development  
 1226 activities on behalf of the municipality and an economic  
 1227 development agency must require the agency or entity receiving  
 1228 municipal funds to submit a report to the governing body of the  
 1229 municipality detailing how the municipal funds are spent and  
 1230 detailing the results of the economic development agency's or  
 1231 entity's efforts on behalf of the municipality. By January 15,  
 1232 2011, and annually thereafter, the municipality shall file a

1233 | copy of the report with the Office of Economic and Demographic  
 1234 | Research ~~Legislative Committee on Intergovernmental Relations or~~  
 1235 | ~~its successor entity~~ and post a copy of the report on the  
 1236 | municipality's website.

1237 | (e)1. By January 15, 2011, and annually thereafter  
 1238 | ~~thereafter~~, each municipality having annual revenues or  
 1239 | expenditures greater than \$250,000 shall report to the Office of  
 1240 | Economic Demographic Research ~~Legislative Committee on~~  
 1241 | ~~Intergovernmental Relations or its successor entity~~ the economic  
 1242 | development incentives in excess of \$25,000 given to any  
 1243 | business during the municipality's previous fiscal year. The  
 1244 | Office of Economic and Demographic Research ~~Legislative~~  
 1245 | ~~Committee on Intergovernmental Relations or its successor entity~~  
 1246 | shall compile the information from the municipalities into a  
 1247 | report and provide the report to the Department of Economic  
 1248 | Opportunity Office of Tourism, Trade, and Economic Development.  
 1249 | Economic development incentives include:

1250 | a. Direct financial incentives of monetary assistance  
 1251 | provided to a business from the municipality or through an  
 1252 | organization authorized by the municipality. Such incentives  
 1253 | include, but are not limited to, grants, loans, equity  
 1254 | investments, loan insurance and guarantees, and training  
 1255 | subsidies.

1256 | b. Indirect incentives in the form of grants and loans  
 1257 | provided to businesses and community organizations that provide  
 1258 | support to businesses or promote business investment or  
 1259 | development.

1260 | c. Fee-based or tax-based incentives, including, but not

1261 limited to, credits, refunds, exemptions, and property tax  
 1262 abatement or assessment reductions.

1263 d. Below-market rate leases or deeds for real property.

1264 2. A municipality shall report its economic development  
 1265 incentives in the format specified by the Office of Economic and  
 1266 Demographic Research ~~Legislative Committee on Intergovernmental~~  
 1267 ~~Relations or its successor entity.~~

1268 3. The Office of Economic and Demographic Research  
 1269 ~~Legislative Committee on Intergovernmental Relations or its~~  
 1270 ~~successor entity~~ shall compile the economic development  
 1271 incentives provided by each municipality in a manner that shows  
 1272 the total of each class of economic development incentives  
 1273 provided by each municipality and all municipalities.

1274 Section 22. Paragraph (c) of subsection (4) of section  
 1275 186.504, Florida Statutes, is amended to read:

1276 186.504 Regional planning councils; creation; membership.-

1277 (4) In addition to voting members appointed pursuant to  
 1278 paragraph (2)(c), the Governor shall appoint the following ex  
 1279 officio nonvoting members to each regional planning council:

1280 (c) A representative nominated by the Department of  
 1281 Economic Opportunity ~~Enterprise Florida, Inc., and the Office of~~  
 1282 ~~Tourism, Trade, and Economic Development.~~

1283  
 1284 The Governor may also appoint ex officio nonvoting members  
 1285 representing appropriate metropolitan planning organizations and  
 1286 regional water supply authorities.

1287 Section 23. Paragraphs (g), (h), (j), and (p) of  
 1288 subsection (5) and paragraph (b) of subsection (15) of section

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1289 212.08, Florida Statutes, are amended to read:

1290 212.08 Sales, rental, use, consumption, distribution, and  
 1291 storage tax; specified exemptions.—The sale at retail, the  
 1292 rental, the use, the consumption, the distribution, and the  
 1293 storage to be used or consumed in this state of the following  
 1294 are hereby specifically exempt from the tax imposed by this  
 1295 chapter.

1296 (5) EXEMPTIONS; ACCOUNT OF USE.—

1297 (g) Building materials used in the rehabilitation of real  
 1298 property located in an enterprise zone.—

1299 1. Building materials used in the rehabilitation of real  
 1300 property located in an enterprise zone are exempt from the tax  
 1301 imposed by this chapter upon an affirmative showing to the  
 1302 satisfaction of the department that the items have been used for  
 1303 the rehabilitation of real property located in an enterprise  
 1304 zone. Except as provided in subparagraph 2., this exemption  
 1305 inures to the owner, lessee, or lessor at the time the real  
 1306 property is rehabilitated, but only through a refund of  
 1307 previously paid taxes. To receive a refund pursuant to this  
 1308 paragraph, the owner, lessee, or lessor of the rehabilitated  
 1309 real property must file an application under oath with the  
 1310 governing body or enterprise zone development agency having  
 1311 jurisdiction over the enterprise zone where the business is  
 1312 located, as applicable. A single application for a refund may be  
 1313 submitted for multiple, contiguous parcels that were part of a  
 1314 single parcel that was divided as part of the rehabilitation of  
 1315 the property. All other requirements of this paragraph apply to  
 1316 each parcel on an individual basis. The application must

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1317 include:

1318       a. The name and address of the person claiming the refund.

1319       b. An address and assessment roll parcel number of the

1320 rehabilitated real property for which a refund of previously

1321 paid taxes is being sought.

1322       c. A description of the improvements made to accomplish

1323 the rehabilitation of the real property.

1324       d. A copy of a valid building permit issued by the county

1325 or municipal building department for the rehabilitation of the

1326 real property.

1327       e. A sworn statement, under penalty of perjury, from the

1328 general contractor licensed in this state with whom the

1329 applicant contracted to make the improvements necessary to

1330 rehabilitate the real property, which lists the building

1331 materials used to rehabilitate the real property, the actual

1332 cost of the building materials, and the amount of sales tax paid

1333 in this state on the building materials. If a general contractor

1334 was not used, the applicant, not a general contractor, shall

1335 make the sworn statement required by this sub-subparagraph.

1336 Copies of the invoices that evidence the purchase of the

1337 building materials used in the rehabilitation and the payment of

1338 sales tax on the building materials must be attached to the

1339 sworn statement provided by the general contractor or by the

1340 applicant. Unless the actual cost of building materials used in

1341 the rehabilitation of real property and the payment of sales

1342 taxes is documented by a general contractor or by the applicant

1343 in this manner, the cost of the building materials is deemed to

1344 be an amount equal to 40 percent of the increase in assessed



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1345 value for ad valorem tax purposes.

1346 f. The identifying number assigned pursuant to s. 290.0065  
 1347 to the enterprise zone in which the rehabilitated real property  
 1348 is located.

1349 g. A certification by the local building code inspector  
 1350 that the improvements necessary to rehabilitate the real  
 1351 property are substantially completed.

1352 h. A statement of whether the business is a small business  
 1353 as defined by s. 288.703~~(1)~~.

1354 i. If applicable, the name and address of each permanent  
 1355 employee of the business, including, for each employee who is a  
 1356 resident of an enterprise zone, the identifying number assigned  
 1357 pursuant to s. 290.0065 to the enterprise zone in which the  
 1358 employee resides.

1359 2. This exemption inures to a municipality, county, other  
 1360 governmental unit or agency, or nonprofit community-based  
 1361 organization through a refund of previously paid taxes if the  
 1362 building materials used in the rehabilitation are paid for from  
 1363 the funds of a community development block grant, State Housing  
 1364 Initiatives Partnership Program, or similar grant or loan  
 1365 program. To receive a refund, a municipality, county, other  
 1366 governmental unit or agency, or nonprofit community-based  
 1367 organization must file an application that includes the same  
 1368 information required in subparagraph 1. In addition, the  
 1369 application must include a sworn statement signed by the chief  
 1370 executive officer of the municipality, county, other  
 1371 governmental unit or agency, or nonprofit community-based  
 1372 organization seeking a refund which states that the building

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1373 materials for which a refund is sought were funded by a  
1374 community development block grant, State Housing Initiatives  
1375 Partnership Program, or similar grant or loan program.

1376 3. Within 10 working days after receipt of an application,  
1377 the governing body or enterprise zone development agency shall  
1378 review the application to determine if it contains all the  
1379 information required by subparagraph 1. or subparagraph 2. and  
1380 meets the criteria set out in this paragraph. The governing body  
1381 or agency shall certify all applications that contain the  
1382 required information and are eligible to receive a refund. If  
1383 applicable, the governing body or agency shall also certify if  
1384 20 percent of the employees of the business are residents of an  
1385 enterprise zone, excluding temporary and part-time employees.  
1386 The certification must be in writing, and a copy of the  
1387 certification shall be transmitted to the executive director of  
1388 the department. The applicant is responsible for forwarding a  
1389 certified application to the department within the time  
1390 specified in subparagraph 4.

1391 4. An application for a refund must be submitted to the  
1392 department within 6 months after the rehabilitation of the  
1393 property is deemed to be substantially completed by the local  
1394 building code inspector or by November 1 after the rehabilitated  
1395 property is first subject to assessment.

1396 5. Only one exemption through a refund of previously paid  
1397 taxes for the rehabilitation of real property is permitted for  
1398 any single parcel of property unless there is a change in  
1399 ownership, a new lessor, or a new lessee of the real property. A  
1400 refund may not be granted unless the amount to be refunded

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1401 exceeds \$500. A refund may not exceed the lesser of 97 percent  
 1402 of the Florida sales or use tax paid on the cost of the building  
 1403 materials used in the rehabilitation of the real property as  
 1404 determined pursuant to sub-subparagraph 1.e. or \$5,000, or, if  
 1405 at least 20 percent of the employees of the business are  
 1406 residents of an enterprise zone, excluding temporary and part-  
 1407 time employees, the amount of refund may not exceed the lesser  
 1408 of 97 percent of the sales tax paid on the cost of the building  
 1409 materials or \$10,000. A refund shall be made within 30 days  
 1410 after formal approval by the department of the application for  
 1411 the refund.

1412 6. The department shall adopt rules governing the manner  
 1413 and form of refund applications and may establish guidelines as  
 1414 to the requisites for an affirmative showing of qualification  
 1415 for exemption under this paragraph.

1416 7. The department shall deduct an amount equal to 10  
 1417 percent of each refund granted under this paragraph from the  
 1418 amount transferred into the Local Government Half-cent Sales Tax  
 1419 Clearing Trust Fund pursuant to s. 212.20 for the county area in  
 1420 which the rehabilitated real property is located and shall  
 1421 transfer that amount to the General Revenue Fund.

1422 8. For the purposes of the exemption provided in this  
 1423 paragraph, the term:

1424 a. "Building materials" means tangible personal property  
 1425 that becomes a component part of improvements to real property.

1426 b. "Real property" has the same meaning as provided in s.  
 1427 192.001(12), except that the term does not include a condominium  
 1428 parcel or condominium property as defined in s. 718.103.

1429 c. "Rehabilitation of real property" means the  
 1430 reconstruction, renovation, restoration, rehabilitation,  
 1431 construction, or expansion of improvements to real property.

1432 d. "Substantially completed" has the same meaning as  
 1433 provided in s. 192.042(1).

1434 9. This paragraph expires on the date specified in s.  
 1435 290.016 for the expiration of the Florida Enterprise Zone Act.

1436 (h) Business property used in an enterprise zone.—

1437 1. Business property purchased for use by businesses  
 1438 located in an enterprise zone which is subsequently used in an  
 1439 enterprise zone shall be exempt from the tax imposed by this  
 1440 chapter. This exemption inures to the business only through a  
 1441 refund of previously paid taxes. A refund shall be authorized  
 1442 upon an affirmative showing by the taxpayer to the satisfaction  
 1443 of the department that the requirements of this paragraph have  
 1444 been met.

1445 2. To receive a refund, the business must file under oath  
 1446 with the governing body or enterprise zone development agency  
 1447 having jurisdiction over the enterprise zone where the business  
 1448 is located, as applicable, an application which includes:

1449 a. The name and address of the business claiming the  
 1450 refund.

1451 b. The identifying number assigned pursuant to s. 290.0065  
 1452 to the enterprise zone in which the business is located.

1453 c. A specific description of the property for which a  
 1454 refund is sought, including its serial number or other permanent  
 1455 identification number.

1456 d. The location of the property.

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1457 e. The sales invoice or other proof of purchase of the  
1458 property, showing the amount of sales tax paid, the date of  
1459 purchase, and the name and address of the sales tax dealer from  
1460 whom the property was purchased.

1461 f. Whether the business is a small business as defined by  
1462 s. 288.703~~(1)~~.

1463 g. If applicable, the name and address of each permanent  
1464 employee of the business, including, for each employee who is a  
1465 resident of an enterprise zone, the identifying number assigned  
1466 pursuant to s. 290.0065 to the enterprise zone in which the  
1467 employee resides.

1468 3. Within 10 working days after receipt of an application,  
1469 the governing body or enterprise zone development agency shall  
1470 review the application to determine if it contains all the  
1471 information required pursuant to subparagraph 2. and meets the  
1472 criteria set out in this paragraph. The governing body or agency  
1473 shall certify all applications that contain the information  
1474 required pursuant to subparagraph 2. and meet the criteria set  
1475 out in this paragraph as eligible to receive a refund. If  
1476 applicable, the governing body or agency shall also certify if  
1477 20 percent of the employees of the business are residents of an  
1478 enterprise zone, excluding temporary and part-time employees.  
1479 The certification shall be in writing, and a copy of the  
1480 certification shall be transmitted to the executive director of  
1481 the Department of Revenue. The business shall be responsible for  
1482 forwarding a certified application to the department within the  
1483 time specified in subparagraph 4.

1484 4. An application for a refund pursuant to this paragraph

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1485 must be submitted to the department within 6 months after the  
 1486 tax is due on the business property that is purchased.

1487 5. The amount refunded on purchases of business property  
 1488 under this paragraph shall be the lesser of 97 percent of the  
 1489 sales tax paid on such business property or \$5,000, or, if no  
 1490 less than 20 percent of the employees of the business are  
 1491 residents of an enterprise zone, excluding temporary and part-  
 1492 time employees, the amount refunded on purchases of business  
 1493 property under this paragraph shall be the lesser of 97 percent  
 1494 of the sales tax paid on such business property or \$10,000. A  
 1495 refund approved pursuant to this paragraph shall be made within  
 1496 30 days after ~~of~~ formal approval by the department of the  
 1497 application for the refund. A ~~No~~ refund may not ~~shall~~ be granted  
 1498 under this paragraph unless the amount to be refunded exceeds  
 1499 \$100 in sales tax paid on purchases made within a 60-day time  
 1500 period.

1501 6. The department shall adopt rules governing the manner  
 1502 and form of refund applications and may establish guidelines as  
 1503 to the requisites for an affirmative showing of qualification  
 1504 for exemption under this paragraph.

1505 7. If the department determines that the business property  
 1506 is used outside an enterprise zone within 3 years from the date  
 1507 of purchase, the amount of taxes refunded to the business  
 1508 purchasing such business property shall immediately be due and  
 1509 payable to the department by the business, together with the  
 1510 appropriate interest and penalty, computed from the date of  
 1511 purchase, in the manner provided by this chapter.

1512 Notwithstanding this subparagraph, business property used

1513 exclusively in:

1514       a. Licensed commercial fishing vessels,

1515       b. Fishing guide boats, or

1516       c. Ecotourism guide boats

1517

1518 that leave and return to a fixed location within an area

1519 designated under s. 379.2353, Florida Statutes 2010, are

1520 eligible for the exemption provided under this paragraph if all

1521 requirements of this paragraph are met. Such vessels and boats

1522 must be owned by a business that is eligible to receive the

1523 exemption provided under this paragraph. This exemption does not

1524 apply to the purchase of a vessel or boat.

1525       8. The department shall deduct an amount equal to 10

1526 percent of each refund granted under ~~the provisions of~~ this

1527 paragraph from the amount transferred into the Local Government

1528 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20

1529 for the county area in which the business property is located

1530 and shall transfer that amount to the General Revenue Fund.

1531       9. For the purposes of this exemption, "business property"

1532 means new or used property defined as "recovery property" in s.

1533 168(c) of the Internal Revenue Code of 1954, as amended, except:

1534       a. Property classified as 3-year property under s.

1535 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

1536       b. Industrial machinery and equipment as defined in sub-

1537 subparagraph (b)6.a. and eligible for exemption under paragraph

1538 (b);

1539       c. Building materials as defined in sub-subparagraph

1540 (g)8.a.; and

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1541 d. Business property having a sales price of under \$5,000  
 1542 per unit.

1543 10. This paragraph expires on the date specified in s.  
 1544 290.016 for the expiration of the Florida Enterprise Zone Act.

1545 (j) Machinery and equipment used in semiconductor,  
 1546 defense, or space technology production.—

1547 1.a. Industrial machinery and equipment used in  
 1548 semiconductor technology facilities certified under subparagraph  
 1549 5. to manufacture, process, compound, or produce semiconductor  
 1550 technology products for sale or for use by these facilities are  
 1551 exempt from the tax imposed by this chapter. For purposes of  
 1552 this paragraph, industrial machinery and equipment includes  
 1553 molds, dies, machine tooling, other appurtenances or accessories  
 1554 to machinery and equipment, testing equipment, test beds,  
 1555 computers, and software, whether purchased or self-fabricated,  
 1556 and, if self-fabricated, includes materials and labor for  
 1557 design, fabrication, and assembly.

1558 b. Industrial machinery and equipment used in defense or  
 1559 space technology facilities certified under subparagraph 5. to  
 1560 design, manufacture, assemble, process, compound, or produce  
 1561 defense technology products or space technology products for  
 1562 sale or for use by these facilities are exempt from the tax  
 1563 imposed by this chapter.

1564 2. Building materials purchased for use in manufacturing  
 1565 or expanding clean rooms in semiconductor-manufacturing  
 1566 facilities are exempt from the tax imposed by this chapter.

1567 3. In addition to meeting the criteria mandated by  
 1568 subparagraph 1. or subparagraph 2., a business must be certified



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1569 by the Governor, through the Department of Economic Opportunity,  
 1570 ~~Office of Tourism, Trade, and Economic Development~~ in order to  
 1571 qualify for exemption under this paragraph.

1572 4. For items purchased tax-exempt pursuant to this  
 1573 paragraph, possession of a written certification from the  
 1574 purchaser, certifying the purchaser's entitlement to the  
 1575 exemption, relieves the seller of the responsibility of  
 1576 collecting the tax on the sale of such items, and the department  
 1577 shall look solely to the purchaser for recovery of the tax if it  
 1578 determines that the purchaser was not entitled to the exemption.

1579 5.a. To be eligible to receive the exemption provided by  
 1580 subparagraph 1. or subparagraph 2., a qualifying business entity  
 1581 shall initially apply to Enterprise Florida, Inc. The original  
 1582 certification is valid for a period of 2 years. In lieu of  
 1583 submitting a new application, the original certification may be  
 1584 renewed biennially by submitting to the Department of Economic  
 1585 Opportunity ~~Office of Tourism, Trade, and Economic Development~~ a  
 1586 statement, certified under oath, that there has not been a ~~no~~  
 1587 material change in the conditions or circumstances entitling the  
 1588 business entity to the original certification. The initial  
 1589 application and the certification renewal statement shall be  
 1590 developed by the Department of Economic Opportunity ~~Office of~~  
 1591 ~~Tourism, Trade, and Economic Development~~ in consultation with  
 1592 ~~Enterprise Florida, Inc.~~

1593 b. The Department of Economic Opportunity ~~Enterprise~~  
 1594 ~~Florida, Inc.~~, shall review each submitted initial application  
 1595 and determine whether or not the application is complete within  
 1596 5 working days. Once complete, the Department of Economic

1597 Opportunity Enterprise Florida, Inc., shall, within 10 working  
 1598 days, evaluate the application and recommend approval or  
 1599 disapproval to the Governor Office of Tourism, Trade, and  
 1600 Economic Development.

1601 c. Upon receipt of the initial application and  
 1602 recommendation from the Department of Economic Opportunity  
 1603 Enterprise Florida, Inc., or upon receipt of a certification  
 1604 renewal statement, the Governor, through the Department of  
 1605 Economic Opportunity, Office of Tourism, Trade, and Economic  
 1606 Development shall certify within 5 working days those applicants  
 1607 who are found to meet the requirements of this section and  
 1608 notify the applicant, Enterprise Florida, Inc., and the  
 1609 department of the original certification or certification  
 1610 renewal. If the Department of Economic Opportunity Office of  
 1611 Tourism, Trade, and Economic Development finds that the  
 1612 applicant does not meet the requirements, it shall notify the  
 1613 applicant and Enterprise Florida, Inc., within 10 working days  
 1614 that the application for certification has been denied and the  
 1615 reasons for denial. The Governor Office of Tourism, Trade, and  
 1616 Economic Development has final approval authority for  
 1617 certification under this section.

1618 d. The initial application and certification renewal  
 1619 statement must indicate, for program evaluation purposes only,  
 1620 the average number of full-time equivalent employees at the  
 1621 facility over the preceding calendar year, the average wage and  
 1622 benefits paid to those employees over the preceding calendar  
 1623 year, the total investment made in real and tangible personal  
 1624 property over the preceding calendar year, and the total value

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1625 of tax-exempt purchases and taxes exempted during the previous  
1626 year. The department shall assist the Department of Economic  
1627 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
1628 in evaluating and verifying information provided in the  
1629 application for exemption.

1630 e. The Department of Economic Opportunity ~~Office of~~  
1631 ~~Tourism, Trade, and Economic Development~~ may use the information  
1632 reported on the initial application and certification renewal  
1633 statement for evaluation purposes only.

1634 6. A business certified to receive this exemption may  
1635 elect to designate one or more state universities or community  
1636 colleges as recipients of up to 100 percent of the amount of the  
1637 exemption. To receive these funds, the institution must agree to  
1638 match the funds with equivalent cash, programs, services, or  
1639 other in-kind support on a one-to-one basis for research and  
1640 development projects requested by the certified business. The  
1641 rights to any patents, royalties, or real or intellectual  
1642 property must be vested in the business unless otherwise agreed  
1643 to by the business and the university or community college.

1644 7. As used in this paragraph, the term:

1645 a. "Semiconductor technology products" means raw  
1646 semiconductor wafers or semiconductor thin films that are  
1647 transformed into semiconductor memory or logic wafers, including  
1648 wafers containing mixed memory and logic circuits; related  
1649 assembly and test operations; active-matrix flat panel displays;  
1650 semiconductor chips; semiconductor lasers; optoelectronic  
1651 elements; and related semiconductor technology products as  
1652 determined by the Department of Economic Opportunity ~~Office of~~

1653 ~~Tourism, Trade, and Economic Development.~~

1654       b. "Clean rooms" means manufacturing facilities enclosed  
 1655 in a manner that meets the clean manufacturing requirements  
 1656 necessary for high-technology semiconductor-manufacturing  
 1657 environments.

1658       c. "Defense technology products" means products that have  
 1659 a military application, including, but not limited to, weapons,  
 1660 weapons systems, guidance systems, surveillance systems,  
 1661 communications or information systems, munitions, aircraft,  
 1662 vessels, or boats, or components thereof, which are intended for  
 1663 military use and manufactured in performance of a contract with  
 1664 the United States Department of Defense or the military branch  
 1665 of a recognized foreign government or a subcontract thereunder  
 1666 which relates to matters of national defense.

1667       d. "Space technology products" means products that are  
 1668 specifically designed or manufactured for application in space  
 1669 activities, including, but not limited to, space launch  
 1670 vehicles, space flight vehicles, missiles, satellites or  
 1671 research payloads, avionics, and associated control systems and  
 1672 processing systems and components of any of the foregoing. The  
 1673 term does not include products that are designed or manufactured  
 1674 for general commercial aviation or other uses even though those  
 1675 products may also serve an incidental use in space applications.

1676       (p) Community contribution tax credit for donations.—

1677       1. Authorization.—Persons who are registered with the  
 1678 department under s. 212.18 to collect or remit sales or use tax  
 1679 and who make donations to eligible sponsors are eligible for tax  
 1680 credits against their state sales and use tax liabilities as

1681 provided in this paragraph:

1682 a. The credit shall be computed as 50 percent of the  
 1683 person's approved annual community contribution.

1684 b. The credit shall be granted as a refund against state  
 1685 sales and use taxes reported on returns and remitted in the 12  
 1686 months preceding the date of application to the department for  
 1687 the credit as required in sub-subparagraph 3.c. If the annual  
 1688 credit is not fully used through such refund because of  
 1689 insufficient tax payments during the applicable 12-month period,  
 1690 the unused amount may be included in an application for a refund  
 1691 made pursuant to sub-subparagraph 3.c. in subsequent years  
 1692 against the total tax payments made for such year. Carryover  
 1693 credits may be applied for a 3-year period without regard to any  
 1694 time limitation that would otherwise apply under s. 215.26.

1695 c. A person may not receive more than \$200,000 in annual  
 1696 tax credits for all approved community contributions made in any  
 1697 one year.

1698 d. All proposals for the granting of the tax credit  
 1699 require the prior approval of the Governor, through the  
 1700 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 1701 ~~Economic Development.~~

1702 e. The total amount of tax credits which may be granted  
 1703 for all programs approved under this paragraph, s. 220.183, and  
 1704 s. 624.5105 is \$10.5 million annually for projects that provide  
 1705 homeownership opportunities for low-income or very-low-income  
 1706 households as defined in s. 420.9071(19) and (28) and \$3.5  
 1707 million annually for all other projects.

1708 f. A person who is eligible to receive the credit provided

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1709 for in this paragraph, s. 220.183, or s. 624.5105 may receive  
 1710 the credit only under the one section of the person's choice.

1711 2. Eligibility requirements.—

1712 a. A community contribution by a person must be in the  
 1713 following form:

1714 (I) Cash or other liquid assets;

1715 (II) Real property;

1716 (III) Goods or inventory; or

1717 (IV) Other physical resources as identified by the

1718 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 1719 ~~Economic Development.~~

1720 b. All community contributions must be reserved  
 1721 exclusively for use in a project. As used in this sub-  
 1722 subparagraph, the term "project" means any activity undertaken  
 1723 by an eligible sponsor which is designed to construct, improve,  
 1724 or substantially rehabilitate housing that is affordable to low-  
 1725 income or very-low-income households as defined in s.  
 1726 420.9071(19) and (28); designed to provide commercial,  
 1727 industrial, or public resources and facilities; or designed to  
 1728 improve entrepreneurial and job-development opportunities for  
 1729 low-income persons. A project may be the investment necessary to  
 1730 increase access to high-speed broadband capability in rural  
 1731 communities with enterprise zones, including projects that  
 1732 result in improvements to communications assets that are owned  
 1733 by a business. A project may include the provision of museum  
 1734 educational programs and materials that are directly related to  
 1735 any project approved between January 1, 1996, and December 31,  
 1736 1999, and located in an enterprise zone designated pursuant to

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1737 s. 290.0065. This paragraph does not preclude projects that  
 1738 propose to construct or rehabilitate housing for low-income or  
 1739 very-low-income households on scattered sites. With respect to  
 1740 housing, contributions may be used to pay the following eligible  
 1741 low-income and very-low-income housing-related activities:

1742 (I) Project development impact and management fees for  
 1743 low-income or very-low-income housing projects;

1744 (II) Down payment and closing costs for eligible persons,  
 1745 as defined in s. 420.9071(19) and (28);

1746 (III) Administrative costs, including housing counseling  
 1747 and marketing fees, not to exceed 10 percent of the community  
 1748 contribution, directly related to low-income or very-low-income  
 1749 projects; and

1750 (IV) Removal of liens recorded against residential  
 1751 property by municipal, county, or special district local  
 1752 governments when satisfaction of the lien is a necessary  
 1753 precedent to the transfer of the property to an eligible person,  
 1754 as defined in s. 420.9071(19) and (28), for the purpose of  
 1755 promoting home ownership. Contributions for lien removal must be  
 1756 received from a nonrelated third party.

1757 c. The project must be undertaken by an "eligible  
 1758 sponsor," which includes:

1759 (I) A community action program;

1760 (II) A nonprofit community-based development organization  
 1761 whose mission is the provision of housing for low-income or  
 1762 very-low-income households or increasing entrepreneurial and  
 1763 job-development opportunities for low-income persons;

1764 (III) A neighborhood housing services corporation;

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1765 (IV) A local housing authority created under chapter 421;  
 1766 (V) A community redevelopment agency created under s.  
 1767 163.356;  
 1768 (VI) The Florida Industrial Development Corporation;  
 1769 (VII) A historic preservation district agency or  
 1770 organization;  
 1771 (VIII) A regional workforce board;  
 1772 (IX) A direct-support organization as provided in s.  
 1773 1009.983;  
 1774 (X) An enterprise zone development agency created under s.  
 1775 290.0056;  
 1776 (XI) A community-based organization incorporated under  
 1777 chapter 617 which is recognized as educational, charitable, or  
 1778 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
 1779 and whose bylaws and articles of incorporation include  
 1780 affordable housing, economic development, or community  
 1781 development as the primary mission of the corporation;  
 1782 (XII) Units of local government;  
 1783 (XIII) Units of state government; or  
 1784 (XIV) Any other agency that the Department of Economic  
 1785 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
 1786 designates by rule.  
 1787  
 1788 In no event may a contributing person have a financial interest  
 1789 in the eligible sponsor.  
 1790 d. The project must be located in an area designated an  
 1791 enterprise zone or a Front Porch Florida Community ~~pursuant to~~  
 1792 ~~s. 20.18(6)~~, unless the project increases access to high-speed



1793 broadband capability for rural communities with enterprise zones  
 1794 but is physically located outside the designated rural zone  
 1795 boundaries. Any project designed to construct or rehabilitate  
 1796 housing for low-income or very-low-income households as defined  
 1797 in s. 420.9071(19) and (28) is exempt from the area requirement  
 1798 of this sub-subparagraph.

1799 e.(I) If, during the first 10 business days of the state  
 1800 fiscal year, eligible tax credit applications for projects that  
 1801 provide homeownership opportunities for low-income or very-low-  
 1802 income households as defined in s. 420.9071(19) and (28) are  
 1803 received for less than the annual tax credits available for  
 1804 those projects, the Governor, through the Department of Economic  
 1805 Opportunity, Office of Tourism, Trade, and Economic Development  
 1806 shall grant tax credits for those applications and shall grant  
 1807 remaining tax credits on a first-come, first-served basis for  
 1808 any subsequent eligible applications received before the end of  
 1809 the state fiscal year. If, during the first 10 business days of  
 1810 the state fiscal year, eligible tax credit applications for  
 1811 projects that provide homeownership opportunities for low-income  
 1812 or very-low-income households as defined in s. 420.9071(19) and  
 1813 (28) are received for more than the annual tax credits available  
 1814 for those projects, the Governor, through the Department of  
 1815 Economic Opportunity, office shall grant the tax credits for  
 1816 those applications as follows:

1817 (A) If tax credit applications submitted for approved  
 1818 projects of an eligible sponsor do not exceed \$200,000 in total,  
 1819 the credits shall be granted in full if the tax credit  
 1820 applications are approved.

1821 (B) If tax credit applications submitted for approved  
 1822 projects of an eligible sponsor exceed \$200,000 in total, the  
 1823 amount of tax credits granted pursuant to sub-sub-sub-  
 1824 subparagraph (A) shall be subtracted from the amount of  
 1825 available tax credits, and the remaining credits shall be  
 1826 granted to each approved tax credit application on a pro rata  
 1827 basis.

1828 (II) If, during the first 10 business days of the state  
 1829 fiscal year, eligible tax credit applications for projects other  
 1830 than those that provide homeownership opportunities for low-  
 1831 income or very-low-income households as defined in s.  
 1832 420.9071(19) and (28) are received for less than the annual tax  
 1833 credits available for those projects, the Governor, through the  
 1834 Department of Economic Opportunity, ~~office~~ shall grant tax  
 1835 credits for those applications and shall grant remaining tax  
 1836 credits on a first-come, first-served basis for any subsequent  
 1837 eligible applications received before the end of the state  
 1838 fiscal year. If, during the first 10 business days of the state  
 1839 fiscal year, eligible tax credit applications for projects other  
 1840 than those that provide homeownership opportunities for low-  
 1841 income or very-low-income households as defined in s.  
 1842 420.9071(19) and (28) are received for more than the annual tax  
 1843 credits available for those projects, the Department of Economic  
 1844 Opportunity ~~office~~ shall grant the tax credits for those  
 1845 applications on a pro rata basis.

1846 3. Application requirements.—

1847 a. Any eligible sponsor seeking to participate in this  
 1848 program must submit a proposal to the Department of Economic

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1849 Opportunity Office of Tourism, Trade, and Economic Development  
 1850 which sets forth the name of the sponsor, a description of the  
 1851 project, and the area in which the project is located, together  
 1852 with such supporting information as is prescribed by rule. The  
 1853 proposal must also contain a resolution from the local  
 1854 governmental unit in which the project is located certifying  
 1855 that the project is consistent with local plans and regulations.

1856       b. Any person seeking to participate in this program must  
 1857 submit an application for tax credit to the Department of  
 1858 Economic Opportunity ~~office~~ which sets forth the name of the  
 1859 sponsor, a description of the project, and the type, value, and  
 1860 purpose of the contribution. The sponsor shall verify the terms  
 1861 of the application and indicate its receipt of the contribution,  
 1862 which verification must be in writing and accompany the  
 1863 application for tax credit. The person must submit a separate  
 1864 tax credit application to the Department of Economic Opportunity  
 1865 ~~office~~ for each individual contribution that it makes to each  
 1866 individual project.

1867       c. Any person who has received notification from the  
 1868 Governor, through the Department of Economic Opportunity, ~~office~~  
 1869 that a tax credit has been approved must apply to the department  
 1870 to receive the refund. Application must be made on the form  
 1871 prescribed for claiming refunds of sales and use taxes and be  
 1872 accompanied by a copy of the notification. A person may submit  
 1873 only one application for refund to the department within any 12-  
 1874 month period.

1875       4. Administration.—

1876       a. The Department of Economic Opportunity ~~Office of~~

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1877 ~~Tourism, Trade, and Economic Development~~ may adopt rules  
 1878 pursuant to ss. 120.536(1) and 120.54 necessary to administer  
 1879 this paragraph, including rules for the approval or disapproval  
 1880 of proposals by a person.

1881 b. The decision of the Governor, through the Department of  
 1882 Economic Opportunity, office must be in writing, and, if  
 1883 approved, the notification shall state the maximum credit  
 1884 allowable to the person. Upon approval, the Department of  
 1885 Economic Opportunity office shall transmit a copy of the  
 1886 decision to the Department of Revenue.

1887 c. The Department of Economic Opportunity office shall  
 1888 periodically monitor all projects in a manner consistent with  
 1889 available resources to ensure that resources are used in  
 1890 accordance with this paragraph; however, each project must be  
 1891 reviewed at least once every 2 years.

1892 d. The Department of Economic Opportunity office shall, in  
 1893 consultation with ~~the Department of Community Affairs and the~~  
 1894 statewide and regional housing and financial intermediaries,  
 1895 market the availability of the community contribution tax credit  
 1896 program to community-based organizations.

1897 5. Expiration.—This paragraph expires June 30, 2015;  
 1898 however, any accrued credit carryover that is unused on that  
 1899 date may be used until the expiration of the 3-year carryover  
 1900 period for such credit.

1901 (15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—

1902 (b) To receive this exemption, a business must file an  
 1903 application, with the enterprise zone development agency having  
 1904 jurisdiction over the enterprise zone where the business is

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1905 | located, on a form provided by the department for the purposes  
 1906 | of this subsection and s. 166.231(8). The application shall be  
 1907 | made under oath and shall include:

- 1908 |       1. The name and location of the business.
- 1909 |       2. The identifying number assigned pursuant to s. 290.0065  
 1910 | to the enterprise zone in which the business is located.
- 1911 |       3. The date on which electrical service is to be first  
 1912 | initiated to the business.
- 1913 |       4. The name and mailing address of the entity from which  
 1914 | electrical energy is to be purchased.
- 1915 |       5. The date of the application.
- 1916 |       6. The name of the city in which the business is located.
- 1917 |       7. If applicable, the name and address of each permanent  
 1918 | employee of the business including, for each employee who is a  
 1919 | resident of an enterprise zone, the identifying number assigned  
 1920 | pursuant to s. 290.0065 to the enterprise zone in which the  
 1921 | employee resides.
- 1922 |       8. Whether the business is a small business as defined by  
 1923 | s. 288.703~~(1)~~.

1924 |       Section 24. Paragraph (b) of subsection (2) of section  
 1925 | 212.096, Florida Statutes, is amended to read:  
 1926 |       212.096 Sales, rental, storage, use tax; enterprise zone  
 1927 | jobs credit against sales tax.—

- 1928 |       (2)
- 1929 |       (b) The credit shall be computed as 20 percent of the  
 1930 | actual monthly wages paid in this state to each new employee  
 1931 | hired when a new job has been created, unless the business is  
 1932 | located within a rural enterprise zone pursuant to s.

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1933 | 290.004~~(6)~~, in which case the credit shall be 30 percent of the  
 1934 | actual monthly wages paid. If no less than 20 percent of the  
 1935 | employees of the business are residents of an enterprise zone,  
 1936 | excluding temporary and part-time employees, the credit shall be  
 1937 | computed as 30 percent of the actual monthly wages paid in this  
 1938 | state to each new employee hired when a new job has been  
 1939 | created, unless the business is located within a rural  
 1940 | enterprise zone, in which case the credit shall be 45 percent of  
 1941 | the actual monthly wages paid. If the new employee hired when a  
 1942 | new job is created is a participant in the welfare transition  
 1943 | program, the following credit shall be a percent of the actual  
 1944 | monthly wages paid: 40 percent for \$4 above the hourly federal  
 1945 | minimum wage rate; 41 percent for \$5 above the hourly federal  
 1946 | minimum wage rate; 42 percent for \$6 above the hourly federal  
 1947 | minimum wage rate; 43 percent for \$7 above the hourly federal  
 1948 | minimum wage rate; and 44 percent for \$8 above the hourly  
 1949 | federal minimum wage rate. For purposes of this paragraph,  
 1950 | monthly wages shall be computed as one-twelfth of the expected  
 1951 | annual wages paid to such employee. The amount paid as wages to  
 1952 | a new employee is the compensation paid to such employee that is  
 1953 | subject to unemployment tax. The credit shall be allowed for up  
 1954 | to 24 consecutive months, beginning with the first tax return  
 1955 | due pursuant to s. 212.11 after approval by the department.

1956 | Section 25. Paragraphs (a) and (e) of subsection (1) and  
 1957 | subsections (4), (6), (7), (10), (11), and (16) of section  
 1958 | 212.097, Florida Statutes, are amended to read:

1959 | 212.097 Urban High-Crime Area Job Tax Credit Program.—  
 1960 | (1) As used in this section, the term:

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1961 (a) "Eligible business" means any sole proprietorship,  
 1962 firm, partnership, or corporation that is located in a qualified  
 1963 county and is predominantly engaged in, or is headquarters for a  
 1964 business predominantly engaged in, activities usually provided  
 1965 for consideration by firms classified within the following  
 1966 standard industrial classifications: SIC 01-SIC 09 (agriculture,  
 1967 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-  
 1968 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and  
 1969 storage); SIC 70 (hotels and other lodging places); SIC 7391  
 1970 (research and development); SIC 781 (motion picture production  
 1971 and allied services); SIC 7992 (public golf courses); and SIC  
 1972 7996 (amusement parks). A call center or similar customer  
 1973 service operation that services a multistate market or  
 1974 international market is also an eligible business. In addition,  
 1975 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 1976 ~~and Economic Development~~ may, as part of its final budget  
 1977 request submitted pursuant to s. 216.023, recommend additions to  
 1978 or deletions from the list of standard industrial  
 1979 classifications used to determine an eligible business, and the  
 1980 Legislature may implement such recommendations. Excluded from  
 1981 eligible receipts are receipts from retail sales, except such  
 1982 receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other  
 1983 lodging places classified in SIC 70, public golf courses in SIC  
 1984 7992, and amusement parks in SIC 7996. For purposes of this  
 1985 paragraph, the term "predominantly" means that more than 50  
 1986 percent of the business's gross receipts from all sources is  
 1987 generated by those activities usually provided for consideration  
 1988 by firms in the specified standard industrial classification.

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1989 | The determination of whether the business is located in a  
 1990 | qualified high-crime area and the tier ranking of that area must  
 1991 | be based on the date of application for the credit under this  
 1992 | section. Commonly owned and controlled entities are to be  
 1993 | considered a single business entity.

1994 |         (e) "Qualified high-crime area" means an area selected by  
 1995 | the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 1996 | ~~and Economic Development~~ in the following manner: every third  
 1997 | year, the Department of Economic Opportunity ~~Office~~ shall rank  
 1998 | and tier those areas nominated under subsection (7), according  
 1999 | to the following prioritized criteria:

2000 |             1. Highest arrest rates within the geographic area for  
 2001 | violent crime and for such other crimes as drug sale, drug  
 2002 | possession, prostitution, vandalism, and civil disturbances;

2003 |             2. Highest reported crime volume and rate of specific  
 2004 | property crimes such as business and residential burglary, motor  
 2005 | vehicle theft, and vandalism;

2006 |             3. Highest percentage of reported index crimes that are  
 2007 | violent in nature;

2008 |             4. Highest overall index crime volume for the area; and

2009 |             5. Highest overall index crime rate for the geographic  
 2010 | area.

2011 |  
 2012 | Tier-one areas are ranked 1 through 5 and represent the highest  
 2013 | crime areas according to this ranking. Tier-two areas are ranked  
 2014 | 6 through 10 according to this ranking. Tier-three areas are  
 2015 | ranked 11 through 15. Notwithstanding this definition,  
 2016 | "qualified high-crime area" also means an area that has been



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2017 designated as a federal Empowerment Zone pursuant to the  
 2018 Taxpayer Relief Act of 1997. Such a designated area is ranked in  
 2019 tier three until the areas are reevaluated by the Department of  
 2020 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 2021 ~~Development~~.

2022 (4) For any new eligible business receiving a credit  
 2023 pursuant to subsection (2), an additional \$500 credit shall be  
 2024 provided for any qualified employee who is a welfare transition  
 2025 program participant. For any existing eligible business  
 2026 receiving a credit pursuant to subsection (3), an additional  
 2027 \$500 credit shall be provided for any qualified employee who is  
 2028 a welfare transition program participant. Such employee must be  
 2029 employed on the application date and have been employed less  
 2030 than 1 year. This credit shall be in addition to other credits  
 2031 pursuant to this section regardless of the tier-level of the  
 2032 high-crime area. Appropriate documentation concerning the  
 2033 eligibility of an employee for this credit must be submitted as  
 2034 determined by the Department of Revenue.

2035 (6) Any county or municipality, or a county and one or  
 2036 more municipalities together, may apply to the Department of  
 2037 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 2038 ~~Development~~ for the designation of an area as a high-crime area  
 2039 after the adoption by the governing body or bodies of a  
 2040 resolution that:

2041 (a) Finds that a high-crime area exists in such county or  
 2042 municipality, or in both the county and one or more  
 2043 municipalities, which chronically exhibits extreme and  
 2044 unacceptable levels of poverty, unemployment, physical

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2045 deterioration, and economic disinvestment;

2046 (b) Determines that the rehabilitation, conservation, or

2047 redevelopment, or a combination thereof, of such a high-crime

2048 area is necessary in the interest of the health, safety, and

2049 welfare of the residents of such county or municipality, or such

2050 county and one or more municipalities; and

2051 (c) Determines that the revitalization of such a high-

2052 crime area can occur if the public sector or private sector can

2053 be induced to invest its own resources in productive enterprises

2054 that build or rebuild the economic viability of the area.

2055 (7) The governing body of the entity nominating the area

2056 shall provide to the Department of Economic Opportunity ~~Office~~

2057 ~~of Tourism, Trade, and Economic Development~~ the following:

2058 (a) The overall index crime rate for the geographic area;

2059 (b) The overall index crime volume for the area;

2060 (c) The percentage of reported index crimes that are

2061 violent in nature;

2062 (d) The reported crime volume and rate of specific

2063 property crimes such as business and residential burglary, motor

2064 vehicle theft, and vandalism; and

2065 (e) The arrest rates within the geographic area for

2066 violent crime and for such other crimes as drug sale, drug

2067 possession, prostitution, disorderly conduct, vandalism, and

2068 other public-order offenses.

2069 (10) (a) In order to claim this credit, an eligible

2070 business must file under oath with the Department of Economic

2071 Opportunity ~~Office of Tourism, Trade, and Economic Development~~ a

2072 statement that includes the name and address of the eligible

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2073 business and any other information that is required to process  
 2074 the application.

2075 (b) Applications shall be reviewed and certified pursuant  
 2076 to s. 288.061.

2077 (c) The maximum credit amount that may be approved during  
 2078 any calendar year is \$5 million, of which \$1 million shall be  
 2079 exclusively reserved for tier-one areas. The Department of  
 2080 Revenue, in conjunction with the Department of Economic  
 2081 Opportunity ~~Office of Tourism, Trade, and Economic Development,~~  
 2082 shall notify the governing bodies in areas designated as urban  
 2083 high-crime areas when the \$5 million maximum amount has been  
 2084 reached. Applications must be considered for approval in the  
 2085 order in which they are received without regard to whether the  
 2086 credit is for a new or existing business. This limitation  
 2087 applies to the value of the credit as contained in approved  
 2088 applications. Approved credits may be taken in the time and  
 2089 manner allowed pursuant to this section.

2090 (11) If the application is insufficient to support the  
 2091 credit authorized in this section, the Department of Economic  
 2092 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
 2093 shall deny the credit and notify the business of that fact. The  
 2094 business may reapply for this credit within 3 months after such  
 2095 notification.

2096 (16) The Department of Revenue shall adopt rules governing  
 2097 the manner and form of applications for credit and may establish  
 2098 guidelines concerning the requisites for an affirmative showing  
 2099 of qualification for the credit under this section.

2100 Section 26. Paragraphs (a) and (c) of subsection (1) and

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2101 subsections (6) and (7) of section 212.098, Florida Statutes,  
 2102 are amended to read:

2103 212.098 Rural Job Tax Credit Program.—

2104 (1) As used in this section, the term:

2105 (a) "Eligible business" means any sole proprietorship,  
 2106 firm, partnership, or corporation that is located in a qualified  
 2107 county and is predominantly engaged in, or is headquarters for a  
 2108 business predominantly engaged in, activities usually provided  
 2109 for consideration by firms classified within the following  
 2110 standard industrial classifications: SIC 01-SIC 09 (agriculture,  
 2111 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422  
 2112 (public warehousing and storage); SIC 70 (hotels and other  
 2113 lodging places); SIC 7391 (research and development); SIC 781  
 2114 (motion picture production and allied services); SIC 7992  
 2115 (public golf courses); SIC 7996 (amusement parks); and a  
 2116 targeted industry eligible for the qualified target industry  
 2117 business tax refund under s. 288.106. A call center or similar  
 2118 customer service operation that services a multistate market or  
 2119 an international market is also an eligible business. In  
 2120 addition, the Department of Economic Opportunity ~~Office of~~  
 2121 ~~Tourism, Trade, and Economic Development~~ may, as part of its  
 2122 final budget request submitted pursuant to s. 216.023, recommend  
 2123 additions to or deletions from the list of standard industrial  
 2124 classifications used to determine an eligible business, and the  
 2125 Legislature may implement such recommendations. Excluded from  
 2126 eligible receipts are receipts from retail sales, except such  
 2127 receipts for hotels and other lodging places classified in SIC  
 2128 70, public golf courses in SIC 7992, and amusement parks in SIC

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2129 | 7996. For purposes of this paragraph, the term "predominantly"  
 2130 | means that more than 50 percent of the business's gross receipts  
 2131 | from all sources is generated by those activities usually  
 2132 | provided for consideration by firms in the specified standard  
 2133 | industrial classification. The determination of whether the  
 2134 | business is located in a qualified county and the tier ranking  
 2135 | of that county must be based on the date of application for the  
 2136 | credit under this section. Commonly owned and controlled  
 2137 | entities are to be considered a single business entity.

2138 | (c) "Qualified area" means any area that is contained  
 2139 | within a rural area of critical economic concern designated  
 2140 | under s. 288.0656, a county that has a population of fewer than  
 2141 | 75,000 persons, or a county that has a population of 125,000 or  
 2142 | less and is contiguous to a county that has a population of less  
 2143 | than 75,000, selected in the following manner: every third year,  
 2144 | the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 2145 | ~~and Economic Development~~ shall rank and tier the state's  
 2146 | counties according to the following four factors:

2147 | 1. Highest unemployment rate for the most recent 36-month  
 2148 | period.

2149 | 2. Lowest per capita income for the most recent 36-month  
 2150 | period.

2151 | 3. Highest percentage of residents whose incomes are below  
 2152 | the poverty level, based upon the most recent data available.

2153 | 4. Average weekly manufacturing wage, based upon the most  
 2154 | recent data available.

2155 | (6) (a) In order to claim this credit, an eligible business  
 2156 | must file under oath with the Department of Economic Opportunity

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2157 ~~Office of Tourism, Trade, and Economic Development~~ a statement  
 2158 that includes the name and address of the eligible business, the  
 2159 starting salary or hourly wages paid to the new employee, and  
 2160 any other information that the Department of Revenue requires.

2161 (b) Pursuant to the incentive review process under s.  
 2162 288.061, the Department of Economic Opportunity ~~Within 30~~  
 2163 ~~working days after receipt of an application for credit, the~~  
 2164 ~~Office of Tourism, Trade, and Economic Development~~ shall review  
 2165 the application to determine whether it contains all the  
 2166 information required by this subsection and meets the criteria  
 2167 set out in this section. Subject to ~~the provisions of~~ paragraph  
 2168 (c), the Governor, through the Department of Economic  
 2169 Opportunity, Office of Tourism, Trade, and Economic Development  
 2170 shall approve all applications that contain the information  
 2171 required by this subsection and meet the criteria set out in  
 2172 this section as eligible to receive a credit.

2173 (c) The maximum credit amount that may be approved during  
 2174 any calendar year is \$5 million. The Department of Revenue, in  
 2175 conjunction with the Department of Economic Opportunity ~~Office~~  
 2176 ~~of Tourism, Trade, and Economic Development,~~ shall notify the  
 2177 governing bodies in areas designated as qualified counties when  
 2178 the \$5 million maximum amount has been reached. Applications  
 2179 must be considered for approval in the order in which they are  
 2180 received without regard to whether the credit is for a new or  
 2181 existing business. This limitation applies to the value of the  
 2182 credit as contained in approved applications. Approved credits  
 2183 may be taken in the time and manner allowed pursuant to this  
 2184 section.

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2185 (d) A business may not receive more than \$500,000 of tax  
 2186 credits under this section during any one calendar year.

2187 (7) If the application is insufficient to support the  
 2188 credit authorized in this section, the Governor, through the  
 2189 Department of Economic Opportunity, ~~Office of Tourism, Trade,~~  
 2190 ~~and Economic Development~~ shall deny the credit and notify the  
 2191 business of that fact. The business may reapply for this credit  
 2192 within 3 months after such notification.

2193 Section 27. Paragraph (d) of subsection (6) of section  
 2194 212.20, Florida Statutes, is amended to read:

2195 212.20 Funds collected, disposition; additional powers of  
 2196 department; operational expense; refund of taxes adjudicated  
 2197 unconstitutionally collected.—

2198 (6) Distribution of all proceeds under this chapter and s.  
 2199 202.18(1)(b) and (2)(b) shall be as follows:

2200 (d) The proceeds of all other taxes and fees imposed  
 2201 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
 2202 and (2)(b) shall be distributed as follows:

2203 1. In any fiscal year, the greater of \$500 million, minus  
 2204 an amount equal to 4.6 percent of the proceeds of the taxes  
 2205 collected pursuant to chapter 201, or 5.2 percent of all other  
 2206 taxes and fees imposed pursuant to this chapter or remitted  
 2207 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
 2208 monthly installments into the General Revenue Fund.

2209 2. After the distribution under subparagraph 1., 8.814  
 2210 percent of the amount remitted by a sales tax dealer located  
 2211 within a participating county pursuant to s. 218.61 shall be  
 2212 transferred into the Local Government Half-cent Sales Tax

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2213 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
 2214 transferred shall be reduced by 0.1 percent, and the department  
 2215 shall distribute this amount to the Public Employees Relations  
 2216 Commission Trust Fund less \$5,000 each month, which shall be  
 2217 added to the amount calculated in subparagraph 3. and  
 2218 distributed accordingly.

2219 3. After the distribution under subparagraphs 1. and 2.,  
 2220 0.095 percent shall be transferred to the Local Government Half-  
 2221 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
 2222 s. 218.65.

2223 4. After the distributions under subparagraphs 1., 2., and  
 2224 3., 2.0440 percent of the available proceeds shall be  
 2225 transferred monthly to the Revenue Sharing Trust Fund for  
 2226 Counties pursuant to s. 218.215.

2227 5. After the distributions under subparagraphs 1., 2., and  
 2228 3., 1.3409 percent of the available proceeds shall be  
 2229 transferred monthly to the Revenue Sharing Trust Fund for  
 2230 Municipalities pursuant to s. 218.215. If the total revenue to  
 2231 be distributed pursuant to this subparagraph is at least as  
 2232 great as the amount due from the Revenue Sharing Trust Fund for  
 2233 Municipalities and the former Municipal Financial Assistance  
 2234 Trust Fund in state fiscal year 1999-2000, no municipality shall  
 2235 receive less than the amount due from the Revenue Sharing Trust  
 2236 Fund for Municipalities and the former Municipal Financial  
 2237 Assistance Trust Fund in state fiscal year 1999-2000. If the  
 2238 total proceeds to be distributed are less than the amount  
 2239 received in combination from the Revenue Sharing Trust Fund for  
 2240 Municipalities and the former Municipal Financial Assistance



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2241 Trust Fund in state fiscal year 1999-2000, each municipality  
2242 shall receive an amount proportionate to the amount it was due  
2243 in state fiscal year 1999-2000.

2244 6. Of the remaining proceeds:

2245 a. In each fiscal year, the sum of \$29,915,500 shall be  
2246 divided into as many equal parts as there are counties in the  
2247 state, and one part shall be distributed to each county. The  
2248 distribution among the several counties must begin each fiscal  
2249 year on or before January 5th and continue monthly for a total  
2250 of 4 months. If a local or special law required that any moneys  
2251 accruing to a county in fiscal year 1999-2000 under the then-  
2252 existing provisions of s. 550.135 be paid directly to the  
2253 district school board, special district, or a municipal  
2254 government, such payment must continue until the local or  
2255 special law is amended or repealed. The state covenants with  
2256 holders of bonds or other instruments of indebtedness issued by  
2257 local governments, special districts, or district school boards  
2258 before July 1, 2000, that it is not the intent of this  
2259 subparagraph to adversely affect the rights of those holders or  
2260 relieve local governments, special districts, or district school  
2261 boards of the duty to meet their obligations as a result of  
2262 previous pledges or assignments or trusts entered into which  
2263 obligated funds received from the distribution to county  
2264 governments under then-existing s. 550.135. This distribution  
2265 specifically is in lieu of funds distributed under s. 550.135  
2266 before July 1, 2000.

2267 b. The department shall distribute \$166,667 monthly  
2268 pursuant to s. 288.1162 to each applicant certified as a

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2269 facility for a new or retained professional sports franchise  
 2270 pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
 2271 monthly by the department to each certified applicant as defined  
 2272 in s. 288.11621 for a facility for a spring training franchise.  
 2273 However, not more than \$416,670 may be distributed monthly in  
 2274 the aggregate to all certified applicants for facilities for  
 2275 spring training franchises. Distributions begin 60 days after  
 2276 such certification and continue for not more than 30 years,  
 2277 except as otherwise provided in s. 288.11621. A certified  
 2278 applicant identified in this sub-subparagraph may not receive  
 2279 more in distributions than expended by the applicant for the  
 2280 public purposes provided for in s. 288.1162(5) or s.  
 2281 288.11621(3).

2282 c. Beginning 30 days after notice by the Department of  
 2283 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 2284 ~~Development~~ to the Department of Revenue that an applicant has  
 2285 been certified as the professional golf hall of fame pursuant to  
 2286 s. 288.1168 and is open to the public, \$166,667 shall be  
 2287 distributed monthly, for up to 300 months, to the applicant.

2288 d. Beginning 30 days after notice by the Department of  
 2289 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 2290 ~~Development~~ to the Department of Revenue that the applicant has  
 2291 been certified as the International Game Fish Association World  
 2292 Center facility pursuant to s. 288.1169, and the facility is  
 2293 open to the public, \$83,333 shall be distributed monthly, for up  
 2294 to 168 months, to the applicant. This distribution is subject to  
 2295 reduction pursuant to s. 288.1169. A lump sum payment of  
 2296 \$999,996 shall be made, after certification and before July 1,

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2297 | 2000.

2298 |       7. All other proceeds must remain in the General Revenue

2299 | Fund.

2300 |       Section 28. Paragraphs (k) and (bb) of subsection (8) and

2301 | subsection (19) of section 213.053, Florida Statutes, are

2302 | amended to read:

2303 |       213.053 Confidentiality and information sharing.—

2304 |       (8) Notwithstanding any other provision of this section,

2305 | the department may provide:

2306 |       (k)1. Payment information relative to chapters 199, 201,

2307 | 202, 212, 220, 221, and 624 to the Department of Economic

2308 | Opportunity ~~Office of Tourism, Trade, and Economic Development,~~

2309 | or its employees or agents that are identified in writing by the

2310 | Department of Economic Opportunity ~~office~~ to the department, in

2311 | the administration of the tax refund program for qualified

2312 | defense contractors and space flight business contractors

2313 | authorized by s. 288.1045 and the tax refund program for

2314 | qualified target industry businesses authorized by s. 288.106.

2315 |       2. Information relative to tax credits taken by a business

2316 | under s. 220.191 and exemptions or tax refunds received by a

2317 | business under s. 212.08(5)(j) to the Department of Economic

2318 | Opportunity ~~Office of Tourism, Trade, and Economic Development,~~

2319 | or its employees or agents that are identified in writing by the

2320 | Department of Economic Opportunity ~~office~~ to the department, in

2321 | the administration and evaluation of the capital investment tax

2322 | credit program authorized in s. 220.191 and the semiconductor,

2323 | defense, and space tax exemption program authorized in s.

2324 | 212.08(5)(j).

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2325 3. Information relative to tax credits taken by a taxpayer  
 2326 pursuant to the tax credit programs created in ss. 193.017;  
 2327 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;  
 2328 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;  
 2329 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;  
 2330 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;  
 2331 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to  
 2332 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 2333 ~~and Economic Development~~, or its employees or agents that are  
 2334 identified in writing by the Department of Economic Opportunity  
 2335 ~~office~~ to the department, for use in the administration or  
 2336 evaluation of such programs.

2337 (bb) Information relative to tax credits taken under s.  
 2338 288.1254 to the Office of Film and Entertainment and the  
 2339 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 2340 ~~Economic Development~~.

2341  
 2342 Disclosure of information under this subsection shall be  
 2343 pursuant to a written agreement between the executive director  
 2344 and the agency. Such agencies, governmental or nongovernmental,  
 2345 shall be bound by the same requirements of confidentiality as  
 2346 the Department of Revenue. Breach of confidentiality is a  
 2347 misdemeanor of the first degree, punishable as provided by s.  
 2348 775.082 or s. 775.083.

2349 (19) The department may disclose information relative to  
 2350 tax credits taken by a taxpayer pursuant to s. 288.9916 to the  
 2351 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 2352 ~~Economic Development~~ or its employees or agents. Such employees

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2353 must be identified in writing by the Department of Economic  
 2354 Opportunity ~~office~~ to the department. All information disclosed  
 2355 under this subsection is subject to the same requirements of  
 2356 confidentiality and the same penalties for violation of the  
 2357 requirements as the department.

2358 Section 29. Paragraph (a) of subsection (3) of section  
 2359 218.64, Florida Statutes, is amended to read:

2360 218.64 Local government half-cent sales tax; uses;  
 2361 limitations.—

2362 (3) Subject to ordinances enacted by the majority of the  
 2363 members of the county governing authority and by the majority of  
 2364 the members of the governing authorities of municipalities  
 2365 representing at least 50 percent of the municipal population of  
 2366 such county, counties may use up to \$2 million annually of the  
 2367 local government half-cent sales tax allocated to that county  
 2368 for funding for any of the following applicants:

2369 (a) A certified applicant as a facility for a new or  
 2370 retained professional sports franchise under s. 288.1162 or a  
 2371 certified applicant as defined in s. 288.11621 for a facility  
 2372 for a spring training franchise. It is the Legislature's intent  
 2373 that the provisions of s. 288.1162, including, but not limited  
 2374 to, the evaluation process by the Department of Economic  
 2375 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
 2376 except for the limitation on the number of certified applicants  
 2377 or facilities as provided in that section and the restrictions  
 2378 set forth in s. 288.1162(8), shall apply to an applicant's  
 2379 facility to be funded by local government as provided in this  
 2380 subsection.

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2381 Section 30. Paragraph (a) of subsection (1) and paragraph  
 2382 (g) of subsection (2) of section 220.181, Florida Statutes, are  
 2383 amended to read:

2384 220.181 Enterprise zone jobs credit.—

2385 (1)(a) There shall be allowed a credit against the tax  
 2386 imposed by this chapter to any business located in an enterprise  
 2387 zone which demonstrates to the department that, on the date of  
 2388 application, the total number of full-time jobs is greater than  
 2389 the total was 12 months before ~~prior to~~ that date. The credit  
 2390 shall be computed as 20 percent of the actual monthly wages paid  
 2391 in this state to each new employee hired when a new job has been  
 2392 created, as defined under s. 220.03(1)(ee), unless the business  
 2393 is located in a rural enterprise zone, pursuant to s.

2394 290.004~~(6)~~, in which case the credit shall be 30 percent of the  
 2395 actual monthly wages paid. If no less than 20 percent of the  
 2396 employees of the business are residents of an enterprise zone,  
 2397 excluding temporary and part-time employees, the credit shall be  
 2398 computed as 30 percent of the actual monthly wages paid in this  
 2399 state to each new employee hired when a new job has been  
 2400 created, unless the business is located in a rural enterprise  
 2401 zone, in which case the credit shall be 45 percent of the actual  
 2402 monthly wages paid, for a period of up to 24 consecutive months.  
 2403 If the new employee hired when a new job is created is a  
 2404 participant in the welfare transition program, the following  
 2405 credit shall be a percent of the actual monthly wages paid: 40  
 2406 percent for \$4 above the hourly federal minimum wage rate; 41  
 2407 percent for \$5 above the hourly federal minimum wage rate; 42  
 2408 percent for \$6 above the hourly federal minimum wage rate; 43

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2409 percent for \$7 above the hourly federal minimum wage rate; and  
 2410 44 percent for \$8 above the hourly federal minimum wage rate.

2411 (2) When filing for an enterprise zone jobs credit, a  
 2412 business must file under oath with the governing body or  
 2413 enterprise zone development agency having jurisdiction over the  
 2414 enterprise zone where the business is located, as applicable, a  
 2415 statement which includes:

2416 (g) Whether the business is a small business as defined by  
 2417 s. 288.703~~(1)~~.

2418 Section 31. Subsection (13) of section 220.182, Florida  
 2419 Statutes, is amended to read:

2420 220.182 Enterprise zone property tax credit.—

2421 (13) When filing for an enterprise zone property tax  
 2422 credit, a business shall indicate whether the business is a  
 2423 small business as defined by s. 288.703~~(1)~~.

2424 Section 32. Paragraph (d) of subsection (1), paragraphs  
 2425 (b), (c), and (d) of subsection (2), and subsections (3) and (4)  
 2426 of section 220.183, Florida Statutes, are amended to read:

2427 220.183 Community contribution tax credit.—

2428 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX  
 2429 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM  
 2430 SPENDING.—

2431 (d) All proposals for the granting of the tax credit shall  
 2432 require the prior approval of the Governor, through the  
 2433 Department of Economic Opportunity, ~~Office of Tourism, Trade,~~  
 2434 and ~~Economic Development.~~

2435 (2) ELIGIBILITY REQUIREMENTS.—

2436 (b)1. All community contributions must be reserved

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2437 exclusively for use in projects as defined in s. 220.03(1)(t).

2438 2. If, during the first 10 business days of the state

2439 fiscal year, eligible tax credit applications for projects that

2440 provide homeownership opportunities for low-income or very-low-

2441 income households as defined in s. 420.9071(19) and (28) are

2442 received for less than the annual tax credits available for

2443 those projects, the Governor, through the Department of Economic

2444 Opportunity, Office of Tourism, Trade, and Economic Development

2445 shall grant tax credits for those applications and shall grant

2446 remaining tax credits on a first-come, first-served basis for

2447 any subsequent eligible applications received before the end of

2448 the state fiscal year. If, during the first 10 business days of

2449 the state fiscal year, eligible tax credit applications for

2450 projects that provide homeownership opportunities for low-income

2451 or very-low-income households as defined in s. 420.9071(19) and

2452 (28) are received for more than the annual tax credits available

2453 for those projects, the Governor, through the Department of

2454 Economic Opportunity, office shall grant the tax credits for

2455 those applications as follows:

2456 a. If tax credit applications submitted for approved

2457 projects of an eligible sponsor do not exceed \$200,000 in total,

2458 the credit shall be granted in full if the tax credit

2459 applications are approved.

2460 b. If tax credit applications submitted for approved

2461 projects of an eligible sponsor exceed \$200,000 in total, the

2462 amount of tax credits granted under sub-subparagraph a. shall be

2463 subtracted from the amount of available tax credits, and the

2464 remaining credits shall be granted to each approved tax credit



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2465 application on a pro rata basis.

2466 3. If, during the first 10 business days of the state  
 2467 fiscal year, eligible tax credit applications for projects other  
 2468 than those that provide homeownership opportunities for low-  
 2469 income or very-low-income households as defined in s.

2470 420.9071(19) and (28) are received for less than the annual tax  
 2471 credits available for those projects, the Governor, through the  
 2472 Department of Economic Opportunity, office shall grant tax  
 2473 credits for those applications and shall grant remaining tax  
 2474 credits on a first-come, first-served basis for any subsequent  
 2475 eligible applications received before the end of the state  
 2476 fiscal year. If, during the first 10 business days of the state  
 2477 fiscal year, eligible tax credit applications for projects other  
 2478 than those that provide homeownership opportunities for low-  
 2479 income or very-low-income households as defined in s.

2480 420.9071(19) and (28) are received for more than the annual tax  
 2481 credits available for those projects, the Governor, through the  
 2482 Department of Economic Opportunity, office shall grant the tax  
 2483 credits for those applications on a pro rata basis.

2484 (c) The project must be undertaken by an "eligible  
 2485 sponsor," defined here as:

- 2486 1. A community action program;
- 2487 2. A nonprofit community-based development organization  
 2488 whose mission is the provision of housing for low-income or  
 2489 very-low-income households or increasing entrepreneurial and  
 2490 job-development opportunities for low-income persons;
- 2491 3. A neighborhood housing services corporation;
- 2492 4. A local housing authority, created pursuant to chapter

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- 2493 421;
- 2494 5. A community redevelopment agency, created pursuant to
- 2495 s. 163.356;
- 2496 6. The Florida Industrial Development Corporation;
- 2497 7. An historic preservation district agency or
- 2498 organization;
- 2499 8. A regional workforce board;
- 2500 9. A direct-support organization as provided in s.
- 2501 1009.983;
- 2502 10. An enterprise zone development agency created pursuant
- 2503 to s. 290.0056;
- 2504 11. A community-based organization incorporated under
- 2505 chapter 617 which is recognized as educational, charitable, or
- 2506 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
- 2507 and whose bylaws and articles of incorporation include
- 2508 affordable housing, economic development, or community
- 2509 development as the primary mission of the corporation;
- 2510 12. Units of local government;
- 2511 13. Units of state government; or
- 2512 14. Such other agency as the Department of Economic
- 2513 Opportunity Office of Tourism, Trade, and Economic Development
- 2514 may, from time to time, designate by rule.

2515

2516 In no event shall a contributing business firm have a financial

2517 interest in the eligible sponsor.

2518 (d) The project shall be located in an area designated as

2519 an enterprise zone or a Front Porch Florida Community pursuant

2520 ~~to s. 20.18(6)~~. Any project designed to construct or

2521 rehabilitate housing for low-income or very-low-income  
 2522 households as defined in s. 420.9071(19) and (28) is exempt from  
 2523 the area requirement of this paragraph. This section does not  
 2524 preclude projects that propose to construct or rehabilitate  
 2525 housing for low-income or very-low-income households on  
 2526 scattered sites. Any project designed to provide increased  
 2527 access to high-speed broadband capabilities which includes  
 2528 coverage of a rural enterprise zone may locate the project's  
 2529 infrastructure in any area of a rural county.

2530 (3) APPLICATION REQUIREMENTS.—

2531 (a) Any eligible sponsor wishing to participate in this  
 2532 program must submit a proposal to the Department of Economic  
 2533 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
 2534 which sets forth the sponsor, the project, the area in which the  
 2535 project is located, and such supporting information as may be  
 2536 prescribed by rule. The proposal shall also contain a resolution  
 2537 from the local governmental unit in which it is located  
 2538 certifying that the project is consistent with local plans and  
 2539 regulations.

2540 (b) Any business wishing to participate in this program  
 2541 must submit an application for tax credit to the Department of  
 2542 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 2543 ~~Development~~, which application sets forth the sponsor; the  
 2544 project; and the type, value, and purpose of the contribution.  
 2545 The sponsor shall verify the terms of the application and  
 2546 indicate its receipt of the contribution, which verification  
 2547 must be in writing and accompany the application for tax credit.

2548 (c) The business firm must submit a separate application

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2549 | for tax credit for each individual contribution that it makes to  
 2550 | each individual project.

2551 |       (4) ADMINISTRATION.—

2552 |       (a) The Department of Economic Opportunity ~~Office of~~  
 2553 | ~~Tourism, Trade, and Economic Development~~ has authority to adopt  
 2554 | rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~  
 2555 | ~~provisions of~~ this section, including rules for the approval or  
 2556 | disapproval of proposals by business firms.

2557 |       (b) The decision of the Governor, through the Department  
 2558 | of Economic Opportunity, ~~Office of Tourism, Trade, and Economic~~  
 2559 | ~~Development~~ shall be in writing, and, if approved, the  
 2560 | notification must state the maximum credit allowable to the  
 2561 | business firm. A copy of the decision shall be transmitted to  
 2562 | the executive director of the Department of Revenue, who shall  
 2563 | apply such credit to the tax liability of the business firm.

2564 |       (c) The Department of Economic Opportunity ~~Office of~~  
 2565 | ~~Tourism, Trade, and Economic Development~~ shall periodically  
 2566 | monitor all projects in a manner consistent with available  
 2567 | resources to ensure that resources are utilized in accordance  
 2568 | with this section; however, each project shall be reviewed no  
 2569 | less often than once every 2 years.

2570 |       (d) The Department of Revenue has authority to adopt rules  
 2571 | pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~  
 2572 | ~~provisions of~~ this section.

2573 |       (e) The Department of Economic Opportunity ~~Office of~~  
 2574 | ~~Tourism, Trade, and Economic Development~~ shall, in consultation  
 2575 | with ~~the Department of Community Affairs,~~ the Florida Housing  
 2576 | Finance Corporation, and the statewide and regional housing and

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2577 financial intermediaries, market the availability of the  
 2578 community contribution tax credit program to community-based  
 2579 organizations.

2580 Section 33. Section 220.1895, Florida Statutes, is amended  
 2581 to read:

2582 220.1895 Rural Job Tax Credit and Urban High-Crime Area  
 2583 Job Tax Credit.—There shall be allowed a credit against the tax  
 2584 imposed by this chapter amounts approved by the Governor,  
 2585 through the Department of Economic Opportunity, ~~Office of~~  
 2586 ~~Tourism, Trade, and Economic Development~~ pursuant to the Rural  
 2587 Job Tax Credit Program in s. 212.098 and the Urban High-Crime  
 2588 Area Job Tax Credit Program in s. 212.097. A corporation that  
 2589 uses its credit against the tax imposed by this chapter may not  
 2590 take the credit against the tax imposed by chapter 212. If any  
 2591 credit granted under this section is not fully used in the first  
 2592 year for which it becomes available, the unused amount may be  
 2593 carried forward for a period not to exceed 5 years. The  
 2594 carryover may be used in a subsequent year when the tax imposed  
 2595 by this chapter for such year exceeds the credit for such year  
 2596 under this section after applying the other credits and unused  
 2597 credit carryovers in the order provided in s. 220.02(8).

2598 Section 34. Section 220.1896, Florida Statutes, is amended  
 2599 to read:

2600 220.1896 Jobs for the Unemployed Tax Credit Program.—

2601 (1) As used in this section, the term:

2602 (a) "Eligible business" means any target industry business  
 2603 as defined in s. 288.106(2) which is subject to the tax imposed  
 2604 by this chapter. The eligible business does not have to be

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2605 certified to receive the Qualified Target Industry Tax Refund  
 2606 Incentive under s. 288.106 in order to receive the tax credit  
 2607 available under this section.

2608 ~~(b) "Office" means the Office of Tourism, Trade, and~~  
 2609 ~~Economic Development.~~

2610 (b)(e) "Qualified employee" means a person:

2611 1. Who was unemployed at least 30 days immediately before  
 2612 ~~prior to~~ being hired by an eligible business.

2613 2. Who was hired by an eligible business on or after July  
 2614 1, 2010, and had not previously been employed by the eligible  
 2615 business or its parent or an affiliated corporation.

2616 3. Who performed duties connected to the operations of the  
 2617 eligible business on a regular, full-time basis for an average  
 2618 of at least 36 hours per week and for at least 12 months before  
 2619 an eligible business is awarded a tax credit.

2620 4. Whose employment by the eligible business has not  
 2621 formed the basis for any other claim to a credit pursuant to  
 2622 this section.

2623 (2) A certified business shall receive a \$1,000 tax credit  
 2624 for each qualified employee, pursuant to limitation in  
 2625 subsection (5).

2626 (3)(a) In order to become a certified business, an  
 2627 eligible business must file under oath with the Department of  
 2628 Economic Opportunity ~~office~~ an application that includes:

2629 1. The name, address and NAICS identifying code of the  
 2630 eligible business.

2631 2. Relevant employment information.

2632 3. A sworn affidavit, signed by each employee, attesting

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2633 to his or her previous unemployment for whom the eligible  
 2634 business is seeking credits under this section.

2635 4. Verification that the wages paid by the eligible  
 2636 business to each of its qualified employees exceeds the wage  
 2637 eligibility levels for Medicaid and other public assistance  
 2638 programs.

2639 5. Any other information necessary to process the  
 2640 application.

2641 (b) The Department of Economic Opportunity ~~office~~ shall  
 2642 process applications to certify a business in the order in which  
 2643 the applications are received, without regard as to whether the  
 2644 applicant is a new or an existing business. The Governor,  
 2645 through the Department of Economic Opportunity, ~~office~~ shall  
 2646 review and approve or deny an application within 10 days after  
 2647 receiving a completed application. The Department of Economic  
 2648 Opportunity ~~office~~ shall notify the applicant in writing as to  
 2649 the Governor's ~~office's~~ decision.

2650 (c)1. The Department of Economic Opportunity ~~office~~ shall  
 2651 submit a copy of the letter of certification to the Department  
 2652 of Revenue within 10 days after the Department of Economic  
 2653 Opportunity ~~office~~ issues the letter of certification to the  
 2654 applicant.

2655 2. If the application of an eligible business is not  
 2656 sufficient to certify the applicant business, the Governor,  
 2657 through the Department of Economic Opportunity, ~~office~~ must deny  
 2658 the application and issue a notice of denial to the applicant.

2659 3. If the application of an eligible business does not  
 2660 contain sufficient documentation of the number of qualified

2661 employees, the Governor, through the Department of Economic  
 2662 Opportunity, office shall approve the application with respect  
 2663 to the employees for whom the Department of Economic Opportunity  
 2664 ~~office~~ determines are qualified employees. The Governor, through  
 2665 the Department of Economic Opportunity, office must deny the  
 2666 application with respect to persons for whom the Department of  
 2667 Economic Opportunity office determines are not qualified  
 2668 employees or for whom insufficient documentation has been  
 2669 provided. A business may not submit a revised application for  
 2670 certification or for the determination of a person as a  
 2671 qualified employee more than 3 months after the issuance of a  
 2672 notice of denial with respect to the business or a particular  
 2673 person as a qualified employee.

2674 (4) The applicant for a tax credit under this section has  
 2675 the responsibility to affirmatively demonstrate to the  
 2676 satisfaction of the Department of Economic Opportunity office  
 2677 and the Department of Revenue that the applicant and the persons  
 2678 claimed as qualified employees meet the requirements of this  
 2679 section.

2680 (5) The total amount of tax credits under this section  
 2681 which may be approved by the Department of Economic Opportunity  
 2682 ~~office~~ for all applicants is \$10 million, with \$5 million  
 2683 available to be awarded in the 2011-2012 fiscal year and \$5  
 2684 million available to be awarded in the 2012-2013 fiscal year.

2685 (6) A tax credit amount that is granted under this section  
 2686 which is not fully used in the first year for which it becomes  
 2687 available may be carried forward to the subsequent taxable year.  
 2688 The carryover credit may be used in the subsequent year if the



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2689 tax imposed by this chapter for such year exceeds the credit for  
 2690 such year under this section after applying the other credits  
 2691 and unused credit carryovers in the order provided in s.  
 2692 220.02(8).

2693 (7) A person who fraudulently claims a credit under this  
 2694 section is liable for repayment of the credit plus a mandatory  
 2695 penalty of 100 percent of the credit. Such person also commits a  
 2696 misdemeanor of the second degree, punishable as provided in s.  
 2697 775.082 or s. 775.083.

2698 (8) The Department of Economic Opportunity ~~office~~ may  
 2699 adopt rules governing the manner and form of applications for  
 2700 the tax credit. The Department of Economic Opportunity ~~office~~  
 2701 may establish guidelines for making an affirmative showing of  
 2702 qualification for the tax credit under this section.

2703 (9) The Department of Revenue may adopt rules to  
 2704 administer this section, including rules relating to the  
 2705 creation of forms to claim a tax credit and examination and  
 2706 audit procedures required to administer this section.

2707 (10) This section expires June 30, 2012. However, a  
 2708 taxpayer that is awarded a tax credit in the second year of the  
 2709 program may carry forward any unused credit amount to the  
 2710 subsequent tax reporting period. Rules adopted by the Department  
 2711 of Revenue to administer this section shall remain valid as long  
 2712 as a taxpayer may use a credit against its corporate income tax  
 2713 liability.

2714 Section 35. Subsection (1) of section 220.1899, Florida  
 2715 Statutes, is amended to read:

2716 220.1899 Entertainment industry tax credit.—

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2717 (1) There shall be a credit allowed against the tax  
 2718 imposed by this chapter in the amounts awarded by the Department  
 2719 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 2720 ~~Development~~ under the entertainment industry financial incentive  
 2721 program in s. 288.1254.

2722 Section 36. Paragraphs (e), (f), (g), and (h) of  
 2723 subsection (1), paragraph (a) of subsection (3), and subsections  
 2724 (5) and (6) of section 220.191, Florida Statutes, are amended to  
 2725 read:

2726 220.191 Capital investment tax credit.—

2727 (1) DEFINITIONS.—For purposes of this section:

2728 (e) "Jobs" means full-time equivalent positions, as that  
 2729 term is consistent with terms used by the Department of Economic  
 2730 Opportunity Agency for Workforce Innovation and the United  
 2731 States Department of Labor for purposes of unemployment tax  
 2732 administration and employment estimation, resulting directly  
 2733 from a project in this state. The term does not include  
 2734 temporary construction jobs involved in the construction of the  
 2735 project facility.

2736 ~~(f) "Office" means the Office of Tourism, Trade, and~~  
 2737 ~~Economic Development.~~

2738 ~~(f)(g)~~ "Qualifying business" means a business which  
 2739 establishes a qualifying project in this state and which is  
 2740 certified by the Governor, through the Department of Economic  
 2741 Opportunity, ~~office~~ to receive tax credits pursuant to this  
 2742 section.

2743 ~~(g)(h)~~ "Qualifying project" means:

2744 1. A new or expanding facility in this state which creates

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2745 at least 100 new jobs in this state and is in one of the high-  
 2746 impact sectors identified by Enterprise Florida, Inc., and  
 2747 certified by the Department of Economic Opportunity ~~office~~  
 2748 pursuant to s. 288.108(6), including, but not limited to,  
 2749 aviation, aerospace, automotive, and silicon technology  
 2750 industries;

2751 2. A new or expanded facility in this state which is  
 2752 engaged in a target industry designated pursuant to the  
 2753 procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which  
 2754 is induced by this credit to create or retain at least 1,000  
 2755 jobs in this state, provided that at least 100 of those jobs are  
 2756 new, pay an annual average wage of at least 130 percent of the  
 2757 average private sector wage in the area as defined in s.  
 2758 288.106(2), and make a cumulative capital investment of at least  
 2759 \$100 million after July 1, 2005. Jobs may be considered retained  
 2760 only if there is significant evidence that the loss of jobs is  
 2761 imminent. Notwithstanding subsection (2), annual credits against  
 2762 the tax imposed by this chapter may ~~shall~~ not exceed 50 percent  
 2763 of the increased annual corporate income tax liability or the  
 2764 premium tax liability generated by or arising out of a project  
 2765 qualifying under this subparagraph. A facility that qualifies  
 2766 under this subparagraph for an annual credit against the tax  
 2767 imposed by this chapter may take the tax credit for a period not  
 2768 to exceed 5 years; or

2769 3. A new or expanded headquarters facility in this state  
 2770 which locates in an enterprise zone and brownfield area and is  
 2771 induced by this credit to create at least 1,500 jobs which on  
 2772 average pay at least 200 percent of the statewide average annual

2773 private sector wage, as published by the Department of Economic  
 2774 Opportunity Agency for Workforce Innovation or its successor,  
 2775 and which new or expanded headquarters facility makes a  
 2776 cumulative capital investment in this state of at least \$250  
 2777 million.

2778 (3) (a) Notwithstanding subsection (2), an annual credit  
 2779 against the tax imposed by this chapter shall be granted to a  
 2780 qualifying business which establishes a qualifying project  
 2781 pursuant to subparagraph (1) (g) ~~(h)~~ 3., in an amount equal to the  
 2782 lesser of \$15 million or 5 percent of the eligible capital costs  
 2783 made in connection with a qualifying project, for a period not  
 2784 to exceed 20 years beginning with the commencement of operations  
 2785 of the project. The tax credit shall be granted against the  
 2786 corporate income tax liability of the qualifying business and as  
 2787 further provided in paragraph (c). The total tax credit provided  
 2788 pursuant to this subsection shall be equal to no more than 100  
 2789 percent of the eligible capital costs of the qualifying project.

2790 (5) Applications shall be reviewed and certified pursuant  
 2791 to s. 288.061. The Governor, through the Department of Economic  
 2792 Opportunity office, ~~upon a recommendation by Enterprise Florida,~~  
 2793 ~~Inc.~~, shall first certify a business as eligible to receive tax  
 2794 credits pursuant to this section before ~~prior to~~ the  
 2795 commencement of operations of a qualifying project, and such  
 2796 certification shall be transmitted to the Department of Revenue.  
 2797 Upon receipt of the certification, the Department of Revenue  
 2798 shall enter into a written agreement with the qualifying  
 2799 business specifying, at a minimum, the method by which income  
 2800 generated by or arising out of the qualifying project will be

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2801 determined.

2802 (6) The Department of Economic Opportunity ~~may office,~~ in  
 2803 consultation with Enterprise Florida, Inc., ~~is authorized to~~  
 2804 develop the necessary guidelines and application materials for  
 2805 the certification process described in subsection (5).

2806 Section 37. Paragraph (b) of subsection (4) of section  
 2807 267.0625, Florida Statutes, is amended to read:

2808 267.0625 Abrogation of offensive and derogatory geographic  
 2809 place names.—

2810 (4) The division shall:

2811 (b) Notify the Department of Transportation, the  
 2812 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 2813 ~~Economic Development,~~ the Department of Management Services, and  
 2814 any other entity that compiles information for or develops maps  
 2815 or markers for the state of the name change so that it may be  
 2816 reflected on subsequent editions of any maps, informational  
 2817 literature, or markers produced by those entities.

2818 Section 38. Section 272.11, Florida Statutes, is amended  
 2819 to read:

2820 272.11 Capitol information center.—The Division of Tourism  
 2821 Marketing of Enterprise Florida, Inc., ~~Florida Commission on~~  
 2822 ~~Tourism~~ shall establish, maintain, and operate a Capitol  
 2823 information center somewhere within the area of the Capitol  
 2824 Center and employ personnel or enter into contracts to maintain  
 2825 same.

2826 Section 39. Paragraph (a) of subsection (4) of section  
 2827 282.34, Florida Statutes, is amended to read:

2828 282.34 Statewide e-mail service.—A state e-mail system

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2829 that includes the delivery and support of e-mail, messaging, and  
 2830 calendaring capabilities is established as an enterprise  
 2831 information technology service as defined in s. 282.0041. The  
 2832 service shall be designed to meet the needs of all executive  
 2833 branch agencies. The primary goals of the service are to  
 2834 minimize the state investment required to establish, operate,  
 2835 and support the statewide service; reduce the cost of current e-  
 2836 mail operations and the number of duplicative e-mail systems;  
 2837 and eliminate the need for each state agency to maintain its own  
 2838 e-mail staff.

2839 (4) All agencies must be completely migrated to the  
 2840 statewide e-mail service as soon as financially and  
 2841 operationally feasible, but no later than June 30, 2015.

2842 (a) The following statewide e-mail service implementation  
 2843 schedule is established for state agencies:

2844 1. Phase 1.—The following agencies must be completely  
 2845 migrated to the statewide e-mail system by June 30, 2012: the  
 2846 Agency for Enterprise Information Technology; ~~the Department of~~  
 2847 ~~Community Affairs, including the Division of Emergency~~  
 2848 ~~Management~~; the Department of Corrections; the Department of  
 2849 Health; the Department of Highway Safety and Motor Vehicles; the  
 2850 Department of Management Services, including the Division of  
 2851 Administrative Hearings, the Division of Retirement, the  
 2852 Commission on Human Relations, and the Public Employees  
 2853 Relations Commission; the Southwood Shared Resource Center; and  
 2854 the Department of Revenue.

2855 2. Phase 2.—The following agencies must be completely  
 2856 migrated to the statewide e-mail system by June 30, 2013: the

2857 Department of Business and Professional Regulation; the  
 2858 Department of Education, including the Board of Governors; the  
 2859 Department of Environmental Protection; the Department of  
 2860 Juvenile Justice; the Department of the Lottery; the Department  
 2861 of State; the Department of Law Enforcement; the Department of  
 2862 Veterans' Affairs; the Judicial Administration Commission; the  
 2863 Public Service Commission; and the Statewide Guardian Ad Litem  
 2864 Office.

2865 3. Phase 3.—The following agencies must be completely  
 2866 migrated to the statewide e-mail system by June 30, 2014: the  
 2867 Agency for Health Care Administration; ~~the Agency for Workforce~~  
 2868 ~~Innovation~~; the Department of Financial Services, including the  
 2869 Office of Financial Regulation and the Office of Insurance  
 2870 Regulation; the Department of Agriculture and Consumer Services;  
 2871 the Executive Office of the Governor, including the Division of  
 2872 Emergency Management; the Department of Transportation; the Fish  
 2873 and Wildlife Conservation Commission; the Agency for Persons  
 2874 With Disabilities; the Northwood Shared Resource Center; and the  
 2875 State Board of Administration.

2876 4. Phase 4.—The following agencies must be completely  
 2877 migrated to the statewide e-mail system by June 30, 2015: the  
 2878 Department of Children and Family Services; the Department of  
 2879 Citrus; the Department of Economic Opportunity; the Department  
 2880 of Elderly Affairs; and the Department of Legal Affairs.

2881 Section 40. Subsection (2) of section 287.0931, Florida  
 2882 Statutes, is amended to read:

2883 287.0931 Minority business enterprises; participation in  
 2884 bond underwriting.—

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2885 (2) To meet such participation requirement, the minority  
 2886 firm must have full-time employees located in this state, must  
 2887 have a permanent place of business located in this state, and  
 2888 must be a firm which is at least 51-percent-owned by minority  
 2889 persons as defined in s. 288.703~~(3)~~. However, for the purpose of  
 2890 bond underwriting only, the requirement that the minority person  
 2891 be a permanent resident of this state does ~~shall~~ not apply.

2892 Section 41. Paragraph (e) of subsection (2) of section  
 2893 287.0943, Florida Statutes, is amended to read:

2894 287.0943 Certification of minority business enterprises.-

2895 (2)

2896 (e) In assessing the status of ownership and control,  
 2897 certification criteria shall, at a minimum:

2898 1. Link ownership by a minority person~~r~~, as defined in s.  
 2899 288.703~~(3)~~, or as dictated by the legal obligations of a  
 2900 certifying organization, to day-to-day control and financial  
 2901 risk by the qualifying minority owner, and to demonstrated  
 2902 expertise or licensure of a minority owner in any trade or  
 2903 profession that the minority business enterprise will offer to  
 2904 the state when certified. Businesses must comply with all state  
 2905 licensing requirements before ~~prior to~~ becoming certified as a  
 2906 minority business enterprise.

2907 2. If present ownership was obtained by transfer, require  
 2908 the minority person on whom eligibility is based to have owned  
 2909 at least 51 percent of the applicant firm for a minimum of 2  
 2910 years, when any previous majority ownership interest in the firm  
 2911 was by a nonminority who is or was a relative, former employer,  
 2912 or current employer of the minority person on whom eligibility



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2913 | is based. This requirement does ~~shall~~ not apply to minority  
 2914 | persons who are otherwise eligible who take a 51-percent-or-  
 2915 | greater interest in a firm that requires professional licensure  
 2916 | to operate and who will be the qualifying licenseholder for the  
 2917 | firm when certified. A transfer made within a related immediate  
 2918 | family group from a nonminority person to a minority person in  
 2919 | order to establish ownership by a minority person shall be  
 2920 | deemed to have been made solely for purposes of satisfying  
 2921 | certification criteria and shall render such ownership invalid  
 2922 | for purposes of qualifying for such certification if the  
 2923 | combined total net asset value of all members of such family  
 2924 | group exceeds \$1 million. For purposes of this subparagraph, the  
 2925 | term "related immediate family group" means one or more children  
 2926 | under 16 years of age and a parent of such children or the  
 2927 | spouse of such parent residing in the same house or living unit.

2928 |         3. Require that prospective certified minority business  
 2929 | enterprises be currently performing or seeking to perform a  
 2930 | useful business function. A "useful business function" is  
 2931 | defined as a business function which results in the provision of  
 2932 | materials, supplies, equipment, or services to customers. Acting  
 2933 | as a conduit to transfer funds to a nonminority business does  
 2934 | not constitute a useful business function unless it is done so  
 2935 | in a normal industry practice. As used in this section, the term  
 2936 | "acting as a conduit" means, in part, not acting as a regular  
 2937 | dealer by making sales of material, goods, or supplies from  
 2938 | items bought, kept in stock, and regularly sold to the public in  
 2939 | the usual course of business. Brokers, manufacturer's  
 2940 | representatives, sales representatives, and nonstocking

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2941 distributors are considered as conduits that do not perform a  
 2942 useful business function, unless normal industry practice  
 2943 dictates.

2944 Section 42. Paragraph (n) of subsection (4) of section  
 2945 287.09451, Florida Statutes, is amended to read:

2946 287.09451 Office of Supplier Diversity; powers, duties,  
 2947 and functions.—

2948 (4) The Office of Supplier Diversity shall have the  
 2949 following powers, duties, and functions:

2950 (n)1. To develop procedures to be used by an agency in  
 2951 identifying commodities, contractual services, architectural and  
 2952 engineering services, and construction contracts, except those  
 2953 architectural, engineering, construction, or other related  
 2954 services or contracts subject to the provisions of chapter 339,  
 2955 that could be provided by minority business enterprises. Each  
 2956 agency is encouraged to spend 21 percent of the moneys actually  
 2957 expended for construction contracts, 25 percent of the moneys  
 2958 actually expended for architectural and engineering contracts,  
 2959 24 percent of the moneys actually expended for commodities, and  
 2960 50.5 percent of the moneys actually expended for contractual  
 2961 services during the previous fiscal year, except for the state  
 2962 university construction program which shall be based upon public  
 2963 education capital outlay projections for the subsequent fiscal  
 2964 year, and reported to the Legislature pursuant to s. 216.023,  
 2965 for the purpose of entering into contracts with certified  
 2966 minority business enterprises as defined in s. 288.703~~(2)~~, or  
 2967 approved joint ventures. However, in the event of budget  
 2968 reductions pursuant to s. 216.221, the base amounts may be

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2969 adjusted to reflect such reductions. The overall spending goal  
 2970 for each industry category shall be subdivided as follows:

2971 a. For construction contracts: 4 percent for black  
 2972 Americans, 6 percent for Hispanic-Americans, and 11 percent for  
 2973 American women.

2974 b. For architectural and engineering contracts: 9 percent  
 2975 for Hispanic-Americans, 1 percent for Asian-Americans, and 15  
 2976 percent for American women.

2977 c. For commodities: 2 percent for black Americans, 4  
 2978 percent for Hispanic-Americans, 0.5 percent for Asian-Americans,  
 2979 0.5 percent for Native Americans, and 17 percent for American  
 2980 women.

2981 d. For contractual services: 6 percent for black  
 2982 Americans, 7 percent for Hispanic-Americans, 1 percent for  
 2983 Asian-Americans, 0.5 percent for Native Americans, and 36  
 2984 percent for American women.

2985 2. For the purposes of commodities contracts for the  
 2986 purchase of equipment to be used in the construction and  
 2987 maintenance of state transportation facilities involving the  
 2988 Department of Transportation, the terms "minority business  
 2989 enterprise" and ~~has the same meaning as provided in s. 288.703.~~  
 2990 "minority person" have ~~has~~ the same meanings ~~meaning~~ as provided  
 2991 in s. 288.703~~(3)~~. In order to ensure that the goals established  
 2992 under this paragraph for contracting with certified minority  
 2993 business enterprises are met, the department, with the  
 2994 assistance of the Office of Supplier Diversity, shall make  
 2995 recommendations to the Legislature on revisions to the goals,  
 2996 based on an updated statistical analysis, at least once every 5

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2997 | years. Such recommendations shall be based on statistical data  
2998 | indicating the availability of and disparity in the use of  
2999 | minority businesses contracting with the state. The results of  
3000 | the first updated disparity study must be presented to the  
3001 | Legislature no later than December 1, 1996.

3002 |         3. In determining the base amounts for assessing  
3003 | compliance with this paragraph, the Office of Supplier Diversity  
3004 | may develop, by rule, guidelines for all agencies to use in  
3005 | establishing such base amounts. These rules must include, but  
3006 | are not limited to, guidelines for calculation of base amounts,  
3007 | a deadline for the agencies to submit base amounts, a deadline  
3008 | for approval of the base amounts by the Office of Supplier  
3009 | Diversity, and procedures for adjusting the base amounts as a  
3010 | result of budget reductions made pursuant to s. 216.221.

3011 |         4. To determine guidelines for the use of price  
3012 | preferences, weighted preference formulas, or other preferences,  
3013 | as appropriate to the particular industry or trade, to increase  
3014 | the participation of minority businesses in state contracting.  
3015 | These guidelines shall include consideration of:

3016 |             a. Size and complexity of the project.

3017 |             b. The concentration of transactions with minority  
3018 | business enterprises for the commodity or contractual services  
3019 | in question in prior agency contracting.

3020 |             c. The specificity and definition of work allocated to  
3021 | participating minority business enterprises.

3022 |             d. The capacity of participating minority business  
3023 | enterprises to complete the tasks identified in the project.

3024 |             e. The available pool of minority business enterprises as

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3025 prime contractors, either alone or as partners in an approved  
 3026 joint venture that serves as the prime contractor.

3027 5. To determine guidelines for use of joint ventures to  
 3028 meet minority business enterprises spending goals. For purposes  
 3029 of this section, "joint venture" means any association of two or  
 3030 more business concerns to carry out a single business enterprise  
 3031 for profit, for which purpose they combine their property,  
 3032 capital, efforts, skills, and knowledge. The guidelines shall  
 3033 allow transactions with joint ventures to be eligible for credit  
 3034 against the minority business enterprise goals of an agency when  
 3035 the contracting joint venture demonstrates that at least one  
 3036 partner to the joint venture is a certified minority business  
 3037 enterprise as defined in s. 288.703, and that such partner is  
 3038 responsible for a clearly defined portion of the work to be  
 3039 performed, and shares in the ownership, control, management,  
 3040 responsibilities, risks, and profits of the joint venture. Such  
 3041 demonstration shall be by verifiable documents and sworn  
 3042 statements and may be reviewed by the Office of Supplier  
 3043 Diversity at or before the time a contract bid, proposal, or  
 3044 reply is submitted. An agency may count toward its minority  
 3045 business enterprise goals a portion of the total dollar amount  
 3046 of a contract equal to the percentage of the ownership and  
 3047 control held by the qualifying certified minority business  
 3048 partners in the contracting joint venture, so long as the joint  
 3049 venture meets the guidelines adopted by the office.

3050 Section 43. Subsections (1) and (5) of section 287.0947,  
 3051 Florida Statutes, are amended to read:

3052 287.0947 Florida Advisory Council on Small and Minority

3053 Business Development; creation; membership; duties.—  
 3054 (1) ~~On or after October 1, 1996,~~ The Secretary of  
 3055 Management Services ~~the Department of Labor and Employment~~  
 3056 ~~Security~~ may create the Florida Advisory Council on Small and  
 3057 Minority Business Development with the purpose of advising and  
 3058 assisting the secretary in carrying out the secretary's duties  
 3059 with respect to minority businesses and economic and business  
 3060 development. It is the intent of the Legislature that the  
 3061 membership of such council include practitioners, laypersons,  
 3062 financiers, and others with business development experience who  
 3063 can provide invaluable insight and expertise for this state in  
 3064 the diversification of its markets and networking of business  
 3065 opportunities. The council shall initially consist of 19  
 3066 persons, each of whom is or has been actively engaged in small  
 3067 and minority business development, either in private industry,  
 3068 in governmental service, or as a scholar of recognized  
 3069 achievement in the study of such matters. Initially, the council  
 3070 shall consist of members representing all regions of the state  
 3071 and shall include at least one member from each group identified  
 3072 within the definition of "minority person" in s. 288.703~~(3)~~,  
 3073 considering also gender and nationality subgroups, and shall  
 3074 consist of the following:  
 3075 (a) Four members consisting of representatives of local  
 3076 and federal small and minority business assistance programs or  
 3077 community development programs.  
 3078 (b) Eight members composed of representatives of the  
 3079 minority private business sector, including certified minority  
 3080 business enterprises and minority supplier development councils,

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3081 among whom at least two shall be women and at least four shall  
 3082 be minority persons.

3083 (c) Two representatives of local government, one of whom  
 3084 shall be a representative of a large local government, and one  
 3085 of whom shall be a representative of a small local government.

3086 (d) Two representatives from the banking and insurance  
 3087 industry.

3088 (e) Two members from the private business sector,  
 3089 representing the construction and commodities industries.

3090 (f) A member from the board of directors of Enterprise  
 3091 Florida, Inc. ~~The chairperson of the Florida Black Business~~  
 3092 ~~Investment Board or the chairperson's designee.~~

3093  
 3094 A candidate for appointment may be considered if eligible to be  
 3095 certified as an owner of a minority business enterprise, or if  
 3096 otherwise qualified under the criteria above. Vacancies may be  
 3097 filled by appointment of the secretary, in the manner of the  
 3098 original appointment.

3099 (5) The powers and duties of the council include, but are  
 3100 not limited to: researching and reviewing the role of small and  
 3101 minority businesses in the state's economy; reviewing issues and  
 3102 emerging topics relating to small and minority business economic  
 3103 development; studying the ability of financial markets and  
 3104 institutions to meet small business credit needs and determining  
 3105 the impact of government demands on credit for small businesses;  
 3106 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,  
 3107 requiring a state economic development comprehensive plan, as it  
 3108 relates to small and minority businesses; assessing the

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3109 | reasonably and effectiveness of efforts by any state agency  
 3110 | or by all state agencies collectively to assist minority  
 3111 | business enterprises; and advising the Governor, the secretary,  
 3112 | and the Legislature on matters relating to small and minority  
 3113 | business development which are of importance to the  
 3114 | international strategic planning and activities of this state.

3115 | Section 44. Section 288.005, Florida Statutes, is created  
 3116 | to read:

3117 | 288.005 Definitions.—As used in this chapter, the term:

3118 | (1) "Commissioner" means the Commissioner of Economic  
 3119 | Opportunity.

3120 | (2) "Department" means the Department of Economic  
 3121 | Opportunity.

3122 | (3) "Economic benefits" means the direct, indirect, and  
 3123 | induced gains in state revenues as a percentage of the state's  
 3124 | investment. The state's investment includes state grants, tax  
 3125 | exemptions, tax refunds, tax credits, and other state  
 3126 | incentives.

3127 | Section 45. Section 288.012, Florida Statutes, is amended  
 3128 | to read:

3129 | 288.012 State of Florida international ~~foreign~~ offices;  
 3130 | state protocol officer; protocol manual.—The Legislature finds  
 3131 | that the expansion of international trade and tourism is vital  
 3132 | to the overall health and growth of the economy of this state.  
 3133 | This expansion is hampered by the lack of technical and business  
 3134 | assistance, financial assistance, and information services for  
 3135 | businesses in this state. The Legislature finds that these  
 3136 | businesses could be assisted by providing these services at



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3137 State of Florida international ~~foreign~~ offices. The Legislature  
 3138 further finds that the accessibility and provision of services  
 3139 at these offices can be enhanced through cooperative agreements  
 3140 or strategic alliances between private businesses and state  
 3141 ~~entities, local entities, and international governmental foreign~~  
 3142 ~~entities, and private businesses.~~

3143 (1) The department may ~~Office of Tourism, Trade, and~~  
 3144 ~~Economic Development is authorized to:~~

3145 (a) Establish and operate offices in other ~~foreign~~  
 3146 countries for the purpose of promoting ~~the~~ trade and economic  
 3147 development opportunities of the state, and promoting the  
 3148 gathering of trade data information and research on trade  
 3149 opportunities in specific countries.

3150 (b) Enter into agreements with governmental and private  
 3151 sector entities to establish and operate offices in other  
 3152 ~~foreign~~ countries which contain ~~containing~~ provisions that ~~which~~  
 3153 may ~~be in~~ conflict with the general laws of the state pertaining  
 3154 to the purchase of office space, employment of personnel, and  
 3155 contracts for services. When agreements pursuant to this section  
 3156 are made which set compensation in another country's ~~foreign~~  
 3157 currency, such agreements are ~~shall be~~ subject to ~~the~~  
 3158 ~~requirements of~~ s. 215.425, but the purchase of another  
 3159 country's ~~foreign~~ currency by the department ~~Office of Tourism,~~  
 3160 ~~Trade, and Economic Development~~ to meet such obligations are  
 3161 ~~shall be~~ subject only to s. 216.311.

3162 (2) Each international ~~foreign~~ office shall have in place  
 3163 an operational plan approved by the participating boards or  
 3164 other governing authority, a copy of which shall be provided to

3165 the department ~~Office of Tourism, Trade, and Economic~~  
 3166 ~~Development~~. These operating plans shall be reviewed and updated  
 3167 each fiscal year and shall include, at a minimum, the following:

3168 (a) Specific policies and procedures encompassing the  
 3169 entire scope of the operation and management of each office.

3170 (b) A comprehensive, commercial strategic plan identifying  
 3171 marketing opportunities and industry sector priorities for the  
 3172 ~~foreign~~ country ~~or area~~ in which an international ~~a foreign~~  
 3173 office is located.

3174 (c) Provisions for access to information for Florida  
 3175 businesses ~~through the Florida Trade Data Center~~. Each  
 3176 international ~~foreign~~ office shall obtain and forward trade  
 3177 leads and inquiries to the center on a regular basis.

3178 (d) Identification of new and emerging market  
 3179 opportunities for Florida businesses. Each international ~~foreign~~  
 3180 office shall provide the department ~~Florida Trade Data Center~~  
 3181 with a compilation of another country's ~~foreign~~ buyers and  
 3182 importers in industry sector priority areas on an annual basis.  
 3183 In return, the department ~~Florida Trade Data Center~~ shall make  
 3184 available to each international ~~foreign~~ office, and to  
 3185 Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~, the  
 3186 Florida Ports Council, the Department of State, the Department  
 3187 of Citrus, and the Department of Agriculture and Consumer  
 3188 Services, trade industry, commodity, and opportunity  
 3189 information. This information shall be provided to such offices  
 3190 and entities either free of charge or on a fee basis with fees  
 3191 set only to recover the costs of providing the information.

3192 (e) Provision of access for Florida businesses to the

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3193 | services of the Florida Trade Data Center, international trade  
 3194 | assistance services provided by state and local entities,  
 3195 | seaport and airport information, and other services identified  
 3196 | by the department ~~Office of Tourism, Trade, and Economic~~  
 3197 | ~~Development.~~

3198 | (f) Qualitative and quantitative performance measures for  
 3199 | each office, including, but not limited to, the number of  
 3200 | businesses assisted, the number of trade leads and inquiries  
 3201 | generated, the number of another country's ~~foreign~~ buyers and  
 3202 | importers contacted, and the amount and type of marketing  
 3203 | conducted.

3204 | (3) By October 1 of each year, each international ~~foreign~~  
 3205 | office shall submit to the department ~~Office of Tourism, Trade,~~  
 3206 | ~~and Economic Development~~ a complete and detailed report on its  
 3207 | activities and accomplishments during the preceding fiscal year.  
 3208 | In a format provided by Enterprise Florida, Inc., the report  
 3209 | must set forth information on:

3210 | (a) The number of Florida companies assisted.

3211 | (b) The number of inquiries received about investment  
 3212 | opportunities in this state.

3213 | (c) The number of trade leads generated.

3214 | (d) The number of investment projects announced.

3215 | (e) The estimated U.S. dollar value of sales  
 3216 | confirmations.

3217 | (f) The number of representation agreements.

3218 | (g) The number of company consultations.

3219 | (h) Barriers or other issues affecting the effective  
 3220 | operation of the office.

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3221 (i) Changes in office operations which are planned for the  
3222 current fiscal year.

3223 (j) Marketing activities conducted.

3224 (k) Strategic alliances formed with organizations in the  
3225 country in which the office is located.

3226 (l) Activities conducted with Florida's other  
3227 international ~~Florida foreign~~ offices.

3228 (m) Any other information that the office believes would  
3229 contribute to an understanding of its activities.

3230 (4) The department ~~Office of Tourism, Trade, and Economic~~  
3231 ~~Development~~, in connection with the establishment, operation,  
3232 and management of any of its offices located in another a  
3233 ~~foreign~~ country, is exempt from the provisions of ss. 255.21,  
3234 255.25, and 255.254 relating to leasing of buildings; ss. 283.33  
3235 and 283.35 relating to bids for printing; ss. 287.001-287.20  
3236 relating to purchasing and motor vehicles; and ss. 282.003-  
3237 282.0056 and 282.702-282.7101 relating to communications, and  
3238 from all statutory provisions relating to state employment.

3239 (a) The department ~~Office of Tourism, Trade, and Economic~~  
3240 ~~Development~~ may exercise such exemptions only upon prior  
3241 approval of the Governor.

3242 (b) If approval for an exemption under this section is  
3243 granted as an integral part of a plan of operation for a  
3244 specified international ~~foreign~~ office, such action shall  
3245 constitute continuing authority for the department ~~Office of~~  
3246 ~~Tourism, Trade, and Economic Development~~ to exercise the  
3247 exemption, but only in the context and upon the terms originally  
3248 granted. Any modification of the approved plan of operation with

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3249 | respect to an exemption contained therein must be resubmitted to  
 3250 | the Governor for his or her approval. An approval granted to  
 3251 | exercise an exemption in any other context shall be restricted  
 3252 | to the specific instance for which the exemption is to be  
 3253 | exercised.

3254 | (c) As used in this subsection, the term "plan of  
 3255 | operation" means the plan developed pursuant to subsection (2).

3256 | (d) Upon final action by the Governor with respect to a  
 3257 | request to exercise the exemption authorized in this subsection,  
 3258 | the department ~~Office of Tourism, Trade, and Economic~~  
 3259 | ~~Development~~ shall report such action, along with the original  
 3260 | request and any modifications thereto, to the President of the  
 3261 | Senate and the Speaker of the House of Representatives within 30  
 3262 | days.

3263 | (5) Where feasible and appropriate, international ~~and~~  
 3264 | ~~subject to s. 288.1224(9), foreign offices~~ established and  
 3265 | operated under this section may provide one-stop access to the  
 3266 | economic development, trade, and tourism information, services,  
 3267 | and programs of the state. Where feasible and appropriate, ~~and~~  
 3268 | ~~subject to s. 288.1224(9),~~ such offices may also be collocated  
 3269 | with other international ~~foreign~~ offices of the state.

3270 | (6) The department ~~may contract~~ ~~Office of Tourism, Trade,~~  
 3271 | ~~and Economic Development is authorized to make and to enter into~~  
 3272 | ~~contracts~~ with Enterprise Florida, Inc., ~~and the Florida~~  
 3273 | ~~Commission on Tourism~~ to carry out the provisions of this  
 3274 | section. The authority, duties, and exemptions provided in this  
 3275 | section apply to Enterprise Florida, Inc., ~~and the Florida~~  
 3276 | ~~Commission on Tourism~~ to the same degree and subject to the same

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3277 conditions as applied to the department ~~Office of Tourism,~~  
 3278 ~~Trade, and Economic Development.~~ To the greatest extent  
 3279 possible, such contracts shall include provisions for  
 3280 cooperative agreements or strategic alliances between private  
 3281 businesses and state entities, international, foreign entities,  
 3282 and local governmental entities, ~~and private businesses~~ to  
 3283 operate international foreign offices.

3284 (7) The Governor may designate a state protocol officer.  
 3285 In consultation with the Governor and other governmental  
 3286 officials, the state protocol officer shall develop, maintain,  
 3287 publish, and distribute the state protocol manual.

3288 Section 46. Subsections (1) and (3) of section 288.017,  
 3289 Florida Statutes, are amended to read:

3290 288.017 Cooperative advertising matching grants program.—

3291 (1) Enterprise Florida, Inc., may ~~The Florida Commission~~  
 3292 ~~on Tourism is authorized to~~ establish a cooperative advertising  
 3293 matching grants program and, pursuant thereto, through the  
 3294 Governor, may ~~to~~ make expenditures and enter into contracts with  
 3295 local governments and nonprofit corporations for the purpose of  
 3296 publicizing the tourism advantages of the state. The Governor,  
 3297 through the department ~~Office of Tourism, Trade, and Economic~~  
 3298 ~~Development,~~ based on recommendations from Enterprise Florida,  
 3299 Inc. the Florida Commission on Tourism, shall have final  
 3300 approval of grants awarded through this program. ~~The commission~~  
 3301 ~~may contract with its direct support organization to administer~~  
 3302 ~~the program.~~

3303 (3) Enterprise Florida, Inc., ~~The Florida Commission on~~  
 3304 ~~Tourism~~ shall conduct an annual competitive selection process

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3305 for the award of grants under the program. In determining its  
 3306 recommendations for the grant awards, Enterprise Florida, Inc.,  
 3307 ~~the commission~~ shall consider the demonstrated need of the  
 3308 applicant for advertising assistance, the feasibility and  
 3309 projected benefit of the applicant's proposal, the amount of  
 3310 nonstate funds that will be leveraged, and such other criteria  
 3311 as the commission deems appropriate. In evaluating grant  
 3312 applications, the department ~~Office~~ shall consider  
 3313 recommendations from Enterprise Florida, Inc., ~~the Florida~~  
 3314 ~~Commission on Tourism~~. The Governor ~~Office~~, however, has final  
 3315 approval authority for any grant under this section.

3316 Section 47. Section 288.018, Florida Statutes, is amended  
 3317 to read:

3318 288.018 Regional Rural Development Grants Program.—

3319 (1) The department ~~Office of Tourism, Trade, and Economic~~  
 3320 ~~Development~~ shall establish a matching grant program to provide  
 3321 funding to regionally based economic development organizations  
 3322 representing rural counties and communities for the purpose of  
 3323 building the professional capacity of their organizations. Such  
 3324 matching grants may also be used by an economic development  
 3325 organization to provide technical assistance to businesses  
 3326 within the rural counties and communities that it serves. The  
 3327 Governor may ~~Office of Tourism, Trade, and Economic Development~~  
 3328 ~~is authorized to~~ approve, on an annual basis, grants to such  
 3329 regionally based economic development organizations. The maximum  
 3330 amount an organization may receive in any year will be \$35,000,  
 3331 or \$100,000 in a rural area of critical economic concern  
 3332 recommended by the Rural Economic Development Initiative and

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3333 designated by the Governor, and must be matched each year by an  
 3334 equivalent amount of nonstate resources.

3335 (2) In approving the participants, the Governor ~~Office of~~  
 3336 ~~Tourism, Trade, and Economic Development~~ shall consider the  
 3337 demonstrated need of the applicant for assistance and require  
 3338 the following:

3339 (a) Documentation of official commitments of support from  
 3340 each of the units of local government represented by the  
 3341 regional organization.

3342 (b) Demonstration that each unit of local government has  
 3343 made a financial or in-kind commitment to the regional  
 3344 organization.

3345 (c) Demonstration that the private sector has made  
 3346 financial or in-kind commitments to the regional organization.

3347 (d) Demonstration that the organization is in existence  
 3348 and actively involved in economic development activities serving  
 3349 the region.

3350 (e) Demonstration of the manner in which the organization  
 3351 is or will coordinate its efforts with those of other local and  
 3352 state organizations.

3353 (3) The department ~~Office of Tourism, Trade, and Economic~~  
 3354 ~~Development~~ may also contract for the development of an  
 3355 enterprise zone web portal or websites for each enterprise zone  
 3356 which will be used to market the program for job creation in  
 3357 disadvantaged urban and rural enterprise zones. Each enterprise  
 3358 zone web page should include downloadable links to state forms  
 3359 and information, as well as local message boards that help  
 3360 businesses and residents receive information concerning zone



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3361 boundaries, job openings, zone programs, and neighborhood  
 3362 improvement activities.

3363 (4) The department ~~Office of Tourism, Trade, and Economic~~  
 3364 ~~Development~~ may expend up to \$750,000 each fiscal year from  
 3365 funds appropriated to the Rural Community Development Revolving  
 3366 Loan Fund for the purposes outlined in this section. The  
 3367 department ~~Office of Tourism, Trade, and Economic Development~~  
 3368 may contract with Enterprise Florida, Inc., for the  
 3369 administration of the purposes specified in this section. Funds  
 3370 released to Enterprise Florida, Inc., for this purpose shall be  
 3371 released quarterly and shall be calculated based on the  
 3372 applications in process.

3373 Section 48. Subsection (4) of section 288.019, Florida  
 3374 Statutes, is amended to read:

3375 288.019 Rural considerations in grant review and  
 3376 evaluation processes.—Notwithstanding any other law, and to the  
 3377 fullest extent possible, the member agencies and organizations  
 3378 of the Rural Economic Development Initiative (REDI) as defined  
 3379 in s. 288.0656(6)(a) shall review all grant and loan application  
 3380 evaluation criteria to ensure the fullest access for rural  
 3381 counties as defined in s. 288.0656(2) to resources available  
 3382 throughout the state.

3383 (4) For existing programs, the modified evaluation  
 3384 criteria and scoring procedure must be delivered to the  
 3385 department ~~Office of Tourism, Trade, and Economic Development~~  
 3386 for distribution to the REDI agencies and organizations. The  
 3387 REDI agencies and organizations shall review and make comments.  
 3388 Future rules, programs, evaluation criteria, and scoring

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3389 processes must be brought before a REDI meeting for review,  
 3390 discussion, and recommendation to allow rural counties fuller  
 3391 access to the state's resources.

3392 Section 49. Subsection (1) of section 288.021, Florida  
 3393 Statutes, is amended to read:

3394 288.021 Economic development liaison.—

3395 (1) The heads of the Department of Transportation, the  
 3396 Department of Environmental Protection ~~and an additional member~~  
 3397 ~~appointed by the Secretary of the department, the Department of~~  
 3398 ~~Labor and Employment Security,~~ the Department of Education, the  
 3399 ~~Department of Community Affairs,~~ the Department of Management  
 3400 Services, the Department of Revenue, the Fish and Wildlife  
 3401 Conservation Commission, each water management district, and  
 3402 each Department of Transportation District office shall  
 3403 designate a high-level staff member from within such agency to  
 3404 serve as the economic development liaison for the agency. In  
 3405 addition, the Secretary of Environmental Protection shall  
 3406 designate a second economic development liaison for the  
 3407 Department of Environmental Protection. This person shall report  
 3408 to the agency head and have general knowledge both of the  
 3409 state's permitting and other regulatory functions and of the  
 3410 state's economic goals, policies, and programs. This person  
 3411 shall also be the primary point of contact for the agency with  
 3412 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 3413 ~~and Economic Development~~ on issues and projects important to the  
 3414 economic development of Florida, including its rural areas, to  
 3415 expedite project review, to ensure a prompt, effective response  
 3416 to problems arising with regard to permitting and regulatory

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3417 functions, and to work closely with the other economic  
 3418 development liaisons to resolve interagency conflicts.

3419 Section 50. Section 288.0251, Florida Statutes, is amended  
 3420 to read:

3421 288.0251 International development outreach activities in  
 3422 Latin America and Caribbean Basin.—The department ~~Office of~~  
 3423 ~~Tourism, Trade, and Economic Development~~ may contract for the  
 3424 implementation of Florida's international volunteer corps to  
 3425 provide short-term training and technical assistance activities  
 3426 in Latin America and the Caribbean Basin. The entity contracted  
 3427 under this section must require that such activities be  
 3428 conducted by qualified volunteers who are citizens of the state.  
 3429 The contracting agency must have a statewide focus and  
 3430 experience in coordinating international volunteer programs.

3431 Section 51. Subsection (1) of section 288.035, Florida  
 3432 Statutes, is amended to read:

3433 288.035 Economic development activities.—

3434 (1) The Florida Public Service Commission may authorize  
 3435 public utilities to recover reasonable economic development  
 3436 expenses. For purposes of this section, recoverable "economic  
 3437 development expenses" are those expenses described in subsection  
 3438 (2) which are consistent with criteria to be established by  
 3439 rules adopted by the department ~~of Commerce as of June 30, 1996,~~  
 3440 ~~or as those criteria are later modified by the Office of~~  
 3441 ~~Tourism, Trade, and Economic Development.~~

3442 Section 52. Section 288.037, Florida Statutes, is amended  
 3443 to read:

3444 288.037 Department of State; agreement with county tax

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3445 collector.—In order to further the economic development goals of  
 3446 the state, and notwithstanding any law to the contrary, the  
 3447 Department of State may enter into an agreement with the county  
 3448 tax collector for the purpose of appointing the county tax  
 3449 collector as the Department of State's ~~department's~~ agent to  
 3450 accept applications for licenses or other similar registrations  
 3451 and applications for renewals of licenses or other similar  
 3452 registrations. The agreement must specify the time within which  
 3453 the tax collector must forward any applications and accompanying  
 3454 application fees to the Department of State.

3455 Section 53. Subsection (3) of section 288.041, Florida  
 3456 Statutes, is amended to read:

3457 288.041 Solar energy industry; legislative findings and  
 3458 policy; promotional activities.—

3459 (3) By January 15 of each year, the Department of  
 3460 Environmental Protection shall report to the Governor, the  
 3461 President of the Senate, and the Speaker of the House of  
 3462 Representatives on the impact of the solar energy industry on  
 3463 the economy of this state and shall make any recommendations on  
 3464 initiatives to further promote the solar energy industry as the  
 3465 Department of Environmental Protection deems appropriate.

3466 Section 54. Subsection (10) of section 288.047, Florida  
 3467 Statutes, is renumbered as subsection (9) and present subsection  
 3468 (9) of that section is amended to read:

3469 288.047 Quick-response training for economic development.—

3470 ~~(9) Notwithstanding any other provision of law, eligible~~  
 3471 ~~matching contributions received under the Quick-Response~~  
 3472 ~~Training Program under this section may be counted toward the~~

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3473 ~~private sector support of Enterprise Florida, Inc., under s.~~  
 3474 ~~288.90151(5)(d).~~

3475 Section 55. Section 288.061, Florida Statutes, is amended  
 3476 to read:

3477 (Substantial rewording of section. See  
 3478 s. 288.061, F.S., for present text.)

3479 288.061 Economic development incentive application  
 3480 process.—

3481 (1) The Commissioner of Economic Opportunity is the single  
 3482 and best point of contact for an incentive application or  
 3483 business interested in an incentive award.

3484 (2) The commissioner shall provide assistance to the  
 3485 business by deploying state resources from the department,  
 3486 Enterprise Florida, Inc., and other state agencies, and  
 3487 coordinate with regional and local entities to provide resources  
 3488 and assistance as necessary.

3489 (3) Upon receiving a submitted economic development  
 3490 incentive application, the commissioner shall make a  
 3491 recommendation with justification to the Governor to approve or  
 3492 disapprove an applicant business, including whether and what  
 3493 type of state and local permits may be necessary for the  
 3494 applicant's project, whether it is possible to waive such  
 3495 permits, and what state incentives and amounts of such  
 3496 incentives may be available to the applicant. The commissioner's  
 3497 review of, and the Governor's approval or denial of, a submitted  
 3498 economic development incentive application, unless the business  
 3499 requests an extension of time, shall both be completed within 10  
 3500 business days after the commissioner's receipt of the submitted

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3501 economic development incentive application. The Governor shall  
 3502 notify the applicant in writing of his intent to approve the  
 3503 business and include all incentives and amounts that may be  
 3504 available to the applicant. If the review of the application  
 3505 demonstrates an application is incomplete, the commissioner must  
 3506 notify the business within the first 5 days after receiving the  
 3507 application.

3508 (4) The contract or agreement with the applicant shall  
 3509 specify the total amount of the award, the performance  
 3510 conditions that must be met to obtain the award, the schedule  
 3511 for payment, and sanctions that would apply for failure to meet  
 3512 performance conditions. The Governor may enter into one  
 3513 agreement covering all of the state incentives that are being  
 3514 provided to the applicant. The contract must provide that  
 3515 payment of moneys is contingent upon sufficient appropriation of  
 3516 funds by the Legislature.

3517 (5) The department shall validate contractor performance.  
 3518 Such validation shall be reported in the annual incentive report  
 3519 required under s. 288.907.

3520 (6) The release of funds for the incentive or incentives  
 3521 awarded to the applicant depends upon the statutory requirements  
 3522 of the particular incentive program.

3523 Section 56. Section 288.063, Florida Statutes, is amended  
 3524 to read:

3525 288.063 Contracts for transportation projects.—

3526 (1) The Governor, through the Department of Economic  
 3527 Opportunity, may ~~Office of Tourism, Trade, and Economic~~  
 3528 ~~Development is authorized to make, and based on a recommendation~~

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3529 ~~from Enterprise Florida, Inc., to approve,~~ expenditures and  
3530 enter into contracts for direct costs of transportation projects  
3531 with the appropriate governmental body. Each application shall  
3532 be reviewed and certified pursuant to s. 288.061. The Department  
3533 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
3534 ~~Development~~ shall provide the Department of Transportation, and  
3535 the Department of Environmental Protection, ~~and the Department~~  
3536 ~~of Community Affairs~~ with an opportunity to formally review and  
3537 comment on recommended transportation projects, although the  
3538 Governor, through the Department of Economic Opportunity, Office  
3539 ~~of Tourism, Trade, and Economic Development~~ has final approval  
3540 authority for any project under this section.

3541 (2) Any contract with a governmental body for construction  
3542 of any transportation project executed by the Governor, through  
3543 the Department of Economic Opportunity, Office of Tourism,  
3544 ~~Trade, and Economic Development~~ shall:

3545 (a) Specify and identify the transportation project to be  
3546 constructed for a new or expanding business and the number of  
3547 full-time permanent jobs that will result from the project.

3548 (b) Require that the appropriate governmental body award  
3549 the construction of the particular transportation project to the  
3550 lowest and best bidder in accordance with applicable state and  
3551 federal statutes or regulations unless the project can be  
3552 constructed with existing local government employees within the  
3553 contract period specified by the Department of Economic  
3554 Opportunity ~~Office of Tourism, Trade, and Economic Development~~.

3555 (c) Require that the appropriate governmental body provide  
3556 the department ~~Office of Tourism, Trade, and Economic~~

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3557 ~~Development~~ with quarterly progress reports. Each quarterly  
 3558 progress report shall contain a narrative description of the  
 3559 work completed according to the project schedule, a description  
 3560 of any change orders executed by the appropriate governmental  
 3561 body, a budget summary detailing planned expenditures versus  
 3562 actual expenditures, and identification of minority business  
 3563 enterprises used as contractors and subcontractors. Records of  
 3564 all progress payments made for work in connection with such  
 3565 transportation projects, and any change orders executed by the  
 3566 appropriate governmental body and payments made pursuant to such  
 3567 orders, shall be maintained by that governmental body in  
 3568 accordance with accepted governmental accounting principles and  
 3569 practices and shall be subject to financial audit as required by  
 3570 law. In addition, the appropriate governmental body, upon  
 3571 completion and acceptance of the transportation project, shall  
 3572 make certification to the department ~~Office of Tourism, Trade,~~  
 3573 ~~and Economic Development~~ that the project has been completed in  
 3574 compliance with the terms and conditions of the contractual  
 3575 agreements between the Governor, through the department, ~~Office~~  
 3576 ~~of Tourism, Trade, and Economic Development~~ and the appropriate  
 3577 governmental body and meets minimum construction standards  
 3578 established in accordance with s. 336.045.

3579 (d) Specify that the Governor, through the department,  
 3580 ~~Office of Tourism, Trade, and Economic Development~~ shall  
 3581 transfer funds upon receipt of a request for funds from the  
 3582 local government, on no more than a quarterly basis, consistent  
 3583 with project needs. A contract totaling less than \$200,000 is  
 3584 exempt from this transfer requirement. The Governor, through the



3585 department, may ~~Office of Tourism, Trade, and Economic~~  
 3586 ~~Development shall~~ not transfer any funds unless construction has  
 3587 begun on the facility of the business on whose behalf the award  
 3588 was made. Local governments shall expend funds in a timely  
 3589 manner.

3590 (e) Require that program funds be used only on those  
 3591 transportation projects that have been properly reviewed and  
 3592 approved in accordance with the criteria set forth in this  
 3593 section.

3594 (f) Require that the governing board of the appropriate  
 3595 local governmental body agree by resolution to accept future  
 3596 maintenance and other attendant costs occurring after completion  
 3597 of the transportation project if the project is construction on  
 3598 a county or municipal system.

3599 (3) With respect to any contract executed pursuant to this  
 3600 section, the term "transportation project" means a  
 3601 transportation facility as defined in s. 334.03(31) which is  
 3602 necessary in the judgment of the department ~~Office of Tourism,~~  
 3603 ~~Trade, and Economic Development~~ to facilitate the economic  
 3604 development and growth of the state. ~~Except for applications~~  
 3605 ~~received prior to July 1, 1996,~~ Such transportation projects  
 3606 shall be approved only as a consideration to attract new  
 3607 employment opportunities to the state or expand or retain  
 3608 employment in existing companies operating within the state, or  
 3609 to allow for the construction or expansion of a state or federal  
 3610 correctional facility in a county with a population of 75,000 or  
 3611 less that creates new employment opportunities or expands or  
 3612 retains employment in the county. The department ~~Office of~~

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3613 ~~Tourism, Trade, and Economic Development~~ shall institute  
 3614 procedures to ensure that small and minority businesses have  
 3615 equal access to funding provided under this section. Funding for  
 3616 approved transportation projects may include any expenses, other  
 3617 than administrative costs and equipment purchases specified in  
 3618 the contract, necessary for new, or improvement to existing,  
 3619 transportation facilities. Funds made available pursuant to this  
 3620 section may not be expended in connection with the relocation of  
 3621 a business from one community to another community in this state  
 3622 unless the department ~~Office of Tourism, Trade, and Economic~~  
 3623 ~~Development~~ determines that without such relocation the business  
 3624 will move outside this state or determines that the business has  
 3625 a compelling economic rationale for the relocation which creates  
 3626 additional jobs. Subject to appropriation for projects under  
 3627 this section, any appropriation greater than \$10 million shall  
 3628 be allocated to each of the districts of the Department of  
 3629 Transportation to ensure equitable geographical distribution.  
 3630 Such allocated funds that remain uncommitted by the third  
 3631 quarter of the fiscal year shall be reallocated among the  
 3632 districts based on pending project requests.

3633 (4) The Department of Economic Opportunity ~~Office of~~  
 3634 ~~Tourism, Trade, and Economic Development~~ may adopt criteria by  
 3635 which transportation projects are to be reviewed and certified  
 3636 in accordance with s. 288.061. In approving transportation  
 3637 projects for funding, the Governor, through the Department of  
 3638 Economic Opportunity, ~~Office of Tourism, Trade, and Economic~~  
 3639 ~~Development~~ shall consider factors including, but not limited  
 3640 to, the cost per job created or retained considering the amount

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3641 of transportation funds requested; the average hourly rate of  
 3642 wages for jobs created; the reliance on the program as an  
 3643 inducement for the project's location decision; the amount of  
 3644 capital investment to be made by the business; the demonstrated  
 3645 local commitment; the location of the project in an enterprise  
 3646 zone designated pursuant to s. 290.0055; the location of the  
 3647 project in a spaceport territory as defined in s. 331.304; the  
 3648 unemployment rate of the surrounding area; the poverty rate of  
 3649 the community; and the adoption of an economic element as part  
 3650 of its local comprehensive plan in accordance with s.  
 3651 163.3177(7)(j). The Department of Economic Opportunity ~~Office of~~  
 3652 ~~Tourism, Trade, and Economic Development~~ may contact any agency  
 3653 it deems appropriate for additional input regarding the approval  
 3654 of projects.

3655 (5) A ~~No~~ project is not eligible for funding unless it  
 3656 ~~that~~ has ~~not~~ been specified and identified by the Department of  
 3657 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 3658 ~~Development~~ in accordance with subsection (4) before ~~prior to~~  
 3659 the initiation of construction ~~shall be eligible for funding.~~

3660 (6) The Department of Transportation shall review the  
 3661 proposed projects to ensure proper coordination with  
 3662 transportation projects included in the adopted work program and  
 3663 may be the contracting agency when the project is on the State  
 3664 Highway System. In addition, upon request by the appropriate  
 3665 governmental body, the Department of Environment Protection may  
 3666 advise and assist it or plan and construct other such  
 3667 transportation projects for it.

3668 (7) For the purpose of this section, Space Florida may

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3669 | serve as the local government or as the contracting agency for  
 3670 | transportation projects within spaceport territory as defined by  
 3671 | s. 331.304.

3672 |       (8) Each local government receiving funds under this  
 3673 | section shall submit to the Department of Economic Opportunity  
 3674 | ~~Office of Tourism, Trade, and Economic Development~~ a financial  
 3675 | audit of the local entity conducted by an independent certified  
 3676 | public accountant. The Department of Economic Opportunity ~~Office~~  
 3677 | ~~of Tourism, Trade, and Economic Development~~ shall develop  
 3678 | procedures to ensure that audits are received and reviewed in a  
 3679 | timely manner and that deficiencies or questioned costs noted in  
 3680 | the audit are resolved.

3681 |       (9) The Department of Economic Opportunity ~~Office of~~  
 3682 | ~~Tourism, Trade, and Economic Development~~ shall monitor on site  
 3683 | each grant recipient, including, but not limited to, the  
 3684 | construction of the business facility, to ensure compliance with  
 3685 | contractual requirements.

3686 |       (10) In addition to the other provisions of this section,  
 3687 | projects that the Legislature deems necessary to facilitate the  
 3688 | economic development and growth of the state may be designated  
 3689 | and funded in the General Appropriations Act. Such  
 3690 | transportation projects create new employment opportunities,  
 3691 | expand transportation infrastructure, improve mobility, or  
 3692 | increase transportation innovation. The Governor, through the  
 3693 | Department of Economic Opportunity, ~~Office of Tourism, Trade,~~  
 3694 | ~~and Economic Development~~ shall enter into contracts with, and  
 3695 | make expenditures to, the appropriate entities for the costs of  
 3696 | transportation projects designated in the General Appropriations

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3697 Act.

3698 Section 57. Section 288.065, Florida Statutes, is amended  
 3699 to read:

3700 288.065 Rural Community Development Revolving Loan Fund.—

3701 (1) The Rural Community Development Revolving Loan Fund  
 3702 Program is established within the department ~~in the Office of~~  
 3703 ~~Tourism, Trade, and Economic Development~~ to facilitate the use  
 3704 of existing federal, state, and local financial resources by  
 3705 providing local governments with financial assistance to further  
 3706 promote the economic viability of rural communities. These funds  
 3707 may be used to finance initiatives directed toward maintaining  
 3708 or developing the economic base of rural communities, especially  
 3709 initiatives addressing employment opportunities for residents of  
 3710 these communities.

3711 (2) (a) The program shall provide for long-term loans, loan  
 3712 guarantees, and loan loss reserves to units of local  
 3713 governments, or economic development organizations substantially  
 3714 underwritten by a unit of local government, within counties with  
 3715 populations of 75,000 or fewer, or within any county with a  
 3716 population of 125,000 or fewer which is contiguous to a county  
 3717 with a population of 75,000 or fewer, based on the most recent  
 3718 official population estimate as determined under s. 186.901,  
 3719 including those residing in incorporated areas and those  
 3720 residing in unincorporated areas of the county, or to units of  
 3721 local government, or economic development organizations  
 3722 substantially underwritten by a unit of local government, within  
 3723 a rural area of critical economic concern.

3724 (b) Requests for loans shall be made by application to the

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3725 department ~~Office of Tourism, Trade, and Economic Development.~~  
 3726 Loans shall be made pursuant to agreements specifying the terms  
 3727 and conditions agreed to between the applicant and the Governor  
 3728 ~~Office of Tourism, Trade, and Economic Development.~~ The loans  
 3729 shall be the legal obligations of the applicant.

3730 (c) All repayments of principal and interest shall be  
 3731 returned to the loan fund and made available for loans to other  
 3732 applicants. However, in a rural area of critical economic  
 3733 concern designated by the Governor, and upon approval by the  
 3734 Governor ~~Office of Tourism, Trade, and Economic Development,~~  
 3735 repayments of principal and interest may be retained by the  
 3736 applicant if such repayments are dedicated and matched to fund  
 3737 regionally based economic development organizations representing  
 3738 the rural area of critical economic concern.

3739 (3) The department ~~Office of Tourism, Trade, and Economic~~  
 3740 ~~Development~~ shall manage the fund, establishing loan practices  
 3741 that must include, but are not limited to, procedures for  
 3742 establishing loan interest rates, uses of funding, application  
 3743 procedures, and application review procedures. The Governor  
 3744 ~~Office of Tourism, Trade, and Economic Development~~ shall have  
 3745 final approval authority for any loan under this section.

3746 (4) Notwithstanding ~~the provisions of~~ s. 216.301, funds  
 3747 appropriated for this purpose are ~~shall~~ not ~~be~~ subject to  
 3748 reversion.

3749 Section 58. Section 288.0655, Florida Statutes, is amended  
 3750 to read:

3751 288.0655 Rural Infrastructure Fund.—

3752 (1) There is created within the department ~~Office of~~

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3753 ~~Tourism, Trade, and Economic Development~~ the Rural  
 3754 Infrastructure Fund to facilitate the planning, preparing, and  
 3755 financing of infrastructure projects in rural communities which  
 3756 will encourage job creation, capital investment, and the  
 3757 strengthening and diversification of rural economies by  
 3758 promoting tourism, trade, and economic development.

3759 (2) (a) Funds appropriated by the Legislature shall be  
 3760 distributed by the department ~~Office~~ through grant programs that  
 3761 maximize the use of federal, local, and private resources,  
 3762 including, but not limited to, those available under the Small  
 3763 Cities Community Development Block Grant Program.

3764 (b) To facilitate access of rural communities and rural  
 3765 areas of critical economic concern as defined by the Rural  
 3766 Economic Development Initiative to infrastructure funding  
 3767 programs of the Federal Government, such as those offered by the  
 3768 United States Department of Agriculture and the United States  
 3769 Department of Commerce, and state programs, including those  
 3770 offered by Rural Economic Development Initiative agencies, and  
 3771 to facilitate local government or private infrastructure funding  
 3772 efforts, the Governor ~~Office~~ may award grants for up to 30  
 3773 percent of the total infrastructure project cost. If an  
 3774 application for funding is for a catalyst site, as defined in s.  
 3775 288.0656, the Governor ~~Office~~ may award grants for up to 40  
 3776 percent of the total infrastructure project cost. Eligible  
 3777 projects must be related to specific job-creation or job-  
 3778 retention opportunities. Eligible projects may also include  
 3779 improving any inadequate infrastructure that has resulted in  
 3780 regulatory action that prohibits economic or community growth or

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3781 | reducing the costs to community users of proposed infrastructure  
 3782 | improvements that exceed such costs in comparable communities.  
 3783 | Eligible uses of funds shall include improvements to public  
 3784 | infrastructure for industrial or commercial sites and upgrades  
 3785 | to or development of public tourism infrastructure. Authorized  
 3786 | infrastructure may include the following public or public-  
 3787 | private partnership facilities: storm water systems;  
 3788 | telecommunications facilities; broadband facilities; roads or  
 3789 | other remedies to transportation impediments; nature-based  
 3790 | tourism facilities; or other physical requirements necessary to  
 3791 | facilitate tourism, trade, and economic development activities  
 3792 | in the community. Authorized infrastructure may also include  
 3793 | publicly or privately owned self-powered nature-based tourism  
 3794 | facilities, publicly owned telecommunications facilities, and  
 3795 | broadband facilities, and additions to the distribution  
 3796 | facilities of the existing natural gas utility as defined in s.  
 3797 | 366.04(3)(c), the existing electric utility as defined in s.  
 3798 | 366.02, or the existing water or wastewater utility as defined  
 3799 | in s. 367.021(12), or any other existing water or wastewater  
 3800 | facility, which owns a gas or electric distribution system or a  
 3801 | water or wastewater system in this state where:

3802 |         1. A contribution-in-aid of construction is required to  
 3803 | serve public or public-private partnership facilities under the  
 3804 | tariffs of any natural gas, electric, water, or wastewater  
 3805 | utility as defined herein; and

3806 |         2. Such utilities as defined herein are willing and able  
 3807 | to provide such service.

3808 |         (c) To facilitate timely response and induce the location



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3809 or expansion of specific job creating opportunities, the  
 3810 Governor Office may award grants for infrastructure feasibility  
 3811 studies, design and engineering activities, or other  
 3812 infrastructure planning and preparation activities. Authorized  
 3813 grants shall be up to \$50,000 for an employment project with a  
 3814 business committed to create at least 100 jobs;~~7~~ up to \$150,000  
 3815 for an employment project with a business committed to create at  
 3816 least 300 jobs;~~7~~ and up to \$300,000 for a project in a rural  
 3817 area of critical economic concern. Grants awarded under this  
 3818 paragraph may be used in conjunction with grants awarded under  
 3819 paragraph (b), provided that the total amount of both grants  
 3820 does not exceed 30 percent of the total project cost. In  
 3821 evaluating applications under this paragraph, the department  
 3822 ~~Office~~ shall consider the extent to which the application seeks  
 3823 to minimize administrative and consultant expenses.

3824 (d) ~~By September 1, 1999,~~ The department Office shall  
 3825 participate in ~~pursue execution of~~ a memorandum of agreement  
 3826 with the United States Department of Agriculture under which  
 3827 state funds available through the Rural Infrastructure Fund may  
 3828 be advanced, in excess of the prescribed state share, for a  
 3829 project that has received from the United States Department of  
 3830 Agriculture a preliminary determination of eligibility for  
 3831 federal financial support. State funds in excess of the  
 3832 prescribed state share which are advanced pursuant to this  
 3833 paragraph and the memorandum of agreement shall be reimbursed  
 3834 when funds are awarded under an application for federal funding.

3835 (e) To enable local governments to access the resources  
 3836 available pursuant to s. 403.973(18), the Governor Office may

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3837 | award grants for surveys, feasibility studies, and other  
 3838 | activities related to the identification and preclearance review  
 3839 | of land which is suitable for preclearance review. Authorized  
 3840 | grants under this paragraph may ~~shall~~ not exceed \$75,000 each,  
 3841 | except in the case of a project in a rural area of critical  
 3842 | economic concern, in which case the grant may ~~shall~~ not exceed  
 3843 | \$300,000. Any funds awarded under this paragraph must be matched  
 3844 | at a level of 50 percent with local funds, except that any funds  
 3845 | awarded for a project in a rural area of critical economic  
 3846 | concern must be matched at a level of 33 percent with local  
 3847 | funds. If an application for funding is for a catalyst site, as  
 3848 | defined in s. 288.0656, the requirement for local match may be  
 3849 | waived pursuant to the process in s. 288.06561. In evaluating  
 3850 | applications under this paragraph, the Department of Economic  
 3851 | Opportunity ~~office~~ shall consider the extent to which the  
 3852 | application seeks to minimize administrative and consultant  
 3853 | expenses.

3854 |       (3) The Department of Economic Opportunity ~~office~~, in  
 3855 | consultation with Enterprise Florida, Inc., ~~VISIT Florida~~, the  
 3856 | Department of Environmental Protection, and the Florida Fish and  
 3857 | Wildlife Conservation Commission, as appropriate, shall review  
 3858 | and certify applications pursuant to s. 288.061. The review  
 3859 | shall include an evaluation of the economic benefit of the  
 3860 | projects and their long-term viability. The Governor ~~office~~  
 3861 | shall have final approval for any grant under this section.

3862 |       (4) By September 1, 2012 ~~1999~~, the department ~~office~~  
 3863 | shall, in consultation with the organizations listed in  
 3864 | subsection (3), and other organizations, reevaluate existing

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3865 ~~develop~~ guidelines and criteria governing submission of  
 3866 applications for funding, review and evaluation of such  
 3867 applications, and approval of funding under this section. The  
 3868 department ~~office~~ shall consider factors including, but not  
 3869 limited to, the project's potential for enhanced job creation or  
 3870 increased capital investment, the demonstration and level of  
 3871 local public and private commitment, whether the project is  
 3872 located ~~location of the project~~ in an enterprise zone, ~~the~~  
 3873 ~~location of the project in~~ a community development corporation  
 3874 service area, or in an urban high-crime area as ~~the location of~~  
 3875 ~~the project in a county~~ designated under s. 212.097, the  
 3876 unemployment rate of the county in which the project would be  
 3877 located ~~surrounding area~~, and the poverty rate of the community.

3878 (5) Notwithstanding ~~the provisions of~~ s. 216.301, funds  
 3879 appropriated for the purposes of this section are ~~shall not be~~  
 3880 subject to reversion.

3881 Section 59. Paragraph (b) of subsection (1), paragraphs  
 3882 (b) and (e) of subsection (2), paragraph (a) of subsection (6),  
 3883 and subsection (7) of section 288.0656, Florida Statutes, are  
 3884 amended to read:

3885 288.0656 Rural Economic Development Initiative.—

3886 (1) (b) The Rural Economic Development Initiative, known as  
 3887 "REDI," is created within the department ~~Office of Tourism,~~  
 3888 ~~Trade, and Economic Development~~, and the participation of state  
 3889 and regional agencies in this initiative is authorized.

3890 (2) As used in this section, the term:

3891 (b) "Catalyst site" means a parcel or parcels of land  
 3892 within a rural area of critical economic concern that has been

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3893 prioritized as a geographic site for economic development  
 3894 through partnerships with state, regional, and local  
 3895 organizations. The site must be reviewed by REDI and approved by  
 3896 the department ~~Office of Tourism, Trade, and Economic~~  
 3897 ~~Development~~ for the purposes of locating a catalyst project.

3898 (e) "Rural community" means:

3899 1. A county with a population of 75,000 or fewer.

3900 2. A county with a population of 125,000 or fewer which is  
 3901 contiguous to a county with a population of 75,000 or fewer.

3902 3. A municipality within a county described in  
 3903 subparagraph 1. or subparagraph 2.

3904 4. An unincorporated federal enterprise community or an  
 3905 incorporated rural city with a population of 25,000 or fewer and  
 3906 an employment base focused on traditional agricultural or  
 3907 resource-based industries, located in a county not defined as  
 3908 rural, which has at least three or more of the economic distress  
 3909 factors identified in paragraph (c) and verified by the  
 3910 department ~~Office of Tourism, Trade, and Economic Development~~.

3911  
 3912 For purposes of this paragraph, population shall be determined  
 3913 in accordance with the most recent official estimate pursuant to  
 3914 s. 186.901.

3915 (6) (a) By August 1 of each year, the head of each of the  
 3916 following agencies and organizations shall designate a deputy  
 3917 secretary or higher-level staff person from within the agency or  
 3918 organization to serve as the REDI representative for the agency  
 3919 or organization:

3920 ~~1. The Department of Community Affairs.~~

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- 3921        1.2. The Department of Transportation.
- 3922        2.3. The Department of Environmental Protection.
- 3923        3.4. The Department of Agriculture and Consumer Services.
- 3924        4.5. The Department of State.
- 3925        5.6. The Department of Health.
- 3926        6.7. The Department of Children and Family Services.
- 3927        7.8. The Department of Corrections.
- 3928        ~~9. The Agency for Workforce Innovation.~~
- 3929        8.10. The Department of Education.
- 3930        9.11. The Department of Juvenile Justice.
- 3931        10.12. The Fish and Wildlife Conservation Commission.
- 3932        11.13. Each water management district.
- 3933        12.14. Enterprise Florida, Inc.
- 3934        13.15. Workforce Florida, Inc.
- 3935        ~~16. The Florida Commission on Tourism or VISIT Florida.~~
- 3936        14.17. The Florida Regional Planning Council Association.
- 3937        15.18. The Agency for Health Care Administration.
- 3938        16.19. The Institute of Food and Agricultural Sciences
- 3939        (IFAS).

3940

3941 An alternate for each designee shall also be chosen, and the

3942 names of the designees and alternates shall be sent to the

3943 Commissioner of Economic Opportunity ~~director of the Office of~~

3944 ~~Tourism, Trade, and Economic Development.~~

3945        (7) (a) REDI may recommend to the Governor up to three

3946 rural areas of critical economic concern. The Governor may by

3947 executive order designate up to three rural areas of critical

3948 economic concern which will establish these areas as priority

3949 assignments for REDI as well as to allow the Governor, acting  
 3950 through REDI, to waive criteria, requirements, or similar  
 3951 provisions of any economic development incentive. Such  
 3952 incentives shall include, but not be limited to: the Qualified  
 3953 Target Industry Tax Refund Program under s. 288.106, the Quick  
 3954 Response Training Program under s. 288.047, the Quick Response  
 3955 Training Program for participants in the welfare transition  
 3956 program under s. 288.047(8), transportation projects under s.  
 3957 288.063, the brownfield redevelopment bonus refund under s.  
 3958 288.107, and the rural job tax credit program under ss. 212.098  
 3959 and 220.1895.

3960 (b) Designation as a rural area of critical economic  
 3961 concern under this subsection shall be contingent upon the  
 3962 execution of a memorandum of agreement among the Governor,  
 3963 through the Department of Economic Opportunity ~~Office of~~  
 3964 ~~Tourism, Trade, and Economic Development;~~ the governing body of  
 3965 the county; and the governing bodies of any municipalities to be  
 3966 included within a rural area of critical economic concern. Such  
 3967 agreement shall specify the terms and conditions of the  
 3968 designation, including, but not limited to, the duties and  
 3969 responsibilities of the county and any participating  
 3970 municipalities to take actions designed to facilitate the  
 3971 retention and expansion of existing businesses in the area, as  
 3972 well as the recruitment of new businesses to the area.

3973 (c) Each rural area of critical economic concern may  
 3974 designate catalyst projects, provided that each catalyst project  
 3975 is specifically recommended by REDI, identified as a catalyst  
 3976 project by Enterprise Florida, Inc., and confirmed as a catalyst

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3977 project by the department ~~Office of Tourism, Trade, and Economic~~  
 3978 ~~Development~~. All state agencies and departments shall use all  
 3979 available tools and resources to the extent permissible by law  
 3980 to promote the creation and development of each catalyst project  
 3981 and the development of catalyst sites.

3982 Section 60. Subsections (2) and (3) of section 288.06561,  
 3983 Florida Statutes, are amended to read:

3984 288.06561 Reduction or waiver of financial match  
 3985 requirements.—Notwithstanding any other law, the member agencies  
 3986 and organizations of the Rural Economic Development Initiative  
 3987 (REDI), as defined in s. 288.0656(6)(a), shall review the  
 3988 financial match requirements for projects in rural areas as  
 3989 defined in s. 288.0656(2).

3990 (2) Agencies and organizations shall ensure that all  
 3991 proposals are submitted to the department ~~Office of Tourism,~~  
 3992 ~~Trade, and Economic Development~~ for review by the REDI agencies.

3993 (3) These proposals shall be delivered to the department  
 3994 ~~Office of Tourism, Trade, and Economic Development~~ for  
 3995 distribution to the REDI agencies and organizations. A meeting  
 3996 of REDI agencies and organizations must be called within 30 days  
 3997 after receipt of such proposals for REDI comment and  
 3998 recommendations on each proposal.

3999 Section 61. Subsections (2) and (4) of section 288.0657,  
 4000 Florida Statutes, are amended to read:

4001 288.0657 Florida rural economic development strategy  
 4002 grants.—

4003 (2) The department ~~Office of Tourism, Trade, and Economic~~  
 4004 ~~Development~~ may accept and administer moneys appropriated to the

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4005 department ~~office~~ for providing grants to assist rural  
 4006 communities to develop and implement strategic economic  
 4007 development plans.

4008 (4) The department ~~Enterprise Florida, Inc., and VISIT~~  
 4009 ~~Florida,~~ shall establish criteria for reviewing grant  
 4010 applications. These criteria shall include, but are not limited  
 4011 to, the degree of participation and commitment by the local  
 4012 community and the application's consistency with local  
 4013 comprehensive plans or the application's proposal to ensure such  
 4014 consistency. The department ~~International Trade and Economic~~  
 4015 ~~Development Board of Enterprise Florida, Inc., and VISIT~~  
 4016 ~~Florida,~~ shall review each application for a grant and shall  
 4017 ~~submit annually to the Office for approval a list of all~~  
 4018 ~~applications that are recommended by the board and VISIT~~  
 4019 ~~Florida, arranged in order of priority.~~ The Governor ~~office~~ may  
 4020 approve grants only to the extent that funds are appropriated  
 4021 for such grants by the Legislature.

4022 Section 62. Section 288.0658, Florida Statutes, is amended  
 4023 to read:

4024 288.0658 Nature-based recreation; promotion and other  
 4025 assistance by Fish and Wildlife Conservation Commission.—The  
 4026 Florida Fish and Wildlife Conservation Commission is directed to  
 4027 assist the Division of Tourism Marketing of Enterprise Florida,  
 4028 Inc. ~~Florida Commission on Tourism; the Florida Tourism Industry~~  
 4029 ~~Marketing Corporation, doing business as VISIT Florida;~~  
 4030 convention and visitor bureaus; tourist development councils;  
 4031 economic development organizations; and local governments  
 4032 through the provision of marketing advice, technical expertise,



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4033 promotional support, and product development related to nature-  
 4034 based recreation and sustainable use of natural resources. In  
 4035 carrying out this responsibility, the Florida Fish and Wildlife  
 4036 Conservation Commission shall focus its efforts on fostering  
 4037 nature-based recreation in rural communities and regions  
 4038 encompassing rural communities. As used in this section, the  
 4039 term "nature-based recreation" means leisure activities related  
 4040 to the state's lands, waters, and fish and wildlife resources,  
 4041 including, but not limited to, wildlife viewing, fishing,  
 4042 hiking, canoeing, kayaking, camping, hunting, backpacking, and  
 4043 nature photography.

4044 Section 63. Section 288.0659, Florida Statutes, is amended  
 4045 to read:

4046 288.0659 Local Government Distressed Area Matching Grant  
 4047 Program.—

4048 (1) The Local Government Distressed Area Matching Grant  
 4049 Program is created within the department ~~Office of Tourism,~~  
 4050 ~~Trade, and Economic Development~~. The purpose of the program is  
 4051 to stimulate investment in the state's economy by providing  
 4052 grants to match demonstrated business assistance by local  
 4053 governments to attract and retain businesses in this state.

4054 (2) As used in this section, the term:

4055 (a) "Local government" means a county or municipality.

4056 ~~(b) "Office" means the Office of Tourism, Trade, and~~  
 4057 ~~Economic Development.~~

4058 (b)(e) "Qualified business assistance" means economic  
 4059 incentives provided by a local government for the purpose of  
 4060 attracting or retaining a specific business, including, but not

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4061 limited to, suspensions, waivers, or reductions of impact fees  
 4062 or permit fees; direct incentive payments; expenditures for  
 4063 onsite or offsite improvements directly benefiting a specific  
 4064 business; or construction or renovation of buildings for a  
 4065 specific business.

4066 (3) The department ~~Office~~ may accept and administer moneys  
 4067 appropriated by the Legislature ~~to the Office~~ for providing  
 4068 grants to match expenditures by local governments to attract or  
 4069 retain businesses in this state.

4070 (4) A local government may apply for grants to match  
 4071 qualified business assistance made by the local government for  
 4072 the purpose of attracting or retaining a specific business. A  
 4073 local government may apply for no more than one grant per  
 4074 targeted business. A local government may only have one  
 4075 application pending with the department ~~Office~~. Additional  
 4076 applications may be filed after a previous application is ~~has~~  
 4077 ~~been~~ approved or denied.

4078 (5) To qualify for a grant, the business being targeted by  
 4079 a local government must create at least 15 full-time jobs, must  
 4080 be new to this state, must be expanding its operations in this  
 4081 state, or would otherwise leave the state absent state and local  
 4082 assistance, and the local government applying for the grant must  
 4083 expedite its permitting processes for the target business by  
 4084 accelerating the normal review and approval timelines. In  
 4085 addition to these requirements, the department ~~office~~ shall  
 4086 review the grant requests using the following evaluation  
 4087 criteria, with priority given in descending order:

4088 (a) The presence and degree of pervasive poverty,

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4089 unemployment, and general distress as determined pursuant to s.  
 4090 290.0058 in the area where the business will locate, with  
 4091 priority given to locations with greater degrees of poverty,  
 4092 unemployment, and general distress.

4093 (b) The extent of reliance on the local government  
 4094 expenditure as an inducement for the business's location  
 4095 decision, with priority given to higher levels of local  
 4096 government expenditure.

4097 (c) The number of new full-time jobs created, with  
 4098 priority given to higher numbers of jobs created.

4099 (d) The average hourly wage for jobs created, with  
 4100 priority given to higher average wages.

4101 (e) The amount of capital investment to be made by the  
 4102 business, with priority given to higher amounts of capital  
 4103 investment.

4104 (6) In evaluating grant requests, the department ~~Office~~  
 4105 shall take into consideration the need for grant assistance as  
 4106 it relates to the local government's general fund balance as  
 4107 well as local incentive programs that are already in existence.

4108 (7) Funds made available pursuant to this section may not  
 4109 be expended in connection with the relocation of a business from  
 4110 one community to another community in this state unless the  
 4111 department ~~Office~~ determines that without such relocation the  
 4112 business will move outside this state or determines that the  
 4113 business has a compelling economic rationale for the relocation  
 4114 which creates additional jobs. Funds made available pursuant to  
 4115 this section may not be used by the receiving local government  
 4116 to supplant matching commitments required of the local

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4117 government pursuant to other state or federal incentive  
4118 programs.

4119 (8) Within 30 days after the department ~~Office~~ receives an  
4120 application for a grant, the Governor ~~Office~~ shall approve a  
4121 preliminary grant allocation or disapprove the application. The  
4122 preliminary grant allocation shall be based on estimates of  
4123 qualified business assistance submitted by the local government  
4124 and shall equal 50 percent of the amount of the estimated  
4125 qualified business assistance or \$50,000, whichever is less. The  
4126 preliminary grant allocation shall be executed by contract with  
4127 the local government. The contract shall set forth the terms and  
4128 conditions, including the timeframes within which the final  
4129 grant award will be disbursed. The final grant award may not  
4130 exceed the preliminary grant allocation. The Governor ~~Office~~ may  
4131 approve preliminary grant allocations only to the extent that  
4132 funds are appropriated for such grants by the Legislature.

4133 (a) Preliminary grant allocations that are revoked or  
4134 voluntarily surrendered shall be immediately available for  
4135 reallocation.

4136 (b) Recipients of preliminary grant allocations shall  
4137 promptly report to the department ~~Office~~ the date on which the  
4138 local government's permitting and approval process is completed  
4139 and the date on which all qualified business assistance is  
4140 completed.

4141 (9) The Governor ~~Office~~ shall make a final grant award to  
4142 a local government within 30 days after receiving information  
4143 from the local government sufficient to demonstrate actual  
4144 qualified business assistance. An awarded grant amount shall

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4145 equal 50 percent of the amount of the qualified business  
4146 assistance or \$50,000, whichever is less, and may not exceed the  
4147 preliminary grant allocation. The amount by which a preliminary  
4148 grant allocation exceeds a final grant award shall be  
4149 immediately available for reallocation.

4150 (10) Up to 2 percent of the funds appropriated annually by  
4151 the Legislature for the program may be used by the department  
4152 ~~Office~~ for direct administrative costs associated with  
4153 implementing this section.

4154 Section 64. Paragraph (a) of subsection (1) of section  
4155 288.075, Florida Statutes, is amended to read:

4156 288.075 Confidentiality of records.—

4157 (1) DEFINITIONS.—As used in this section, the term:

4158 (a) "Economic development agency" means:

4159 1. The department ~~Office of Tourism, Trade, and Economic~~  
4160 ~~Development~~;

4161 2. Any industrial development authority created in  
4162 accordance with part III of chapter 159 or by special law;

4163 3. Space Florida created in part II of chapter 331;

4164 4. The public economic development agency of a county or  
4165 municipality or, if the county or municipality does not have a  
4166 public economic development agency, the county or municipal  
4167 officers or employees assigned the duty to promote the general  
4168 business interests or industrial interests of that county or  
4169 municipality or the responsibilities related thereto;

4170 5. Any research and development authority created in  
4171 accordance with part V of chapter 159; or

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4172 6. Any private agency, person, partnership, corporation,  
 4173 or business entity when authorized by the state, a municipality,  
 4174 or a county to promote the general business interests or  
 4175 industrial interests of the state or that municipality or  
 4176 county.

4177 Section 65. Section 288.095, Florida Statutes, is amended  
 4178 to read:

4179 288.095 Economic Development Trust Fund.—

4180 (1) The Economic Development Trust Fund is created within  
 4181 the department ~~Office of Tourism, Trade, and Economic~~  
 4182 ~~Development~~. Moneys deposited into the fund must be used only to  
 4183 support the authorized activities and operations of the  
 4184 department ~~Office~~.

4185 (2) There is created, within the Economic Development  
 4186 Trust Fund, the Economic Development Incentives Account. The  
 4187 Economic Development Incentives Account consists of moneys  
 4188 appropriated to the account for purposes of the tax incentives  
 4189 programs authorized under ss. 288.1045 and 288.106, and local  
 4190 financial support provided under ss. 288.1045 and 288.106.  
 4191 Moneys in the Economic Development Incentives Account are ~~shall~~  
 4192 ~~be~~ subject to the provisions of s. 216.301(1) (a).

4193 (3) (a) The department ~~Office of Tourism, Trade, and~~  
 4194 ~~Economic Development~~ may approve applications for certification  
 4195 pursuant to ss. 288.1045(3) and 288.106. However, the total  
 4196 state share of tax refund payments ~~scheduled in all active~~  
 4197 ~~certifications for fiscal year 2001-2002 may not exceed \$30~~  
 4198 ~~million. The total for each subsequent fiscal year may not~~  
 4199 exceed \$35 million.

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4200 (b) The total amount of tax refund claims approved for  
 4201 payment by the Governor ~~Office of Tourism, Trade, and Economic~~  
 4202 ~~Development~~ based on actual project performance may not exceed  
 4203 the amount appropriated to the Economic Development Incentives  
 4204 Account for such purposes for the fiscal year. Claims for tax  
 4205 refunds under ss. 288.1045 and 288.106 shall be paid in the  
 4206 order the claims are approved by the Governor ~~Office of Tourism,~~  
 4207 ~~Trade, and Economic Development.~~ If ~~In the event~~ the Legislature  
 4208 does not appropriate an amount sufficient to satisfy the tax  
 4209 refunds under ss. 288.1045 and 288.106 in a fiscal year, the  
 4210 department ~~Office of Tourism, Trade, and Economic Development~~  
 4211 shall pay the tax refunds from the appropriation for the  
 4212 following fiscal year. By March 1 of each year, the department  
 4213 ~~Office of Tourism, Trade, and Economic Development~~ shall notify  
 4214 the legislative appropriations committees of the Senate and  
 4215 House of Representatives of any anticipated shortfall in the  
 4216 amount of funds needed to satisfy claims for tax refunds from  
 4217 the appropriation for the current fiscal year.

4218 (c) The department, pursuant to s. 288.907 ~~By December 31~~  
 4219 ~~of each year, Enterprise Florida, Inc.,~~ shall submit a complete  
 4220 and detailed annual report to the Governor, the President of the  
 4221 Senate, and the Speaker of the House of Representatives, ~~and the~~  
 4222 ~~director of the Office of Tourism, Trade, and Economic~~  
 4223 ~~Development~~ of all applications received, recommendations made  
 4224 to the department ~~Office of Tourism, Trade, and Economic~~  
 4225 ~~Development~~, final decisions issued, tax refund agreements  
 4226 executed, and tax refunds paid or other payments made under all  
 4227 programs funded out of the Economic Development Incentives

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4228 Account, including analyses of benefits and costs, types of  
 4229 projects supported, and employment and investment created. The  
 4230 department Enterprise Florida, Inc., shall also include a  
 4231 separate analysis of the impact of such tax refunds on state  
 4232 enterprise zones designated pursuant to s. 290.0065, rural  
 4233 communities, brownfield areas, and distressed urban communities.  
 4234 The report must also discuss the efforts made by the department  
 4235 ~~Office of Tourism, Trade, and Economic Development~~ to amend tax  
 4236 refund agreements to require tax refund claims to be submitted  
 4237 by January 31 for the net new full-time equivalent jobs in this  
 4238 state as of December 31 of the preceding calendar year. The  
 4239 report must also list the name and tax refund amount for each  
 4240 business that has received a tax refund under s. 288.1045 or s.  
 4241 288.106 during the preceding fiscal year. ~~The Office of Tourism,~~  
 4242 ~~Trade, and Economic Development shall assist Enterprise Florida,~~  
 4243 ~~Inc., in the collection of data related to business performance~~  
 4244 ~~and incentive payments.~~

4245 (d) Moneys in the Economic Development Incentives Account  
 4246 may be used only to pay tax refunds and make other payments  
 4247 authorized under s. 288.1045, s. 288.106, or s. 288.107.

4248 (e) The department Office of Tourism, Trade, and Economic  
 4249 ~~Development~~ may adopt rules necessary to carry out ~~the~~  
 4250 ~~provisions of~~ this subsection, including rules providing for the  
 4251 use of moneys in the Economic Development Incentives Account and  
 4252 for the administration of the Economic Development Incentives  
 4253 Account.

4254 Section 66. Paragraphs (q) through (u) of subsection (1)  
 4255 of section 288.1045, Florida Statutes, are redesignated as



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4256 paragraphs (o) through (s), respectively, and present paragraphs  
 4257 (c), (h), (p), and (r) of subsection (1), paragraphs (a), (d),  
 4258 (e), (f), (h) of subsection (2), subsections (3) and (4),  
 4259 paragraphs (a), (d), (e), and (g) of subsection (5), paragraphs  
 4260 (a), (b), and (c) of subsection (6), and subsections (7) and (8)  
 4261 are amended to read:

4262       288.1045 Qualified defense contractor and space flight  
 4263 business tax refund program.—

4264       (1) DEFINITIONS.—As used in this section:

4265       (c) "Business unit" means an employing unit, as defined in  
 4266 s. 443.036, that is registered with the department ~~Agency for~~  
 4267 ~~Workforce Innovation~~ for unemployment compensation purposes or  
 4268 means a subcategory or division of an employing unit that is  
 4269 accepted by the department ~~Agency for Workforce Innovation~~ as a  
 4270 reporting unit.

4271       ~~(h) "Director" means the director of the Office of~~  
 4272 ~~Tourism, Trade, and Economic Development.~~

4273       ~~(p) "Office" means the Office of Tourism, Trade, and~~  
 4274 ~~Economic Development.~~

4275       (p)~~(r)~~ "Qualified applicant" means an applicant that has  
 4276 been approved by the department ~~director~~ to be eligible for tax  
 4277 refunds pursuant to this section.

4278       (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

4279       (a) There shall be allowed, from the Economic Development  
 4280 Trust Fund, a refund to a qualified applicant for the amount of  
 4281 eligible taxes certified by the department ~~director~~ which were  
 4282 paid by such qualified applicant. The total amount of refunds  
 4283 for all fiscal years for each qualified applicant shall be

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4284 determined pursuant to subsection (3). The annual amount of a  
 4285 refund to a qualified applicant shall be determined pursuant to  
 4286 subsection (5).

4287 (d) Contingent upon an annual appropriation by the  
 4288 Legislature, the Governor ~~director~~ may approve not more in tax  
 4289 refunds than the amount appropriated to the Economic Development  
 4290 Trust Fund for tax refunds, for a fiscal year pursuant to  
 4291 subsection (5) and s. 288.095.

4292 (e) For the first 6 months of each fiscal year, the  
 4293 department ~~director~~ shall set aside 30 percent of the amount  
 4294 appropriated for refunds pursuant to this section by the  
 4295 Legislature to provide tax refunds only to qualified applicants  
 4296 who employ 500 or fewer full-time employees in this state. Any  
 4297 unencumbered funds remaining undisbursed from this set-aside at  
 4298 the end of the 6-month period may be used to provide tax refunds  
 4299 for any qualified applicants pursuant to this section.

4300 (f) After entering into a tax refund agreement pursuant to  
 4301 subsection (4), a qualified applicant may:

4302 1. Receive refunds from the account for corporate income  
 4303 taxes due and paid pursuant to chapter 220 by that business  
 4304 beginning with the first taxable year of the business which  
 4305 begins after entering into the agreement.

4306 2. Receive refunds from the account for the following  
 4307 taxes due and paid by that business after entering into the  
 4308 agreement:

4309 a. Taxes on sales, use, and other transactions paid  
 4310 pursuant to chapter 212.

4311 b. Intangible personal property taxes paid pursuant to

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4312 chapter 199.

4313 c. Emergency excise taxes paid pursuant to chapter 221.

4314 d. Excise taxes paid on documents pursuant to chapter 201.

4315 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on

4316 June 1, 1996.

4317 f. State communications services taxes administered under

4318 chapter 202. This provision does not apply to the gross receipts

4319 tax imposed under chapter 203 and administered under chapter 202

4320 or the local communications services tax authorized under s.

4321 202.19.

4322

4323 However, a qualified applicant may not receive a tax refund

4324 pursuant to this section for any amount of credit, refund, or

4325 exemption granted such contractor for any of such taxes. If a

4326 refund for such taxes is provided by the department Office,

4327 which taxes are subsequently adjusted by the application of any

4328 credit, refund, or exemption granted to the qualified applicant

4329 other than that provided in this section, the qualified

4330 applicant shall reimburse the Economic Development Trust Fund

4331 for the amount of such credit, refund, or exemption. A qualified

4332 applicant must notify and tender payment to the department

4333 ~~office~~ within 20 days after receiving a credit, refund, or

4334 exemption, other than that provided in this section. ~~The~~

4335 ~~addition of communications services taxes administered under~~

4336 ~~chapter 202 is remedial in nature and retroactive to October 1,~~

4337 ~~2001. The Office may make supplemental tax refund payments to~~

4338 ~~allow for tax refunds for communications services taxes paid by~~

4339 ~~an eligible qualified defense contractor after October 1, 2001.~~

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4340 (h) Funds made available pursuant to this section may not  
 4341 be expended in connection with the relocation of a business from  
 4342 one community to another community in this state unless the  
 4343 department ~~Office of Tourism, Trade, and Economic Development~~  
 4344 determines that without such relocation the business will move  
 4345 outside this state or determines that the business has a  
 4346 compelling economic rationale for the relocation which creates  
 4347 additional jobs.

4348 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
 4349 DETERMINATION.—

4350 (a) To apply for certification as a qualified applicant  
 4351 pursuant to this section, an applicant must file an application  
 4352 with the department ~~Office~~ which satisfies the requirements of  
 4353 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)  
 4354 and (e), or paragraphs (e) and (j). An applicant may not apply  
 4355 for certification pursuant to this section after a proposal has  
 4356 been submitted for a new Department of Defense contract, after  
 4357 the applicant has made the decision to consolidate an existing  
 4358 Department of Defense contract in this state for which such  
 4359 applicant is seeking certification, after a proposal has been  
 4360 submitted for a new space flight business contract in this  
 4361 state, after the applicant has made the decision to consolidate  
 4362 an existing space flight business contract in this state for  
 4363 which such applicant is seeking certification, or after the  
 4364 applicant has made the decision to convert defense production  
 4365 jobs to nondefense production jobs for which such applicant is  
 4366 seeking certification.

4367 (b) Applications for certification based on the

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4368 consolidation of a Department of Defense contract or a new  
 4369 Department of Defense contract must be submitted to the  
 4370 Department of Economic Opportunity Office as prescribed by the  
 4371 department ~~Office~~ and must include, but are not limited to, the  
 4372 following information:

4373 1. The applicant's federal employer identification number,  
 4374 the applicant's Florida sales tax registration number, and a  
 4375 signature of an officer of the applicant.

4376 2. The permanent location of the manufacturing,  
 4377 assembling, fabricating, research, development, or design  
 4378 facility in this state at which the project is or is to be  
 4379 located.

4380 3. The Department of Defense contract numbers of the  
 4381 contract to be consolidated, the new Department of Defense  
 4382 contract number, or the "RFP" number of a proposed Department of  
 4383 Defense contract.

4384 4. The date the contract was executed or is expected to be  
 4385 executed, and the date the contract is due to expire or is  
 4386 expected to expire.

4387 5. The commencement date for project operations under the  
 4388 contract in this state.

4389 6. The number of net new full-time equivalent Florida jobs  
 4390 included in the project as of December 31 of each year and the  
 4391 average wage of such jobs.

4392 7. The total number of full-time equivalent employees  
 4393 employed by the applicant in this state.

4394 8. The percentage of the applicant's gross receipts  
 4395 derived from Department of Defense contracts during the 5

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4396 taxable years immediately preceding the date the application is  
4397 submitted.

4398 9. The number of full-time equivalent jobs in this state  
4399 to be retained by the project.

4400 10. A brief statement concerning the applicant's need for  
4401 tax refunds, and the proposed uses of such refunds by the  
4402 applicant.

4403 11. A resolution adopted by the governing board of the  
4404 county or municipality in which the project will be located,  
4405 which recommends the applicant be approved as a qualified  
4406 applicant, and which indicates that the necessary commitments of  
4407 local financial support for the applicant exist. Before ~~Prior to~~  
4408 the adoption of the resolution, the county commission may review  
4409 the proposed public or private sources of such support and  
4410 determine whether the proposed sources of local financial  
4411 support can be provided or, for any applicant whose project is  
4412 located in a county designated by the Rural Economic Development  
4413 Initiative, a resolution adopted by the county commissioners of  
4414 such county requesting that the applicant's project be exempt  
4415 from the local financial support requirement.

4416 12. Any additional information requested by the department  
4417 ~~Office~~.

4418 (c) Applications for certification based on the conversion  
4419 of defense production jobs to nondefense production jobs must be  
4420 submitted to the department ~~Office~~ as prescribed by the  
4421 department ~~Office~~ and must include, but are not limited to, the  
4422 following information:

4423 1. The applicant's federal employer identification number,

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4424 the applicant's Florida sales tax registration number, and a  
 4425 signature of an officer of the applicant.

4426 2. The permanent location of the manufacturing,  
 4427 assembling, fabricating, research, development, or design  
 4428 facility in this state at which the project is or is to be  
 4429 located.

4430 3. The Department of Defense contract numbers of the  
 4431 contract under which the defense production jobs will be  
 4432 converted to nondefense production jobs.

4433 4. The date the contract was executed, and the date the  
 4434 contract is due to expire or is expected to expire, or was  
 4435 canceled.

4436 5. The commencement date for the nondefense production  
 4437 operations in this state.

4438 6. The number of net new full-time equivalent Florida jobs  
 4439 included in the nondefense production project as of December 31  
 4440 of each year and the average wage of such jobs.

4441 7. The total number of full-time equivalent employees  
 4442 employed by the applicant in this state.

4443 8. The percentage of the applicant's gross receipts  
 4444 derived from Department of Defense contracts during the 5  
 4445 taxable years immediately preceding the date the application is  
 4446 submitted.

4447 9. The number of full-time equivalent jobs in this state  
 4448 to be retained by the project.

4449 10. A brief statement concerning the applicant's need for  
 4450 tax refunds, and the proposed uses of such refunds by the  
 4451 applicant.

4452           11. A resolution adopted by the governing board of the  
 4453 county or municipality in which the project will be located,  
 4454 which recommends the applicant be approved as a qualified  
 4455 applicant, and which indicates that the necessary commitments of  
 4456 local financial support for the applicant exist. Before ~~Prior to~~  
 4457 the adoption of the resolution, the county commission may review  
 4458 the proposed public or private sources of such support and  
 4459 determine whether the proposed sources of local financial  
 4460 support can be provided or, for any applicant whose project is  
 4461 located in a county designated by the Rural Economic Development  
 4462 Initiative, a resolution adopted by the county commissioners of  
 4463 such county requesting that the applicant's project be exempt  
 4464 from the local financial support requirement.

4465           12. Any additional information requested by the Department  
 4466 of Economic Opportunity ~~Office~~.

4467           (d) Applications for certification based on a contract for  
 4468 reuse of a defense-related facility must be submitted to the  
 4469 department ~~Office~~ as prescribed by the department ~~office~~ and  
 4470 must include, but are not limited to, the following information:

4471           1. The applicant's Florida sales tax registration number  
 4472 and a signature of an officer of the applicant.

4473           2. The permanent location of the manufacturing,  
 4474 assembling, fabricating, research, development, or design  
 4475 facility in this state at which the project is or is to be  
 4476 located.

4477           3. The business entity holding a valid Department of  
 4478 Defense contract or branch of the Armed Forces of the United  
 4479 States that previously occupied the facility, and the date such



4480 entity last occupied the facility.

4481 4. A copy of the contract to reuse the facility, or such  
 4482 alternative proof as may be prescribed by the department ~~office~~  
 4483 that the applicant is seeking to contract for the reuse of such  
 4484 facility.

4485 5. The date the contract to reuse the facility was  
 4486 executed or is expected to be executed, and the date the  
 4487 contract is due to expire or is expected to expire.

4488 6. The commencement date for project operations under the  
 4489 contract in this state.

4490 7. The number of net new full-time equivalent Florida jobs  
 4491 included in the project as of December 31 of each year and the  
 4492 average wage of such jobs.

4493 8. The total number of full-time equivalent employees  
 4494 employed by the applicant in this state.

4495 9. The number of full-time equivalent jobs in this state  
 4496 to be retained by the project.

4497 10. A brief statement concerning the applicant's need for  
 4498 tax refunds, and the proposed uses of such refunds by the  
 4499 applicant.

4500 11. A resolution adopted by the governing board of the  
 4501 county or municipality in which the project will be located,  
 4502 which recommends the applicant be approved as a qualified  
 4503 applicant, and which indicates that the necessary commitments of  
 4504 local financial support for the applicant exist. Before ~~Prior to~~  
 4505 the adoption of the resolution, the county commission may review  
 4506 the proposed public or private sources of such support and  
 4507 determine whether the proposed sources of local financial

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4508 support can be provided or, for any applicant whose project is  
4509 located in a county designated by the Rural Economic Development  
4510 Initiative, a resolution adopted by the county commissioners of  
4511 such county requesting that the applicant's project be exempt  
4512 from the local financial support requirement.

4513 12. Any additional information requested by the department  
4514 ~~Office~~.

4515 (e) To qualify for review by the department ~~Office~~, the  
4516 application of an applicant must, at a minimum, establish the  
4517 following to the satisfaction of the department ~~office~~:

4518 1. The jobs proposed to be provided under the application,  
4519 pursuant to subparagraph (b)6., subparagraph (c)6., or  
4520 subparagraph (j)6., must pay an estimated annual average wage  
4521 equaling at least 115 percent of the average wage in the area  
4522 where the project is to be located.

4523 2. The consolidation of a Department of Defense contract  
4524 must result in a net increase of at least 25 percent in the  
4525 number of jobs at the applicant's facilities in this state or  
4526 the addition of at least 80 jobs at the applicant's facilities  
4527 in this state.

4528 3. The conversion of defense production jobs to nondefense  
4529 production jobs must result in net increases in nondefense  
4530 employment at the applicant's facilities in this state.

4531 4. The Department of Defense contract or the space flight  
4532 business contract cannot allow the business to include the costs  
4533 of relocation or retooling in its base as allowable costs under  
4534 a cost-plus, or similar, contract.

4535 5. A business unit of the applicant must have derived not

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4536 less than 60 percent of its gross receipts in this state from  
4537 Department of Defense contracts or space flight business  
4538 contracts over the applicant's last fiscal year, and must have  
4539 derived not less than an average of 60 percent of its gross  
4540 receipts in this state from Department of Defense contracts or  
4541 space flight business contracts over the 5 years preceding the  
4542 date an application is submitted pursuant to this section. This  
4543 subparagraph does not apply to any application for certification  
4544 based on a contract for reuse of a defense-related facility.

4545 6. The reuse of a defense-related facility must result in  
4546 the creation of at least 100 jobs at such facility.

4547 7. A new space flight business contract or the  
4548 consolidation of a space flight business contract must result in  
4549 net increases in space flight business employment at the  
4550 applicant's facilities in this state.

4551 (f) Each application meeting the requirements of  
4552 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)  
4553 and (e), or paragraphs (e) and (j) must be submitted to the  
4554 department ~~office~~ for a determination of eligibility. The  
4555 department ~~Office~~ shall review and evaluate each application  
4556 based on, but not limited to, the following criteria:

4557 1. Expected contributions to the state strategic economic  
4558 development plan adopted by Enterprise Florida, Inc., taking  
4559 into account the extent to which the project contributes to the  
4560 state's high-technology base, and the long-term impact of the  
4561 project and the applicant on the state's economy.

4562 2. The economic benefit of the jobs created or retained by  
4563 the project in this state, taking into account the cost and

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4564 average wage of each job created or retained, and the potential  
4565 risk to existing jobs.

4566 3. The amount of capital investment to be made by the  
4567 applicant in this state.

4568 4. The local commitment and support for the project and  
4569 applicant.

4570 5. The impact of the project on the local community,  
4571 taking into account the unemployment rate for the county where  
4572 the project will be located.

4573 6. The dependence of the local community on the defense  
4574 industry or space flight business.

4575 7. The impact of any tax refunds granted pursuant to this  
4576 section on the viability of the project and the probability that  
4577 the project will occur in this state if such tax refunds are  
4578 granted to the applicant, taking into account the expected long-  
4579 term commitment of the applicant to economic growth and  
4580 employment in this state.

4581 8. The length of the project, or the expected long-term  
4582 commitment to this state resulting from the project.

4583 (g) Applications shall be reviewed and certified pursuant  
4584 to s. 288.061. If appropriate, the Governor ~~director~~ shall enter  
4585 into a written agreement with the qualified applicant pursuant  
4586 to subsection (4).

4587 (h) The department ~~director~~ may not certify any applicant  
4588 as a qualified applicant when the value of tax refunds to be  
4589 included in that letter of certification exceeds the available  
4590 amount of authority to certify new businesses as determined in  
4591 s. 288.095(3). A letter of certification that approves an

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4592 application must specify the maximum amount of a tax refund that  
 4593 is to be available to the contractor for each fiscal year and  
 4594 the total amount of tax refunds for all fiscal years.

4595 (i) This section does not create a presumption that an  
 4596 applicant should receive any tax refunds under this section.

4597 (j) Applications for certification based upon a new space  
 4598 flight business contract or the consolidation of a space flight  
 4599 business contract must be submitted to the department ~~office~~ as  
 4600 prescribed by the department ~~office~~ and must include, but are  
 4601 not limited to, the following information:

4602 1. The applicant's federal employer identification number,  
 4603 the applicant's Florida sales tax registration number, and a  
 4604 signature of an officer of the applicant.

4605 2. The permanent location of the space flight business  
 4606 facility in this state where the project is or will be located.

4607 3. The new space flight business contract number, the  
 4608 space flight business contract numbers of the contract to be  
 4609 consolidated, or the request-for-proposal number of a proposed  
 4610 space flight business contract.

4611 4. The date the contract was executed and the date the  
 4612 contract is due to expire, is expected to expire, or was  
 4613 canceled.

4614 5. The commencement date for project operations under the  
 4615 contract in this state.

4616 6. The number of net new full-time equivalent Florida jobs  
 4617 included in the project as of December 31 of each year and the  
 4618 average wage of such jobs.

4619 7. The total number of full-time equivalent employees

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4620 employed by the applicant in this state.

4621 8. The percentage of the applicant's gross receipts  
 4622 derived from space flight business contracts during the 5  
 4623 taxable years immediately preceding the date the application is  
 4624 submitted.

4625 9. The number of full-time equivalent jobs in this state  
 4626 to be retained by the project.

4627 10. A brief statement concerning the applicant's need for  
 4628 tax refunds and the proposed uses of such refunds by the  
 4629 applicant.

4630 11. A resolution adopted by the governing board of the  
 4631 county or municipality in which the project will be located  
 4632 which recommends the applicant be approved as a qualified  
 4633 applicant and indicates that the necessary commitments of local  
 4634 financial support for the applicant exist. Before ~~Prior to~~ the  
 4635 adoption of the resolution, the county commission may review the  
 4636 proposed public or private sources of such support and determine  
 4637 whether the proposed sources of local financial support can be  
 4638 provided or, for any applicant whose project is located in a  
 4639 county designated by the Rural Economic Development Initiative,  
 4640 a resolution adopted by the county commissioners of such county  
 4641 requesting that the applicant's project be exempt from the local  
 4642 financial support requirement.

4643 12. Any additional information requested by the department  
 4644 ~~office~~.

4645 (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

4646 (a) A qualified applicant shall enter into a written  
 4647 agreement with the Governor ~~Office~~ containing, but not limited

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4648 to, the following:

4649 1. The total number of full-time equivalent jobs in this  
 4650 state that are or will be dedicated to the qualified applicant's  
 4651 project, the average wage of such jobs, the definitions that  
 4652 will apply for measuring the achievement of these terms during  
 4653 the pendency of the agreement, and a time schedule or plan for  
 4654 when such jobs will be in place and active in this state.

4655 2. The maximum amount of a refund that the qualified  
 4656 applicant is eligible to receive for each fiscal year, based on  
 4657 the job creation or retention and maintenance schedule specified  
 4658 in subparagraph 1.

4659 3. An agreement with the Governor ~~Office~~ allowing the  
 4660 department ~~Office~~ to review and verify the financial and  
 4661 personnel records of the qualified applicant to ascertain  
 4662 whether the qualified applicant is complying with the  
 4663 requirements of this section.

4664 4. The date by which, in each fiscal year, the qualified  
 4665 applicant may file a claim pursuant to subsection (5) to be  
 4666 considered to receive a tax refund in the following fiscal year.

4667 5. That local financial support shall be annually  
 4668 available and will be paid to the Economic Development Trust  
 4669 Fund.

4670 (b) Compliance with the terms and conditions of the  
 4671 agreement is a condition precedent for receipt of tax refunds  
 4672 each year. The failure to comply with the terms and conditions  
 4673 of the agreement shall result in the loss of eligibility for  
 4674 receipt of all tax refunds previously authorized pursuant to  
 4675 this section, and the revocation of the certification as a

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4676 qualified applicant by the department ~~director~~, unless the  
4677 qualified applicant is eligible to receive and elects to accept  
4678 a prorated refund under paragraph (5)(g) or the department  
4679 ~~Office~~ grants the qualified applicant an economic-stimulus  
4680 exemption.

4681 1. A qualified applicant may submit, in writing, a request  
4682 to the department ~~Office~~ for an economic-stimulus exemption. The  
4683 request must provide quantitative evidence demonstrating how  
4684 negative economic conditions in the qualified applicant's  
4685 industry, the effects of the impact of a named hurricane or  
4686 tropical storm, or specific acts of terrorism affecting the  
4687 qualified applicant have prevented the qualified applicant from  
4688 complying with the terms and conditions of its tax refund  
4689 agreement.

4690 2. Upon receipt of a request under subparagraph 1., the  
4691 department ~~director~~ shall have 45 days to notify the requesting  
4692 qualified applicant, in writing, if its exemption has been  
4693 granted or denied by the Governor. In determining if an  
4694 exemption should be granted, the department ~~director~~ shall  
4695 consider the extent to which negative economic conditions in the  
4696 requesting qualified applicant's industry, the effects of the  
4697 impact of a named hurricane or tropical storm, or specific acts  
4698 of terrorism affecting the qualified applicant have prevented  
4699 the qualified applicant from complying with the terms and  
4700 conditions of its tax refund agreement.

4701 3. As a condition for receiving a prorated refund under  
4702 paragraph (5)(g) or an economic-stimulus exemption under this  
4703 paragraph, a qualified applicant must agree to renegotiate its



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4704 tax refund agreement with the Governor ~~Office~~ to, at a minimum,  
 4705 ensure that the terms of the agreement comply with current law  
 4706 and the Office procedures of the department governing  
 4707 application for and award of tax refunds. Upon approving the  
 4708 award of a prorated refund or granting an economic-stimulus  
 4709 exemption, the Governor, through the department, ~~Office~~ shall  
 4710 renegotiate the tax refund agreement with the qualified  
 4711 applicant as required by this subparagraph. When amending the  
 4712 agreement of a qualified applicant receiving an economic-  
 4713 stimulus exemption, the department ~~Office~~ may extend the  
 4714 duration of the agreement for a period not to exceed 2 years.

4715 ~~4. A qualified applicant may submit a request for an~~  
 4716 ~~economic-stimulus exemption to the Office in lieu of any tax~~  
 4717 ~~refund claim scheduled to be submitted after January 1, 2005,~~  
 4718 ~~but before July 1, 2006.~~

4719 4.5. A qualified applicant that receives an economic-  
 4720 stimulus exemption may not receive a tax refund for the period  
 4721 covered by the exemption.

4722 (c) The agreement shall be signed by the Governor ~~director~~  
 4723 and the authorized officer of the qualified applicant.

4724 (d) The agreement must contain the following legend,  
 4725 clearly printed on its face in bold type of not less than 10  
 4726 points:

4727  
 4728 "This agreement is neither a general obligation of the  
 4729 State of Florida, nor is it backed by the full faith  
 4730 and credit of the State of Florida. Payment of tax  
 4731 refunds are conditioned on and subject to specific

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4732 annual appropriations by the Florida Legislature of  
 4733 funds sufficient to pay amounts authorized in s.  
 4734 288.1045, Florida Statutes."

4735  
 4736 (5) ANNUAL CLAIM FOR REFUND.—

4737 (a) To be eligible to claim any scheduled tax refund,  
 4738 qualified applicants who have entered into a written agreement  
 4739 with the Governor ~~Office~~ pursuant to subsection (4) and who have  
 4740 entered into a valid new Department of Defense contract, entered  
 4741 into a valid new space flight business contract, commenced the  
 4742 consolidation of a space flight business contract, commenced the  
 4743 consolidation of a Department of Defense contract, commenced the  
 4744 conversion of defense production jobs to nondefense production  
 4745 jobs, or entered into a valid contract for reuse of a defense-  
 4746 related facility must apply by January 31 of each fiscal year to  
 4747 the department ~~Office~~ for tax refunds scheduled to be paid from  
 4748 the appropriation for the fiscal year that begins on July 1  
 4749 following the January 31 claims-submission date. The department  
 4750 ~~Office~~ may, upon written request, grant a 30-day extension of  
 4751 the filing date. The application must include a notarized  
 4752 signature of an officer of the applicant.

4753 (d) The Governor, through the department, ~~director~~, with  
 4754 assistance from ~~the Office~~, the Department of Revenue, ~~and the~~  
 4755 ~~Agency for Workforce Innovation~~, shall, by June 30 following the  
 4756 scheduled date for submitting the tax refund claim, specify by  
 4757 written order the approval or disapproval of the tax refund  
 4758 claim and, if approved, the amount of the tax refund that is  
 4759 authorized to be paid to the qualified applicant for the annual

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4760 tax refund. The department ~~Office~~ may grant an extension of this  
4761 date upon the request of the qualified applicant for the purpose  
4762 of filing additional information in support of the claim.

4763 (e) The total amount of tax refunds approved by the  
4764 Governor ~~director~~ under this section in any fiscal year may not  
4765 exceed the amount authorized under s. 288.095(3).

4766 (g) A prorated tax refund, less a 5 percent penalty, shall  
4767 be approved for a qualified applicant provided all other  
4768 applicable requirements have been satisfied and the applicant  
4769 proves to the satisfaction of the department ~~director~~ that it  
4770 has achieved at least 80 percent of its projected employment and  
4771 that the average wage paid by the qualified applicant is at  
4772 least 90 percent of the average wage specified in the tax refund  
4773 agreement, but in no case less than 115 percent of the average  
4774 private sector wage in the area available at the time of  
4775 certification. The prorated tax refund shall be calculated by  
4776 multiplying the tax refund amount for which the qualified  
4777 applicant would have been eligible, if all applicable  
4778 requirements had been satisfied, by the percentage of the  
4779 average employment specified in the tax refund agreement which  
4780 was achieved, and by the percentage of the average wages  
4781 specified in the tax refund agreement which was achieved.

4782 (6) ADMINISTRATION.—

4783 (a) The department ~~Office~~ may adopt rules pursuant to  
4784 chapter 120 for the administration of this section.

4785 (b) The department ~~Office~~ may verify information provided  
4786 in any claim submitted for tax credits under this section with  
4787 regard to employment and wage levels or the payment of the taxes

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4788 with the appropriate agency or authority including the  
 4789 Department of Revenue, the Department of Economic Opportunity  
 4790 ~~Agency for Workforce Innovation~~, or any local government or  
 4791 authority.

4792 (c) To facilitate the process of monitoring and auditing  
 4793 applications made under this program, the department Office may  
 4794 provide a list of qualified applicants to the Department of  
 4795 Revenue, ~~to the Agency for Workforce Innovation~~, or to any local  
 4796 government or authority. The department Office may request the  
 4797 assistance of said entities with respect to monitoring jobs,  
 4798 wages, and the payment of the taxes listed in subsection (2).

4799 ~~(7) Notwithstanding paragraphs (4) (a) and (5) (c), the~~  
 4800 ~~Office may approve a waiver of the local financial support~~  
 4801 ~~requirement for a business located in any of the following~~  
 4802 ~~counties in which businesses received emergency loans~~  
 4803 ~~administered by the Office in response to the named hurricanes~~  
 4804 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~  
 4805 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~  
 4806 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~  
 4807 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~  
 4808 ~~waiver may be granted only if the Office determines that the~~  
 4809 ~~local financial support cannot be provided or that doing so~~  
 4810 ~~would effect a demonstrable hardship on the unit of local~~  
 4811 ~~government providing the local financial support. If the Office~~  
 4812 ~~grants a waiver of the local financial support requirement, the~~  
 4813 ~~state shall pay 100 percent of the refund due to an eligible~~  
 4814 ~~business. The waiver shall apply for tax refund applications~~  
 4815 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

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4816            ~~(7)-(8)~~ EXPIRATION.—An applicant may not be certified as  
 4817 qualified under this section after June 30, 2014. A tax refund  
 4818 agreement existing on that date shall continue in effect in  
 4819 accordance with its terms.

4820            Section 67. Present paragraphs (d), (f), (n), (p), (q),  
 4821 (r), and (t) of subsection (2), paragraphs (a), (b), (e), and  
 4822 (f) of subsection (3), subsection (4), paragraphs (a), (b), and  
 4823 (c) of subsection (5), paragraphs (a), (c), (f), and (g) of  
 4824 subsection (6), and subsection (7) of section 288.106, Florida  
 4825 Statutes, are amended, and present paragraphs (g) through (m),  
 4826 (o) and (p), and (r) through (u) of subsection (2) are  
 4827 redesignated as paragraphs (f) through (i), (m) and (n), and (o)  
 4828 through (r), respectively, to read:

4829            288.106 Tax refund program for qualified target industry  
 4830 businesses.—

4831            (2) DEFINITIONS.—As used in this section:

4832            (d) "Business" means an employing unit, as defined in s.  
 4833 443.036, that is registered for unemployment compensation  
 4834 purposes with the Department of Revenue as the state agency  
 4835 providing unemployment tax collection services under ~~contract~~  
 4836 ~~with the Agency for Workforce Innovation through~~ an interagency  
 4837 agreement with the Department of Economic Opportunity pursuant  
 4838 to s. 443.1316, or a subcategory or division of an employing  
 4839 unit that is accepted ~~by the state agency providing unemployment~~  
 4840 ~~tax collection services~~ as a reporting unit by the Department of  
 4841 Revenue.

4842            ~~(f) "Director" means the Director of the Office of~~  
 4843 ~~Tourism, Trade, and Economic Development.~~

4844 ~~(n) "Office" means the Office of Tourism, Trade, and~~  
 4845 ~~Economic Development.~~

4846 (n)~~(p)~~ "Qualified target industry business" means a target  
 4847 industry business approved by the department ~~Office~~ to be  
 4848 eligible for tax refunds under this section.

4849 ~~(q) "Return on investment" means the gain in state~~  
 4850 ~~revenues as a percentage of the state's investment. The state's~~  
 4851 ~~investment includes state grants, tax exemptions, tax refunds,~~  
 4852 ~~tax credits, and other state incentives.~~

4853 (o)~~(r)~~ "Rural city" means a city having a population of  
 4854 10,000 or fewer, or a city having a population of greater than  
 4855 10,000 but fewer than 20,000 that has been determined by the  
 4856 department ~~Office~~ to have economic characteristics such as, but  
 4857 not limited to, a significant percentage of residents on public  
 4858 assistance, a significant percentage of residents with income  
 4859 below the poverty level, or a significant percentage of the  
 4860 city's employment base in agriculture-related industries.

4861 (q)~~(t)~~ "Target industry business" means a corporate  
 4862 headquarters business or any business that is engaged in one of  
 4863 the target industries identified pursuant to the following  
 4864 criteria developed by the department ~~Office~~ in consultation with  
 4865 Enterprise Florida, Inc.:

- 4866 1. Future growth.—Industry forecasts should indicate  
 4867 strong expectation for future growth in both employment and  
 4868 output, according to the most recent available data. Special  
 4869 consideration should be given to businesses that export goods  
 4870 to, or provide services in, international markets and businesses  
 4871 that replace domestic and international imports of goods or

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4872 services.

4873 2. Stability.—The industry should not be subject to  
 4874 periodic layoffs, whether due to seasonality or sensitivity to  
 4875 volatile economic variables such as weather. The industry should  
 4876 also be relatively resistant to recession, so that the demand  
 4877 for products of this industry is not typically subject to  
 4878 decline during an economic downturn.

4879 3. High wage.—The industry should pay relatively high  
 4880 wages compared to statewide or area averages.

4881 4. Market and resource independent.—The location of  
 4882 industry businesses should not be dependent on Florida markets  
 4883 or resources as indicated by industry analysis, except for  
 4884 businesses in the renewable energy industry.

4885 5. Industrial base diversification and strengthening.—The  
 4886 industry should contribute toward expanding or diversifying the  
 4887 state's or area's economic base, as indicated by analysis of  
 4888 employment and output shares compared to national and regional  
 4889 trends. Special consideration should be given to industries that  
 4890 strengthen regional economies by adding value to basic products  
 4891 or building regional industrial clusters as indicated by  
 4892 industry analysis. Special consideration should also be given to  
 4893 the development of strong industrial clusters that include  
 4894 defense and homeland security businesses.

4895 6. Positive economic impact ~~benefits~~.—The industry is  
 4896 expected to have strong positive economic impacts on or benefits  
 4897 to the state or regional economies.

4898

4899 The term does not include any business engaged in retail

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4900 industry activities; any electrical utility company; any  
 4901 phosphate or other solid minerals severance, mining, or  
 4902 processing operation; any oil or gas exploration or production  
 4903 operation; or any business subject to regulation by the Division  
 4904 of Hotels and Restaurants of the Department of Business and  
 4905 Professional Regulation. Any business within NAICS code 5611 or  
 4906 5614, office administrative services and business support  
 4907 services, respectively, may be considered a target industry  
 4908 business only after the local governing body and Enterprise  
 4909 Florida, Inc., make a determination that the community where the  
 4910 business may locate has conditions affecting the fiscal and  
 4911 economic viability of the local community or area, including but  
 4912 not limited to, factors such as low per capita income, high  
 4913 unemployment, high underemployment, and a lack of year-round  
 4914 stable employment opportunities, and such conditions may be  
 4915 improved by the location of such a business to the community. By  
 4916 January 1 of every 3rd year, beginning January 1, 2011, the  
 4917 department Office, in consultation with Enterprise Florida,  
 4918 Inc., economic development organizations, the State University  
 4919 System, local governments, employee and employer organizations,  
 4920 market analysts, and economists, shall review and, as  
 4921 appropriate, revise the list of such target industries and  
 4922 submit the list to the Governor, the President of the Senate,  
 4923 and the Speaker of the House of Representatives.

4924 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

4925 (a) There shall be allowed, from the account, a refund to  
 4926 a qualified target industry business for the amount of eligible  
 4927 taxes certified by the department Office that were paid by the



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4928 business. The total amount of refunds for all fiscal years for  
 4929 each qualified target industry business must be determined  
 4930 pursuant to subsection (4). The annual amount of a refund to a  
 4931 qualified target industry business must be determined pursuant  
 4932 to subsection (6).

4933 (b)1. Upon approval by the Governor Office, a qualified  
 4934 target industry business shall be allowed tax refund payments  
 4935 equal to \$3,000 multiplied by the number of jobs specified in  
 4936 the tax refund agreement under subparagraph (5)(a)1., or equal  
 4937 to \$6,000 multiplied by the number of jobs if the project is  
 4938 located in a rural community or an enterprise zone.

4939 2. A qualified target industry business shall be allowed  
 4940 additional tax refund payments equal to \$1,000 multiplied by the  
 4941 number of jobs specified in the tax refund agreement under  
 4942 subparagraph (5)(a)1. if such jobs pay an annual average wage of  
 4943 at least 150 percent of the average private sector wage in the  
 4944 area, or equal to \$2,000 multiplied by the number of jobs if  
 4945 such jobs pay an annual average wage of at least 200 percent of  
 4946 the average private sector wage in the area.

4947 3. A qualified target industry business shall be allowed  
 4948 tax refund payments in addition to the other payments authorized  
 4949 in this paragraph equal to \$1,000 multiplied by the number of  
 4950 jobs specified in the tax refund agreement under subparagraph  
 4951 (5)(a)1. if the local financial support is equal to that of the  
 4952 state's incentive award under subparagraph 1.

4953 4. In addition to the other tax refund payments authorized  
 4954 in this paragraph, a qualified target industry business shall be  
 4955 allowed a tax refund payment equal to \$2,000 multiplied by the

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4956 | number of jobs specified in the tax refund agreement under  
 4957 | subparagraph (5)(a)1. if the business:

4958 |       a. Falls within one of the high-impact sectors designated  
 4959 | under s. 288.108; or

4960 |       b. Increases exports of its goods through a seaport or  
 4961 | airport in the state by at least 10 percent in value or tonnage  
 4962 | in each of the years that the business receives a tax refund  
 4963 | under this section. For purposes of this sub-subparagraph,  
 4964 | seaports in the state are limited to the ports of Jacksonville,  
 4965 | Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm  
 4966 | Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,  
 4967 | Pensacola, Fernandina, and Key West.

4968 |       (e) However, a qualified target industry business may not  
 4969 | receive a refund under this section for any amount of credit,  
 4970 | refund, or exemption previously granted to that business for any  
 4971 | of the taxes listed in paragraph (d). If a refund for such taxes  
 4972 | is provided by the department ~~office~~, which taxes are  
 4973 | subsequently adjusted by the application of any credit, refund,  
 4974 | or exemption granted to the qualified target industry business  
 4975 | other than as provided in this section, the business shall  
 4976 | reimburse the account for the amount of that credit, refund, or  
 4977 | exemption. A qualified target industry business shall notify and  
 4978 | tender payment to the department ~~office~~ within 20 days after  
 4979 | receiving any credit, refund, or exemption other than one  
 4980 | provided in this section.

4981 |       (f) Refunds made available under this section may not be  
 4982 | expended in connection with the relocation of a business from  
 4983 | one community to another community in the state unless the

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4984 department ~~Office~~ determines that, without such relocation, the  
 4985 business will move outside the state or determines that the  
 4986 business has a compelling economic rationale for relocation and  
 4987 that the relocation will create additional jobs.

4988 (4) APPLICATION AND APPROVAL PROCESS.—

4989 (a) To apply for certification as a qualified target  
 4990 industry business under this section, the business must file an  
 4991 application with the department ~~Office~~ before the business  
 4992 decides to locate in this state or before the business decides  
 4993 to expand its existing operations in this state. The application  
 4994 must include, but need not be limited to, the following  
 4995 information:

4996 1. The applicant's federal employer identification number  
 4997 and, if applicable, state sales tax registration number.

4998 2. The proposed permanent location of the applicant's  
 4999 facility in this state at which the project is to be located.

5000 3. A description of the type of business activity or  
 5001 product covered by the project, including a minimum of a five-  
 5002 digit NAICS code for all activities included in the project. As  
 5003 used in this paragraph, "NAICS" means those classifications  
 5004 contained in the North American Industry Classification System,  
 5005 as published in 2007 by the Office of Management and Budget,  
 5006 Executive Office of the President, and updated periodically.

5007 4. The proposed number of net new full-time equivalent  
 5008 Florida jobs at the qualified target industry business as of  
 5009 December 31 of each year included in the project and the average  
 5010 wage of those jobs. If more than one type of business activity  
 5011 or product is included in the project, the number of jobs and

5012 average wage for those jobs must be separately stated for each  
 5013 type of business activity or product.

5014 5. The total number of full-time equivalent employees  
 5015 employed by the applicant in this state, if applicable.

5016 6. The anticipated commencement date of the project.

5017 7. A brief statement explaining the role that the  
 5018 estimated tax refunds to be requested will play in the decision  
 5019 of the applicant to locate or expand in this state.

5020 8. An estimate of the proportion of the sales resulting  
 5021 from the project that will be made outside this state.

5022 9. An estimate of the proportion of the cost of the  
 5023 machinery and equipment, and any other resources necessary in  
 5024 the development of its product or service, to be used by the  
 5025 business in its Florida operations which will be purchased  
 5026 outside this state.

5027 10. A resolution adopted by the governing board of the  
 5028 county or municipality in which the project will be located,  
 5029 which resolution recommends that the project be approved as a  
 5030 qualified target industry business and specifies that the  
 5031 commitments of local financial support necessary for the target  
 5032 industry business exist. Before the passage of such resolution,  
 5033 the department ~~office~~ may also accept an official letter from an  
 5034 authorized local economic development agency that endorses the  
 5035 proposed target industry project and pledges that sources of  
 5036 local financial support for such project exist. For the purposes  
 5037 of making pledges of local financial support under this  
 5038 subparagraph, the authorized local economic development agency  
 5039 shall be officially designated by the passage of a one-time

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5040 resolution by the local governing board.

5041 11. Any additional information requested by the department  
5042 ~~Office~~.

5043 (b) To qualify for review by the department ~~Office~~, the  
5044 application of a target industry business must, at a minimum,  
5045 establish the following to the satisfaction of the department  
5046 ~~office~~:

5047 1.a. The jobs proposed to be created under the  
5048 application, pursuant to subparagraph (a)4., must pay an  
5049 estimated annual average wage equaling at least 115 percent of  
5050 the average private sector wage in the area where the business  
5051 is to be located or the statewide private sector average wage.  
5052 The governing board of the local governmental entity providing  
5053 the local financial support of the jurisdiction ~~county~~ where the  
5054 qualified target industry business is to be located shall notify  
5055 the department ~~Office~~ and Enterprise Florida, Inc., which  
5056 calculation of the average private sector wage in the area must  
5057 be used as the basis for the business's wage commitment. In  
5058 determining the average annual wage, the department ~~Office~~ shall  
5059 include only new proposed jobs, and wages for existing jobs  
5060 shall be excluded from this calculation.

5061 b. The Governor ~~Office~~ may waive the average wage  
5062 requirement at the request of the local governing body  
5063 recommending the project ~~and Enterprise Florida, Inc.~~ The  
5064 Governor ~~Office~~ may waive the wage requirement for a project  
5065 located in a brownfield area designated under s. 376.80, in a  
5066 rural city, in a rural community, in an enterprise zone, or for  
5067 a manufacturing project at any location in the state if the jobs

5068 | proposed to be created pay an estimated annual average wage  
 5069 | equaling at least 100 percent of the average private sector wage  
 5070 | in the area where the business is to be located, only if the  
 5071 | merits of the individual project or the specific circumstances  
 5072 | in the community in relationship to the project warrant such  
 5073 | action. If the local governing body makes and ~~Enterprise~~  
 5074 | ~~Florida, Inc.,~~ make such a recommendation, it must be  
 5075 | transmitted in writing, and the specific justification for the  
 5076 | waiver recommendation must be explained. If the Governor ~~Office~~  
 5077 | elects to waive the wage requirement, the waiver must be stated  
 5078 | in writing, and the reasons for granting the waiver must be  
 5079 | explained.

5080 |         2. The target industry business's project must result in  
 5081 | the creation of at least 10 jobs at the project and, in the case  
 5082 | of an expansion of an existing business, must result in a net  
 5083 | increase in employment of at least 10 percent at the business.  
 5084 | At the request of the local governing body recommending the  
 5085 | project and ~~Enterprise Florida, Inc.,~~ the Governor ~~Office~~ may  
 5086 | waive this requirement for a business in a rural community or  
 5087 | enterprise zone if the merits of the individual project or the  
 5088 | specific circumstances in the community in relationship to the  
 5089 | project warrant such action. If the local governing body makes  
 5090 | and ~~Enterprise Florida, Inc.,~~ make such a request, the request  
 5091 | must be transmitted in writing, and the specific justification  
 5092 | for the request must be explained. If the Governor ~~Office~~ elects  
 5093 | to grant the request, the grant must be stated in writing, and  
 5094 | the reason for granting the request must be explained.

5095 |         3. The business activity or product for the applicant's

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5096 project must be within an industry identified by the department  
5097 ~~Office~~ as a target industry business that contributes to the  
5098 economic growth of the state and the area in which the business  
5099 is located, that produces a higher standard of living for  
5100 residents of this state in the new global economy, or that can  
5101 be shown to make an equivalent contribution to the area's and  
5102 state's economic progress.

5103 (c) Each application meeting the requirements of paragraph  
5104 (b) must be submitted to the department ~~Office~~ for determination  
5105 of eligibility. The department ~~Office~~ shall review and evaluate  
5106 each application based on, but not limited to, the following  
5107 criteria:

5108 1. Expected contributions to the state's economy,  
5109 consistent with the state strategic economic development plan  
5110 prepared by the department ~~adopted by Enterprise Florida, Inc.~~

5111 2. The economic benefits ~~return on investment~~ of the  
5112 proposed award of tax refunds under this section and the  
5113 economic benefits of ~~return on investment for~~ state incentives  
5114 proposed for the project. The term "economic benefits" has the  
5115 same meaning as provided in s. 288.005(1). The Office of  
5116 Economic and Demographic Research shall review and evaluate the  
5117 methodology and model used to calculate the economic benefits  
5118 ~~return on investment~~ and shall report its findings by September  
5119 1 of every 3rd year, ~~beginning September 1, 2010,~~ to the  
5120 President of the Senate and the Speaker of the House of  
5121 Representatives.

5122 3. The amount of capital investment to be made by the  
5123 applicant in this state.

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5124 4. The local financial commitment and support for the  
5125 project.

5126 5. The effect of the project on the unemployment rate in  
5127 the county where the project will be located.

5128 6. The effect of the award on the viability of the project  
5129 and the probability that the project would be undertaken in this  
5130 state if such tax refunds are granted to the applicant.

5131 7. The expected long-term commitment of the applicant to  
5132 economic growth and employment in this state resulting from the  
5133 project.

5134 8. A review of the business's past activities in this  
5135 state or other states, including whether such business has been  
5136 subjected to criminal or civil fines and penalties. This  
5137 subparagraph does not require the disclosure of confidential  
5138 information.

5139 (d) Applications shall be reviewed and certified pursuant  
5140 to s. 288.061. The department ~~Office~~ shall include in its review  
5141 projections of the tax refunds the business would be eligible to  
5142 receive in each fiscal year based on the creation and  
5143 maintenance of the net new Florida jobs specified in  
5144 subparagraph (a)4. as of December 31 of the preceding state  
5145 fiscal year. If appropriate, the Governor ~~Office~~ shall enter  
5146 into a written agreement with the qualified target industry  
5147 business pursuant to subsection (5).

5148 (e) The department ~~Office~~ may not certify any target  
5149 industry business as a qualified target industry business if the  
5150 value of tax refunds to be included in that letter of  
5151 certification exceeds the available amount of authority to



5152 certify new businesses as determined in s. 288.095(3). However,  
 5153 if the commitments of local financial support represent less  
 5154 than 20 percent of the eligible tax refund payments, or to  
 5155 otherwise preserve the viability and fiscal integrity of the  
 5156 program, the department ~~office~~ may certify a qualified target  
 5157 industry business to receive tax refund payments of less than  
 5158 the allowable amounts specified in paragraph (3)(b). A letter of  
 5159 certification that approves an application must specify the  
 5160 maximum amount of tax refund that will be available to the  
 5161 qualified industry business in each fiscal year and the total  
 5162 amount of tax refunds that will be available to the business for  
 5163 all fiscal years.

5164 (f) This section does not create a presumption that an  
 5165 applicant will receive any tax refunds under this section.  
 5166 However, the department ~~Office~~ may issue nonbinding opinion  
 5167 letters, upon the request of prospective applicants, as to the  
 5168 applicants' eligibility and the potential amount of refunds.

5169 (5) TAX REFUND AGREEMENT.—

5170 (a) Each qualified target industry business must enter  
 5171 into a written agreement with the Governor ~~Office~~ that  
 5172 specifies, at a minimum:

5173 1. The total number of full-time equivalent jobs in this  
 5174 state that will be dedicated to the project, the average wage of  
 5175 those jobs, the definitions that will apply for measuring the  
 5176 achievement of these terms during the pendency of the agreement,  
 5177 and a time schedule or plan for when such jobs will be in place  
 5178 and active in this state.

5179 2. The maximum amount of tax refunds that the qualified

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5180 target industry business is eligible to receive on the project  
5181 and the maximum amount of a tax refund that the qualified target  
5182 industry business is eligible to receive for each fiscal year,  
5183 based on the job creation and maintenance schedule specified in  
5184 subparagraph 1.

5185 3. That the department ~~Office~~ may review and verify the  
5186 financial and personnel records of the qualified target industry  
5187 business to ascertain whether that business is in compliance  
5188 with this section.

5189 4. The date by which, in each fiscal year, the qualified  
5190 target industry business may file a claim under subsection (6)  
5191 to be considered to receive a tax refund in the following fiscal  
5192 year.

5193 5. That local financial support will be annually available  
5194 and will be paid to the account. The Governor ~~Office~~ may not  
5195 enter into a written agreement with a qualified target industry  
5196 business if the local financial support resolution is not passed  
5197 by the local governing body within 90 days after the department  
5198 ~~Office~~ has issued the letter of certification under subsection  
5199 (4).

5200 6. That the department ~~Office~~ may conduct a review of the  
5201 business to evaluate whether the business is continuing to  
5202 contribute to the area's or state's economy.

5203 7. That in the event the business does not complete the  
5204 agreement, the business will provide the department ~~Office~~ with  
5205 the reasons the business was unable to complete the agreement.

5206 (b) Compliance with the terms and conditions of the  
5207 agreement is a condition precedent for the receipt of a tax

5208 refund each year. The failure to comply with the terms and  
 5209 conditions of the tax refund agreement results in the loss of  
 5210 eligibility for receipt of all tax refunds previously authorized  
 5211 under this section and the revocation by the department ~~Office~~  
 5212 of the certification of the business entity as a qualified  
 5213 target industry business, unless the business is eligible to  
 5214 receive and elects to accept a prorated refund under paragraph  
 5215 (6) (e) or the department ~~Office~~ grants the business an economic  
 5216 recovery extension.

5217 1. A qualified target industry business may submit a  
 5218 request to the department ~~Office~~ for an economic recovery  
 5219 extension. The request must provide quantitative evidence  
 5220 demonstrating how negative economic conditions in the business's  
 5221 industry, the effects of a named hurricane or tropical storm, or  
 5222 specific acts of terrorism affecting the qualified target  
 5223 industry business have prevented the business from complying  
 5224 with the terms and conditions of its tax refund agreement.

5225 2. Upon receipt of a request under subparagraph 1., the  
 5226 department ~~Office~~ has 45 days to notify the requesting business,  
 5227 in writing, whether its extension has been granted or denied. In  
 5228 determining whether an extension should be granted, the  
 5229 department ~~Office~~ shall consider the extent to which negative  
 5230 economic conditions in the requesting business's industry have  
 5231 occurred in the state or the effects of a named hurricane or  
 5232 tropical storm or specific acts of terrorism affecting the  
 5233 qualified target industry business have prevented the business  
 5234 from complying with the terms and conditions of its tax refund  
 5235 agreement. The department ~~Office~~ shall consider current

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5236 employment statistics for this state by industry, including  
5237 whether the business's industry had substantial job loss during  
5238 the prior year, when determining whether an extension shall be  
5239 granted.

5240 3. As a condition for receiving a prorated refund under  
5241 paragraph (6) (e) or an economic recovery extension under this  
5242 paragraph, a qualified target industry business must agree to  
5243 renegotiate its tax refund agreement with the Governor ~~Office~~  
5244 to, at a minimum, ensure that the terms of the agreement comply  
5245 with current law and the department's ~~office~~ procedures  
5246 governing application for and award of tax refunds. Upon  
5247 approving the award of a prorated refund or granting an economic  
5248 recovery extension, the Governor, through the department, ~~Office~~  
5249 shall renegotiate the tax refund agreement with the business as  
5250 required by this subparagraph. When amending the agreement of a  
5251 business receiving an economic recovery extension, the Governor,  
5252 through the department, ~~Office~~ may extend the duration of the  
5253 agreement for a period not to exceed 2 years.

5254 4. A qualified target industry business may submit a  
5255 request for an economic recovery extension to the department  
5256 ~~Office~~ in lieu of any tax refund claim scheduled to be submitted  
5257 after January 1, 2009, but before July 1, 2012.

5258 5. A qualified target industry business that receives an  
5259 economic recovery extension may not receive a tax refund for the  
5260 period covered by the extension.

5261 (c) The agreement must be signed by the Governor ~~director~~  
5262 and by an authorized officer of the qualified target industry  
5263 business within 120 days after the issuance of the letter of

5264 certification under subsection (4), but not before passage and  
 5265 receipt of the resolution of local financial support. The  
 5266 department ~~Office~~ may grant an extension of this period at the  
 5267 written request of the qualified target industry business.

5268 (6) ANNUAL CLAIM FOR REFUND.—

5269 (a) To be eligible to claim any scheduled tax refund, a  
 5270 qualified target industry business that has entered into a tax  
 5271 refund agreement with the Governor ~~Office~~ under subsection (5)  
 5272 must apply by January 31 of each fiscal year to the department  
 5273 ~~office~~ for the tax refund scheduled to be paid from the  
 5274 appropriation for the fiscal year that begins on July 1  
 5275 following the January 31 claims-submission date. The department  
 5276 ~~Office~~ may, upon written request, grant a 30-day extension of  
 5277 the filing date.

5278 (c) The department ~~Office~~ may waive the requirement for  
 5279 proof of taxes paid in future years for a qualified target  
 5280 industry business that provides the department ~~office~~ with proof  
 5281 that, in a single year, the business has paid an amount of state  
 5282 taxes from the categories in paragraph (3)(d) that is at least  
 5283 equal to the total amount of tax refunds that the business may  
 5284 receive through successful completion of its tax refund  
 5285 agreement.

5286 (f) The Governor ~~Office~~, with such assistance as may be  
 5287 required from the Department of Revenue ~~or the Agency for~~  
 5288 ~~Workforce Innovation~~, shall, by June 30 following the scheduled  
 5289 date for submission of the tax refund claim, specify by written  
 5290 order the approval or disapproval of the tax refund claim and,  
 5291 if approved, the amount of the tax refund that is authorized to

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5292 be paid to the qualified target industry business for the annual  
 5293 tax refund. the department ~~Office~~ may grant an extension of this  
 5294 date on the request of the qualified target industry business  
 5295 for the purpose of filing additional information in support of  
 5296 the claim.

5297 (g) The total amount of tax refund claims approved  
 5298 by the Governor ~~Office~~ under this section in any fiscal year  
 5299 must not exceed the amount authorized under s. 288.095(3).

5300 (7) ADMINISTRATION.—

5301 (a) The department ~~Office~~ may verify information provided  
 5302 in any claim submitted for tax credits under this section with  
 5303 regard to employment and wage levels or the payment of the taxes  
 5304 to the appropriate agency or authority, including the Department  
 5305 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local  
 5306 government or authority.

5307 (b) To facilitate the process of monitoring and auditing  
 5308 applications made under this section, the department ~~Office~~ may  
 5309 provide a list of qualified target industry businesses to the  
 5310 Department of Revenue, ~~to the Agency for Workforce Innovation,~~  
 5311 or to any local government or authority. The department ~~Office~~  
 5312 may request the assistance of those entities with respect to  
 5313 monitoring jobs, wages, and the payment of the taxes listed in  
 5314 subsection (3).

5315 (c) Funds specifically appropriated for tax refunds for  
 5316 qualified target industry businesses under this section may not  
 5317 be used by the department ~~Office~~ for any purpose other than the  
 5318 payment of tax refunds authorized by this section.

5319 (d) Beginning with tax refund agreements signed after July

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5320 1, 2010, the department ~~Office~~ shall attempt to ascertain the  
 5321 causes for any business's failure to complete its agreement and  
 5322 shall report its findings and recommendations to the Governor,  
 5323 the President of the Senate, and the Speaker of the House of  
 5324 Representatives. The report shall be submitted by December 1 of  
 5325 each year beginning in 2011.

5326 Section 68. Paragraphs (d) and (g) of subsection (1),  
 5327 subsection (2), paragraphs (a), (b), (f), (g), (h), and (i) of  
 5328 subsection (4), and subsection (5) of section 288.107, Florida  
 5329 Statutes, are amended, and present paragraphs (e) through (h) of  
 5330 subsection (1) are redesignated as paragraphs (d) through (f),  
 5331 respectively, to read:

5332 288.107 Brownfield redevelopment bonus refunds.—

5333 (1) DEFINITIONS.—As used in this section:

5334 ~~(d) "Director" means the director of the Office of~~  
 5335 ~~Tourism, Trade, and Economic Development.~~

5336 ~~(g) "Office" means The Office of Tourism, Trade, and~~  
 5337 ~~Economic Development.~~

5338 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds  
 5339 shall be approved by the Governor ~~Office~~ as specified in the  
 5340 final order and allowed from the account as follows:

5341 (a) A bonus refund of \$2,500 shall be allowed to any  
 5342 qualified target industry business as defined in s. 288.106 for  
 5343 each new Florida job created in a brownfield area that is  
 5344 claimed on the qualified target industry business's annual  
 5345 refund claim authorized in s. 288.106(6).

5346 (b) A bonus refund of up to \$2,500 shall be allowed to any  
 5347 other eligible business as defined in subparagraph (1)(d)2.

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5348 ~~(1)(e)2.~~ for each new Florida job created in a brownfield area  
5349 that is claimed under an annual claim procedure similar to the  
5350 annual refund claim authorized in s. 288.106(6). The amount of  
5351 the refund shall be equal to 20 percent of the average annual  
5352 wage for the jobs created.

5353 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

5354 (a) To be eligible to receive a bonus refund for new  
5355 Florida jobs created in a brownfield area, a business must have  
5356 been certified as a qualified target industry business under s.  
5357 288.106 or eligible business as defined in paragraph (1)(d)  
5358 ~~(1)(e)~~ and must have indicated on the qualified target industry  
5359 business tax refund application form submitted in accordance  
5360 with s. 288.106(4) or other similar agreement for other eligible  
5361 business as defined in paragraph (1)(d) ~~(1)(e)~~ that the project  
5362 for which the application is submitted is or will be located in  
5363 a brownfield area and that the business is applying for  
5364 certification as a qualified brownfield business under this  
5365 section, and must have signed a qualified target industry  
5366 business tax refund agreement with the Governor Office that  
5367 indicates that the business has been certified as a qualified  
5368 target industry business located in a brownfield area and  
5369 specifies the schedule of brownfield redevelopment bonus refunds  
5370 that the business may be eligible to receive in each fiscal  
5371 year.

5372 (b) To be considered to receive an eligible brownfield  
5373 redevelopment bonus refund payment, the business meeting the  
5374 requirements of paragraph (a) must submit a claim once each  
5375 fiscal year on a claim form approved by the department Office



5376 | which indicates the location of the brownfield, the address of  
 5377 | the business facility's brownfield location, the name of the  
 5378 | brownfield in which it is located, the number of jobs created,  
 5379 | and the average wage of the jobs created by the business within  
 5380 | the brownfield as defined in s. 288.106 or other eligible  
 5381 | business as defined in paragraph (1) (d) ~~(1) (e)~~ and the  
 5382 | administrative rules and policies for that section.

5383 |       (f) Applications shall be reviewed and certified pursuant  
 5384 | to s. 288.061. The department ~~Office~~ shall review all  
 5385 | applications submitted under s. 288.106 or other similar  
 5386 | application forms for other eligible businesses as defined in  
 5387 | paragraph (1) (d) ~~(1) (e)~~ which indicate that the proposed project  
 5388 | will be located in a brownfield and determine, with the  
 5389 | assistance of the Department of Environmental Protection, that  
 5390 | the project location is within a brownfield as provided in this  
 5391 | act.

5392 |       (g) The department ~~Office~~ shall approve all claims for a  
 5393 | brownfield redevelopment bonus refund payment that are found to  
 5394 | meet the requirements of paragraphs (b) and (d).

5395 |       (h) The department ~~director~~, with such assistance as may  
 5396 | be required from ~~the Office~~ and the Department of Environmental  
 5397 | Protection, shall specify by written final order the amount of  
 5398 | the brownfield redevelopment bonus refund that is authorized for  
 5399 | the qualified target industry business for the fiscal year  
 5400 | within 30 days after the date that the claim for the annual tax  
 5401 | refund is received by the department ~~office~~.

5402 |       (i) The total amount of the bonus refunds approved by the  
 5403 | Governor ~~director~~ under this section in any fiscal year must not

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5404 exceed the total amount appropriated to the Economic Development  
 5405 Incentives Account for this purpose for the fiscal year. In the  
 5406 event that the Legislature does not appropriate an amount  
 5407 sufficient to satisfy projections by the department ~~Office~~ for  
 5408 brownfield redevelopment bonus refunds under this section in a  
 5409 fiscal year, the Governor, through the department, ~~Office~~ shall,  
 5410 not later than July 15 of such year, determine the proportion of  
 5411 each brownfield redevelopment bonus refund claim which shall be  
 5412 paid by dividing the amount appropriated for tax refunds for the  
 5413 fiscal year by the projected total of brownfield redevelopment  
 5414 bonus refund claims for the fiscal year. The amount of each  
 5415 claim for a brownfield redevelopment bonus tax refund shall be  
 5416 multiplied by the resulting quotient. If, after the payment of  
 5417 all such refund claims, funds remain in the Economic Development  
 5418 Incentives Account for brownfield redevelopment tax refunds, the  
 5419 department ~~Office~~ shall recalculate the proportion for each  
 5420 refund claim and adjust the amount of each claim accordingly.

5421 (5) ADMINISTRATION.—

5422 (a) The department ~~Office~~ may verify information provided  
 5423 in any claim submitted for tax credits under this section with  
 5424 regard to employment and wage levels or the payment of the taxes  
 5425 to the appropriate agency or authority, including the Department  
 5426 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local  
 5427 government or authority.

5428 (b) To facilitate the process of monitoring and auditing  
 5429 applications made under this program, the department ~~Office~~ may  
 5430 provide a list of qualified target industry businesses to the  
 5431 Department of Revenue, ~~to the Agency for Workforce Innovation,~~

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5432 to the Department of Environmental Protection, or to any local  
5433 government authority. The department ~~office~~ may request the  
5434 assistance of those entities with respect to monitoring the  
5435 payment of the taxes listed in s. 288.106(3).

5436 Section 69. Subsection (2), paragraphs (a), (b), (d), and  
5437 (e) of subsection (3), subsection (4), paragraphs (a) and (c) of  
5438 subsection (5), and subsections (6) and (7) of section 288.108,  
5439 Florida Statutes, are amended, to read:

5440 288.108 High-impact business.—

5441 (2) DEFINITIONS.—As used in this section, the term:

5442 (a) ~~(h)~~ "Commencement of operations" means that the  
5443 qualified high-impact business has begun to actively operate the  
5444 principal function for which the facility was constructed as  
5445 determined by the department ~~office~~ and specified in the  
5446 qualified high-impact business agreement.

5447 (b) ~~(e)~~ "Cumulative investment" means the total investment  
5448 in buildings and equipment made by a qualified high-impact  
5449 business since the beginning of construction of such facility.

5450 (c) ~~(a)~~ "Eligible high-impact business" means a business in  
5451 one of the high-impact sectors identified by Enterprise Florida,  
5452 Inc., and certified by the department ~~Office of Tourism, Trade,~~  
5453 ~~and Economic Development~~ as provided in subsection (5), which is  
5454 making a cumulative investment in the state of at least \$50  
5455 million and creating at least 50 new full-time equivalent jobs  
5456 in the state or a research and development facility making a  
5457 cumulative investment of at least \$25 million and creating at  
5458 least 25 new full-time equivalent jobs. Such investment and  
5459 employment must be achieved in a period not to exceed 3 years

5460 after the date the business is certified as a qualified high-  
 5461 impact business.

5462 ~~(c) "Office" means the Office of Tourism, Trade, and~~  
 5463 ~~Economic Development.~~

5464 ~~(d) "Director" means the director of the Office of~~  
 5465 ~~Tourism, Trade, and Economic Development.~~

5466 (d) ~~(f)~~ "Fiscal year" means the fiscal year of the state.

5467 (e) ~~(g)~~ "Jobs" means full-time equivalent positions,  
 5468 including, but not limited to, positions obtained from a  
 5469 temporary employment agency or employee leasing company or  
 5470 through a union agreement or coemployment under a professional  
 5471 employer organization agreement, that result directly from a  
 5472 project in this state. The term does not include temporary  
 5473 construction jobs involved in the construction of the project  
 5474 facility.

5475 (f) ~~(b)~~ "Qualified high-impact business" means a business  
 5476 in one of the high-impact sectors that has been certified by the  
 5477 department office ~~office~~ as a qualified high-impact business to receive  
 5478 a high-impact sector performance grant.

5479 (g) ~~(i)~~ "Research and development" means basic and applied  
 5480 research in science or engineering, as well as the design,  
 5481 development, and testing of prototypes or processes of new or  
 5482 improved products. Research and development does not mean market  
 5483 research, routine consumer product testing, sales research,  
 5484 research in the social sciences or psychology, nontechnological  
 5485 activities or technical services.

5486 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE  
 5487 AMOUNTS.—

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5488 (a) Upon commencement of operations, a qualified high-  
5489 impact business is eligible to receive a high-impact business  
5490 performance grant in the amount as determined by the department  
5491 ~~office~~ under subsection (5), consistent with eligible amounts as  
5492 provided in paragraph (b), and specified in the qualified high-  
5493 impact business agreement. The precise conditions that are  
5494 considered commencement of operations must be specified in the  
5495 qualified high-impact business agreement.

5496 (b) The department ~~Office~~ may, ~~in consultation with~~  
5497 ~~Enterprise Florida, Inc.~~, negotiate qualified high-impact  
5498 business performance grant awards for any single qualified high-  
5499 impact business. In negotiating such awards, the department  
5500 ~~Office~~ shall consider the following guidelines in conjunction  
5501 with other relevant applicant impact and cost information and  
5502 analysis as required in subsection (5).

5503 1. A qualified high-impact business making a cumulative  
5504 investment of \$50 million and creating 50 jobs may be eligible  
5505 for a total qualified high-impact business performance grant of  
5506 \$500,000 to \$1 million.

5507 2. A qualified high-impact business making a cumulative  
5508 investment of \$100 million and creating 100 jobs may be eligible  
5509 for a total qualified high-impact business performance grant of  
5510 \$1 million to \$2 million.

5511 3. A qualified high-impact business making a cumulative  
5512 investment of \$800 million and creating 800 jobs may be eligible  
5513 for a qualified high-impact business performance grant of \$10  
5514 million to \$12 million.

5515 4. A qualified high-impact business engaged in research

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5516 and development making a cumulative investment of \$25 million  
 5517 and creating 25 jobs may be eligible for a total qualified high-  
 5518 impact business performance grant of \$700,000 to \$1 million.

5519 5. A qualified high-impact business engaged in research  
 5520 and development making a cumulative investment of \$75 million,  
 5521 and creating 75 jobs may be eligible for a total qualified high-  
 5522 impact business performance grant of \$2 million to \$3 million.

5523 6. A qualified high-impact business engaged in research  
 5524 and development making a cumulative investment of \$150 million,  
 5525 and creating 150 jobs may be eligible for a qualified high-  
 5526 impact business performance grant of \$3.5 million to \$4.5  
 5527 million.

5528 (d) The balance of the performance grant award shall be  
 5529 paid to the qualified high-impact business upon the business's  
 5530 certification that full operations have commenced and that the  
 5531 full investment and employment goals specified in the qualified  
 5532 high-impact business agreement have been met and verified by the  
 5533 department ~~Office of Tourism, Trade, and Economic Development~~.  
 5534 The verification must occur not later than 60 days after the  
 5535 qualified high-impact business has provided the certification  
 5536 specified in this paragraph.

5537 (e) The department ~~office~~ may, upon a showing of  
 5538 reasonable cause for delay and significant progress toward the  
 5539 achievement of the investment and employment goals specified in  
 5540 the qualified high-impact business agreement, extend the date  
 5541 for commencement of operations, not to exceed an additional 2  
 5542 years beyond the limit specified in paragraph (2) (c) ~~(2) (a)~~, but  
 5543 in no case may any high-impact sector performance grant payment

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5544 | be made to the business until the scheduled goals have been  
 5545 | achieved.

5546 |       (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~  
 5547 | AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE  
 5548 | GRANTS.—

5549 |       (a) The total amount of active performance grants  
 5550 | scheduled for payment by the department ~~office~~ in any single  
 5551 | fiscal year may not exceed the lesser of \$30 million or the  
 5552 | amount appropriated by the Legislature for that fiscal year for  
 5553 | qualified high-impact business performance grants. If the  
 5554 | scheduled grant payments are not made in the year for which they  
 5555 | were scheduled in the qualified high-impact business agreement  
 5556 | and are rescheduled as authorized in paragraph (3)(e), they are,  
 5557 | for purposes of this paragraph, deemed to have been paid in the  
 5558 | year in which they were originally scheduled in the qualified  
 5559 | high-impact business agreement.

5560 |       (b) If the Legislature does not appropriate an amount  
 5561 | sufficient to satisfy the qualified high-impact business  
 5562 | performance grant payments scheduled for any fiscal year, the  
 5563 | Governor, through the department, ~~Office~~ shall, not later than  
 5564 | July 15 of that year, determine the proportion of each grant  
 5565 | payment which may be paid by dividing the amount appropriated  
 5566 | for qualified high-impact business performance grant payments  
 5567 | for the fiscal year by the total performance grant payments  
 5568 | scheduled in all performance grant agreements for the fiscal  
 5569 | year. The amount of each grant scheduled for payment in that  
 5570 | fiscal year must be multiplied by the resulting quotient. All  
 5571 | businesses affected by this calculation must be notified by

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5572 August 1 of each fiscal year. If, after the payment of all the  
 5573 refund claims, funds remain in the appropriation for payment of  
 5574 qualified high-impact business performance grants, the  
 5575 department ~~Office~~ shall recalculate the proportion for each  
 5576 performance grant payment and adjust the amount of each claim  
 5577 accordingly.

5578 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

5579 (a) The department shall review an application pursuant to  
 5580 s. 288.061 which is received from any eligible business, as  
 5581 defined in subsection (2), shall apply to Enterprise Florida,  
 5582 ~~Inc.,~~ for consideration as a qualified high-impact business  
 5583 before the business has made a decision to locate or expand a  
 5584 facility in this state. A business must provide The application,  
 5585 ~~developed by the Office of Tourism, Trade, and Economic~~  
 5586 ~~Development, in consultation with Enterprise Florida, Inc., must~~  
 5587 ~~include, but is not limited to,~~ the following information:

5588 1. A complete description of the type of facility,  
 5589 business operations, and product or service associated with the  
 5590 project.

5591 2. The number of full-time equivalent jobs that will be  
 5592 created by the project and the average annual wage of those  
 5593 jobs.

5594 3. The cumulative amount of investment to be dedicated to  
 5595 this project within 3 years.

5596 4. A statement concerning any special impacts the facility  
 5597 is expected to stimulate in the sector, the state, or regional  
 5598 economy and in state universities and community colleges.

5599 5. A statement concerning the role the grant will play in



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5600 the decision of the applicant business to locate or expand in  
5601 this state.

5602 6. Any additional information requested by the department  
5603 ~~Enterprise Florida, Inc., and the Office of Tourism, Trade, and~~  
5604 ~~Economic Development.~~

5605 (c) The Governor ~~director~~ and the qualified high-impact  
5606 business shall enter into a performance grant agreement setting  
5607 forth the conditions for payment of the qualified high-impact  
5608 business performance grant. The agreement shall include the  
5609 total amount of the qualified high-impact business facility  
5610 performance grant award, the performance conditions that must be  
5611 met to obtain the award, including the employment, average  
5612 salary, investment, the methodology for determining if the  
5613 conditions have been met, and the schedule of performance grant  
5614 payments.

5615 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

5616 (a) Enterprise Florida, Inc., shall, by January 1, of  
5617 every third year, beginning January 1, 2011, initiate the  
5618 process of reviewing and, if appropriate, selecting a new high-  
5619 impact sector for designation or recommending the deactivation  
5620 of a designated high-impact sector. The process of reviewing  
5621 designated high-impact sectors or recommending the deactivation  
5622 of a designated high-impact sector shall be in consultation with  
5623 the department ~~office~~, economic development organizations, the  
5624 State University System, local governments, employee and  
5625 employer organizations, market analysts, and economists.

5626 (b) The department ~~Office~~ has authority, ~~only~~ after  
5627 recommendation from Enterprise Florida, Inc., to designate a

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5628 high-impact sector or to deauthorize a designated high-impact  
 5629 sector.

5630 (c) To begin the process of selecting and designating a  
 5631 new high-impact sector, Enterprise Florida, Inc., shall  
 5632 undertake a thorough study of the proposed sector. This study  
 5633 must consider the definition of the sector, including the types  
 5634 of facilities which characterize the sector that might qualify  
 5635 for a high-impact performance grant and whether a powerful  
 5636 incentive like the high-impact performance grant is needed to  
 5637 induce major facilities in the sector to locate or grow in this  
 5638 state; the benefits that major facilities in the sector have or  
 5639 could have on the state's economy and the relative significance  
 5640 of those benefits; the needs of the sector and major sector  
 5641 facilities, including natural, public, and human resources and  
 5642 benefits and costs with regard to these resources; the sector's  
 5643 current and future markets; the current fiscal and potential  
 5644 fiscal impacts of the sector, to both the state and its  
 5645 communities; any geographic opportunities or limitations with  
 5646 regard to the sector, including areas of the state most likely  
 5647 to benefit from the sector and areas unlikely to benefit from  
 5648 the sector; the state's advantages or disadvantages with regard  
 5649 to the sector; and the long-term expectations for the industry  
 5650 on a global level and in the state. If Enterprise Florida, Inc.,  
 5651 finds favorable conditions for the designation of the sector as  
 5652 a high-impact sector, it shall include in the study  
 5653 recommendations for a complete and comprehensive sector  
 5654 strategy, including appropriate marketing and workforce  
 5655 strategies for the entire sector and any recommendations that

5656 Enterprise Florida, Inc., may have for statutory or policy  
 5657 changes needed to improve the state's business climate and to  
 5658 attract and grow Florida businesses, particularly small  
 5659 businesses, in the proposed sector. The study shall reflect the  
 5660 finding of the sector-business network specified in paragraph  
 5661 (d).

5662 (d) In conjunction with the study required in paragraph  
 5663 (c), Enterprise Florida, Inc., shall develop and consult with a  
 5664 network of sector businesses. While this network may include  
 5665 non-Florida businesses, it must include any businesses currently  
 5666 within the state. If the number of Florida businesses in the  
 5667 sector is large, a representative cross-section of Florida  
 5668 sector businesses may form the core of this network.

5669 ~~(e) The study and its findings and recommendations and the~~  
 5670 ~~recommendations gathered from the sector-business network must~~  
 5671 ~~be discussed and considered during the meeting required in s.~~  
 5672 ~~14.2015(2)(e).~~

5673 (e) ~~(f)~~ If after consideration of the completed study  
 5674 required in paragraph (c) and the input derived from  
 5675 consultation with the sector-business network in paragraph (d)  
 5676 ~~and the quarterly meeting as required in paragraph (e),~~ the  
 5677 board of directors of Enterprise Florida, Inc., finds that the  
 5678 sector will have exceptionally large and widespread benefits to  
 5679 the state and its citizens, relative to any public costs; that  
 5680 the sector is characterized by the types of facilities that  
 5681 require exceptionally large investments and provide employment  
 5682 opportunities to a relatively large number of workers in high-  
 5683 quality, high-income jobs that might qualify for a high-impact

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5684 performance grant; and that given the competition for such  
5685 businesses it may be necessary for the state to be able to offer  
5686 a large inducement, such as a high-impact performance grant, to  
5687 attract such a business to the state or to encourage businesses  
5688 to continue to grow in the state, the board of directors of  
5689 Enterprise Florida, Inc., may recommend that the department  
5690 ~~office~~ consider the designation of the sector as a high-impact  
5691 business sector.

5692 (f) ~~(g)~~ Upon receiving a recommendation from the board of  
5693 directors of Enterprise Florida, Inc., together with the study  
5694 required in paragraph (c) and a summary of the findings and  
5695 recommendations of the sector-business network required in  
5696 paragraph (d), the department ~~including a list of all meetings~~  
5697 ~~of the sector network and participants in those meetings and the~~  
5698 ~~findings and recommendations from the quarterly meeting as~~  
5699 ~~required in paragraph (e), the Office~~ shall after a thorough  
5700 evaluation of the study and accompanying materials report its  
5701 findings and either concur in the recommendation of Enterprise  
5702 Florida, Inc., and designate the sector as a high-impact  
5703 business sector or notify Enterprise Florida, Inc., that it does  
5704 not concur and deny the board's request for designation or  
5705 return the recommendation and study to Enterprise Florida, Inc.,  
5706 for further evaluation. In any case, the department ~~director's~~  
5707 decision must be in writing and justify the reasons for the  
5708 decision.

5709 (g) ~~(h)~~ If the department ~~Office~~ designates the sector as a  
5710 high-impact sector, it shall, within 30 days, notify the  
5711 Governor, the President of the Senate, and the Speaker of the

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5712 House of Representatives of its decision and provide a complete  
 5713 report on its decision, including copies of the material  
 5714 provided by Enterprise Florida, Inc., and the department ~~Office~~  
 5715 ~~of Tourism, Trade, and Economic Development's~~ evaluation and  
 5716 comment on any statutory or policy changes recommended by  
 5717 Enterprise Florida, Inc.

5718 (h) ~~(i)~~ For the purposes of this subsection, a high-impact  
 5719 sector consists of the silicon technology sector that Enterprise  
 5720 Florida, Inc., has found to be focused around the type of high-  
 5721 impact businesses for which the incentive created in this  
 5722 subsection is required and will create the kinds of sector and  
 5723 economy wide benefits that justify the use of state resources to  
 5724 encourage these investments and require substantial inducements  
 5725 to compete with the incentive packages offered by other states  
 5726 and nations.

5727 (7) RULEMAKING.—The department ~~Office~~ may adopt rules  
 5728 necessary to administer ~~carry out the provisions of this~~  
 5729 section.

5730 Section 70. Section 288.1081, Florida Statutes, is amended  
 5731 to read:

5732 288.1081 Economic Gardening Business Loan Pilot Program.—

5733 (1) There is created within the department ~~Office of~~  
 5734 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening  
 5735 Business Loan Pilot Program. The purpose of the pilot program is  
 5736 to stimulate investment in Florida's economy by providing loans  
 5737 to expanding businesses in the state. ~~As used in this section,~~  
 5738 ~~the term "office" means the Office of Tourism, Trade, and~~  
 5739 ~~Economic Development.~~

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5740 (2) The Legislature finds that it is vital to the overall  
5741 health and growth of the state's economy to promote favorable  
5742 conditions for expanding Florida businesses that demonstrate the  
5743 ability to grow. The Legislature further finds that, due to the  
5744 current extraordinary economic challenges confronting the state,  
5745 there exists a public purpose in expending state resources to  
5746 stimulate investment in Florida's economy. It is therefore the  
5747 intent of the Legislature that resources be provided for the  
5748 pilot program.

5749 (3) (a) To be eligible for a loan under the pilot program,  
5750 an applicant must be a business eligible for assistance under  
5751 the Economic Gardening Technical Assistance Pilot Program as  
5752 provided in s. 288.1082(4) (a).

5753 (b) A loan applicant must submit a written application to  
5754 the loan administrator in the format prescribed by the loan  
5755 administrator. The application must include:

5756 1. The applicant's federal employer identification number,  
5757 unemployment account number, and sales or other tax registration  
5758 number.

5759 2. The street address of the applicant's principal place  
5760 of business in this state.

5761 3. A description of the type of economic activity,  
5762 product, or research and development undertaken by the  
5763 applicant, including the six-digit North American Industry  
5764 Classification System code for each type of economic activity  
5765 conducted by the applicant.

5766 4. The applicant's annual revenue, number of employees,  
5767 number of full-time equivalent employees, and other information

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5768 necessary to verify the applicant's eligibility for the pilot  
5769 program under s. 288.1082(4) (a).

5770 5. The projected investment in the business, if any, which  
5771 the applicant proposes in conjunction with the loan.

5772 6. The total investment in the business from all sources,  
5773 if any, which the applicant proposes in conjunction with the  
5774 loan.

5775 7. The number of net new full-time equivalent jobs that,  
5776 as a result of the loan, the applicant proposes to create in  
5777 this state as of December 31 of each year and the average annual  
5778 wage of the proposed jobs.

5779 8. The total number of full-time equivalent employees the  
5780 applicant currently employs in this state.

5781 9. The date that the applicant anticipates it needs the  
5782 loan.

5783 10. A detailed explanation of why the loan is needed to  
5784 assist the applicant in expanding jobs in the state.

5785 11. A statement that all of the applicant's available  
5786 corporate assets are pledged as collateral for the amount of the  
5787 loan.

5788 12. A statement that the applicant, upon receiving the  
5789 loan, agrees not to seek additional long-term debt without prior  
5790 approval of the loan administrator.

5791 13. A statement that the loan is a joint obligation of the  
5792 business and of each person who owns at least 20 percent of the  
5793 business.

5794 14. Any additional information requested by the department  
5795 ~~office~~ or the loan administrator.

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5796 (c) The loan administrator, after verifying the accuracy  
5797 of a submitted application, shall award the loan to the  
5798 applicant if the administrator determines that the applicant, as  
5799 compared to other applicants submitting applications, is in the  
5800 best position to use the loan to continue making a successful  
5801 long-term business commitment to the state. The loan  
5802 administrator also shall consider the following factors:

5803 1. Whether the applicant has applied for or received  
5804 incentives from local governments;

5805 2. Whether the applicant has applied for or received  
5806 waivers of taxes, impact fees, or other fees or charges by local  
5807 governments; and

5808 3. What other sources of investments or financing for the  
5809 project that is the subject of the loan application will be  
5810 available to the applicant.

5811 (d) A borrower awarded a loan under this section and the  
5812 loan administrator must enter into a loan agreement that  
5813 provides for the borrower's repayment of the loan.

5814 (4) The following terms apply to a loan received under the  
5815 pilot program:

5816 (a) The maximum amount of the loan is \$250,000.

5817 (b) The proceeds of the loan may be used for working  
5818 capital purchases, employee training, or salaries for newly  
5819 created jobs in the state.

5820 (c) The security interest for the loan's collateral  
5821 covering all of the borrower's available corporate assets to  
5822 cover the amount of the loan must be perfected by recording a  
5823 lien under the Uniform Commercial Code.



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5824 (d) The period of the loan is 4 years.

5825 (e) The interest rate of the loan is 2 percent. However,  
 5826 if the borrower does not create the projected number of jobs  
 5827 within the terms of the loan agreement, the interest rate shall  
 5828 be increased for the remaining period of the loan to the prime  
 5829 rate published in the Wall Street Journal, as of the date  
 5830 specified in the loan agreement, plus 4 percentage points. The  
 5831 loan agreement may provide flexibility in meeting the projected  
 5832 number of jobs for delays due to governmental regulatory issues,  
 5833 including, but not limited to, permitting.

5834 (f) For the first 12 months of the loan, payment is due  
 5835 for interest only, payable during the twelfth month. Thereafter,  
 5836 payment for interest and principal is due each month until the  
 5837 loan is paid in full. Interest and principal payments are based  
 5838 on the unpaid balance of the total loan amount.

5839 (5) (a) The department ~~Office~~ may designate one or more  
 5840 qualified entities to serve as loan administrators for the pilot  
 5841 program. A loan administrator must:

5842 1. Be a Florida corporation not for profit incorporated  
 5843 under chapter 617 which has its principal place of business in  
 5844 the state.

5845 2. Have 5 years of verifiable experience of lending to  
 5846 businesses in this state.

5847 3. Submit an application to the department ~~Office~~ on forms  
 5848 prescribed by the department ~~Office~~. The application must  
 5849 include the loan administrator's business plan for its proposed  
 5850 lending activities under the pilot program, including, but not  
 5851 limited to, a description of its outreach efforts, underwriting,

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5852 credit policies and procedures, credit decision processes,  
5853 monitoring policies and procedures, and collection practices;  
5854 the membership of its board of directors; and samples of its  
5855 currently used loan documentation. The application must also  
5856 include a detailed description and supporting documentation of  
5857 the nature of the loan administrator's partnerships with local  
5858 or regional economic and business development organizations.

5859 (b) The department ~~Office~~, upon selecting a loan  
5860 administrator, shall enter into a grant agreement with the  
5861 administrator to issue the available loans to eligible  
5862 applicants. The grant agreement must specify the aggregate  
5863 amount of the loans authorized for award by the loan  
5864 administrator. The term of the grant agreement must be at least  
5865 4 years, except that the department ~~Office~~ may terminate the  
5866 agreement earlier if the loan administrator fails to meet  
5867 minimum performance standards set by the department ~~office~~. The  
5868 grant agreement may be amended by mutual consent of both  
5869 parties.

5870 (c) The department ~~Office~~ shall disburse from the Economic  
5871 Development Trust Fund to the loan administrator the  
5872 appropriations provided for the pilot program. Disbursements to  
5873 the loan administrator must not exceed the aggregate amount of  
5874 the loans authorized in the grant agreement. The department  
5875 ~~Office~~ may not disburse more than 50 percent of the aggregate  
5876 amount of the loans authorized in the grant agreement until the  
5877 department ~~Office~~ verifies the borrowers' use of the loan  
5878 proceeds and the loan administrator's successful credit  
5879 decisionmaking policies.

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5880 (d) A loan administrator is entitled to receive a loan  
5881 origination fee, payable at closing, of 1 percent of each loan  
5882 issued by the loan administrator and a servicing fee of 0.625  
5883 percent per annum of the loan's outstanding principal balance,  
5884 payable monthly. During the first 12 months of the loan, the  
5885 servicing fee shall be paid from the disbursement from the  
5886 Economic Development Trust Fund, and thereafter the loan  
5887 administrator shall collect the servicing fee from the payments  
5888 made by the borrower, charging the fee against repayments of  
5889 principal.

5890 (e) A loan administrator, after collecting the servicing  
5891 fee in accordance with paragraph (d), shall remit the borrower's  
5892 collected interest, principal payments, and charges for late  
5893 payments to the department ~~office~~ on a quarterly basis. If the  
5894 borrower defaults on the loan, the loan administrator shall  
5895 initiate collection efforts to seek repayment of the loan. The  
5896 loan administrator, upon collecting payments for a defaulted  
5897 loan, shall remit the payments to the department ~~office~~ but, to  
5898 the extent authorized in the grant agreement, may deduct the  
5899 costs of the administrator's collection efforts. The department  
5900 ~~Office~~ shall deposit all funds received under this paragraph in  
5901 the General Revenue Fund.

5902 (f) A loan administrator shall submit quarterly reports to  
5903 the department ~~Office~~ which include the information required in  
5904 the grant agreement. A quarterly report must include, at a  
5905 minimum, the number of full-time equivalent jobs created as a  
5906 result of the loans, the amount of wages paid to employees in  
5907 the newly created jobs, and the locations and types of economic

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5908 activity undertaken by the borrowers.

5909 (6) All notes, mortgages, security agreements, letters of  
 5910 credit, or other instruments that are given to secure the  
 5911 repayment of loans issued in connection with the financing of  
 5912 any loan under the program, without regard to the status of any  
 5913 party thereto as a private party, are exempt from taxation by  
 5914 the state and its political subdivisions. The exemption granted  
 5915 in this subsection does not apply to any tax imposed by chapter  
 5916 220 on interest, income, or profits on debt obligations owned by  
 5917 corporations.

5918 (7) The department ~~Office~~ shall adopt rules under ss.  
 5919 120.536(1) and 120.54 to administer this section. To the extent  
 5920 necessary to expedite implementation of the pilot program, the  
 5921 department ~~Office~~ may adopt initial emergency rules for the  
 5922 pilot program in accordance with s. 120.54(4).

5923 (8) On June 30 and December 31 of each year, the  
 5924 department, beginning in 2009, ~~the Office~~ shall submit a report  
 5925 to the Governor, the President of the Senate, and the Speaker of  
 5926 the House of Representatives which describes in detail the use  
 5927 of the loan funds. The report must include, at a minimum, the  
 5928 number of businesses receiving loans, the number of full-time  
 5929 equivalent jobs created as a result of the loans, the amount of  
 5930 wages paid to employees in the newly created jobs, the locations  
 5931 and types of economic activity undertaken by the borrowers, the  
 5932 amounts of loan repayments made to date, and the default rate of  
 5933 borrowers.

5934 (9) Unexpended balances of appropriations provided for the  
 5935 pilot program shall not revert to the fund from which the

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5936 appropriation was made at the end of a fiscal year but shall be  
 5937 retained in the Economic Development Trust Fund and be carried  
 5938 forward for expenditure for the pilot program during the  
 5939 following fiscal year. A loan administrator may not award a new  
 5940 loan or enter into a loan agreement after June 30, 2011.  
 5941 Balances of appropriations provided for the pilot program which  
 5942 remain unexpended as of July 1, 2011, shall revert to the  
 5943 General Revenue Fund.

5944 (10) This section is repealed July 1, 2016, unless  
 5945 reviewed and reenacted by the Legislature before that date.

5946 Section 71. Section 288.1082, Florida Statutes, is amended  
 5947 to read:

5948 288.1082 Economic Gardening Technical Assistance Pilot  
 5949 Program.—

5950 (1) There is created within the department ~~Office of~~  
 5951 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening  
 5952 Technical Assistance Pilot Program. The purpose of the pilot  
 5953 program is to stimulate investment in Florida's economy by  
 5954 providing technical assistance for expanding businesses in the  
 5955 state. ~~As used in this section, the term "Office" means the~~  
 5956 ~~Office of Tourism, Trade, and Economic Development.~~

5957 (2) The department ~~Office~~ shall contract with one or more  
 5958 entities to administer the pilot program under this section. The  
 5959 department ~~Office~~ shall award each contract in accordance with  
 5960 the competitive bidding requirements in s. 287.057 to an entity  
 5961 that demonstrates the ability to implement the pilot program on  
 5962 a statewide basis, has an outreach plan, and has the ability to  
 5963 provide counseling services, access to technology and

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5964 information, marketing services and advice, business management  
5965 support, and other similar services. In selecting these  
5966 entities, the department ~~Office~~ also must consider whether the  
5967 entities will qualify for matching funds to provide the  
5968 technical assistance.

5969 (3) A contracted entity administering the pilot program  
5970 shall provide technical assistance for eligible businesses which  
5971 includes, but is not limited to:

5972 (a) Access to free or affordable information services and  
5973 consulting services, including information on markets,  
5974 customers, and competitors, such as business databases,  
5975 geographic information systems, and search engine marketing.

5976 (b) Development of business connections, including  
5977 interaction and exchange among business owners and resource  
5978 providers, such as trade associations, think tanks, academic  
5979 institutions, business roundtables, peer-to-peer learning  
5980 sessions, and mentoring programs.

5981 (4) (a) To be eligible for assistance under the pilot  
5982 program, a business must be a for-profit, privately held,  
5983 investment-grade business that employs at least 10 persons but  
5984 not more than 50 persons, has maintained its principal place of  
5985 business in the state for at least the previous 2 years,  
5986 generates at least \$1 million but not more than \$25 million in  
5987 annual revenue, qualifies for the tax refund program for  
5988 qualified target industry businesses under s. 288.106, and,  
5989 during 3 of the previous 5 years, has increased both its number  
5990 of full-time equivalent employees in this state and its gross  
5991 revenues.

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5992 (b) A contracted entity administering the pilot program,  
 5993 in selecting the eligible businesses to receive assistance,  
 5994 shall choose businesses in more than one industry cluster and,  
 5995 to the maximum extent practicable, shall choose businesses that  
 5996 are geographically distributed throughout Florida or are in  
 5997 partnership with businesses that are geographically distributed  
 5998 throughout Florida.

5999 (5) (a) A business receiving assistance under the pilot  
 6000 program must enter into an agreement with the contracted entity  
 6001 administering the program to establish the business's commitment  
 6002 to participation in the pilot program. The agreement must  
 6003 require, at a minimum, that the business:

6004 1. Attend a minimum number of meetings between the  
 6005 business and the contracted entity administering the pilot  
 6006 program.

6007 2. Report job creation data in the manner prescribed by  
 6008 the contracted entity administering the pilot program.

6009 3. Provide financial data in the manner prescribed by the  
 6010 contracted entity administering the program.

6011 (b) The department ~~office~~ or the contracted entity  
 6012 administering the pilot program may prescribe in the agreement  
 6013 additional reporting requirements that are necessary to track  
 6014 the progress of the business and monitor the business's  
 6015 implementation of the assistance. The contracted entity shall  
 6016 report the information to the department ~~office~~ on a quarterly  
 6017 basis.

6018 (6) A contracted entity administering the pilot program is  
 6019 authorized to promote the general business interests or

6020 industrial interests of the state.

6021 (7) The department ~~Office~~ shall review the progress of a  
 6022 contracted entity administering the pilot program at least once  
 6023 each 6 months and shall determine whether the contracted entity  
 6024 is meeting its contractual obligations for administering the  
 6025 pilot program. The department ~~Office~~ may terminate and rebid a  
 6026 contract if the contracted entity does not meet its contractual  
 6027 obligations.

6028 (8) On December 31 of each year, the department, beginning  
 6029 in 2009, ~~the Office~~ shall submit a report to the Governor, the  
 6030 President of the Senate, and the Speaker of the House of  
 6031 Representatives which describes in detail the progress of the  
 6032 pilot program. The report must include, at a minimum, the number  
 6033 of businesses receiving assistance, the number of full-time  
 6034 equivalent jobs created as a result of the assistance, if any,  
 6035 the amount of wages paid to employees in the newly created jobs,  
 6036 and the locations and types of economic activity undertaken by  
 6037 the businesses.

6038 (9) the department ~~Office~~ may adopt rules under ss.  
 6039 120.536(1) and 120.54 to administer this section.

6040 Section 72. Subsections (1), (2), (4), (5), (6), and (9)  
 6041 of section 288.1083, Florida Statutes, are amended to read:

6042 288.1083 Manufacturing and Spaceport Investment Incentive  
 6043 Program.—

6044 (1) The Manufacturing and Spaceport Investment Incentive  
 6045 Program is created within the department ~~Office of Tourism,~~  
 6046 ~~Trade, and Economic Development~~. The purpose of the program is  
 6047 to encourage capital investment and job creation in



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6048 manufacturing and spaceport activities in this state.  
 6049 (2) As used in this section, the term:  
 6050 (a) "Base year purchases" means the total cost of eligible  
 6051 equipment purchased and placed into service in this state by an  
 6052 eligible entity in its tax year that began in 2008.  
 6053 ~~(b) "Department" means the Department of Revenue.~~  
 6054 (b)~~(e)~~ "Eligible entity" means an entity that  
 6055 manufactures, processes, compounds, or produces items for sale  
 6056 of tangible personal property or engages in spaceport  
 6057 activities. The term also includes an entity that engages in  
 6058 phosphate or other solid minerals severance, mining, or  
 6059 processing operations. The term does not include electric  
 6060 utility companies, communications companies, oil or gas  
 6061 exploration or production operations, publishing firms that do  
 6062 not export at least 50 percent of their finished product out of  
 6063 the state, any firm subject to regulation by the Division of  
 6064 Hotels and Restaurants of the Department of Business and  
 6065 Professional Regulation, or any firm that does not manufacture,  
 6066 process, compound, or produce for sale items of tangible  
 6067 personal property or that does not use such machinery and  
 6068 equipment in spaceport activities.  
 6069 (c)~~(d)~~ "Eligible equipment" means tangible personal  
 6070 property or other property that has a depreciable life of 3  
 6071 years or more and that is used as an integral part in the  
 6072 manufacturing, processing, compounding, or production of  
 6073 tangible personal property for sale or is exclusively used in  
 6074 spaceport activities, and that is located and placed into  
 6075 service in this state. A building and its structural components

6076 are not eligible equipment unless the building or structural  
 6077 component is so closely related to the industrial machinery and  
 6078 equipment that it houses or supports that the building or  
 6079 structural component can be expected to be replaced when the  
 6080 machinery and equipment are replaced. Heating and air-  
 6081 conditioning systems are not eligible equipment unless the sole  
 6082 justification for their installation is to meet the requirements  
 6083 of the production process, even though the system may provide  
 6084 incidental comfort to employees or serve, to an insubstantial  
 6085 degree, nonproduction activities. The term includes parts and  
 6086 accessories only to the extent that the exemption of such parts  
 6087 and accessories is consistent with ~~the provisions of this~~  
 6088 paragraph.

6089 (d)~~(e)~~ "Eligible equipment purchases" means the cost of  
 6090 eligible equipment purchased and placed into service in this  
 6091 state in a given state fiscal year by an eligible entity in  
 6092 excess of the entity's base year purchases.

6093 ~~(f) "Office" means The Office of Tourism, Trade, and~~  
 6094 ~~Economic Development.~~

6095 (e)~~(g)~~ "Refund" means a payment to an eligible entity for  
 6096 the amount of state sales and use tax actually paid on eligible  
 6097 equipment purchases.

6098 (4) To receive a refund, a business entity must first  
 6099 apply to the department ~~Office~~ for a tax refund allocation. The  
 6100 entity shall provide such information in the application as  
 6101 reasonably required by the department ~~Office~~. Further, the  
 6102 business entity shall provide such information as is required by  
 6103 the department ~~Office~~ to establish the cost incurred and actual

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6104 sales and use tax paid to purchase eligible equipment located  
6105 and placed into service in this state during its taxable year  
6106 that began in 2008.

6107 (a) Within 30 days after the department ~~Office~~ receives an  
6108 application for a refund, the Governor ~~Office~~ shall approve or  
6109 disapprove the application.

6110 (b) Refund allocations made during the 2010-2011 fiscal  
6111 year shall be awarded in the same order in which applications  
6112 are received. Eligible entities may apply to the department  
6113 ~~Office~~ beginning July 1, 2010, for refunds attributable to  
6114 eligible equipment purchases made during the 2010-2011 fiscal  
6115 year. For the 2010-2011 fiscal year, the department ~~Office~~ shall  
6116 allocate the maximum amount of \$50,000 per entity until the  
6117 entire \$19 million available for refund in state fiscal year  
6118 2010-2011 has been allocated. If the total amount available for  
6119 allocation during the 2010-2011 fiscal year is allocated, the  
6120 department ~~Office~~ shall continue taking applications. Each  
6121 applicant shall be informed of its place in the queue and  
6122 whether the applicant received an allocation of the eligible  
6123 funds.

6124 (c) Refund allocations made during the 2011-2012 fiscal  
6125 year shall first be given to any applicants remaining in the  
6126 queue from the prior fiscal year. The department ~~Office~~ shall  
6127 allocate the maximum amount of \$50,000 per entity, first to  
6128 those applicants that remained in the queue from 2010-2011 for  
6129 eligible purchases in 2010-2011, then to applicants for 2011-  
6130 2012 in the order applications are received for eligible  
6131 purchases in 2011-2012. The department ~~Office~~ shall allocate the

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6132 maximum amount of \$50,000 per entity until the entire \$24  
 6133 million available to be allocated for refund in the 2011-2012  
 6134 fiscal year is allocated. If the total amount available for  
 6135 refund in 2011-2012 has been allocated, The department ~~Office~~  
 6136 shall continue to accept applications from eligible entities in  
 6137 the 2011-2012 fiscal year for refunds attributable to eligible  
 6138 equipment purchases made during the 2011-2012 fiscal year.  
 6139 Refund allocations made during the 2011-2012 fiscal year shall  
 6140 be awarded in the same order in which applications are received.  
 6141 Upon submitting an application, each applicant shall be informed  
 6142 of its place in the queue and whether the applicant has received  
 6143 an allocation of the eligible funds.

6144 (5) Upon completion of eligible equipment purchases, a  
 6145 business entity that received a refund allocation from the  
 6146 department ~~Office~~ must apply to the Governor ~~office~~ for  
 6147 certification of a refund. For eligible equipment purchases made  
 6148 during the 2010-2011 fiscal year, the application for  
 6149 certification must be made no later than September 1, 2011. For  
 6150 eligible equipment purchases made during the 2011-2012 fiscal  
 6151 year, the application for certification must be made no later  
 6152 than September 1, 2012. The application shall provide such  
 6153 documentation as is reasonably required by the department ~~Office~~  
 6154 to calculate the refund amount, including documentation  
 6155 necessary to confirm the cost of eligible equipment purchases  
 6156 supporting the claim of the sales and use tax paid thereon.  
 6157 Further, the business entity shall provide such documentation as  
 6158 required by the department ~~Office~~ to establish the entity's base  
 6159 year purchases. If, upon reviewing the application, the

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6160 department ~~Office~~ determines that eligible equipment purchases  
 6161 did not occur, that the amount of tax claimed to have been paid  
 6162 or remitted on the eligible equipment purchases is not supported  
 6163 by the documentation provided, or that the information provided  
 6164 ~~to the Office~~ was otherwise inaccurate, the amount of the refund  
 6165 allocation not substantiated may ~~shall~~ not be certified.  
 6166 Otherwise, the department ~~Office~~ shall recommend to the Governor  
 6167 ~~determine and certify~~ the amount of the refund to certify to the  
 6168 eligible entity and to the Department of Revenue within 30 days  
 6169 after the Department of Economic Opportunity ~~office~~ receives the  
 6170 application for certification.

6171 (6) Upon certification of a refund for an eligible entity,  
 6172 the entity shall apply to the Department of Revenue within 30  
 6173 days for payment of the certified amount as a refund on a form  
 6174 prescribed by the Department of Revenue. The Department of  
 6175 Revenue may request documentation in support of the application  
 6176 and adopt emergency rules to administer the refund application  
 6177 process.

6178 (9) The Department of Economic Opportunity ~~Office~~ shall  
 6179 adopt emergency rules governing applications for, issuance of,  
 6180 and procedures for allocation and certification and may  
 6181 establish guidelines as to the requisites for demonstrating base  
 6182 year purchases and eligible equipment purchases.

6183 Section 73. Subsections (2), (3), and (5) of section  
 6184 288.1088, Florida Statutes, are amended to read:

6185 288.1088 Quick Action Closing Fund.—

6186 (2) There is created within the department ~~Office of~~  
 6187 ~~Tourism, Trade, and Economic Development~~ the Quick Action

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6188 Closing Fund. Projects eligible for receipt of funds from the  
 6189 Quick Action Closing Fund shall:

6190 (a) Be in an industry as referenced in s. 288.106.

6191 (b) Have a positive economic benefit ~~payback~~ ratio of at  
 6192 least 5 to 1.

6193 (c) Be an inducement to the project's location or  
 6194 expansion in the state.

6195 (d) Pay an average annual wage of at least 125 percent of  
 6196 the areawide or statewide private sector average wage.

6197 (e) Be supported by the local community in which the  
 6198 project is to be located.

6199 (3) (a) The department ~~Enterprise Florida, Inc.,~~ shall  
 6200 review applications pursuant to s. 288.061 and determine the  
 6201 eligibility of each project consistent with the criteria in  
 6202 subsection (2). Waiver of ~~Enterprise Florida, Inc., in~~  
 6203 ~~consultation with the Office of Tourism, Trade, and Economic~~  
 6204 ~~Development, may waive~~ these criteria may be considered under  
 6205 the following conditions:

6206 1. Based on extraordinary circumstances;

6207 2. In order to mitigate the impact of the conclusion of  
 6208 the space shuttle program; or

6209 3. In rural areas of critical economic concern if the  
 6210 project would significantly benefit the local or regional  
 6211 economy.

6212 (b) The department ~~Enterprise Florida, Inc.,~~ shall  
 6213 evaluate individual proposals for high-impact business  
 6214 facilities ~~and forward recommendations regarding the use of~~  
 6215 ~~moneys in the fund for such facilities to the director of the~~

6216 ~~Office of Tourism, Trade, and Economic Development.~~ Such  
 6217 evaluation ~~and recommendation~~ must include, but need not be  
 6218 limited to:

6219 1. A description of the type of facility or  
 6220 infrastructure, its operations, and the associated product or  
 6221 service associated with the facility.

6222 2. The number of full-time-equivalent jobs that will be  
 6223 created by the facility and the total estimated average annual  
 6224 wages of those jobs or, in the case of privately developed rural  
 6225 infrastructure, the types of business activities and jobs  
 6226 stimulated by the investment.

6227 3. The cumulative amount of investment to be dedicated to  
 6228 the facility within a specified period.

6229 4. A statement of any special impacts the facility is  
 6230 expected to stimulate in a particular business sector in the  
 6231 state or regional economy or in the state's universities and  
 6232 community colleges.

6233 5. A statement of the role the incentive is expected to  
 6234 play in the decision of the applicant business to locate or  
 6235 expand in this state or for the private investor to provide  
 6236 critical rural infrastructure.

6237 6. A report evaluating the quality and value of the  
 6238 company submitting a proposal. The report must include:

6239 a. A financial analysis of the company, including an  
 6240 evaluation of the company's short-term liquidity ratio as  
 6241 measured by its assets to liability, the company's profitability  
 6242 ratio, and the company's long-term solvency as measured by its  
 6243 debt-to-equity ratio;

- 6244 b. The historical market performance of the company;
- 6245 c. A review of any independent evaluations of the company;
- 6246 d. A review of the latest audit of the company's financial
- 6247 statement and the related auditor's management letter; and
- 6248 e. A review of any other types of audits that are related
- 6249 to the internal and management controls of the company.

6250 (c) The Commissioner of Economic Opportunity ~~Within 22~~  
 6251 ~~calendar days after receiving the evaluation and recommendation~~  
 6252 ~~from Enterprise Florida, Inc., the director of the Office of~~  
 6253 ~~Tourism, Trade, and Economic Development~~ shall recommend to the  
 6254 Governor the approval or disapproval of a project for receipt of  
 6255 funds from the Quick Action Closing Fund. In recommending a  
 6256 project, the commissioner ~~the director~~ shall include proposed  
 6257 performance conditions that the project must meet to obtain  
 6258 incentive funds. The Governor may approve project awards up to  
 6259 \$5 million. For any project award that exceeds \$5 million, the  
 6260 Governor shall ~~provide the evaluation of projects recommended~~  
 6261 ~~for approval to the President of the Senate and the Speaker of~~  
 6262 ~~the House of Representatives~~ and consult with the President of  
 6263 the Senate and the Speaker of the House of Representatives  
 6264 before giving final approval for the a project. Such  
 6265 consultation shall be accomplished by ~~At least 14 days before~~  
 6266 ~~releasing funds for a project,~~ the Executive Office of the  
 6267 Governor, recommending ~~shall recommend~~ approval of the project  
 6268 and ~~the release of funds~~ by delivering notice of such action  
 6269 pursuant to the legislative consultation and review requirements  
 6270 set forth in s. 216.177. The recommendation must include  
 6271 proposed performance conditions that the project must meet in



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6272 order to obtain funds. If the chair or vice chair of the  
 6273 Legislative Budget Commission or the President of the Senate or  
 6274 the Speaker of the House of Representatives ~~timely~~ advises the  
 6275 Executive Office of the Governor, in writing, within 3 business  
 6276 days after receipt of the notice that such action or proposed  
 6277 action exceeds the delegated authority of the Executive Office  
 6278 of the Governor or is contrary to legislative policy or intent,  
 6279 the Executive Office of the Governor shall void the action  
 6280 ~~release of funds~~ and instruct the department ~~Office of Tourism,~~  
 6281 ~~Trade, and Economic Development~~ to immediately change such  
 6282 action or proposed action until the Legislative Budget  
 6283 Commission or the Legislature addresses the issue.  
 6284 ~~Notwithstanding such requirement, any project exceeding~~  
 6285 ~~\$2,000,000 must be approved by the Legislative Budget Commission~~  
 6286 ~~prior to the funds being released.~~

6287 (d) Upon the approval of the project, ~~the~~ Governor, ~~the~~  
 6288 ~~director of the Office of Tourism, Trade, and Economic~~  
 6289 ~~Development~~ and the business shall enter into a contract that  
 6290 sets forth the conditions for payment of moneys from the fund.  
 6291 The contract must include the total amount of funds awarded; the  
 6292 performance conditions that must be met to obtain the award,  
 6293 including, but not limited to, net new employment in the state,  
 6294 average salary, and total capital investment; demonstrate a  
 6295 baseline of current service and a measure of enhanced  
 6296 capability; the methodology for validating performance; the  
 6297 schedule of payments from the fund; and sanctions for failure to  
 6298 meet performance conditions. The contract must provide that  
 6299 payment of moneys from the fund is contingent upon sufficient

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6300 appropriation of funds by the Legislature.

6301 (e) The department ~~Enterprise Florida, Inc.,~~ shall  
 6302 validate contractor performance. Such validation shall be  
 6303 reported within 6 months after completion of the contract to the  
 6304 Governor, President of the Senate, and the Speaker of the House  
 6305 of Representatives.

6306 ~~(5) Funds appropriated by the Legislature for purposes of~~  
 6307 ~~implementing this section shall be placed in reserve and may~~  
 6308 ~~only be released pursuant to the legislative consultation and~~  
 6309 ~~review requirements set forth in this section.~~

6310 Section 74. Subsection (1), paragraphs (b), (f), and (o)  
 6311 of subsection (2), and subsections (3), (4), (5), (6), (7), (8),  
 6312 (9), (11), and (12) of section 288.1089, Florida Statutes, are  
 6313 amended, and present paragraphs (g) through (n) and paragraphs  
 6314 (p) through (s) of subsection (2) are redesignated as paragraphs  
 6315 (f) through (m) and paragraphs (n) through (q), respectively, to  
 6316 read:

6317 288.1089 Innovation Incentive Program.—

6318 (1) The Innovation Incentive Program is created within the  
 6319 department ~~Office of Tourism, Trade, and Economic Development~~ to  
 6320 ensure that sufficient resources are available to allow the  
 6321 state to respond expeditiously to extraordinary economic  
 6322 opportunities and to compete effectively for high-value research  
 6323 and development, innovation business, and alternative and  
 6324 renewal energy projects.

6325 (2) As used in this section, the term:

6326 (b) "Average private sector wage" means the statewide  
 6327 average wage in the private sector or the average of all private

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6328 | sector wages in the county or in the standard metropolitan area  
 6329 | in which the project is located as determined by the department  
 6330 | ~~Agency for Workforce Innovation.~~

6331 |       ~~(f) "Director" means the director of the Office of~~  
 6332 | ~~Tourism, Trade, and Economic Development.~~

6333 |       ~~(e) "Office" means the Office of Tourism, Trade, and~~  
 6334 | ~~Economic Development.~~

6335 |       (3) To be eligible for consideration for an innovation  
 6336 | incentive award, an innovation business, a research and  
 6337 | development entity, or an alternative and renewable energy  
 6338 | company must submit a written application to the department  
 6339 | ~~Enterprise Florida, Inc.,~~ before making a decision to locate new  
 6340 | operations in this state or expand an existing operation in this  
 6341 | state. The application must include, but not be limited to:

6342 |       (a) The applicant's federal employer identification  
 6343 | number, unemployment account number, and state sales tax  
 6344 | registration number. If such numbers are not available at the  
 6345 | time of application, they must be submitted to the department  
 6346 | ~~office~~ in writing before ~~prior to~~ the disbursement of any  
 6347 | payments under this section.

6348 |       (b) The location in this state at which the project is  
 6349 | located or is to be located.

6350 |       (c) A description of the type of business activity,  
 6351 | product, or research and development undertaken by the  
 6352 | applicant, including six-digit North American Industry  
 6353 | Classification System codes for all activities included in the  
 6354 | project.

6355 |       (d) The applicant's projected investment in the project.

- 6356 (e) The total investment, from all sources, in the
- 6357 project.
- 6358 (f) The number of net new full-time equivalent jobs in
- 6359 this state the applicant anticipates having created as of
- 6360 December 31 of each year in the project and the average annual
- 6361 wage of such jobs.
- 6362 (g) The total number of full-time equivalent employees
- 6363 currently employed by the applicant in this state, if
- 6364 applicable.
- 6365 (h) The anticipated commencement date of the project.
- 6366 (i) A detailed explanation of why the innovation incentive
- 6367 is needed to induce the applicant to expand or locate in the
- 6368 state and whether an award would cause the applicant to locate
- 6369 or expand in this state.
- 6370 (j) If applicable, an estimate of the proportion of the
- 6371 revenues resulting from the project that will be generated
- 6372 outside this state.
- 6373 (4) To qualify for review by the department ~~Office~~, the
- 6374 applicant must, at a minimum, establish the following to the
- 6375 satisfaction of the department ~~Enterprise Florida, Inc., and the~~
- 6376 ~~Office~~:
- 6377 (a) The jobs created by the project must pay an estimated
- 6378 annual average wage equaling at least 130 percent of the average
- 6379 private sector wage. The Governor ~~Office~~ may waive this average
- 6380 wage requirement ~~at the request of Enterprise Florida, Inc.,~~ for
- 6381 a project located in a rural area, a brownfield area, or an
- 6382 enterprise zone, when the merits of the individual project or
- 6383 the specific circumstances in the community in relationship to

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6384 the project warrant such action. A recommendation for waiver by  
6385 the department ~~Enterprise Florida, Inc.~~, must include a specific  
6386 justification for the waiver and be transmitted to the Governor  
6387 by the department ~~Office~~ in writing. If the Governor ~~director~~  
6388 elects to waive the wage requirement, the waiver must be stated  
6389 in writing and the reasons for granting the waiver must be  
6390 explained.

6391 (b) A research and development project must:

6392 1. Serve as a catalyst for an emerging or evolving  
6393 technology cluster.

6394 2. Demonstrate a plan for significant higher education  
6395 collaboration.

6396 3. Provide the state, at a minimum, a break-even return on  
6397 investment within a 20-year period.

6398 4. Be provided with a one-to-one match from the local  
6399 community. The match requirement may be reduced or waived in  
6400 rural areas of critical economic concern or reduced in rural  
6401 areas, brownfield areas, and enterprise zones.

6402 (c) An innovation business project in this state, other  
6403 than a research and development project, must:

6404 1.a. Result in the creation of at least 1,000 direct, new  
6405 jobs at the business; or

6406 b. Result in the creation of at least 500 direct, new jobs  
6407 if the project is located in a rural area, a brownfield area, or  
6408 an enterprise zone.

6409 2. Have an activity or product that is within an industry  
6410 that is designated as a target industry business under s.  
6411 288.106 or a designated sector under s. 288.108.

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6412           3.a. Have a cumulative investment of at least \$500 million  
6413 within a 5-year period; or

6414           b. Have a cumulative investment that exceeds \$250 million  
6415 within a 10-year period if the project is located in a rural  
6416 area, brownfield area, or an enterprise zone.

6417           4. Be provided with a one-to-one match from the local  
6418 community. The match requirement may be reduced or waived in  
6419 rural areas of critical economic concern or reduced in rural  
6420 areas, brownfield areas, and enterprise zones.

6421           (d) For an alternative and renewable energy project in  
6422 this state, the project must:

6423           1. Demonstrate a plan for significant collaboration with  
6424 an institution of higher education;

6425           2. Provide the state, at a minimum, a break-even return on  
6426 investment within a 20-year period;

6427           3. Include matching funds provided by the applicant or  
6428 other available sources. The match requirement may be reduced or  
6429 waived in rural areas of critical economic concern or reduced in  
6430 rural areas, brownfield areas, and enterprise zones;

6431           4. Be located in this state; and

6432           5. Provide at least 35 direct, new jobs that pay an  
6433 estimated annual average wage that equals at least 130 percent  
6434 of the average private sector wage.

6435           (5) The department ~~Enterprise Florida, Inc.,~~ shall review  
6436 ~~evaluate~~ proposals pursuant s. 288.061 for all three categories  
6437 of innovation incentive awards ~~and transmit recommendations for~~  
6438 ~~awards to the Office.~~ Before recommending a proposal to the  
6439 Governor, the department ~~making its recommendations on~~

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6440 ~~alternative and renewable energy projects, Enterprise Florida,~~  
 6441 ~~Inc.~~, shall solicit comments and recommendations from the  
 6442 Florida Energy and Climate Commission. For each project, the  
 6443 evaluation and recommendation to the Governor ~~office~~ must  
 6444 include, but need not be limited to:

6445 (a) A description of the project, its required facilities,  
 6446 and the associated product, service, or research and development  
 6447 associated with the project.

6448 (b) The percentage of match provided for the project.

6449 (c) The number of full-time equivalent jobs that will be  
 6450 created by the project, the total estimated average annual wages  
 6451 of such jobs, and the types of business activities and jobs  
 6452 likely to be stimulated by the project.

6453 (d) The cumulative investment to be dedicated to the  
 6454 project within 5 years and the total investment expected in the  
 6455 project if more than 5 years.

6456 (e) The projected economic and fiscal impacts on the local  
 6457 and state economies relative to investment.

6458 (f) A statement of any special impacts the project is  
 6459 expected to stimulate in a particular business sector in the  
 6460 state or regional economy or in the state's universities and  
 6461 community colleges.

6462 (g) A statement of any anticipated or proposed  
 6463 relationships with state universities.

6464 (h) A statement of the role the incentive is expected to  
 6465 play in the decision of the applicant to locate or expand in  
 6466 this state.

6467 (i) A recommendation and explanation of the amount of the

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6468 | award needed to cause the applicant to expand or locate in this  
 6469 | state.

6470 |       (j) A discussion of the efforts and commitments made by  
 6471 | the local community in which the project is to be located to  
 6472 | induce the applicant's location or expansion, taking into  
 6473 | consideration local resources and abilities.

6474 |       (k) A recommendation for specific performance criteria the  
 6475 | applicant would be expected to achieve in order to receive  
 6476 | payments from the fund and penalties or sanctions for failure to  
 6477 | meet or maintain performance conditions.

6478 |       (l) Additional evaluative criteria for a research and  
 6479 | development facility project, including:

6480 |           1. A description of the extent to which the project has  
 6481 | the potential to serve as catalyst for an emerging or evolving  
 6482 | cluster.

6483 |           2. A description of the extent to which the project has or  
 6484 | could have a long-term collaborative research and development  
 6485 | relationship with one or more universities or community colleges  
 6486 | in this state.

6487 |           3. A description of the existing or projected impact of  
 6488 | the project on established clusters or targeted industry  
 6489 | sectors.

6490 |           4. A description of the project's contribution to the  
 6491 | diversity and resiliency of the innovation economy of this  
 6492 | state.

6493 |           5. A description of the project's impact on special needs  
 6494 | communities, including, but not limited to, rural areas,  
 6495 | distressed urban areas, and enterprise zones.



- 6496 (m) Additional evaluative criteria for alternative and  
 6497 renewable energy proposals, including:
- 6498 1. The availability of matching funds or other in-kind  
 6499 contributions applied to the total project from an applicant.  
 6500 The commission shall give greater preference to projects that  
 6501 provide such matching funds or other in-kind contributions.
  - 6502 2. The degree to which the project stimulates in-state  
 6503 capital investment and economic development in metropolitan and  
 6504 rural areas, including the creation of jobs and the future  
 6505 development of a commercial market for renewable energy  
 6506 technologies.
  - 6507 3. The extent to which the proposed project has been  
 6508 demonstrated to be technically feasible based on pilot project  
 6509 demonstrations, laboratory testing, scientific modeling, or  
 6510 engineering or chemical theory that supports the proposal.
  - 6511 4. The degree to which the project incorporates an  
 6512 innovative new technology or an innovative application of an  
 6513 existing technology.
  - 6514 5. The degree to which a project generates thermal,  
 6515 mechanical, or electrical energy by means of a renewable energy  
 6516 resource that has substantial long-term production potential.
  - 6517 6. The degree to which a project demonstrates efficient  
 6518 use of energy and material resources.
  - 6519 7. The degree to which the project fosters overall  
 6520 understanding and appreciation of renewable energy technologies.
  - 6521 8. The ability to administer a complete project.
  - 6522 9. Project duration and timeline for expenditures.
  - 6523 10. The geographic area in which the project is to be

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6524 | conducted in relation to other projects.

6525 | 11. The degree of public visibility and interaction.

6526 | (6) ~~In consultation with~~ The department ~~Enterprise~~  
 6527 | ~~Florida, Inc., the Office~~ may negotiate the proposed amount of  
 6528 | an award for any applicant meeting the requirements of this  
 6529 | section. In negotiating such award, the department ~~office~~ shall  
 6530 | consider the amount of the incentive needed to cause the  
 6531 | applicant to locate or expand in this state in conjunction with  
 6532 | other relevant applicant impact and cost information and  
 6533 | analysis as described in this section. Particular emphasis shall  
 6534 | be given to the potential for the project to stimulate  
 6535 | additional private investment and high-quality employment  
 6536 | opportunities in the area.

6537 | (7) Upon receipt of the evaluation and recommendation from  
 6538 | the department, ~~Enterprise Florida, Inc., the director~~ shall  
 6539 | ~~recommend to the Governor~~ shall ~~the~~ approve ~~approval~~ or deny  
 6540 | ~~disapproval~~ of an award. In recommending approval of an award,  
 6541 | the department ~~director~~ shall include proposed performance  
 6542 | conditions that the applicant must meet in order to obtain  
 6543 | incentive funds and any other conditions that must be met before  
 6544 | the receipt of any incentive funds. The Governor shall consult  
 6545 | with the President of the Senate and the Speaker of the House of  
 6546 | Representatives before giving approval for an award. Upon review  
 6547 | and approval of an award by the Legislative Budget Commission,  
 6548 | the Executive Office of the Governor shall release the funds.

6549 | (8) (a) After the conditions set forth in subsection (7)  
 6550 | have been met, the Governor, through the department, ~~director~~  
 6551 | shall issue a letter certifying the applicant as qualified for

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6552 an award. The Governor ~~Office~~ and the award recipient shall  
 6553 enter into an agreement that sets forth the conditions for  
 6554 payment of the incentive funds. The agreement must include, at a  
 6555 minimum:

- 6556 1. The total amount of funds awarded.
- 6557 2. The performance conditions that must be met in order to  
 6558 obtain the award or portions of the award, including, but not  
 6559 limited to, net new employment in the state, average wage, and  
 6560 total cumulative investment.
- 6561 3. Demonstration of a baseline of current service and a  
 6562 measure of enhanced capability.
- 6563 4. The methodology for validating performance.
- 6564 5. The schedule of payments.
- 6565 6. Sanctions for failure to meet performance conditions,  
 6566 including any clawback provisions.

6567 (b) Additionally, agreements signed on or after July 1,  
 6568 2009, must include the following provisions:

- 6569 1. Notwithstanding subsection (4), a requirement that the  
 6570 jobs created by the recipient of the incentive funds pay an  
 6571 annual average wage at least equal to the relevant industry's  
 6572 annual average wage or at least 130 percent of the average  
 6573 private sector wage, whichever is greater.
- 6574 2. A reinvestment requirement. Each recipient of an award  
 6575 shall reinvest up to 15 percent of net royalty revenues,  
 6576 including revenues from spin-off companies and the revenues from  
 6577 the sale of stock it receives from the licensing or transfer of  
 6578 inventions, methods, processes, and other patentable discoveries  
 6579 conceived or reduced to practice using its facilities in Florida

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6580 or its Florida-based employees, in whole or in part, and to  
6581 which the recipient of the grant becomes entitled during the 20  
6582 years following the effective date of its agreement with the  
6583 Governor ~~office~~. Each recipient of an award also shall reinvest  
6584 up to 15 percent of the gross revenues it receives from naming  
6585 opportunities associated with any facility it builds in this  
6586 state. Reinvestment payments shall commence no later than 6  
6587 months after the recipient of the grant has received the final  
6588 disbursement under the contract and shall continue until the  
6589 maximum reinvestment, as specified in the contract, has been  
6590 paid. Reinvestment payments shall be remitted to the department  
6591 ~~office~~ for deposit in the Biomedical Research Trust Fund for  
6592 companies specializing in biomedicine or life sciences, or in  
6593 the Economic Development Trust Fund for companies specializing  
6594 in fields other than biomedicine or the life sciences. If these  
6595 trust funds no longer exist at the time of the reinvestment, the  
6596 state's share of reinvestment shall be deposited in their  
6597 successor trust funds as determined by law. Each recipient of an  
6598 award shall annually submit a schedule of the shares of stock  
6599 held by it as payment of the royalty required by this paragraph  
6600 and report on any trades or activity concerning such stock. Each  
6601 recipient's reinvestment obligations survive the expiration or  
6602 termination of its agreement with the state.

6603 3. Requirements for the establishment of internship  
6604 programs or other learning opportunities for educators and  
6605 secondary, postsecondary, graduate, and doctoral students.

6606 4. A requirement that the recipient submit quarterly  
6607 reports and annual reports related to activities and performance

6608 | to the department ~~Office~~, according to standardized reporting  
 6609 | periods.

6610 |         5. A requirement for an annual accounting to the  
 6611 | Department of Economic Opportunity ~~Office~~ of the expenditure of  
 6612 | funds disbursed under this section.

6613 |         6. A process for amending the agreement.

6614 |         (9) The department ~~Enterprise Florida, Inc.~~, shall  
 6615 | validate ~~assist the Office in validating~~ the performance of an  
 6616 | innovation business, a research and development facility, or an  
 6617 | alternative and renewable energy business that has received an  
 6618 | award. At the conclusion of the innovation incentive award  
 6619 | agreement, or its earlier termination, the department ~~Enterprise~~  
 6620 | ~~Florida, Inc.~~, shall, within 90 days, submit a report to the  
 6621 | Governor, the President of the Senate, and the Speaker of the  
 6622 | House of Representatives detailing whether the recipient of the  
 6623 | innovation incentive grant achieved its specified outcomes.

6624 |         (11) (a) The department ~~Beginning January 5, 2010, and~~  
 6625 | ~~every year thereafter, the Office~~ shall submit to the Governor,  
 6626 | the President of the Senate, and the Speaker of the House of  
 6627 | Representatives, as part of the annual report, a report  
 6628 | summarizing the activities and accomplishments of the recipients  
 6629 | of grants from the Innovation Incentive Program during the  
 6630 | previous 12 months and an evaluation ~~by the office~~ of whether  
 6631 | the recipients are catalysts for additional direct and indirect  
 6632 | economic development in Florida.

6633 |         (b) Beginning March 1, 2010, and every third year  
 6634 | thereafter, the Office of Program Policy Analysis and Government  
 6635 | Accountability, in consultation with the Auditor General's

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6636 Office, shall release a report evaluating the Innovation  
6637 Incentive Program's progress toward creating clusters of high-  
6638 wage, high-skilled, complementary industries that serve as  
6639 catalysts for economic growth specifically in the regions in  
6640 which they are located, and generally for the state as a whole.  
6641 Such report should include critical analyses of quarterly and  
6642 annual reports, annual audits, and other documents prepared by  
6643 the Innovation Incentive Program awardees; relevant economic  
6644 development reports prepared by the department ~~office~~,  
6645 Enterprise Florida, Inc., and local or regional economic  
6646 development organizations; interviews with the parties involved;  
6647 and any other relevant data. Such report should also include  
6648 legislative recommendations, if necessary, on how to improve the  
6649 Innovation Incentive Program so that the program reaches its  
6650 anticipated potential as a catalyst for direct and indirect  
6651 economic development in this state.

6652 ~~(12) The Office may seek the assistance of the Office of~~  
6653 ~~Program Policy Analysis and Government Accountability, the~~  
6654 ~~Legislature's Office of Economic and Demographic Research, and~~  
6655 ~~other entities for the purpose of developing performance~~  
6656 ~~measures or techniques to quantify the synergistic economic~~  
6657 ~~development impacts that awardees of grants are having within~~  
6658 ~~their communities.~~

6659 Section 75. Section 288.1095, Florida Statutes, is amended  
6660 to read:

6661 288.1095 Information concerning the One-Stop Permitting  
6662 System.—The department ~~Office of Tourism, Trade, and Economic~~  
6663 ~~Development~~ shall develop literature that explains the One-Stop

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6664 Permitting System and identifies those counties that have been  
 6665 designated as Quick Permitting Counties. The literature must be  
 6666 updated at least once each year. To the maximum extent feasible,  
 6667 state agencies and Enterprise Florida, Inc., shall distribute  
 6668 such literature and inform the public of the One-Stop Permitting  
 6669 System and the Quick Permitting Counties. In addition,  
 6670 Enterprise Florida, Inc., shall provide this information to  
 6671 prospective, new, expanding, and relocating businesses seeking  
 6672 to conduct business in this state, municipalities, counties,  
 6673 economic-development organizations, and chambers of commerce.

6674 Section 76. Subsections (1), (2), and (3), paragraphs (d)  
 6675 and (e) of subsection (4), paragraph (a) of subsection (6), and  
 6676 subsection (8) of section 288.1162, Florida Statutes, are  
 6677 amended to read:

6678 288.1162 Professional sports franchises; duties.—

6679 (1) The Department of Economic Opportunity ~~Office of~~  
 6680 ~~Tourism, Trade, and Economic Development~~ shall serve as the  
 6681 state agency for screening applicants for state funding under s.  
 6682 212.20 and for certifying an applicant as a facility for a new  
 6683 or retained professional sports franchise.

6684 (2) The department ~~Office of Tourism, Trade, and Economic~~  
 6685 ~~Development~~ shall develop rules for the receipt and processing  
 6686 of applications for funding under s. 212.20.

6687 (3) As used in this section, the term:

6688 (a) "New professional sports franchise" means a  
 6689 professional sports franchise that was not based in this state  
 6690 before April 1, 1987.

6691 (b) "Retained professional sports franchise" means a

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6692 professional sports franchise that has had a league-authorized  
6693 location in this state on or before December 31, 1976, and has  
6694 continuously remained at that location, and has never been  
6695 located at a facility that has been previously certified under  
6696 any provision of this section.

6697 (4) Before certifying an applicant as a facility for a new  
6698 or retained professional sports franchise, the department Office  
6699 ~~of Tourism, Trade, and Economic Development~~ must determine that:

6700 (d) The applicant has projections, verified by the  
6701 department Office of Tourism, Trade, and Economic Development,  
6702 which demonstrate that the new or retained professional sports  
6703 franchise will attract a paid attendance of more than 300,000  
6704 annually.

6705 (e) The applicant has an independent analysis or study,  
6706 verified by the department Office of Tourism, Trade, and  
6707 ~~Economic Development,~~ which demonstrates that the amount of the  
6708 revenues generated by the taxes imposed under chapter 212 with  
6709 respect to the use and operation of the professional sports  
6710 franchise facility will equal or exceed \$2 million annually.

6711 (6) (a) The Governor, through the department, Office of  
6712 ~~Tourism, Trade, and Economic Development~~ shall notify the  
6713 Department of Revenue of any facility certified as a facility  
6714 for a new or retained professional sports franchise. The  
6715 Governor, through the department, Office of Tourism, Trade, and  
6716 ~~Economic Development~~ shall certify no more than eight facilities  
6717 as facilities for a new professional sports franchise or as  
6718 facilities for a retained professional sports franchise,  
6719 including in the total any facilities certified by the former



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6720 Department of Commerce before July 1, 1996. The Governor,  
 6721 through the department, ~~office~~ may make no more than one  
 6722 certification for any facility.

6723 (8) An applicant is not qualified for certification under  
 6724 this section if the franchise formed the basis for a previous  
 6725 certification, unless the previous certification was withdrawn  
 6726 by the facility or invalidated by the department ~~Office of~~  
 6727 ~~Tourism, Trade, and Economic Development~~ or the former  
 6728 Department of Commerce before any funds were distributed under  
 6729 s. 212.20. This subsection does not disqualify an applicant if  
 6730 the previous certification occurred between May 23, 1993, and  
 6731 May 25, 1993; however, any funds to be distributed under s.  
 6732 212.20 for the second certification shall be offset by the  
 6733 amount distributed to the previous certified facility.  
 6734 Distribution of funds for the second certification may ~~shall~~ not  
 6735 be made until all amounts payable for the first certification  
 6736 are distributed.

6737 Section 77. Subsections (1), (2), (4), (5), (6), (7), and  
 6738 (8) of section 288.11621, Florida Statutes, are amended, to  
 6739 read:

6740 288.11621 Spring training baseball franchises.—

6741 (1) DEFINITIONS.—As used in this section, the term:

6742 (a) "Agreement" means a certified, signed lease between an  
 6743 applicant that applies for certification on or after July 1,  
 6744 2010, and the spring training franchise for the use of a  
 6745 facility.

6746 (b) "Applicant" means a unit of local government as  
 6747 defined in s. 218.369, including local governments located in

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6748 | the same county that have partnered with a certified applicant  
 6749 | before the effective date of this section or with an applicant  
 6750 | for a new certification, for purposes of sharing in the  
 6751 | responsibilities of a facility.

6752 | (c) "Certified applicant" means a facility for a spring  
 6753 | training franchise that was certified before July 1, 2010, under  
 6754 | s. 288.1162(5), Florida Statutes 2009, or a unit of local  
 6755 | government that is certified under this section.

6756 | (d) "Facility" means a spring training stadium, playing  
 6757 | fields, and appurtenances intended to support spring training  
 6758 | activities.

6759 | (e) "Local funds" and "local matching funds" mean funds  
 6760 | provided by a county, municipality, or other local government.

6761 | ~~(f) "Office" means The Office of Tourism, Trade, and~~  
 6762 | ~~Economic Development.~~

6763 | (2) CERTIFICATION PROCESS.—

6764 | (a) Before certifying an applicant to receive state  
 6765 | funding for a facility for a spring training franchise, the  
 6766 | Governor, through the department, Office must verify that:

6767 | 1. The applicant is responsible for the acquisition,  
 6768 | construction, management, or operation of the facility for a  
 6769 | spring training franchise or holds title to the property on  
 6770 | which the facility for a spring training franchise is located.

6771 | 2. The applicant has a certified copy of a signed  
 6772 | agreement with a spring training franchise for the use of the  
 6773 | facility for a term of at least 20 years. The agreement also  
 6774 | must require the franchise to reimburse the state for state  
 6775 | funds expended by an applicant under this section if the

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6776 franchise relocates before the agreement expires. The agreement  
6777 may be contingent on an award of funds under this section and  
6778 other conditions precedent.

6779 3. The applicant has made a financial commitment to  
6780 provide 50 percent or more of the funds required by an agreement  
6781 for the acquisition, construction, or renovation of the facility  
6782 for a spring training franchise. The commitment may be  
6783 contingent upon an award of funds under this section and other  
6784 conditions precedent.

6785 4. The applicant demonstrates that the facility for a  
6786 spring training franchise will attract a paid attendance of at  
6787 least 50,000 annually to the spring training games.

6788 5. The facility for a spring training franchise is located  
6789 in a county that levies a tourist development tax under s.  
6790 125.0104.

6791 (b) The department ~~office~~ shall competitively evaluate  
6792 applications for state funding of a facility for a spring  
6793 training franchise. The total number of certifications may not  
6794 exceed 10 at any time. The evaluation criteria must include,  
6795 with priority given in descending order to, the following items:

6796 1. The anticipated effect on the economy of the local  
6797 community where the spring training facility is to be built,  
6798 including projections on paid attendance, local and state tax  
6799 collections generated by spring training games, and direct and  
6800 indirect job creation resulting from the spring training  
6801 activities. Priority shall be given to applicants who can  
6802 demonstrate the largest projected economic impact.

6803 2. The amount of the local matching funds committed to a

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6804 facility relative to the amount of state funding sought, with  
 6805 priority given to applicants that commit the largest amount of  
 6806 local matching funds relative to the amount of state funding  
 6807 sought.

6808 3. The potential for the facility to serve multiple uses.

6809 4. The intended use of the funds by the applicant, with  
 6810 priority given to the funds being used to acquire a facility,  
 6811 construct a new facility, or renovate an existing facility.

6812 5. The length of time that a spring training franchise has  
 6813 been under an agreement to conduct spring training activities  
 6814 within an applicant's geographic location or jurisdiction, with  
 6815 priority given to applicants having agreements with the same  
 6816 franchise for the longest period of time.

6817 6. The length of time that an applicant's facility has  
 6818 been used by one or more spring training franchises, with  
 6819 priority given to applicants whose facilities have been in  
 6820 continuous use as facilities for spring training the longest.

6821 7. The term remaining on a lease between an applicant and  
 6822 a spring training franchise for a facility, with priority given  
 6823 to applicants having the shortest lease terms remaining.

6824 8. The length of time that a spring training franchise  
 6825 agrees to use an applicant's facility if an application is  
 6826 granted under this section, with priority given to applicants  
 6827 having agreements for the longest future use.

6828 9. The net increase of total active recreation space owned  
 6829 by the applicant after an acquisition of land for the facility,  
 6830 with priority given to applicants having the largest percentage  
 6831 increase of total active recreation space that will be available

6832 for public use.

6833 10. The location of the facility in a brownfield, an  
 6834 enterprise zone, a community redevelopment area, or other area  
 6835 of targeted development or revitalization included in an urban  
 6836 infill redevelopment plan, with priority given to applicants  
 6837 having facilities located in these areas.

6838 (c) Each applicant certified on or after July 1, 2010,  
 6839 shall enter into an agreement with the Governor ~~office~~ that:

6840 1. Specifies the amount of the state incentive funding to  
 6841 be distributed.

6842 2. States the criteria that the certified applicant must  
 6843 meet in order to remain certified.

6844 3. States that the certified applicant is subject to  
 6845 decertification if the certified applicant fails to comply with  
 6846 this section or the agreement.

6847 4. States that the department ~~Office~~ may recover state  
 6848 incentive funds if the certified applicant is decertified.

6849 5. Specifies information that the certified applicant must  
 6850 report to the department ~~Office~~.

6851 6. Includes any provision deemed prudent by the department  
 6852 ~~Office~~.

6853 (4) ANNUAL REPORTS.—On or before September 1 of each year,  
 6854 a certified applicant shall submit to the department ~~Office~~ a  
 6855 report that includes, but is not limited to:

6856 (a) A copy of its most recent annual audit.

6857 (b) A detailed report on all local and state funds  
 6858 expended to date on the project being financed under this  
 6859 section.

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6860 (c) A copy of the contract between the certified local  
6861 governmental entity and the spring training team.

6862 (d) A cost-benefit analysis of the team's impact on the  
6863 community.

6864 (e) Evidence that the certified applicant continues to  
6865 meet the criteria in effect when the applicant was certified.

6866 (5) DECERTIFICATION.—

6867 (a) The Governor, through the department, ~~Office~~ shall  
6868 decertify a certified applicant upon the request of the  
6869 certified applicant.

6870 (b) The Governor, through the department, ~~Office~~ shall  
6871 decertify a certified applicant if the certified applicant does  
6872 not:

6873 1. Have a valid agreement with a spring training  
6874 franchise; or

6875 2. Satisfy its commitment to provide local matching funds  
6876 to the facility.

6877  
6878 However, decertification proceedings against a local government  
6879 certified before July 1, 2010, shall be delayed until 12 months  
6880 after the expiration of the local government's existing  
6881 agreement with a spring training franchise, and without a new  
6882 agreement being signed, if the certified local government can  
6883 demonstrate to the department ~~office~~ that it is in active  
6884 negotiations with a major league spring training franchise,  
6885 other than the franchise that was the basis for the original  
6886 certification.

6887 (c) A certified applicant has 60 days after it receives a

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6888 | notice of intent to decertify from the Governor, through the  
 6889 | department, Office to petition ~~the office's director~~ for review  
 6890 | of the decertification. Within 45 days after receipt of the  
 6891 | request for review, the Governor, through the department,  
 6892 | ~~director~~ must notify a certified applicant of the outcome of the  
 6893 | review.

6894 |         (d) The Governor, through the department, Office shall  
 6895 | notify the Department of Revenue that a certified applicant is  
 6896 | decertified within 10 days after the order of decertification  
 6897 | becomes final. The Department of Revenue shall immediately stop  
 6898 | the payment of any funds under this section that were not  
 6899 | encumbered by the certified applicant under subparagraph  
 6900 | (3) (a)2.

6901 |         (e) The department Office shall order a decertified  
 6902 | applicant to repay all of the unencumbered state funds that the  
 6903 | local government received under this section and any interest  
 6904 | that accrued on those funds. The repayment must be made within  
 6905 | 60 days after the decertification order becomes final. These  
 6906 | funds shall be deposited into the General Revenue Fund.

6907 |         (f) A local government as defined in s. 218.369 may not be  
 6908 | decertified by the Governor if it has paid or pledged for the  
 6909 | payment of debt service on, or to fund debt service reserve  
 6910 | funds, arbitrage rebate obligations, or other amounts payable  
 6911 | with respect thereto, bonds issued for the acquisition,  
 6912 | construction, reconstruction, or renovation of the facility for  
 6913 | which the local government was certified, or for the  
 6914 | reimbursement of such costs or the refinancing of bonds issued  
 6915 | for the acquisition, construction, reconstruction, or renovation

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6916 of the facility for which the local government was certified, or  
 6917 for the reimbursement of such costs or the refinancing of bonds  
 6918 issued for such purpose. This subsection does not preclude or  
 6919 restrict the ability of a certified local government to  
 6920 refinance, refund, or defease such bonds.

6921 (6) ADDITIONAL CERTIFICATIONS.—If the Governor, through  
 6922 the department, ~~Office~~ decertifies a unit of local government,  
 6923 the department ~~Office~~ may accept applications for an additional  
 6924 certification. A unit of local government may not be certified  
 6925 for more than one spring training franchise at any time.

6926 (7) STRATEGIC PLANNING.—

6927 (a) The department ~~Office~~ shall request assistance from  
 6928 Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ and the  
 6929 Florida Grapefruit League Association to develop a comprehensive  
 6930 strategic plan to:

- 6931 1. Finance spring training facilities.
- 6932 2. Monitor and oversee the use of state funds awarded to  
 6933 applicants.
- 6934 3. Identify the financial impact that spring training has  
 6935 on the state and ways in which to maintain or improve that  
 6936 impact.
- 6937 4. Identify opportunities to develop public-private  
 6938 partnerships to engage in marketing activities and advertise  
 6939 spring training baseball.
- 6940 5. Identify efforts made by other states to maintain or  
 6941 develop partnerships with baseball spring training teams.
- 6942 6. Develop recommendations for the Legislature to sustain  
 6943 or improve this state's spring training tradition.



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6944 (b) The department ~~office~~ shall submit a copy of the  
 6945 strategic plan to the Governor, the President of the Senate, and  
 6946 the Speaker of the House of Representatives by December 31,  
 6947 2010.

6948 (8) RULEMAKING.— The department ~~office~~ shall adopt rules  
 6949 to implement the certification, decertification, and  
 6950 decertification review processes required by this section.

6951 Section 78. Subsections (1), (2), and (4) of section  
 6952 288.1168, Florida Statutes, are amended to read:

6953 288.1168 Professional golf hall of fame facility.—

6954 (1) The department ~~of Commerce~~ shall serve as the state  
 6955 agency for screening applicants for state funding pursuant to s.  
 6956 212.20 and the Governor for certifying one applicant as the  
 6957 professional golf hall of fame facility in the state.

6958 (2) Before ~~Prior to~~ certifying the professional golf hall  
 6959 of fame facility, the Governor, through the department ~~of~~  
 6960 ~~Commerce~~ must determine that:

6961 (a) The professional golf hall of fame facility is the  
 6962 only professional golf hall of fame in the United States  
 6963 recognized by the PGA Tour, Inc.

6964 (b) The applicant is a unit of local government as defined  
 6965 in s. 218.369 or a private sector group that has contracted to  
 6966 construct or operate the professional golf hall of fame facility  
 6967 on land owned by a unit of local government.

6968 (c) The municipality in which the professional golf hall  
 6969 of fame facility is located, or the county if the facility is  
 6970 located in an unincorporated area, has certified by resolution  
 6971 after a public hearing that the application serves a public

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6972 purpose.

6973 (d) There are existing projections that the professional  
6974 golf hall of fame facility will attract a paid attendance of  
6975 more than 300,000 annually.

6976 (e) There is an independent analysis or study, using  
6977 methodology approved by the department, which demonstrates that  
6978 the amount of the revenues generated by the taxes imposed under  
6979 chapter 212 with respect to the use and operation of the  
6980 professional golf hall of fame facility will equal or exceed \$2  
6981 million annually.

6982 (f) The applicant has submitted an agreement to provide \$2  
6983 million annually in national and international media promotion  
6984 of the professional golf hall of fame facility, Florida, and  
6985 Florida tourism, through the PGA Tour, Inc., or its affiliates,  
6986 at the then-current commercial rate, during the period of time  
6987 that the facility receives funds pursuant to s. 212.20. The  
6988 department ~~Office of Tourism, Trade, and Economic Development~~  
6989 and the PGA Tour, Inc., or its affiliates, must agree annually  
6990 on a reasonable percentage of advertising specifically allocated  
6991 for generic Florida advertising. The department ~~Office of~~  
6992 ~~Tourism, Trade, and Economic Development~~ shall have final  
6993 approval of all generic advertising. Failure on the part of the  
6994 PGA Tour, Inc., or its affiliates to annually provide the  
6995 advertising as provided in this paragraph or subsection (6)  
6996 shall result in the termination of funding as provided in s.  
6997 212.20.

6998 (g) Documentation exists that demonstrates that the  
6999 applicant has provided, is capable of providing, or has

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7000 financial or other commitments to provide more than one-half of  
 7001 the costs incurred or related to the improvement and development  
 7002 of the facility.

7003 (h) The application is signed by an official senior  
 7004 executive of the applicant and is notarized according to Florida  
 7005 law providing for penalties for falsification.

7006 (4) Upon determining that an applicant is or is not  
 7007 certifiable, the Governor, through the department, ~~Secretary of~~  
 7008 ~~Commerce~~ shall notify the applicant of his or her status by  
 7009 means of an official letter. If certifiable, the Governor,  
 7010 through the department, ~~secretary~~ shall notify the executive  
 7011 director of the Department of Revenue and the applicant of such  
 7012 certification by means of an official letter granting  
 7013 certification. From the date of such certification, the  
 7014 applicant shall have 5 years to open the professional golf hall  
 7015 of fame facility to the public and notify the department ~~Office~~  
 7016 ~~of Tourism, Trade, and Economic Development~~ of such opening. The  
 7017 Department of Revenue may ~~shall~~ not begin distributing funds  
 7018 until 30 days after ~~following~~ notice by the department ~~Office of~~  
 7019 ~~Tourism, Trade, and Economic Development~~ that the professional  
 7020 golf hall of fame facility is open to the public.

7021 Section 79. Section 288.1169, Florida Statutes, is amended  
 7022 to read:

7023 288.1169 International Game Fish Association World Center  
 7024 facility.—

7025 (1) The department ~~of Commerce~~ shall serve as the state  
 7026 agency approving applicants for funding pursuant to s. 212.20  
 7027 and the Governor for certifying the applicant as the

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7028 International Game Fish Association World Center facility. For  
 7029 purposes of this section, "facility" means the International  
 7030 Game Fish Association World Center, and "project" means the  
 7031 International Game Fish Association World Center and new  
 7032 colocated improvements by private sector concerns who have made  
 7033 cash or in-kind contributions to the facility of \$1 million or  
 7034 more.

7035 (2) Before ~~Prior to~~ certifying this facility, the  
 7036 Governor, through the department must determine that:

7037 (a) The International Game Fish Association World Center  
 7038 is the only fishing museum, Hall of Fame, and international  
 7039 administrative headquarters in the United States recognized by  
 7040 the International Game Fish Association, and that one or more  
 7041 private sector concerns have committed to donate to the  
 7042 International Game Fish Association land upon which the  
 7043 International Game Fish Association World Center will operate.

7044 (b) International Game Fish Association is a not-for-  
 7045 profit Florida corporation that has contracted to construct and  
 7046 operate the facility.

7047 (c) The municipality in which the facility is located, or  
 7048 the county if the facility is located in an unincorporated area,  
 7049 has certified by resolution after a public hearing that the  
 7050 facility serves a public purpose.

7051 (d) There are existing projections that the International  
 7052 Game Fish Association World Center facility and the colocated  
 7053 facilities of private sector concerns will attract an attendance  
 7054 of more than 1.8 million annually.

7055 (e) There is an independent analysis or study, using

7056 methodology approved by the department, which demonstrates that  
 7057 the amount of the revenues generated by the taxes imposed under  
 7058 chapter 212 with respect to the use and operation of the project  
 7059 will exceed \$1 million annually.

7060 (f) There are existing projections that the project will  
 7061 attract more than 300,000 persons annually who are not residents  
 7062 of the state.

7063 (g) The applicant has submitted an agreement to provide  
 7064 \$500,000 annually in national and international media promotion  
 7065 of the facility, at the then-current commercial rates, during  
 7066 the period of time that the facility receives funds pursuant to  
 7067 s. 212.20. Failure on the part of the applicant to annually  
 7068 provide the advertising as provided in this paragraph shall  
 7069 result in the termination of the funding as provided in s.  
 7070 212.20. The applicant can discharge its obligation under this  
 7071 paragraph by contracting with other persons, including private  
 7072 sector concerns who participate in the project.

7073 (h) Documentation exists that demonstrates that the  
 7074 applicant has provided, and is capable of providing, or has  
 7075 financial or other commitments to provide, more than one-half of  
 7076 the cost incurred or related to the improvements and the  
 7077 development of the facility.

7078 (i) The application is signed by senior officials of the  
 7079 International Game Fish Association and is notarized according  
 7080 to Florida law providing for penalties for falsification.

7081 (3) The applicant may use funds provided pursuant to s.  
 7082 212.20 for the purpose of paying for the construction,  
 7083 reconstruction, renovation, promotion, or operation of the

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7084 facility, or to pay or pledge for payment of debt service on, or  
 7085 to fund debt service reserve funds, arbitrage rebate  
 7086 obligations, or other amounts payable with respect to, bonds  
 7087 issued for the construction, reconstruction, or renovation of  
 7088 the facility or for the reimbursement of such costs or by  
 7089 refinancing of bonds issued for such purposes.

7090 (4) Upon determining that an applicant is or is not  
 7091 certifiable, the Governor, through the department, ~~of Commerce~~  
 7092 shall notify the applicant of its status by means of an official  
 7093 letter. If certifiable, the Governor, through the department, ~~of~~  
 7094 ~~Commerce~~ shall notify the executive director of the Department  
 7095 of Revenue and the applicant of such certification by means of  
 7096 an official letter granting certification. From the date of such  
 7097 certification, the applicant shall have 5 years to open the  
 7098 facility to the public and notify the Department of Economic  
 7099 Opportunity ~~Commerce~~ of such opening. The Department of Revenue  
 7100 ~~may shall~~ not begin distributing funds until 30 days after  
 7101 ~~following~~ notice by the Department of Economic Opportunity  
 7102 ~~Commerce~~ that the facility is open to the public.

7103 (5) The Department of Revenue may audit as provided in s.  
 7104 213.34 to verify that the contributions pursuant to this section  
 7105 have been expended as required by this section.

7106 (6) The Governor, through the Department of Economic  
 7107 Opportunity, ~~Commerce~~ must recertify every 10 years that the  
 7108 facility is open, that the International Game Fish Association  
 7109 World Center continues to be the only international  
 7110 administrative headquarters, fishing museum, and Hall of Fame in  
 7111 the United States recognized by the International Game Fish

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7112 Association, and that the project is meeting the minimum  
 7113 projections for attendance or sales tax revenues as required at  
 7114 the time of original certification. If the facility is not  
 7115 recertified during this 10-year review as meeting the minimum  
 7116 projections, then funding shall be abated until certification  
 7117 criteria are met. If the project fails to generate \$1 million of  
 7118 annual revenues pursuant to paragraph (2)(e), the distribution  
 7119 of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to  
 7120 an amount equal to \$83,333 multiplied by a fraction, the  
 7121 numerator of which is the actual revenues generated and the  
 7122 denominator of which is \$1 million. Such reduction remains in  
 7123 effect until revenues generated by the project in a 12-month  
 7124 period equal or exceed \$1 million.

7125 Section 80. Paragraphs (e) through (g) of subsection (1)  
 7126 of section 288.1171, Florida Statutes, are redesignated as  
 7127 paragraphs (d) and (f), respectively, present paragraph (d) is  
 7128 amended, and subsections (2) and (3) of that section are  
 7129 amended, to read:

7130 288.1171 Motorsports entertainment complex; definitions;  
 7131 certification; duties.—

7132 (1) As used in this section, the term:

7133 ~~(d) "Office" means The Office of Tourism, Trade, and~~  
 7134 ~~Economic Development of the Executive Office of the Governor.~~

7135 (2) The department ~~Office of Tourism, Trade, and Economic~~  
 7136 ~~Development~~ shall serve as the state agency for screening  
 7137 applicants for local option funding under s. 218.64(3) and the  
 7138 Governor for certifying an applicant as a motorsports  
 7139 entertainment complex. The department ~~Office~~ shall develop and

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7140 adopt rules for the receipt and processing of applications for  
 7141 funding under s. 218.64(3). The Governor ~~Office~~ shall make a  
 7142 determination regarding any application filed by an applicant  
 7143 not later than 120 days after the application is filed.

7144 (3) Before certifying an applicant as a motorsports  
 7145 entertainment complex, the Governor, through the department,  
 7146 ~~Office~~ must determine that:

7147 (a) A unit of local government holds title to the land on  
 7148 which the motorsports entertainment complex is located or holds  
 7149 title to the motorsports entertainment complex.

7150 (b) The municipality in which the motorsports  
 7151 entertainment complex is located, or the county if the  
 7152 motorsports entertainment complex is located in an  
 7153 unincorporated area, has certified by resolution after a public  
 7154 hearing that the application serves a public purpose.

7155 Section 81. Subsections (2), (4), (5), and (8) of section  
 7156 288.1175, Florida Statutes, are amended to read:

7157 288.1175 Agriculture education and promotion facility.—

7158 (2) The Department of Agriculture and Consumer Services  
 7159 shall adopt ~~develop~~ rules pursuant to ss. 120.536(1) and 120.54  
 7160 for the receipt and processing of applications for funding of  
 7161 projects pursuant to this section.

7162 (4) The Department of Agriculture and Consumer Services  
 7163 shall certify a facility as an agriculture education and  
 7164 promotion facility if the Department of Agriculture and Consumer  
 7165 Services determines that:

7166 (a) The applicant is a unit of local government as defined  
 7167 in s. 218.369, or a fair association as defined in s.



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7168 616.001(9), which is responsible for the planning, design,  
 7169 permitting, construction, renovation, management, and operation  
 7170 of the agriculture education and promotion facility or holds  
 7171 title to the property on which such facility is to be developed  
 7172 and located.

7173 (b) The applicant has projections, verified by the  
 7174 Department of Agriculture and Consumer Services, which  
 7175 demonstrate that the agriculture education and promotion  
 7176 facility will serve more than 25,000 visitors annually.

7177 (c) The municipality in which the facility is located, or  
 7178 the county if the facility is located in an unincorporated area,  
 7179 has certified by resolution after a public hearing that the  
 7180 proposed agriculture education and promotion facility serves a  
 7181 public purpose.

7182 (d) The applicant has demonstrated that it has provided,  
 7183 is capable of providing, or has financial or other commitments  
 7184 to provide more than 40 percent of the costs incurred or related  
 7185 to the planning, design, permitting, construction, or renovation  
 7186 of the facility. The applicant may include the value of the land  
 7187 and any improvements thereon in determining its contribution to  
 7188 the development of the facility.

7189 (5) The Department of Agriculture and Consumer Services  
 7190 shall competitively evaluate applications for funding of an  
 7191 agriculture education and promotion facility. If the number of  
 7192 applicants exceeds three, the Department of Agriculture and  
 7193 Consumer Services shall rank the applications based upon  
 7194 criteria developed by the Department of Agriculture and Consumer  
 7195 Services, with priority given in descending order to the

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7196 following items:

7197 (a) The intended use of the funds by the applicant, with  
7198 priority given to the construction of a new facility.

7199 (b) The amount of local match, with priority given to the  
7200 largest percentage of local match proposed.

7201 (c) The location of the facility in a brownfield site as  
7202 defined in s. 376.79(3), a rural enterprise zone as defined in  
7203 s. 290.004~~(6)~~, an agriculturally depressed area as defined in s.  
7204 570.242(1), ~~a redevelopment area established pursuant to s.~~  
7205 ~~373.461(5)(g)~~, or a county that has lost its agricultural land  
7206 to environmental restoration projects.

7207 (d) The net increase, as a result of the facility, of  
7208 total available exhibition, arena, or civic center space within  
7209 the jurisdictional limits of the local government in which the  
7210 facility is to be located, with priority given to the largest  
7211 percentage increase of total exhibition, arena, or civic center  
7212 space.

7213 (e) The historic record of the applicant in promoting  
7214 agriculture and educating the public about agriculture,  
7215 including, without limitation, awards, premiums, scholarships,  
7216 auctions, and other such activities.

7217 (f) The highest projection on paid attendance attracted by  
7218 the agriculture education and promotion facility and the  
7219 proposed economic impact on the local community.

7220 (g) The location of the facility with respect to an  
7221 Institute of Food and Agricultural Sciences (IFAS) facility,  
7222 with priority given to facilities closer in proximity to an IFAS  
7223 facility.

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7224 (8) Applications must be submitted by October 1 of each  
 7225 year. The Department of Agriculture and Consumer Services may  
 7226 not recommend funding for less than the requested amount to any  
 7227 applicant certified as an agriculture education and promotion  
 7228 facility; however, funding of certified applicants shall be  
 7229 subject to the amount provided by the Legislature in the General  
 7230 Appropriations Act for this program.

7231 Section 82. Section 288.122, Florida Statutes, is amended  
 7232 to read:

7233 288.122 Tourism Promotional Trust Fund.—There is created  
 7234 within the department ~~Office of Tourism, Trade, and Economic~~  
 7235 ~~Development of the Executive Office of the Governor~~ the Tourism  
 7236 Promotional Trust Fund. Moneys deposited in the Tourism  
 7237 Promotional Trust Fund shall only be used to support the  
 7238 authorized activities and operations ~~of the Florida Commission~~  
 7239 ~~on Tourism, and to support~~ tourism promotion and marketing  
 7240 activities, services, functions, and programs administered by  
 7241 Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~  
 7242 through a contract with the department ~~commission's direct~~  
 7243 ~~support organization created under s. 288.1226.~~

7244 Section 83. Section 288.12265, Florida Statutes, is  
 7245 amended to read:

7246 288.12265 Welcome centers.—

7247 (1) Responsibility for the welcome centers is assigned to  
 7248 Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~  
 7249 which shall ~~contract with the commission's direct support~~  
 7250 ~~organization to~~ employ all welcome center staff.

7251 (2) Enterprise Florida, Inc., ~~The Florida Commission on~~

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7252 ~~Tourism, through its direct support organization,~~ shall  
 7253 administer and operate the welcome centers. Pursuant to a  
 7254 contract with the Department of Transportation, Enterprise  
 7255 Florida, Inc., ~~the commission~~ shall be responsible for routine  
 7256 repair, replacement, or improvement and the day-to-day  
 7257 management of interior areas occupied by the welcome centers.  
 7258 All other repairs, replacements, or improvements to the welcome  
 7259 centers shall be the responsibility of the Department of  
 7260 Transportation.

7261 Section 84. Section 288.124, Florida Statutes, is amended  
 7262 to read:

7263 288.124 Convention grants program. ~~Enterprise Florida,~~  
 7264 Inc., may ~~The Commission on Tourism is authorized to~~ establish a  
 7265 convention grants program and, pursuant thereto, ~~to~~ recommend to  
 7266 the department ~~Office of Tourism, Trade, and Economic~~  
 7267 ~~Development~~ expenditures and contracts with local governments  
 7268 and nonprofit corporations or organizations for the purpose of  
 7269 attracting national conferences and conventions to Florida.  
 7270 Preference shall be given to local governments and nonprofit  
 7271 corporations or organizations seeking to attract minority  
 7272 conventions to Florida. Minority conventions are events that  
 7273 primarily involve minority persons, as defined in s. 288.703,  
 7274 who are residents or nonresidents of the state. The commission  
 7275 shall establish guidelines governing the award of grants and the  
 7276 administration of this program. The Governor, through the  
 7277 department, ~~Office of Tourism, Trade, and Economic Development~~  
 7278 has final approval authority for any grants under this section.  
 7279 The total annual allocation of funds for this program may ~~shall~~

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7280 | not exceed \$40,000.

7281 |       Section 85. Subsection (1) of section 288.1251, Florida  
7282 | Statutes, is amended to read:

7283 |       288.1251 Promotion and development of entertainment  
7284 | industry; Office of Film and Entertainment; creation; purpose;  
7285 | powers and duties.—

7286 |       (1) CREATION.—

7287 |       (a) There is ~~hereby~~ created within The department ~~Office~~  
7288 | ~~of Tourism, Trade, and Economic Development~~ the Office of Film  
7289 | and Entertainment for the purpose of developing, marketing,  
7290 | promoting, and providing services to the state's entertainment  
7291 | industry.

7292 |       (b) The department ~~Office of Tourism, Trade, and Economic~~  
7293 | ~~Development~~ shall conduct a national search for a qualified  
7294 | person to fill the position of Commissioner of Film and  
7295 | Entertainment when the position is vacant. The Commissioner of  
7296 | Economic Opportunity ~~Executive Director of the Office of~~  
7297 | ~~Tourism, Trade, and Economic Development~~ has the responsibility  
7298 | to hire the film commissioner. Qualifications for the film  
7299 | commissioner include, but are not limited to, the following:

7300 |       1. A working knowledge of the equipment, personnel,  
7301 | financial, and day-to-day production operations of the  
7302 | industries to be served by the Office of Film and Entertainment;

7303 |       2. Marketing and promotion experience related to the film  
7304 | and entertainment industries to be served;

7305 |       3. Experience working with a variety of individuals  
7306 | representing large and small entertainment-related businesses,  
7307 | industry associations, local community entertainment industry

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7308 liaisons, and labor organizations; and

7309 4. Experience working with a variety of state and local  
7310 governmental agencies.

7311 Section 86. Subsections (1) and (2), paragraph (e) of  
7312 subsection (3), and paragraphs (d), (f), (g), and (h) of  
7313 subsection (5) of section 288.1252, Florida Statutes, are  
7314 amended to read:

7315 288.1252 Florida Film and Entertainment Advisory Council;  
7316 creation; purpose; membership; powers and duties.—

7317 (1) CREATION.—There is ~~hereby~~ created within the  
7318 department ~~Office of Tourism, Trade, and Economic Development of~~  
7319 ~~the Executive Office of the Governor,~~ for administrative  
7320 purposes only, the Florida Film and Entertainment Advisory  
7321 Council.

7322 (2) PURPOSE.—The purpose of the council shall be to serve  
7323 as an advisory body to the department ~~Office of Tourism, Trade,~~  
7324 ~~and Economic Development~~ and to the Office of Film and  
7325 Entertainment to provide these offices with industry insight and  
7326 expertise related to developing, marketing, promoting, and  
7327 providing service to the state's entertainment industry.

7328 (3) MEMBERSHIP.—

7329 (e) A representative of Enterprise Florida, Inc., and a  
7330 representative of Workforce Florida, Inc., ~~and a representative~~  
7331 ~~of VISIT Florida~~ shall serve ex officio as ~~ex officio,~~ nonvoting  
7332 members of the council, and shall be in addition to the 17  
7333 appointed members of the council.

7334 (5) POWERS AND DUTIES.—The Florida Film and Entertainment  
7335 Advisory Council shall have all the powers necessary or

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7336 convenient to carry out and effectuate the purposes and  
 7337 provisions of this act, including, but not limited to, the power  
 7338 to:

7339 (d) Consider and study the needs of the entertainment  
 7340 industry for the purpose of advising the film commissioner and  
 7341 the department ~~Office of Tourism, Trade, and Economic~~  
 7342 ~~Development.~~

7343 (f) Consider all matters submitted to it by the film  
 7344 commissioner and the department ~~Office of Tourism, Trade, and~~  
 7345 ~~Economic Development.~~

7346 (g) Advise and consult with the film commissioner and the  
 7347 department ~~Office of Tourism, Trade, and Economic Development,~~  
 7348 at their request or upon its own initiative, regarding the  
 7349 promulgation, administration, and enforcement of all laws and  
 7350 rules relating to the entertainment industry.

7351 (h) Suggest policies and practices for the conduct of  
 7352 business by the Office of Film and Entertainment or by the  
 7353 department ~~Office of Tourism, Trade, and Economic Development~~  
 7354 that will improve internal operations affecting the  
 7355 entertainment industry and will enhance the economic development  
 7356 initiatives of the state for the industry.

7357 Section 87. Subsections (1), (2), (3), and (4) of section  
 7358 288.1253, Florida Statutes, are amended to read:

7359 288.1253 Travel and entertainment expenses.—

7360 (1) As used in this section, the term "travel expenses"  
 7361 means the actual, necessary, and reasonable costs of  
 7362 transportation, meals, lodging, and incidental expenses normally  
 7363 incurred by an employee of the Office of Film and Entertainment,

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7364 which costs are defined and prescribed by rules adopted by the  
 7365 department ~~Office of Tourism, Trade, and Economic Development,~~  
 7366 subject to approval by the Chief Financial Officer.

7367 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the  
 7368 department ~~Office of Tourism, Trade, and Economic Development~~  
 7369 shall adopt rules by which it may make expenditures by  
 7370 reimbursement to: the Governor, the Lieutenant Governor,  
 7371 security staff of the Governor or Lieutenant Governor, the  
 7372 Commissioner of Film and Entertainment, or staff of the Office  
 7373 of Film and Entertainment for travel expenses or entertainment  
 7374 expenses incurred by such individuals solely and exclusively in  
 7375 connection with the performance of the statutory duties of the  
 7376 Office of Film and Entertainment. The rules are subject to  
 7377 approval by the Chief Financial Officer before adoption. The  
 7378 rules shall require the submission of paid receipts, or other  
 7379 proof of expenditure prescribed by the Chief Financial Officer,  
 7380 with any claim for reimbursement.

7381 (3) The department ~~Office of Tourism, Trade, and Economic~~  
 7382 ~~Development~~ shall prepare an annual report of the expenditures  
 7383 of the Office of Film and Entertainment and provide such report  
 7384 to the Legislature no later than December 30 of each year for  
 7385 the expenditures of the previous fiscal year. The report shall  
 7386 consist of a summary of all travel, entertainment, and  
 7387 incidental expenses incurred within the United States and all  
 7388 travel, entertainment, and incidental expenses incurred outside  
 7389 the United States, as well as a summary of all successful  
 7390 projects that developed from such travel.

7391 (4) The Office of Film and Entertainment and its employees



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7392 and representatives, when authorized, may accept and use  
 7393 complimentary travel, accommodations, meeting space, meals,  
 7394 equipment, transportation, and any other goods or services  
 7395 necessary for or beneficial to the performance of the office's  
 7396 duties and purposes, so long as such acceptance or use is not in  
 7397 conflict with part III of chapter 112. The department ~~Office of~~  
 7398 ~~Tourism, Trade, and Economic Development~~ shall, by rule, develop  
 7399 internal controls to ensure that such goods or services accepted  
 7400 or used pursuant to this subsection are limited to those that  
 7401 will assist solely and exclusively in the furtherance of the  
 7402 department's ~~office's~~ goals and are in compliance with part III  
 7403 of chapter 112.

7404 Section 88. Paragraph (a) of subsection (1), paragraphs  
 7405 (d), (f), and (g) of subsection (3), paragraphs (c) and (d) of  
 7406 subsection (4), paragraph (a) of subsection (5), and paragraph  
 7407 (b) of subsection (9) of section 288.1254, Florida Statutes, are  
 7408 amended to read:

7409 288.1254 Entertainment industry financial incentive  
 7410 program.—

7411 (1) DEFINITIONS.—As used in this section, the term:

7412 (a) "Certified production" means a qualified production  
 7413 that has tax credits allocated to it by the department ~~Office of~~  
 7414 ~~Tourism, Trade, and Economic Development~~ based on the  
 7415 production's estimated qualified expenditures, up to the  
 7416 production's maximum certified amount of tax credits, by the  
 7417 department ~~Office of Tourism, Trade, and Economic Development~~.

7418 The term does not include a production if its first day of  
 7419 principal photography or project start date in this state occurs

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7420 before the production is certified by the department ~~Office of~~  
 7421 ~~Tourism, Trade, and Economic Development~~, unless the production  
 7422 spans more than 1 fiscal year, was a certified production on its  
 7423 first day of principal photography or project start date in this  
 7424 state, and submits an application for continuing the same  
 7425 production for the subsequent fiscal year.

7426 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

7427 (d) Certification.—The Office of Film and Entertainment  
 7428 shall review the application within 15 business days after  
 7429 receipt. Upon its determination that the application contains  
 7430 all the information required by this subsection and meets the  
 7431 criteria set out in this section, the Office of Film and  
 7432 Entertainment shall qualify the applicant and recommend to the  
 7433 Governor, through the department, ~~Office of Tourism, Trade, and~~  
 7434 ~~Economic Development~~ that the applicant be certified for the  
 7435 maximum tax credit award amount. Within 5 business days after  
 7436 receipt of the recommendation, the Governor, through the  
 7437 department, ~~Office of Tourism, Trade, and Economic Development~~  
 7438 shall reject the recommendation or certify the maximum  
 7439 recommended tax credit award, if any, to the applicant and to  
 7440 the executive director of the Department of Revenue.

7441 (f) Verification of actual qualified expenditures.—

7442 1. The Office of Film and Entertainment shall develop a  
 7443 process to verify the actual qualified expenditures of a  
 7444 certified production. The process must require:

7445 a. A certified production to submit, in a timely manner  
 7446 after production ends in this state and after making all of its  
 7447 qualified expenditures in this state, data substantiating each

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7448 qualified expenditure, including documentation on the net  
 7449 expenditure on equipment and other tangible personal property by  
 7450 the qualified production, to an independent certified public  
 7451 accountant licensed in this state;

7452 b. Such accountant to conduct a compliance audit, at the  
 7453 certified production's expense, to substantiate each qualified  
 7454 expenditure and submit the results as a report, along with the  
 7455 required substantiating data, to the Office of Film and  
 7456 Entertainment; and

7457 c. The Office of Film and Entertainment to review the  
 7458 accountant's submittal and report to the department ~~Office of~~  
 7459 ~~Tourism, Trade, and Economic Development~~ the final verified  
 7460 amount of actual qualified expenditures made by the certified  
 7461 production.

7462 2. The Governor ~~Office of Tourism, Trade, and Economic~~  
 7463 ~~Development~~ shall determine and approve the final tax credit  
 7464 award amount to each certified applicant based on the final  
 7465 verified amount of actual qualified expenditures and shall,  
 7466 through the department, notify the executive director of the  
 7467 Department of Revenue in writing that the certified production  
 7468 has met the requirements of the incentive program and of the  
 7469 final amount of the tax credit award. The final tax credit award  
 7470 amount may not exceed the maximum tax credit award amount  
 7471 certified under paragraph (d).

7472 (g) Promoting Florida.—The Office of Film and  
 7473 Entertainment shall ensure that, as a condition of receiving a  
 7474 tax credit under this section, marketing materials promoting  
 7475 this state as a tourist destination or film and entertainment

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7476 production destination are included, when appropriate, at no  
 7477 cost to the state, which must, at a minimum, include placement  
 7478 of a "Filmed in Florida" or "Produced in Florida" logo in the  
 7479 end credits. The placement of a "Filmed in Florida" or "Produced  
 7480 in Florida" logo on all packaging material and hard media is  
 7481 also required, unless such placement is prohibited by licensing  
 7482 or other contractual obligations. The size and placement of such  
 7483 logo shall be commensurate to other logos used. If no logos are  
 7484 used, the statement "Filmed in Florida using Florida's  
 7485 Entertainment Industry Financial Incentive," or a similar  
 7486 statement approved by the Office of Film and Entertainment,  
 7487 shall be used. The Office of Film and Entertainment shall  
 7488 provide a logo and supply it for the purposes specified in this  
 7489 paragraph. A 30-second "Visit Florida" promotional video must  
 7490 also be included on all optical disc formats of a film, unless  
 7491 such placement is prohibited by licensing or other contractual  
 7492 obligations. The 30-second promotional video shall be approved  
 7493 and provided by Enterprise Florida, Inc., ~~the Florida Tourism~~  
 7494 ~~Industry Marketing Corporation~~ in consultation with the  
 7495 Commissioner of Film and Entertainment.

7496 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;  
 7497 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;  
 7498 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND  
 7499 ACQUISITIONS.—

7500 (c) Withdrawal of tax credit eligibility.—A qualified or  
 7501 certified production must continue on a reasonable schedule,  
 7502 which includes beginning principal photography or the production  
 7503 project in this state no more than 45 calendar days before or

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7504 after the principal photography or project start date provided  
 7505 in the production's program application. The department ~~Office~~  
 7506 ~~of Tourism, Trade, and Economic Development~~ shall withdraw the  
 7507 eligibility of a qualified or certified production that does not  
 7508 continue on a reasonable schedule.

7509 (d) Election and distribution of tax credits.—

7510 1. A certified production company receiving a tax credit  
 7511 award under this section shall, at the time the credit is  
 7512 awarded by the Governor ~~Office of Tourism, Trade, and Economic~~  
 7513 ~~Development~~ after production is completed and all requirements  
 7514 to receive a credit award have been met, make an irrevocable  
 7515 election to apply the credit against taxes due under chapter  
 7516 220, against state taxes collected or accrued under chapter 212,  
 7517 or against a stated combination of the two taxes. The election  
 7518 is binding upon any distributee, successor, transferee, or  
 7519 purchaser. The Department of Economic Opportunity ~~Office of~~  
 7520 ~~Tourism, Trade, and Economic Development~~ shall notify the  
 7521 Department of Revenue of any election made pursuant to this  
 7522 paragraph.

7523 2. A qualified production company is eligible for tax  
 7524 credits against its sales and use tax liabilities and corporate  
 7525 income tax liabilities as provided in this section. However, tax  
 7526 credits awarded under this section may not be claimed against  
 7527 sales and use tax liabilities or corporate income tax  
 7528 liabilities for any tax period beginning before July 1, 2011,  
 7529 regardless of when the credits are applied for or awarded.

7530 (5) TRANSFER OF TAX CREDITS.—

7531 (a) Authorization.—Upon application to the Office of Film

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7532 and Entertainment and approval by the Governor, through the  
7533 Department of Economic Opportunity, Office of Tourism, Trade,  
7534 and Economic Development, a certified production company, or a  
7535 partner or member that has received a distribution under  
7536 paragraph (4)(g), may elect to transfer, in whole or in part,  
7537 any unused credit amount granted under this section. An election  
7538 to transfer any unused tax credit amount under chapter 212 or  
7539 chapter 220 must be made no later than 5 years after the date  
7540 the credit is awarded, after which period the credit expires and  
7541 may not be used. The Department of Economic Opportunity Office  
7542 of Tourism, Trade, and Economic Development shall notify the  
7543 Department of Revenue of the election and transfer.

7544 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX  
7545 CREDITS; FRAUDULENT CLAIMS.—

7546 (b) Revocation of tax credits.—The Governor, through the  
7547 Department of Economic Opportunity, Office of Tourism, Trade,  
7548 and Economic Development may revoke or modify any written  
7549 decision qualifying, certifying, or otherwise granting  
7550 eligibility for tax credits under this section if it is  
7551 discovered that the tax credit applicant submitted any false  
7552 statement, representation, or certification in any application,  
7553 record, report, plan, or other document filed in an attempt to  
7554 receive tax credits under this section. The Department of  
7555 Economic Opportunity Office of Tourism, Trade, and Economic  
7556 Development shall immediately notify the Department of Revenue  
7557 of any revoked or modified orders affecting previously granted  
7558 tax credits. Additionally, the applicant must notify the  
7559 Department of Revenue of any change in its tax credit claimed.

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7560 Section 89. Section 288.7015, Florida Statutes, is amended  
 7561 to read:

7562 288.7015 Appointment of rules ombudsman; duties.—The  
 7563 Governor shall appoint a rules ombudsman, as defined in s.  
 7564 288.703, in the Executive Office of the Governor, for  
 7565 considering the impact of agency rules on the state's citizens  
 7566 and businesses. In carrying out duties as provided by law, the  
 7567 ombudsman shall consult with Enterprise Florida, Inc., at which  
 7568 point the department ~~office~~ may recommend to improve the  
 7569 regulatory environment of this state. The duties of the rules  
 7570 ombudsman are to:

7571 (1) Carry out the responsibility provided in s. 120.54(2),  
 7572 with respect to small businesses.

7573 (2) Review state agency rules that adversely or  
 7574 disproportionately impact businesses, particularly those  
 7575 relating to small and minority businesses.

7576 (3) Make recommendations on any existing or proposed rules  
 7577 to alleviate unnecessary or disproportionate adverse effects to  
 7578 businesses.

7579 (4) Each state agency shall cooperate fully with the rules  
 7580 ombudsman in identifying such rules. Further, each agency shall  
 7581 take the necessary steps to waive, modify, or otherwise minimize  
 7582 such adverse effects of any such rules. However, nothing in this  
 7583 section authorizes any state agency to waive, modify, provide  
 7584 exceptions to, or otherwise alter any rule that is:

7585 (a) Expressly required to implement or enforce any  
 7586 statutory provision or the express legislative intent thereof;

7587 (b) Designed to protect persons against discrimination on

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7588 the basis of race, color, national origin, religion, sex, age,  
7589 handicap, or marital status; or

7590 (c) Likely to prevent a significant risk or danger to the  
7591 public health, the public safety, or the environment of the  
7592 state.

7593 (5) The modification or waiver of any such rule pursuant  
7594 to this section must be accomplished in accordance with ~~the~~  
7595 ~~provisions of~~ chapter 120.

7596 Section 90. Section 288.703, Florida Statutes, is amended  
7597 to read:

7598 288.703 Definitions.—As used in ss. 288.702-288.706, the  
7599 ~~term this act, the following words and terms shall have the~~  
7600 ~~following meanings unless the content shall indicate another~~  
7601 ~~meaning or intent:~~

7602 (1)~~(4)~~ "Certified minority business enterprise" means a  
7603 business which has been certified by the certifying organization  
7604 or jurisdiction in accordance with s. 287.0943(1) and (2).

7605 (2)~~(7)~~ "Financial institution" means any bank, trust  
7606 company, insurance company, savings and loan association, credit  
7607 union, federal lending agency, or foundation.

7608 (3)~~(2)~~ "Minority business enterprise" means any small  
7609 business concern as defined in subsection (6) ~~(1)~~ which is  
7610 organized to engage in commercial transactions, which is  
7611 domiciled in Florida, and which is at least 51-percent-owned by  
7612 minority persons who are members of an insular group that is of  
7613 a particular racial, ethnic, or gender makeup or national  
7614 origin, which has been subjected historically to disparate  
7615 treatment due to identification in and with that group resulting



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7616 in an underrepresentation of commercial enterprises under the  
7617 group's control, and whose management and daily operations are  
7618 controlled by such persons. A minority business enterprise may  
7619 primarily involve the practice of a profession. Ownership by a  
7620 minority person does not include ownership which is the result  
7621 of a transfer from a nonminority person to a minority person  
7622 within a related immediate family group if the combined total  
7623 net asset value of all members of such family group exceeds \$1  
7624 million. For purposes of this subsection, the term "related  
7625 immediate family group" means one or more children under 16  
7626 years of age and a parent of such children or the spouse of such  
7627 parent residing in the same house or living unit.

7628 (4)~~(3)~~ "Minority person" means a lawful, permanent  
7629 resident of Florida who is:

7630 (a) An African American, a person having origins in any of  
7631 the black racial groups of the African Diaspora, regardless of  
7632 cultural origin.

7633 (b) A Hispanic American, a person of Spanish or Portuguese  
7634 culture with origins in Spain, Portugal, Mexico, South America,  
7635 Central America, or the Caribbean, regardless of race.

7636 (c) An Asian American, a person having origins in any of  
7637 the original peoples of the Far East, Southeast Asia, the Indian  
7638 Subcontinent, or the Pacific Islands, including the Hawaiian  
7639 Islands before ~~prior to~~ 1778.

7640 (d) A Native American, a person who has origins in any of  
7641 the Indian Tribes of North America before ~~prior to~~ 1835, upon  
7642 presentation of proper documentation thereof as established by  
7643 rule of the Department of Management Services.

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7644 (e) An American woman.

7645 ~~(5) "Department" means the Department of Management~~

7646 ~~Services.~~

7647 (5)~~(6)~~ "Ombudsman" means an office or individual whose

7648 responsibilities include coordinating with the Office of

7649 Supplier Diversity for the interests of and providing assistance

7650 to small and minority business enterprises in dealing with

7651 governmental agencies and in developing proposals for changes in

7652 state agency rules.

7653 (6)~~(1)~~ "Small business" means an independently owned and

7654 operated business concern that employs 200 or fewer permanent

7655 full-time employees and that, together with its affiliates, has

7656 a net worth of not more than \$5 million or any firm based in

7657 this state which has a Small Business Administration 8(a)

7658 certification. As applicable to sole proprietorships, the \$5

7659 million net worth requirement shall include both personal and

7660 business investments.

7661 ~~(8) "Secretary" means the secretary of the Department of~~

7662 ~~Management Services.~~

7663 Section 91. Section 288.705, Florida Statutes, is amended

7664 to read:

7665 288.705 Statewide contracts register.—All state agencies

7666 shall in a timely manner provide the Florida Small Business

7667 Development Center Procurement System with all formal

7668 solicitations for contractual services, supplies, and

7669 commodities. The Small Business Development Center shall

7670 coordinate with Minority Business Development Centers to compile

7671 and distribute this information to small and minority businesses

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7672 requesting such service for the period of time necessary to  
 7673 familiarize the business with the market represented by state  
 7674 agencies. On or before February 1 of each year, the Small  
 7675 Business Development Center shall report to the department  
 7676 ~~Agency for Workforce Innovation~~ on the use of the statewide  
 7677 contracts register. The report shall include, but not be limited  
 7678 to, information relating to:

7679 (1) The total number of solicitations received from state  
 7680 agencies during the calendar year.

7681 (2) The number of solicitations received from each state  
 7682 agency during the calendar year.

7683 (3) The method of distributing solicitation information to  
 7684 businesses requesting such service.

7685 (4) The total number of businesses using the service.

7686 (5) The percentage of businesses using the service which  
 7687 are owned and controlled by minorities.

7688 (6) The percentage of service-disabled veteran business  
 7689 enterprises using the service.

7690 Section 92. Subsections (2) and (12) of section 288.706,  
 7691 Florida Statutes, are amended to read:

7692 288.706 Florida Minority Business Loan Mobilization  
 7693 Program.—

7694 (2) The Florida Minority Business Loan Mobilization  
 7695 Program is created to promote the development of minority  
 7696 business enterprises, as defined in s. 288.703~~(2)~~, increase the  
 7697 ability of minority business enterprises to compete for state  
 7698 contracts, and sustain the economic growth of minority business  
 7699 enterprises in this state. The goal of the program is to assist

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7700 minority business enterprises by facilitating working capital  
 7701 loans to minority business enterprises that are vendors on state  
 7702 agency contracts. The Department of Management Services shall  
 7703 administer the program.

7704 (12) The Department of Management Services shall  
 7705 collaborate with Enterprise Florida, Inc., ~~the Florida Black~~  
 7706 ~~Business Investment Board, Inc.~~, and the department ~~Office of~~  
 7707 ~~Tourism, Trade, and Economic Development~~ to assist in the  
 7708 development and enhancement of black business enterprises.

7709 Section 93. Subsection (2) of section 288.7094, Florida  
 7710 Statutes, is amended to read:

7711 288.7094 Black business investment corporations.—

7712 (2) A black business investment corporation that meets the  
 7713 requirements of s. 288.7102(4) is eligible to participate in the  
 7714 Black Business Loan Program and shall receive priority  
 7715 consideration by the department ~~Office of Tourism, Trade, and~~  
 7716 ~~Economic Development~~ for participation in the program.

7717 Section 94. Section 288.7102, Florida Statutes, is amended  
 7718 to read:

7719 288.7102 Black Business Loan Program.—

7720 (1) The Black Business Loan Program is established within  
 7721 ~~in the department, which~~ Office of Tourism, Trade, and Economic  
 7722 ~~Development. Under the program, the office~~ shall annually  
 7723 certify eligible recipients and subsequently disburse funds  
 7724 appropriated by the Legislature, through such eligible  
 7725 recipients, to black business enterprises that cannot obtain  
 7726 capital through conventional lending institutions but that could  
 7727 otherwise compete successfully in the private sector.

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7728           (2) The department ~~office~~ shall establish an application  
7729 and annual certification process for entities seeking funds to  
7730 participate in providing loans, loan guarantees, or investments  
7731 in black business enterprises pursuant to the Florida Black  
7732 Business Investment Act. The department ~~office~~ shall process all  
7733 applications and recertifications submitted by June 1 on or  
7734 before July 31.

7735           (3) If the Black Business Loan Program is appropriated any  
7736 funding in a fiscal year, the Governor, through the department,  
7737 ~~Office~~ shall distribute an equal amount of the appropriation,  
7738 calculated as the total annual appropriation divided by the  
7739 total number of program recipients certified on or before July  
7740 31 of that fiscal year.

7741           (4) To be eligible to receive funds and provide loans,  
7742 loan guarantees, or investments under this section, a recipient  
7743 must:

7744           (a) Be a corporation registered in the state.

7745           (b) For an existing recipient, annually submit to the  
7746 department ~~office~~ a financial audit performed by an independent  
7747 certified public account for the most recently completed fiscal  
7748 year, which audit does not reveal any material weaknesses or  
7749 instances of material noncompliance.

7750           (c) For a new recipient:

7751           1. Demonstrate that its board of directors includes  
7752 citizens of the state experienced in the development of black  
7753 business enterprises.

7754           2. Demonstrate that the recipient has a business plan that  
7755 allows the recipient to operate in a manner consistent with this

7756 section ~~ss. 288.707-288.714~~ and the department's rules ~~of the~~  
 7757 ~~office.~~

7758 3. Demonstrate that the recipient has the technical skills  
 7759 to analyze and evaluate applications by black business  
 7760 enterprises for loans, loan guarantees, or investments.

7761 4. Demonstrate that the recipient has established viable  
 7762 partnerships with public and private funding sources, economic  
 7763 development agencies, and workforce development and job referral  
 7764 networks.

7765 5. Demonstrate that the recipient can provide a private  
 7766 match equal to 20 percent of the amount of funds provided by the  
 7767 Governor through the department ~~office.~~

7768 (d) For an existing or new recipient, agree to maintain  
 7769 the recipient's books and records relating to funds received by  
 7770 the department ~~office~~ according to generally accepted accounting  
 7771 principles and in accordance with the requirements of s.  
 7772 215.97(7) and to make those books and records available to the  
 7773 department ~~office~~ for inspection upon reasonable notice.

7774 (5) Each eligible recipient must meet the requirements of  
 7775 this section ~~provisions of ss. 288.707-288.714~~, the terms of the  
 7776 contract between the recipient and the department ~~Office~~, and  
 7777 any other applicable state or federal laws. An entity may not  
 7778 receive funds ~~under ss. 288.707-288.714~~ unless the entity meets  
 7779 annual certification requirements.

7780 (6) Upon approval by the department ~~Office~~ and before  
 7781 release of the funds as provided in this section, the Governor,  
 7782 through the department, ~~Office~~ shall issue a letter certifying  
 7783 the applicant as qualified for an award. The Governor ~~Office~~ and

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7784 the applicant shall enter into an agreement that sets forth the  
 7785 conditions for award of the funds. The agreement must include  
 7786 the total amount of funds awarded; the performance conditions  
 7787 that must be met once the funding has been awarded, including,  
 7788 but not limited to, compliance with all of the requirements of  
 7789 this section for eligible recipients of funds under this  
 7790 section; and sanctions for failure to meet performance  
 7791 conditions, including any provisions to recover awards.

7792 (7) The department ~~Office~~, in consultation with the board,  
 7793 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to  
 7794 implement this section.

7795 (8) A black business investment corporation certified by  
 7796 the Governor ~~Office~~ as an eligible recipient under this section  
 7797 is authorized to use funds appropriated for the Black Business  
 7798 Loan Program in any of the following forms:

7799 (a) Purchases of stock, preferred or common, voting or  
 7800 nonvoting; however, no more than 40 percent of the funds may be  
 7801 used for direct investments in black business enterprises;

7802 (b) Loans or loan guarantees, with or without recourse, in  
 7803 either a subordinated or priority position; or

7804 (c) Technical support to black business enterprises, not  
 7805 to exceed 9 percent of the funds received, and direct  
 7806 administrative costs, not to exceed 12 percent of the funds  
 7807 received.

7808 (9) It is the intent of the Legislature that if any one  
 7809 type of investment mechanism authorized in subsection (8) is  
 7810 held to be invalid, all other valid mechanisms remain available.

7811 (10) All loans, loan guarantees, and investments, and any

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7812 income related thereto, shall be used to carry out the public  
 7813 purpose of ~~ss. 288.707-288.714, which is~~ to develop black  
 7814 business enterprises. This subsection does not preclude a  
 7815 reasonable profit for the participating black business  
 7816 investment corporation or for return of equity developed to the  
 7817 state and participating financial institutions upon any  
 7818 distribution of the assets or excess income of the investment  
 7819 corporation.

7820 Section 95. Section 288.714, Florida Statutes, is amended  
 7821 to read:

7822 288.714 Quarterly and annual reports.—

7823 (1) Each recipient of state funds under s. 288.7102 shall  
 7824 provide to Enterprise Florida, Inc., ~~the Office~~ a quarterly  
 7825 report within 15 days after the end of each calendar quarter  
 7826 that includes a detailed summary of the recipient's performance  
 7827 of the duties imposed by s. 288.7102, including, but not limited  
 7828 to:

7829 (a) The dollar amount of all loans or loan guarantees made  
 7830 to black business enterprises, the percentages of the loans  
 7831 guaranteed, and the names and identification of the types of  
 7832 businesses served.

7833 (b) Loan performance information.

7834 (c) The amount and nature of all other financial  
 7835 assistance provided to black business enterprises.

7836 (d) The amount and nature of technical assistance provided  
 7837 to black business enterprises, including technical assistance  
 7838 services provided in areas in which such services are otherwise  
 7839 unavailable.



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7840 (e) A balance sheet for the recipient, including an  
 7841 explanation of all investments and administrative and  
 7842 operational expenses.

7843 (f) A summary of all services provided to nonblack  
 7844 business enterprises, including the dollar value and nature of  
 7845 such services and the names and identification of the types of  
 7846 businesses served.

7847 (g) Any other information as required by policies adopted  
 7848 by Enterprise Florida, Inc. ~~the office.~~

7849 (2) Enterprise Florida, Inc., ~~The Office~~ must compile a  
 7850 summary of all quarterly reports and provide a copy of the  
 7851 summary to the board within 30 days after the end of each  
 7852 calendar quarter that includes a detailed summary of the  
 7853 recipient's performance of the duties imposed by s. 288.7102.

7854 (3) Enterprise Florida, Inc., ~~By August 31 of each year,~~  
 7855 ~~the Office shall,~~ as part of its annual report, provide to the  
 7856 Governor, the President of the Senate, and the Speaker of the  
 7857 House of Representatives a detailed report of the performance of  
 7858 the Black Business Loan Program. The report must include a  
 7859 cumulative summary of quarterly report data required by  
 7860 subsection (1).

7861 ~~(4) By August 31 of each year, the board shall provide to~~  
 7862 ~~the Governor, the President of the Senate, and the Speaker of~~  
 7863 ~~the House of Representatives a detailed report of the board's~~  
 7864 ~~performance, including:~~

7865 ~~(a) A description of the strategies implemented by the~~  
 7866 ~~board to increase private investment in black business~~  
 7867 ~~enterprises.~~

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7868 ~~(b) A summary of the board's performance of its duties~~  
 7869 ~~under ss. 288.707-288.712.~~

7870 ~~(c) The most recent 5-year projection of the need for~~  
 7871 ~~capital by black business enterprises.~~

7872 ~~(d) Recommendations for legislative or other changes to~~  
 7873 ~~enhance the development and expansion of black business~~  
 7874 ~~enterprises in the state.~~

7875 ~~(e) A projection of the program's activities during the~~  
 7876 ~~next 12 months.~~

7877 Section 96. Subsection (1) of section 288.773, Florida  
 7878 Statutes, is amended to read:

7879 288.773 Florida Export Finance Corporation.—The Florida  
 7880 Export Finance Corporation is hereby created as a corporation  
 7881 not for profit, to be incorporated under the provisions of  
 7882 chapter 617 and approved by the Department of State. The  
 7883 corporation is organized on a nonstock basis. The purpose of the  
 7884 corporation is to expand employment and income opportunities for  
 7885 residents of this state through increased exports of goods and  
 7886 services, by providing businesses domiciled in this state  
 7887 information and technical assistance on export opportunities,  
 7888 exporting techniques, and financial assistance through  
 7889 guarantees and direct loan originations for sale in support of  
 7890 export transactions. The corporation shall have the power and  
 7891 authority to carry out the following functions:

7892 (1) To coordinate the efforts of the corporation with  
 7893 programs and goals of the United States Export-Import Bank, the  
 7894 International Trade Administration of the United States  
 7895 Department of Commerce, the Foreign Credit Insurance

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7896 Association, Enterprise Florida, Inc., ~~and its boards,~~ and other  
 7897 private and public programs and organizations, domestic and  
 7898 foreign, designed to provide export assistance and export-  
 7899 related financing.

7900 Section 97. Paragraph (b) of subsection (3) of section  
 7901 288.774, Florida Statutes, is amended to read:

7902 288.774 Powers and limitations.—

7903 (3)

7904 (b) In providing assistance, the board shall be guided by  
 7905 the statewide economic development plan prepared adopted by the  
 7906 Department of Economic Opportunity ~~pursuant to s. 288.905.~~

7907 Section 98. Paragraph (a) of subsection (1) and paragraphs  
 7908 (a), (c), and (g) of subsection (3) of section 288.776, Florida  
 7909 Statutes, are amended to read:

7910 288.776 Board of directors; powers and duties.—

7911 (1) (a) The corporation shall have a board of directors  
 7912 consisting of 15 members representing all geographic areas of  
 7913 the state. Minority and gender representation must be considered  
 7914 when making appointments to the board. The board membership must  
 7915 include:

7916 1. A representative of the following businesses, all of  
 7917 which must be registered to do business in this state: a foreign  
 7918 bank, a state bank, a federal bank, an insurance company  
 7919 involved in covering trade financing risks, and a small or  
 7920 medium-sized exporter.

7921 2. The following persons or their designee: the President  
 7922 of Enterprise Florida, Inc., the Chief Financial Officer, the  
 7923 Secretary of State, a senior official of the United States

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7924 Department of Commerce, and the chair of the advisory council to  
 7925 the Division of International Trade and Business Development of  
 7926 Enterprise Florida, Inc. ~~Florida Black Business Investment~~  
 7927 ~~Board.~~

7928 (3) The board shall:

7929 (a) Before ~~Prior to~~ the expenditure of funds from the  
 7930 export finance account, adopt bylaws, rules, and policies which  
 7931 are necessary to carry out the responsibilities under this part,  
 7932 particularly with respect to the implementation of the  
 7933 corporation's programs to insure, coinsure, lend, provide loan  
 7934 guarantees, and make direct, guaranteed, or collateralized loans  
 7935 by the corporation to support export transactions. The  
 7936 corporation's bylaws, rules, and policies shall be reviewed and  
 7937 approved by Enterprise Florida, Inc., before ~~prior to~~ final  
 7938 adoption by the board.

7939 (c) Issue an annual report to Enterprise Florida, Inc., on  
 7940 the activities of the corporation, including an evaluation of  
 7941 activities and recommendations for change. The evaluation shall  
 7942 include the corporation's impact on the following:

7943 1. Participation of private banks and other private  
 7944 organizations and individuals in the corporation's export  
 7945 financing programs.

7946 2. Access of small and medium-sized businesses in this  
 7947 state to federal export financing programs.

7948 3. Export volume of the small and medium-sized businesses  
 7949 in this state accessing the corporation's programs.

7950 4. Other economic and social benefits to international  
 7951 programs in this state.

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7952 (g) Consult with Enterprise Florida, Inc., ~~and its boards,~~  
 7953 or any state or federal agency, to ensure that the respective  
 7954 loan guarantee or working capital loan origination programs are  
 7955 not duplicative and that each program makes full use of, to the  
 7956 extent practicable, the resources of the other.

7957 Section 99. Section 288.7771, Florida Statutes, is amended  
 7958 to read:

7959 288.7771 Annual report of Florida Export Finance  
 7960 Corporation.— The corporation shall annually prepare and submit  
 7961 to the Department of Economic Opportunity ~~Enterprise Florida,~~  
 7962 ~~Inc.,~~ for inclusion in its annual report required by s. 288.095  
 7963 a complete and detailed report setting forth:

- 7964 (1) The report required in s. 288.776(3).
- 7965 (2) Its assets and liabilities at the end of its most  
 7966 recent fiscal year.

7967 Section 100. Section 288.816, Florida Statutes, is amended  
 7968 to read:

7969 288.816 Intergovernmental relations.—

7970 (1) The department ~~Office of Tourism, Trade, and Economic~~  
 7971 ~~Development~~ shall be responsible for consular operations and the  
 7972 sister city and sister state program and shall serve as liaison  
 7973 with foreign, federal, and other state international  
 7974 organizations and with county and municipal governments in  
 7975 Florida.

7976 (2) The department ~~Office of Tourism, Trade, and Economic~~  
 7977 ~~Development~~ shall be responsible for all consular relations  
 7978 between the state and all foreign governments doing business in  
 7979 Florida. The department ~~office~~ shall monitor United States laws

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7980 and directives to ensure that all federal treaties regarding  
 7981 foreign privileges and immunities are properly observed. The  
 7982 department ~~office~~ shall promulgate rules which shall:

7983 (a) Establish a viable system of registration for foreign  
 7984 government officials residing or having jurisdiction in the  
 7985 state. Emphasis shall be placed on maintaining active  
 7986 communication between the department ~~Office of Tourism, Trade,~~  
 7987 ~~and Economic Development~~ and the United States Department of  
 7988 State in order to be currently informed regarding foreign  
 7989 governmental personnel stationed in, or with official  
 7990 responsibilities for, Florida. Active dialogue shall also be  
 7991 maintained with foreign countries which historically have had  
 7992 dealings with Florida in order to keep them informed of the  
 7993 proper procedure for registering with the state.

7994 (b) Maintain and systematically update a current and  
 7995 accurate list of all such foreign governmental officials,  
 7996 consuls, or consulates.

7997 (c) Issue certificates to such foreign governmental  
 7998 officials after verification pursuant to proper investigations  
 7999 through United States Department of State sources and the  
 8000 appropriate foreign government.

8001 (d) Verify entitlement to sales and use tax exemptions  
 8002 pursuant to United States Department of State guidelines and  
 8003 identification methods.

8004 (e) Verify entitlement to issuance of special motor  
 8005 vehicle license plates by the Division of Motor Vehicles of the  
 8006 Department of Highway Safety and Motor Vehicles to honorary  
 8007 consuls or such other officials representing foreign governments

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8008 | who are not entitled to issuance of special Consul Corps license  
8009 | plates by the United States Government.

8010 |       (f) Establish a system of communication to provide all  
8011 | state and local law enforcement agencies with information  
8012 | regarding proper procedures relating to the arrest or  
8013 | incarceration of a foreign citizen.

8014 |       (g) Request the Department of Law Enforcement to provide  
8015 | transportation and protection services when necessary pursuant  
8016 | to s. 943.68.

8017 |       (h) Coordinate, when necessary, special activities between  
8018 | foreign governments and Florida state and local governments.  
8019 | These may include Consular Corps Day, Consular Corps  
8020 | conferences, and various other social, cultural, or educational  
8021 | activities.

8022 |       (i) Notify all newly arrived foreign governmental  
8023 | officials of the services offered by the department ~~Office of~~  
8024 | ~~Tourism, Trade, and Economic Development.~~

8025 |       (3) The department ~~Office of Tourism, Trade, and Economic~~  
8026 | ~~Development~~ shall operate the sister city and sister state  
8027 | program and establish such new programs as needed to further  
8028 | global understanding through the interchange of people, ideas,  
8029 | and culture between Florida and the world. To accomplish this  
8030 | purpose, the department ~~office~~ shall have the power and  
8031 | authority to:

8032 |       (a) Coordinate and carry out activities designed to  
8033 | encourage the state and its subdivisions to participate in  
8034 | sister city and sister state affiliations with foreign countries  
8035 | and their subdivisions. Such activities may include a State of

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8036 Florida sister cities conference.

8037 (b) Encourage cooperation with and disseminate information  
 8038 pertaining to the Sister Cities International Program and any  
 8039 other program whose object is to promote linkages with foreign  
 8040 countries and their subdivisions.

8041 (c) Maximize any aid available from all levels of  
 8042 government, public and private agencies, and other entities to  
 8043 facilitate such activities.

8044 (d) Establish a viable system of registration for sister  
 8045 city and sister state affiliations between the state and foreign  
 8046 countries and their subdivisions. Such system shall include a  
 8047 method to determine that sufficient ties are properly  
 8048 established as well as a method to supervise how these ties are  
 8049 maintained.

8050 (e) Maintain a current and accurate listing of all such  
 8051 affiliations. Sister city affiliations shall not be discouraged  
 8052 between the state and any country specified in s. 620(f)(1) of  
 8053 the federal Foreign Assistance Act of 1961, as amended, with  
 8054 whom the United States is currently conducting diplomatic  
 8055 relations unless a mandate from the United States Government  
 8056 expressly prohibits such affiliations.

8057 (4) The department ~~Office of Tourism, Trade, and Economic~~  
 8058 ~~Development~~ shall serve as a contact for the state with the  
 8059 Florida Washington Office, the Florida Congressional Delegation,  
 8060 and United States Government agencies with respect to laws or  
 8061 policies which may affect the interests of the state in the area  
 8062 of international relations. All inquiries received regarding  
 8063 international economic trade development or reverse investment



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8064 | opportunities shall be referred to Enterprise Florida, Inc. In  
 8065 | addition, the department ~~office~~ shall serve as liaison with  
 8066 | other states with respect to international programs of interest  
 8067 | to Florida. The department ~~office~~ shall also investigate and  
 8068 | make suggestions regarding possible areas of joint action or  
 8069 | regional cooperation with these states.

8070 |         (5) The department ~~Office of Tourism, Trade, and Economic~~  
 8071 | ~~Development~~ shall have the power and duty to encourage the  
 8072 | relocation to Florida of consular offices and multilateral and  
 8073 | international agencies and organizations.

8074 |         (6) The Division of International Trade and Business  
 8075 | Development of Enterprise Florida, Inc., ~~Office of Tourism,~~  
 8076 | ~~Trade, and Economic Development, through membership on the board~~  
 8077 | ~~of directors of Enterprise Florida, Inc.,~~ shall help to  
 8078 | contribute an international perspective to the state's  
 8079 | development efforts.

8080 |         Section 101. Paragraph (a) of subsection (1) and  
 8081 | subsection (2) of section 288.809, Florida Statutes, are amended  
 8082 | to read:

8083 |         288.809 Florida Intergovernmental Relations Foundation;  
 8084 | use of property; board of directors; audit.—

8085 |         (1) DEFINITIONS.—For the purposes of this section, the  
 8086 | term:

8087 |         (a) "Florida Intergovernmental Relations Foundation" means  
 8088 | a direct-support organization:

8089 |             1. Which is a corporation not for profit that is  
 8090 | incorporated under ~~the provisions of~~ chapter 617 and approved by  
 8091 | the Department of State;

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8092           2. Which is organized and operated exclusively to solicit,  
 8093 receive, hold, invest, and administer property and, subject to  
 8094 the approval of the department ~~Office of Tourism, Trade, and~~  
 8095 ~~Economic Development~~, to make expenditures to or for the  
 8096 promotion of intergovernmental relations programs; and

8097           3. Which the department ~~Office of Tourism, Trade, and~~  
 8098 ~~Economic Development~~, after review, has certified to be  
 8099 operating in a manner consistent with the policies and goals of  
 8100 the department ~~office~~.

8101           (2) USE OF PROPERTY.—The department ~~Office of Tourism,~~  
 8102 ~~Trade, and Economic Development~~:

8103           (a) May ~~is authorized to~~ permit the use of property,  
 8104 facilities, and personal services of the department ~~Office of~~  
 8105 ~~Tourism, Trade, and Economic Development~~ by the foundation,  
 8106 subject to ~~the provisions of~~ this section.

8107           (b) Shall prescribe conditions with which the foundation  
 8108 must comply in order to use property, facilities, or personal  
 8109 services of the department. Such conditions shall provide for  
 8110 budget and audit review and for oversight by the department  
 8111 ~~Office of Tourism, Trade, and Economic Development~~.

8112           (c) May ~~shall~~ not permit the use of property, facilities,  
 8113 or personal services of the foundation if the foundation does  
 8114 not provide equal employment opportunities to all persons,  
 8115 regardless of race, color, national origin, sex, age, or  
 8116 religion.

8117           Section 102. Subsections (2) through (8) of section  
 8118 288.8175, Florida Statutes, are renumbered as subsections (1)

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8119 through (7), respectively, and present subsections (1), (3),  
 8120 (4), and (8) of that section are amended to read:

8121 288.8175 Linkage institutes between postsecondary  
 8122 institutions in this state and foreign countries.—

8123 ~~(1) As used in this section, the term "department" means~~  
 8124 ~~the Department of Education.~~

8125 (2)~~(3)~~ Each institute must be governed by an agreement  
 8126 between the Board of Governors of the State University System  
 8127 for a state university and the State Board of Education for a  
 8128 community college with the counterpart organization in a foreign  
 8129 country. Each institute must report to the Department of  
 8130 Education regarding its program activities, expenditures, and  
 8131 policies.

8132 (3)~~(4)~~ Each institute must be co-administered in this  
 8133 state by a university-community college partnership, as  
 8134 designated in subsection (5), and must have a private sector and  
 8135 public sector advisory committee. The advisory committee must be  
 8136 representative of the international education and commercial  
 8137 interests of the state and may have members who are native to  
 8138 the foreign country partner. Six members must be appointed by  
 8139 the Department of Education. The Department of Education must  
 8140 appoint at least one member who is an international educator.  
 8141 The presidents, or their designees, of the participating  
 8142 university and community college must also serve on the advisory  
 8143 committee.

8144 (7)~~(8)~~ A linkage institute may not be created or funded  
 8145 except upon the recommendation of the Department of Education  
 8146 and except by amendment to this section.

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8147 Section 103. Section 288.826, Florida Statutes, is amended  
8148 to read:

8149 288.826 Florida International Trade and Promotion Trust  
8150 Fund.—There is hereby established in the State Treasury the  
8151 Florida International Trade and Promotion Trust Fund. The moneys  
8152 deposited into this trust fund shall be administered by the  
8153 department ~~Office of Tourism, Trade, and Economic Development~~  
8154 for the operation of Enterprise Florida, Inc., ~~and its boards~~  
8155 and for the operation of Florida international ~~foreign~~ offices  
8156 under s. 288.012.

8157 Section 104. Section 288.901, Florida Statutes, is amended  
8158 to read:

8159 (Substantial rewording of section. See  
8160 s. 288.901, F.S., for present text.)

8161 288.901 Enterprise Florida, Inc.—

8162 (1) (a) There is created a not-for-profit corporation, to  
8163 be known as "Enterprise Florida, Inc.," which shall be  
8164 registered, incorporated, organized, and operated in compliance  
8165 with chapter 617, and which may not be a unit or entity of state  
8166 government.

8167 (b) The Legislature finds that it is in the public  
8168 interest and reflects the state's public policy that Enterprise  
8169 Florida, Inc., operate in the most open and accessible manner  
8170 consistent with its public purposes. To this end, the  
8171 Legislature specifically declares that Enterprise Florida, Inc.,  
8172 and its divisions, boards, and advisory councils, or similar  
8173 entities created or managed by Enterprise Florida, Inc., are  
8174 subject to the provisions of chapter 119, relating to public

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8175 records and those provisions of chapter 286 relating to public  
 8176 meetings and records.

8177 (c) The Legislature further finds that it is in the public  
 8178 interest that the members of the board of directors of  
 8179 Enterprise Florida, Inc., be subject to the requirements of ss.  
 8180 112.3135, 112.3143, and 112.313, excluding s. 112.313(2),  
 8181 notwithstanding the fact that the board members are not public  
 8182 officers or employees. For purposes of those sections, the board  
 8183 members are considered to be public officers or employees. The  
 8184 exemption set forth in s. 212.313(12) for advisory boards  
 8185 applies to the members of the board of directors of Enterprise  
 8186 Florida, Inc. Further, each member of the board of directors who  
 8187 is not otherwise required to file financial disclosures pursuant  
 8188 to s. 8, Art. II of the State Constitution or s. 112.3144, shall  
 8189 file disclosure of financial interests pursuant to s. 112.3145.

8190 (2) Enterprise Florida, Inc., shall act as an economic-  
 8191 development organization for the state, utilizing private-  
 8192 sector and public-sector expertise in collaboration with the  
 8193 department to:

8194 (a) Facilitate the creation of better-paying jobs and  
 8195 increase business investment in Florida;

8196 (b) Advance international and domestic trade  
 8197 opportunities;

8198 (c) Market the state both as a pro-business location for  
 8199 new investment and as an unparalleled tourist destination;

8200 (d) Revitalize Florida's space and aerospace industries  
 8201 and promote emerging complementary industries;

8202 (e) Promote opportunities for minority-owned businesses;

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8203 and

8204 (f) Assist and market professional and amateur sport teams  
8205 and sporting events in Florida.

8206 (3) Enterprise Florida, Inc., shall be governed by an 11-  
8207 member board of directors. The Governor shall serve on the board  
8208 as the chair, and shall appoint four other members, subject to  
8209 confirmation by the Senate. Three members shall be appointed by  
8210 the President of the Senate, and three members shall be  
8211 appointed by the Speaker of the House of Representatives.

8212 (a) In making their appointments, the Governor, the  
8213 President of the Senate, and the Speaker of the House of  
8214 Representatives shall ensure that the composition of the board  
8215 of directors reflects the diversity of Florida's business  
8216 community and is representative of the economic development  
8217 goals in subsection (2). The board must include at least one  
8218 representative for each of the following areas of expertise:  
8219 international business, tourism marketing, the space or  
8220 aerospace industry, managing or financing a minority-owned  
8221 business, manufacturing, finance and accounting, and sports  
8222 marketing.

8223 (b) The Governor, the President of the Senate, and the  
8224 Speaker of the House of Representatives shall also consider  
8225 appointees who reflect the state's racial, ethnic, and gender  
8226 diversity, as well as the geographic distribution, of the  
8227 population of the state.

8228 (c) Appointed members shall serve 4-year terms, except  
8229 that initially, to provide for staggered terms, the Governor,  
8230 the President of the Senate, and the Speaker of the House of

8231 Representatives shall each appoint one member to serve a 2-year  
 8232 term and one member to serve a 3-year term, with the remaining  
 8233 initial appointees serving 4-year terms. All subsequent  
 8234 appointments shall be for 4-year terms.

8235 (d) Initial appointments must be made by October 1, 2011,  
 8236 and be eligible for confirmation at the earliest available  
 8237 Senate session.

8238 (e) Any member is eligible for reappointment, except that  
 8239 a member may not serve more than two terms.

8240 (f) A vacancy on the board of directors shall be filled  
 8241 for the remainder of the unexpired term. Vacancies on the board  
 8242 shall be filled by appointment by the Governor, the President of  
 8243 the Senate, or the Speaker of the House of Representatives,  
 8244 respectively, depending on who appointed the member whose  
 8245 vacancy is to be filled or whose term has expired.

8246 (g) Appointed members may be removed by the Governor, the  
 8247 President of the Senate, or the Speaker of the House of  
 8248 Representatives, respectively, for cause. Absence from three  
 8249 consecutive meetings results in automatic removal.

8250 (4) In addition to the board members designated under  
 8251 subsection (3), the board of directors may by resolution appoint  
 8252 any number of at-large members to the board of directors from  
 8253 the private sector, each of whom may serve a term of up to 3  
 8254 years. At-large members shall have the powers and duties of  
 8255 other members of the board. An at-large member is eligible for  
 8256 reappointment but may not vote on his or her own reappointment.  
 8257 An at-large member shall be eligible to fill vacancies occurring  
 8258 among private sector appointees under subsection (3). At-large

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8259 members may annually provide contributions to Enterprise  
8260 Florida, Inc., in an amount determined by the 11-member board  
8261 established in subsection (3). The contributions must be used to  
8262 defray the operating expenses of Enterprise Florida, Inc., and  
8263 help meet the required private match to the state's annual  
8264 appropriation.

8265 (5) (a) The Commissioner of Economic Opportunity shall  
8266 serve ex officio as a nonvoting member of the board of  
8267 directors.

8268 (b) Each division advisory council chair shall serve ex  
8269 officio as a nonvoting member of the board of directors.

8270 (c) The chair of the Space Florida advisory council shall  
8271 serve ex officio as a nonvoting member of the board of  
8272 directors.

8273 (d) The president of the Workforce Florida, Inc. shall  
8274 serve ex officio as a nonvoting member of the board of  
8275 directors.

8276 (e) The chair of the Florida Housing Finance Corporation  
8277 shall serve ex officio as a nonvoting member of the board of  
8278 directors.

8279 (6) The board of directors shall biennially elect one of  
8280 its members as vice chair. The board of directors shall meet at  
8281 least four times each year, upon the call of the chair, at the  
8282 request of the vice chair, or at the request of a majority of  
8283 the membership. A majority of the total number of current voting  
8284 directors shall constitute a quorum. The board of directors may  
8285 take official action by a majority vote of the total members  
8286 present at any meeting at which a quorum is present, if a



8287 majority of the 11 appointed members are present.

8288 (7) Members of the board of directors shall serve without  
 8289 compensation, but members of Enterprise Florida, Inc., and the  
 8290 advisory councils created in s. 288.920, may be reimbursed for  
 8291 all reasonable, necessary, and actual expenses, as determined by  
 8292 the board of directors.

8293 (8) Enterprise Florida, Inc., may not endorse any  
 8294 candidate for any elected public office or contribute moneys to  
 8295 the campaign of any such candidate.

8296 Section 105. Section 288.9015, Florida Statutes, is  
 8297 amended to read:

8298 (Substantial rewording of section. See  
 8299 s. 288.9015, F.S., for present text.)

8300 288.9015 Powers of Enterprise Florida, Inc., and the board  
 8301 of directors.—

8302 (1) Enterprise Florida, Inc., shall integrate its efforts  
 8303 in business recruitment and expansion, job creation, marketing  
 8304 the state for tourism and sports, and promoting economic  
 8305 opportunities for minority-owned businesses and rural and  
 8306 distressed urban communities with those of the Commissioner of  
 8307 Economic Opportunity, to create an aggressive, agile, and  
 8308 collaborative effort to invigorate the state's economy.

8309 (2) The board of directors of Enterprise Florida, Inc.,  
 8310 shall have the power to:

8311 (a) Secure funding for its programs and activities, and  
 8312 for its boards from federal, state, local, and private sources  
 8313 and from fees charged for services and published materials.

8314 (b) Solicit, receive, hold, invest, and administer any

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8315 grant, payment, or gift of funds or property and make  
 8316 expenditures consistent with the powers granted to it.

8317 (c) Make and enter into contracts and other instruments  
 8318 necessary or convenient for the exercise of its powers and  
 8319 functions. A contract executed by Enterprise Florida, Inc., with  
 8320 a person or organization under which such person or organization  
 8321 agrees to perform economic development services or similar  
 8322 business assistance services on behalf of Enterprise Florida,  
 8323 Inc., or the state must include provisions requiring a  
 8324 performance report on the contracted activities and must account  
 8325 for proper use of funds provided under the contract, coordinate  
 8326 with other components of state and local economic development  
 8327 systems, and avoid duplication of existing state and local  
 8328 services and activities.

8329 (d) Elect or appoint such officers, employees, and agents  
 8330 as required for its activities and for its divisions, and pay  
 8331 such persons reasonable compensation.

8332 (e) Carry forward any unexpended state appropriations into  
 8333 succeeding fiscal years.

8334 (f) Except for the divisions and advisory councils created  
 8335 in s. 288.92, create and dissolve advisory councils, divisions,  
 8336 working groups, task forces, or similar organizations, as  
 8337 necessary to carry out its mission. Members of advisory  
 8338 councils, working groups, task forces, or similar organizations  
 8339 created by Enterprise Florida, Inc., shall serve without  
 8340 compensation, but may be reimbursed for reasonable, necessary,  
 8341 and actual expenses, as determined by the board of directors of  
 8342 Enterprise Florida, Inc.

8343 (g) Sue and be sued, and appear and defend in all actions  
 8344 and proceedings, in its corporate name to the same extent as a  
 8345 natural person.

8346 (h) Adopt, use, and alter a common corporate seal for  
 8347 Enterprise Florida, Inc., and its divisions. Notwithstanding  
 8348 chapter 617, this seal is not required to contain the words  
 8349 "corporation not-for-profit."

8350 (i) Adopt, amend, and repeal bylaws, not inconsistent with  
 8351 the powers granted to it or the articles of incorporation, for  
 8352 the administration of the activities of Enterprise Florida,  
 8353 Inc., and the exercise of its corporate powers.

8354 (j) Acquire, enjoy, use, and dispose of patents,  
 8355 copyrights, and trademarks and any licenses, royalties, and  
 8356 other rights or interests thereunder or therein.

8357 (k) Use the state seal, notwithstanding s. 15.03, when  
 8358 appropriate, for standard corporate identity applications. Use  
 8359 of the state seal is not intended to replace use of a corporate  
 8360 seal as provided in this section.

8361 (l) Procure insurance or require bond against any loss in  
 8362 connection with the property of Enterprise Florida, Inc., and  
 8363 its divisions, in such amounts and from such insurers as is  
 8364 necessary or desirable.

8365 (3) The powers granted to Enterprise Florida, Inc., shall  
 8366 be liberally construed in order that Enterprise Florida, Inc.,  
 8367 may pursue and succeed in its responsibilities under this part.

8368 (4) Under no circumstances may the credit of the State of  
 8369 Florida be pledged on behalf of Enterprise Florida, Inc.

8370 (5) In addition to any indemnification available under

8371 chapter 617, Enterprise Florida, Inc., may indemnify, and  
 8372 purchase and maintain insurance on behalf of, its directors,  
 8373 officers, and employees of Enterprise Florida, Inc., and its  
 8374 divisions against any personal liability or accountability by  
 8375 reason of actions taken while acting within the scope of their  
 8376 authority.

8377 Section 106. Section 288.903, Florida Statutes, is amended  
 8378 to read:

8379 (Substantial rewording of section. See  
 8380 s. 288.903, F.S., for present text.)

8381 288.903 Duties of Enterprise Florida, Inc.—Enterprise  
 8382 Florida, Inc., shall have the following duties:

8383 (1) Responsibly and prudently manage all public and  
 8384 private funds received, and ensure that the use of such funds is  
 8385 in accordance with all applicable laws, bylaws, or contractual  
 8386 requirements.

8387 (2) Administer the entities or programs created pursuant  
 8388 to part IX of chapter 288, ss. 288.9622–288.9624, and ss.  
 8389 288.95155 and 288.9519 and the Cypress Equity Fund.

8390 (3) Prepare an annual report pursuant to s. 288.906 and an  
 8391 annual incentives report pursuant to s. 288.907.

8392 (4) Assist the department with the development of an  
 8393 annual and a long-range strategic business blueprint for  
 8394 economic development required under s. 20.60.

8395 (5) In coordination with Workforce Florida, Inc., identify  
 8396 education and training programs that will ensure Florida  
 8397 businesses have access to a skilled and competent workforce  
 8398 necessary to compete successfully in the domestic and global

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8399 marketplace.

8400 Section 107. Section 288.904, Florida Statutes, is amended  
8401 to read:

8402 (Substantial rewording of section. See  
8403 s. 288.904, F.S., for present text.)

8404 288.904 Funding for Enterprise Florida, Inc.; return on  
8405 the public's investment.—

8406 (1) (a) The Legislature finds that it is a priority to  
8407 maximize private-sector support in operating Enterprise Florida,  
8408 Inc., and its divisions, as an endorsement of their value and as  
8409 an enhancement of their efforts. Thus, the state appropriations  
8410 for operational funding must be matched with private-sector  
8411 support equal to at least 100 percent of the state operational  
8412 funding.

8413 (b) Private-sector support in operating Enterprise  
8414 Florida, Inc., and its divisions includes:

8415 1. Cash given directly to Enterprise Florida, Inc., for  
8416 its operations, including contributions from at-large members of  
8417 the board of directors;

8418 2. Cash donations from the divisions' advisory councils or  
8419 from organizations assisted by the divisions;

8420 3. Cash jointly raised by Enterprise Florida, Inc., and a  
8421 private local economic development organization, a group of such  
8422 organizations, or a statewide private business organization that  
8423 supports collaborative projects;

8424 4. Cash generated by fees charged for products or services  
8425 of Enterprise Florida, Inc., and its divisions by sponsorship of  
8426 events, missions, programs, and publications; and

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8427 5. Copayments, stock, warrants, royalties, or other  
8428 private resources dedicated to Enterprise Florida, Inc., or its  
8429 divisions.

8430 (2) Specifically for the marketing and advertising  
8431 activities of the Division of Tourism Marketing, a one-to-one  
8432 match is required of private to public contributions within 4  
8433 calendar years after the implementation date of the marketing  
8434 plan pursuant to s. 288.923. For purposes of calculating the  
8435 required one-to-one match, matching private funds shall be  
8436 divided into four categories as follows:

8437 (a) Direct cash contributions, which include, but are not  
8438 limited to, cash derived from strategic alliances, contributions  
8439 of stocks and bonds, and partnership contributions.

8440 (b) Fees for services, which include, but are not limited  
8441 to, event participation, research, and brochure placement and  
8442 transparencies.

8443 (c) Cooperative advertising, which is the value based on  
8444 cost of contributed productions, air time, and print space.

8445 (d) In-kind contributions, which include, but are not  
8446 limited to, the value of strategic alliance services  
8447 contributed, the value of loaned employees, discounted service  
8448 fees, items contributed for use in promotions, and radio or  
8449 television air time or print space for promotions. The value of  
8450 air time or print space shall be calculated by taking the actual  
8451 time or space and multiplying by the nonnegotiated unit price  
8452 for that specific time or space which is known as the media  
8453 equivalency value. In order to avoid duplication in determining  
8454 media equivalency value, only the value of the promotion itself

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8455 shall be included; the value of the items contributed for the  
8456 promotion may not be included.

8457  
8458 Documentation for the components of the four categories of  
8459 private match shall be kept on file for inspection as determined  
8460 necessary.

8461 (3) (a) The state's operating investment in Enterprise  
8462 Florida, Inc., and its divisions is the budget contracted by the  
8463 department to Enterprise Florida, Inc., less any funding that is  
8464 directed by the Legislature to be subcontracted to a specific  
8465 recipient entity.

8466 (b) The board of directors of Enterprise Florida, Inc.,  
8467 shall adopt for each upcoming fiscal year an operating budget  
8468 for the organization, including its divisions, that specifies  
8469 the intended uses of the state's operating investment and a plan  
8470 for securing private-sector support.

8471 (4) The Legislature intends to review the performance of  
8472 Enterprise Florida, Inc., in achieving the performance standards  
8473 stated in its annual agreement with the department to determine  
8474 whether the public is receiving a positive return on its  
8475 investment in Enterprise Florida, Inc., and its divisions. It  
8476 also is the intent of the Legislature that Enterprise Florida,  
8477 Inc., coordinates its operations with local economic development  
8478 organizations to maximize the state and local return-on-  
8479 investment to create jobs for Floridians.

8480 Section 108. Section 288.905, Florida Statutes, is amended  
8481 to read:

8482 (Substantial rewording of section. See

8483 s. 288.905, F.S., for present text.)  
 8484 288.905 President and employees of Enterprise Florida,  
 8485 Inc.—  
 8486 (1) (a) The Commissioner of Economic Opportunity shall  
 8487 serve ex officio as president of Enterprise Florida, Inc. The  
 8488 board of directors may establish and execute an annual contract  
 8489 with the president that prescribes specific, measurable  
 8490 performance outcomes for the president, the satisfaction of  
 8491 which provides the basis for the award of privately-funded  
 8492 performance bonuses.  
 8493 (b) The president is the chief executive officer of the  
 8494 board of directors and of Enterprise Florida, Inc., and shall  
 8495 direct and supervise the administrative affairs of the board of  
 8496 directors and any divisions, councils, or boards. The board of  
 8497 directors may delegate to the president those powers and  
 8498 responsibilities it deems appropriate, including the employment  
 8499 and management of all employees of Enterprise Florida, Inc.  
 8500 (2) An employee of Enterprise Florida, Inc., may not  
 8501 receive compensation for employment which exceeds \$130,000 per  
 8502 fiscal year unless the board of directors and the employee  
 8503 execute a contract that prescribes specific, measurable  
 8504 performance outcomes for the employee, the satisfaction of which  
 8505 provides the basis for the award of privately-funded performance  
 8506 bonuses that increase the employee's total compensation to a  
 8507 level that exceeds \$130,000 per fiscal year.  
 8508 Section 109. Section 288.906, Florida Statutes, is amended  
 8509 to read:  
 8510 288.906 Annual report of Enterprise Florida, Inc., and its



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8511 divisions; audits.-

8512 (1) ~~Before~~ Prior to December 1 of each year, Enterprise  
 8513 Florida, Inc., shall submit to the Governor, the President of  
 8514 the Senate, the Speaker of the House of Representatives, the  
 8515 Senate Minority Leader, and the House Minority Leader a complete  
 8516 and detailed report including, but not limited to:

8517 (a) ~~(1)~~ A description of the operations and accomplishments  
 8518 of Enterprise Florida, Inc., and its divisions, boards, and  
 8519 advisory divisions ~~committees~~ or similar entities ~~groups~~ created  
 8520 by Enterprise Florida, Inc., and an identification of any major  
 8521 trends, initiatives, or developments affecting the performance  
 8522 of any program or activity. The individual annual reports  
 8523 prepared by each division shall be included as addenda.

8524 (b) ~~(2)~~ An evaluation of progress ~~towards~~ toward achieving  
 8525 organizational goals and specific performance outcomes, both  
 8526 short-term and long-term, established pursuant to ~~s. 288.905~~  
 8527 this part or under the agreement with the department.

8528 (c) ~~(3)~~ Methods for implementing and funding the operations  
 8529 of Enterprise Florida, Inc., and its ~~boards~~ divisions, including  
 8530 the private-sector support required under s. 288.904.

8531 (d) ~~(4)~~ A description of the operations and accomplishments  
 8532 of Enterprise Florida, Inc., and its ~~boards~~ divisions with  
 8533 respect to aggressively marketing Florida's rural communities  
 8534 and distressed urban communities as locations for potential new  
 8535 investment and job creation, aggressively assisting in the  
 8536 creation, retention, and expansion of existing businesses and  
 8537 job growth in these communities, and aggressively assisting  
 8538 these communities in the identification and development of new

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8539 economic development opportunities.

8540 (e)~~(5)~~ A description and evaluation of the operations and  
8541 accomplishments of Enterprise Florida, Inc., and its ~~boards~~  
8542 divisions with respect to interaction with local and private  
8543 economic development organizations, including ~~an~~ the  
8544 identification of each organization that is a primary partner  
8545 and any specific programs or activities which promoted the  
8546 activities of such organizations and an identification of any  
8547 specific programs or activities ~~which~~ that promoted a  
8548 comprehensive and coordinated approach to economic development  
8549 in this state.

8550 (f)~~(6)~~ An assessment of job creation that directly  
8551 benefits participants in the welfare transition program or other  
8552 programs designed to put long-term unemployed persons back to  
8553 work.

8554 (g) The results of a customer-satisfaction survey of  
8555 businesses served. The survey shall be conducted by an  
8556 independent entity with expertise in survey research that is  
8557 under contract with Enterprise Florida, Inc., to develop,  
8558 analyze, and report the results.

8559 (h)~~(7)~~ An annual compliance and financial audit of  
8560 accounts and records by an independent certified public  
8561 accountant at the end of its most recent fiscal year performed  
8562 in accordance with rules adopted by the Auditor General.

8563 (2) The detailed report required by this ~~subsection~~  
8564 section shall also include the information identified in  
8565 subsection (1) ~~subsections (1)-(7)~~, if applicable, for any ~~board~~  
8566 each division established within ~~the corporate structure of~~

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8567 Enterprise Florida, Inc.  
 8568 Section 110. Section 288.907, Florida Statutes, is created  
 8569 to read:  
 8570 288.907 Annual incentives report.—  
 8571 (1) In addition to the annual report required under s.  
 8572 288.906, Enterprise Florida, Inc., by December 30 of each year,  
 8573 shall provide the Governor, the President of the Senate, and the  
 8574 Speaker of the House of Representatives a detailed incentives  
 8575 report quantifying the economic benefits for all of the economic  
 8576 development incentive programs marketed by Enterprise Florida,  
 8577 Inc.  
 8578 (a) The annual incentives report must include for each  
 8579 incentive program:  
 8580 1. A brief description of the incentive program.  
 8581 2. The amount of awards granted, by year, since inception.  
 8582 3. The economic benefits, as defined in s. 288.005(1),  
 8583 based on the actual amount of private capital invested, actual  
 8584 number of jobs created, and actual wages paid for incentive  
 8585 agreements completed during the previous 3 years.  
 8586 4. The report shall also include the actual amount of  
 8587 private capital invested, actual number of direct jobs created,  
 8588 and actual wages paid for incentive agreements completed during  
 8589 the previous 3 years for each target industry sector.  
 8590 (b) For projects completed during the previous state  
 8591 fiscal year, the report must include:  
 8592 1. The number of economic development incentive  
 8593 applications received.  
 8594 2. The number of recommendations made to the Governor by

8595 Enterprise Florida, Inc., including the number recommended for  
 8596 approval and the number recommended for denial.

8597 3. The number of final decisions issued by the Governor  
 8598 for approval and for denial.

8599 4. The projects for which a tax refund, tax credit, or  
 8600 cash grant agreement was executed, identifying:

8601 a. The number of jobs committed to be created.

8602 b. The amount of capital investments committed to be made.

8603 c. The annual average wage committed to be paid.

8604 d. The amount of state economic development incentives  
 8605 committed to the project from each incentive program under the  
 8606 project's terms of agreement with the Governor.

8607 e. The amount and type of local matching funds committed  
 8608 to the project.

8609 (c) For economic development projects that received tax  
 8610 refunds, tax credits, or cash grants under the terms of an  
 8611 agreement for incentives, the report must identify:

8612 1. The number of direct jobs actually created.

8613 2. The amount of capital investments actually made.

8614 3. The annual average wage paid.

8615 (d) For a project receiving economic development  
 8616 incentives approved by the Governor and receiving federal or  
 8617 local incentives, the report must include a description of the  
 8618 federal or local incentives, if available.

8619 (e) The report must state the number of withdrawn or  
 8620 terminated projects that did not fulfill the terms of their  
 8621 agreements with the Governor and consequently are not receiving  
 8622 incentives.

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8623 (f) The report must include an analysis of the economic  
8624 benefits, as defined in s. 288.005(1), of tax refunds, tax  
8625 credits, or other payments made to projects locating or  
8626 expanding in state enterprise zones, rural communities,  
8627 brownfield areas, or distressed urban communities.

8628 (g) The report must identify the target industry  
8629 businesses and high-impact businesses.

8630 (h) The report must describe the trends relating to  
8631 business interest in, and usage of, the various incentives, and  
8632 the number of minority-owned or woman-owned businesses receiving  
8633 incentives.

8634 (i) The report must identify incentive programs not  
8635 utilized.

8636 (2) The Division of Strategic Business Development within  
8637 the department shall assist Enterprise Florida, Inc., in the  
8638 preparation of the annual incentives report.

8639 Section 111. Subsection (3) is added to section 288.911,  
8640 Florida Statutes, to read:

8641 288.911 Creation and implementation of a marketing and  
8642 image campaign.—

8643 (3) Enterprise Florida, Inc., may register the fictitious  
8644 name "VISIT Florida" pursuant to 865.09 for use in its  
8645 activities related to promotion of the state as a tourist  
8646 destination.

8647 Section 112. Section 288.912, Florida Statutes, is created  
8648 to read:

8649 288.912 Inventory of communities seeking to recruit  
8650 businesses.—By September 30 of each year, a county or

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8651 municipality that has a population of at least 25,000 or its  
 8652 local economic development organization must submit to the  
 8653 department, a brief overview of the strengths, services, and  
 8654 economic development incentives that its community offers. The  
 8655 county or municipality or its local economic development  
 8656 organization must also identify any industries that it is  
 8657 encouraging to locate or relocate to its area of the state. A  
 8658 county or municipality with a population less than 25,000 or its  
 8659 local economic development organization may submit information  
 8660 as described in this section and be allowed access to or the  
 8661 ability to participate in any activity or initiative that  
 8662 results from the collection, analysis, and reporting of the  
 8663 information provided to the department pursuant to this section.

8664 Section 113. Section 288.920, Florida Statutes, is created  
 8665 to read:

8666 288.920 Divisions and advisory councils of Enterprise  
 8667 Florida, Inc.—

8668 (1) Enterprise Florida, Inc., shall establish divisions,  
 8669 including, but not limited to, the following and shall assign  
 8670 distinct responsibilities and complementary missions to each  
 8671 division:

8672 (a) Division of International Trade and Business  
 8673 Development;

8674 (b) Division of Business Retention and Recruitment;

8675 (c) Division of Tourism Marketing;

8676 (d) Division of Minority Business Development; and

8677 (e) Division of Sports Industry Development.

8678 (2) (a) The president of Enterprise Florida, Inc., as

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8679 deemed appropriate by its board of directors, shall hire and  
 8680 establish the annual compensation of the employees of the  
 8681 divisions of Enterprise Florida, Inc. Such employees may be  
 8682 eligible for performance bonuses pursuant to s. 288.905(3).

8683 (b) The board of directors of Enterprise Florida, Inc.,  
 8684 may organize the divisions and, to the greatest extent  
 8685 practicable, minimize costs by requiring that the divisions  
 8686 share administrative staff.

8687 (3) The Division of Business Retention and Recruitment,  
 8688 the Division of Tourism Marketing, and the Division of Minority  
 8689 Business Development shall each have an advisory council  
 8690 composed of residents of the state who have expertise in the  
 8691 respective division's responsibilities. Enterprise Florida,  
 8692 Inc., may submit nominations of persons to serve on each  
 8693 advisory council to the Governor, who shall appoint the members  
 8694 of each advisory council. Nominations for advisory council  
 8695 membership shall include representatives from all geographic  
 8696 areas of the state, including rural and urban communities. Each  
 8697 advisory council shall select a chair from among its membership.

8698 (4) Each advisory council member shall serve for a term of  
 8699 2 years. A member may not serve more than two consecutive terms.  
 8700 The Governor may remove any member for cause and shall fill all  
 8701 vacancies

8702 (5) Advisory council members shall serve without  
 8703 compensation, but may be reimbursed for all reasonable,  
 8704 necessary, and actual expenses, as determined by the board of  
 8705 directors of Enterprise Florida, Inc.

8706 Section 114. Section 288.921, Florida Statutes, is created

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8707 to read:

8708 288.921 Division of International Trade and Business

8709 Development; responsibilities; advisory council.—

8710 (1) The Division of International Trade and Business

8711 Development is established within Enterprise Florida, Inc.

8712 (2) The division shall be responsible for:

8713 (a) Developing business leads that generate increased

8714 foreign investment in the state;

8715 (b) Developing programs, such as international trade

8716 shows, that establish viable overseas markets for Florida

8717 products and services;

8718 (c) Facilitate the development and implementation of

8719 strategies to secure financing for exporting Florida products

8720 and services;

8721 (d) Promote opportunities for international joint-venture

8722 relationships, using the resources of academic, business, and

8723 other institutions;

8724 (e) Coordinate and facilitate trade assistance for Florida

8725 businesses;

8726 (f) Participate in discussions and planning exercises with

8727 the Florida Seaport Transportation and Economic Development

8728 Council, the Department of Transportation, and the statewide

8729 transportation logistics and intermodal mobility organizations

8730 regarding proposed improvements to the state's infrastructure to

8731 attract and manage international cargo and commerce.

8732 (3) A 15-member advisory council shall be appointed,

8733 pursuant to s. 288.920, to submit recommendations to the board

8734 of directors of Enterprise Florida, Inc., on matters pertaining



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8735 to international trade and business development; and projects to  
 8736 be undertaken by the division.

8737 Section 115. Section 288.922, Florida Statutes, is created  
 8738 to read:

8739 288.922 Division of Business Retention and Recruitment;  
 8740 responsibilities; advisory council.-

8741 (1) The Division for Business Retention and Recruitment is  
 8742 established with Enterprise Florida, Inc.

8743 (2) The division shall coordinate with the Commissioner of  
 8744 Economic Opportunity and Enterprise Florida, Inc., to generate  
 8745 business leads on companies interested in relocating to the  
 8746 state and Florida-based companies interested in expanding or  
 8747 diversifying their operations within the state. In performing  
 8748 its duties, the division should:

8749 (a) Consider the inventory of communities seeking to  
 8750 recruit businesses submitted pursuant to s. 288.912.

8751 (b) Identify community needs associated with retaining  
 8752 existing businesses and recruiting new businesses, including the  
 8753 use of public-private funds to serve workforce housing needs  
 8754 that are affordable to local business employees, identifying  
 8755 developable lands with minimal planning and permitting concerns  
 8756 and available infrastructure.

8757 (c) Identify community needs and assets related to  
 8758 business retention and recruitment opportunities in rural areas  
 8759 and provide targeted assistance to communities located within  
 8760 Rural Areas of Critical Economic Concern established pursuant to  
 8761 s. 288.0656.

8762 (3) By October 15 of each year, the division shall submit

8763 an annual report to the board of directors of Enterprise  
 8764 Florida, Inc., which details the division's activities during  
 8765 the previous fiscal year and provides recommendations for  
 8766 revising laws relating to business retention and recruitment.

8767 (4) A 15-member advisory council shall be appointed,  
 8768 pursuant to s. 288.920, to submit recommendations to the board  
 8769 of directors of Enterprise Florida, Inc., on matters pertaining  
 8770 to innovative methods of business development and recruitment  
 8771 efforts; changes to existing economic development incentives,  
 8772 including the elimination of inactive incentives or  
 8773 implementation of new incentives; and target industries for  
 8774 recruitment or retention. Strong consideration should be given  
 8775 to appointing members who represent Rural Areas of Critical  
 8776 Economic Concern.

8777 Section 116. Section 288.923, Florida Statutes, is created  
 8778 to read:

8779 288.923 Division of Tourism Marketing; definitions;  
 8780 responsibilities; advisory council.—

8781 (1) The Division of Tourism Marketing is established  
 8782 within Enterprise Florida, Inc.

8783 (2) As used in this section, the term:

8784 (a) "Tourism marketing" means any efforts exercised to  
 8785 attract domestic and international visitors from outside the  
 8786 state to destinations in the state and to stimulate state-  
 8787 resident tourism to areas within the state.

8788 (b) "Tourist" means any person who participates in trade  
 8789 or recreation activities outside the county of his or her  
 8790 permanent residence or who rents or leases transient living

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8791 quarters or accommodations as described in s. 125.0104(3)(a).

8792 (c) "County destination marketing organization" means a  
 8793 public or private agency that is funded by local option tourist  
 8794 development tax revenues under s. 125.0104, or local option  
 8795 convention development tax revenues under s. 212.0305, and is  
 8796 officially designated by a county commission to market and  
 8797 promote the area for tourism or convention business or, in any  
 8798 county which has not levied such taxes, a public or private  
 8799 agency that is officially designated by the county commission to  
 8800 market and promote the area for tourism or convention business.

8801 (3) The division's responsibilities and duties include,  
 8802 but are not limited to:

8803 (a) Advising the president of Enterprise Florida, Inc., on  
 8804 development of domestic and international tourism marketing  
 8805 campaigns featuring Florida;

8806 (b) Developing and implementing, in conjunction with its  
 8807 private partners, an annual tourism marketing campaign that  
 8808 targets each region of the state, each season of the year, and  
 8809 traditional as well as new tourist populations; and

8810 (c) Developing a 4-year marketing plan explicitly  
 8811 explaining how the division intends to:

- 8812 1. Sustain overall tourism growth in Florida;
- 8813 2. Expand to new or under-represented tourist markets;
- 8814 3. Solidify traditional and loyal tourist markets;
- 8815 4. Coordinate efforts with county destination marketing  
 8816 organizations, other local government marketing groups,  
 8817 privately owned attractions and destinations, and other private-  
 8818 sector partners to create a seamless, four-season advertising

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8819 campaign for the state and its regions;

8820 5. Develop innovative techniques or promotions to build  
 8821 repeat visitation by targeted segments of the tourist  
 8822 population;

8823 6. Consider innovative sources of private funding for  
 8824 tourism marketing; and

8825 7. Develop and update periodically an emergency response  
 8826 component to address natural and man-made disasters from a  
 8827 marketing stand point.

8828  
 8829 The plan shall be annual in construction and ongoing in nature.  
 8830 Any annual revisions of such a plan shall carry forward the  
 8831 concepts of the remaining 3-year portion of that plan and  
 8832 consider a continuum portion to preserve the 4-year time-frame  
 8833 of the plan. The plan also shall include recommendations for  
 8834 specific performance standards and measurable outcomes for the  
 8835 division. The Commissioner of Economic Opportunity, in  
 8836 consultation with the board of directors of Enterprise Florida,  
 8837 Inc., shall base the actual performance metrics on these  
 8838 recommendations.

8839 (d) Drafting and submitting an annual report by October 15  
 8840 of each year which details the division's activities during the  
 8841 prior fiscal year, and any recommendations for improving current  
 8842 statutes related to tourism marketing.

8843 (4) A 15-member advisory council shall be appointed,  
 8844 pursuant to s. 288.920, to make recommendations to the board of  
 8845 directors of Enterprise Florida, Inc., on matters pertaining to  
 8846 ways to improve or enhance Florida's tourism marketing efforts;

8847 research on tourist populations and trends; and innovative  
 8848 tourism funding proposals.

8849 Section 117. Section 288.925, Florida Statutes, is created  
 8850 to read:

8851 288.925 The Division of Minority Business Investment;  
 8852 responsibilities; advisory council.-

8853 (1) The Division of Minority Business Development is  
 8854 established within Enterprise Florida, Inc.

8855 (2) The division's primary mission is to assist in the  
 8856 development and expansion of minority business enterprises by:

8857 (a) Administering the Black Business Loan Program in s.  
 8858 288.7102 and assisting in the creation of a long-range strategic  
 8859 policy for that program.

8860 (b) Evaluating the unmet need for capital by black  
 8861 business enterprises in the state, and providing a 5-year  
 8862 projection of the need for capital by minority business  
 8863 enterprises. The division may contract with an independent  
 8864 entity to prepare the projection once every 5 years.

8865 (c) Developing strategies to increase financial  
 8866 institution investment in minority business enterprises.

8867 (d) Advising the department and Enterprise Florida, Inc.,  
 8868 about the needs of minority business enterprises.

8869 (e) Creating partnerships among federal, state, and local  
 8870 governments, private enterprises, and national organizations to  
 8871 aid in the development and expansion of black business  
 8872 enterprises.

8873 (f) Acting as a clearinghouse of information by providing  
 8874 a network of information resources for minority business

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8875 enterprises and facilitate the provision of technical assistance  
8876 in communities in which such services are otherwise underserved.

8877 (g) Aiding the development and expansion of minority  
8878 business enterprises by leveraging federal, state, local, and  
8879 private funds to be held by the Enterprise Florida, Inc., board  
8880 of directors for uses pursuant to this section and s. 288.7102.

8881 (h) Marketing services to minority business enterprises,  
8882 including the Black Business Loan Program.

8883 (i) Submitting an annual report by October 15 of each year  
8884 to the Enterprise Florida, Inc., board of directors that details  
8885 the previous fiscal year's activities, including activities of  
8886 the black business investment corporations that make the loans  
8887 to qualified businesses, pursuant to s. 288.7102; the most  
8888 recent 5 year projection of the need for capital by black  
8889 business enterprises, identifiable trends from the previous  
8890 fiscal year's loan activity; and any recommended changes to the  
8891 current program.

8892 (3) A 15-member advisory council shall be appointed,  
8893 pursuant to s. 288.920, to make recommendations to the  
8894 Enterprise Florida, Inc., board of directors on such matters as  
8895 how to improve minority business access to capital; and  
8896 recommendations on how to provide technical assistance and other  
8897 business resources to minority-owned businesses. Members of the  
8898 advisory council must have experience in business, including  
8899 financial services, banking, or economic development. At least  
8900 one of the appointees must have experience in venture capital.

8901 Section 118. Section 288.1229, Florida Statutes, is  
8902 transferred, renumbered as section 288.926, Florida Statutes,

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8903 and amended to read:

8904 (Substantial rewording of section. See  
 8905 s. 288.1229, F.S., for present text.)

8906 288.926 Division of Sports Industry Development;  
 8907 responsibilities; duties; advisory council.-

8908 (1) The Division of Sports Industry Development is  
 8909 established within Enterprise Florida, Inc.

8910 (2) The division is responsible for:

8911 (a) The promotion and development of professional and  
 8912 amateur sports industries and related industries for the purpose  
 8913 of improving the economic presence of these industries in  
 8914 Florida.

8915 (b) The promotion of amateur athletic participation for  
 8916 the citizens of Florida, and the promotion of Florida as a host  
 8917 for national and international amateur athletic competitions for  
 8918 the purpose of encouraging and increasing the direct and  
 8919 ancillary economic benefits of amateur athletic events and  
 8920 competitions.

8921 (c) The retention of professional sports franchises,  
 8922 including the spring training operations of Major League  
 8923 Baseball.

8924 (d) The drafting and submitting an annual report by  
 8925 October 15 of each year to Enterprise Florida, Inc., that  
 8926 details the division's activities for the prior fiscal year and  
 8927 any recommendations for improving current statutes related to  
 8928 sports and related industries.

8929 (3) The division shall have the following duties:

8930 (a) Developing, fostering, and coordinating services and

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8931 programs for amateur sports for all Floridians.  
 8932 (b) Sponsoring amateur sports workshops, clinics,  
 8933 conferences, and other similar activities.  
 8934 (c) Giving recognition to outstanding developments and  
 8935 achievements in, and contributions to, amateur sports.  
 8936 (d) Encouraging, supporting, and assisting local  
 8937 governments and communities in the development of or hosting of  
 8938 local amateur athletic events and competitions.  
 8939 (e) Promoting this state as a host for national and  
 8940 international amateur athletic competitions.  
 8941 (f) Continuing the amateur sports programs previously  
 8942 conducted by the Florida Governor's Council on Physical Fitness  
 8943 and Amateur Sports created under the former s. 14.22.  
 8944 (g) Encouraging and continuing the use of volunteers in  
 8945 its amateur sports programs to the maximum extent possible.  
 8946 (h) Developing, fostering, and coordinating services and  
 8947 programs designed to encourage the participation of Florida's  
 8948 youth in Olympic sports activities and competitions.  
 8949 (i) Fostering and coordinating services and programs  
 8950 designed to contribute to the physical fitness of the citizens  
 8951 of Florida.  
 8952 (j) Developing a statewide program of amateur athletic  
 8953 competition to be known as the "Sunshine State Games." The  
 8954 Sunshine State Games shall be patterned after the Summer  
 8955 Olympics with variations as necessitated by availability of  
 8956 facilities, equipment, and expertise. The games shall be  
 8957 designed to encourage the participation of athletes representing  
 8958 a broad range of age groups, skill levels, and Florida



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8959 communities. Participants shall be residents of this state.  
 8960 Regional competitions shall be held throughout the state, and  
 8961 the top qualifiers in each sport shall proceed to the final  
 8962 competitions to be held at a site in the state with the  
 8963 necessary facilities and equipment for conducting the  
 8964 competitions.

8965 (4) The Executive Office of the Governor may authorize the  
 8966 use of property, facilities, and personnel services of or at any  
 8967 State University System facility or institution by the division  
 8968 for operating the Sunshine State Games. For the purposes of this  
 8969 paragraph, personnel services includes full-time or part-time  
 8970 personnel as well as payroll processing. Any funds or property  
 8971 held in trust by the Sunshine State Games Foundation, Inc., and  
 8972 the Florida Governor's Council on Physical Fitness and Amateur  
 8973 Sports shall revert to the division upon expiration or  
 8974 cancellation of the contract with the Sunshine State Games  
 8975 Foundation, Inc., and the Florida Governor's Council on Physical  
 8976 Fitness and Amateur Sports, to be used for the promotion of  
 8977 amateur sports in Florida.

8978 (5) (a) A 15-member advisory council shall be appointed,  
 8979 pursuant to s. 288.920, to make recommendations to the  
 8980 Enterprise Florida, Inc., board of directors on the activities  
 8981 of the division.

8982 (b) Applicants for the advisory council must have either a  
 8983 background in community service in, or financial support of, the  
 8984 sports industry, professional sports, or organized amateur  
 8985 athletics. They also should be knowledgeable about or active in  
 8986 professional or organized amateur sports. Additionally, the

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8987 advisory council's membership must be representative of all  
 8988 geographical regions of the state and reflect the state's ethnic  
 8989 and gender diversity.

8990 Section 119. Section 288.95155, Florida Statutes, is  
 8991 amended to read:

8992 288.95155 Florida Small Business Technology Growth  
 8993 Program.—

8994 (1) The Florida Small Business Technology Growth Program  
 8995 is hereby established to provide financial assistance to  
 8996 businesses in this state having high job growth and emerging  
 8997 technology potential and fewer than 100 employees. The program  
 8998 shall be administered and managed by Enterprise Florida, Inc.

8999 ~~(2)(a)~~ Enterprise Florida, Inc., shall establish a  
 9000 separate small business technology growth account in the Florida  
 9001 Technology Research Investment Fund for purposes of this  
 9002 section. Moneys in the account shall consist of appropriations  
 9003 by the Legislature, proceeds of any collateral used to secure  
 9004 such assistance, transfers, fees assessed for providing or  
 9005 processing such financial assistance, grants, interest earnings,  
 9006 and earnings on financial assistance.

9007 ~~(b) For the 2009-2010 fiscal year only, Enterprise~~  
 9008 ~~Florida, Inc., shall advance up to \$600,000 from the account to~~  
 9009 ~~the Institute for Commercialization of Public Research for its~~  
 9010 ~~operations. This paragraph expires July 1, 2010.~~

9011 (3) Pursuant to s. 216.351, the amount of any moneys  
 9012 appropriated to the account which are unused at the end of the  
 9013 fiscal year are ~~shall~~ not be subject to reversion under s.  
 9014 216.301. All moneys in the account are continuously appropriated

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9015 to the account and may be used for loan guarantees, letter of  
 9016 credit guarantees, cash reserves for loan and letter of credit  
 9017 guarantees, payments of claims pursuant to contracts for  
 9018 guarantees, subordinated loans, loans with warrants, royalty  
 9019 investments, equity investments, and operations of the program.  
 9020 Any claim against the program shall be paid solely from the  
 9021 account. Neither the credit nor the taxing power of the state  
 9022 shall be pledged to secure the account or moneys in the account,  
 9023 other than from moneys appropriated or assigned to the account,  
 9024 and the state are ~~shall~~ not be liable or obligated in any way  
 9025 for any claims against the account or against Enterprise  
 9026 Florida, Inc.

9027 (4) Awards of assistance from the program shall be  
 9028 finalized subject to the policies and procedures of Enterprise  
 9029 Florida, Inc. Enterprise Florida, Inc., shall leverage at least  
 9030 one dollar of matching investment for each dollar awarded from  
 9031 the program. Enterprise Florida, Inc., shall give the highest  
 9032 priority to moderate-risk and high-risk ventures that offer the  
 9033 greatest opportunity for compelling economic development impact.  
 9034 Enterprise Florida, Inc., shall establish for each award a risk-  
 9035 reward timetable that profiles the risks of the assistance,  
 9036 estimates the potential economic development impact, and  
 9037 establishes a timetable for reviewing the success or failure of  
 9038 the assistance. By December 31 of each year, Enterprise Florida,  
 9039 Inc., shall evaluate, on a portfolio basis, the results of all  
 9040 awards of assistance made from the program during the year.

9041 (5) Enterprise Florida, Inc., shall prepare for inclusion  
 9042 in the department's ~~and include in its~~ annual report required by

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9043 s. 288.095 a report on the financial status of the program. The  
 9044 report must specify the assets and liabilities of the program  
 9045 within the current fiscal year and must include a portfolio  
 9046 update that lists all of the businesses assisted, the private  
 9047 dollars leveraged by each business assisted, and the growth in  
 9048 sales and in employment of each business assisted.

9049 Section 120. Paragraph (e) of subsection (2), paragraph  
 9050 (a) of subsection (4), subsection (7), paragraph (b) of  
 9051 subsection (8), subsection (9), paragraph (1) of subsection  
 9052 (10), and subsection (15) of section 288.955, Florida Statutes,  
 9053 are amended, and present subsections (16) and (17) of that  
 9054 section are renumbered as subsections (15) and (16),  
 9055 respectively, to read:

9056 288.955 Scripps Florida Funding Corporation.—

9057 (2) CREATION.—

9058 (e) The department ~~Office of Tourism, Trade, and Economic~~  
 9059 ~~Development~~ shall provide administrative support to the  
 9060 corporation as requested by the corporation. In the event of the  
 9061 dissolution of the corporation, the department ~~office~~ shall be  
 9062 the corporation's successor in interest and shall assume all  
 9063 rights, duties, and obligations of the corporation under any  
 9064 contract to which the corporation is then a party and under law.

9065 (4) BOARD; MEMBERSHIP.—The corporation shall be governed  
 9066 by a board of directors.

9067 (a) The board of directors shall consist of nine voting  
 9068 members, of whom the Governor shall appoint three, the President  
 9069 of the Senate shall appoint three, and the Speaker of the House  
 9070 of Representatives shall appoint three. The Commissioner of

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9071 Economic Opportunity or the commissioner's designee ~~director of~~  
 9072 ~~the Office of Tourism, Trade, and Economic Development or the~~  
 9073 ~~director's designee~~ shall serve ex officio as a ~~an ex-officio,~~  
 9074 nonvoting member of the board of directors.

9075 (7) INVESTMENT OF FUNDS.—The corporation must enter into  
 9076 an agreement with the State Board of Administration under which  
 9077 funds received by the corporation from the department ~~Office of~~  
 9078 ~~Tourism, Trade, and Economic Development~~ which are not disbursed  
 9079 to the grantee shall be invested by the State Board of  
 9080 Administration on behalf of the corporation. Funds shall be  
 9081 invested in suitable instruments authorized under s. 215.47 and  
 9082 specified in investment guidelines established and agreed to by  
 9083 the State Board of Administration and the corporation.

9084 (8) CONTRACT.—

9085 (b) The contract, at a minimum, must contain provisions:

9086 1. Specifying the procedures and schedules that govern the  
 9087 disbursement of funds under this section and specifying the  
 9088 conditions or deliverables that the grantee must satisfy before  
 9089 the release of each disbursement.

9090 2. Requiring the grantee to submit to the corporation a  
 9091 business plan in a form and manner prescribed by the  
 9092 corporation.

9093 3. Prohibiting The Scripps Research Institute or the  
 9094 grantee from establishing other biomedical science or research  
 9095 facilities in any state other than this state or California for  
 9096 a period of 12 years from the commencement of the contract.  
 9097 Nothing in this subparagraph shall prohibit the grantee from  
 9098 establishing or engaging in normal collaborative activities with

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9099 other organizations.

9100 4. Governing the ownership of or security interests in  
 9101 real property and personal property, including, but not limited  
 9102 to, research equipment, obtained through the financial support  
 9103 of state or local government, including a provision that in the  
 9104 event of a breach of the contract or in the event the grantee  
 9105 ceases operations in this state, such property purchased with  
 9106 state funds shall revert to the state and such property  
 9107 purchased with local funds shall revert to the local governing  
 9108 authority.

9109 5. Requiring the grantee to be an equal opportunity  
 9110 employer.

9111 6. Requiring the grantee to maintain a policy of awarding  
 9112 preference in employment to residents of this state, as defined  
 9113 by law, except for professional scientific staff positions  
 9114 requiring a doctoral degree, postdoctoral training positions,  
 9115 and graduate student positions.

9116 7. Requiring the grantee to maintain a policy of making  
 9117 purchases from vendors in this state, to the extent it is cost-  
 9118 effective and scientifically sound.

9119 8. Requiring the grantee to use the Internet-based job-  
 9120 listing system of the department ~~Agency for Workforce Innovation~~  
 9121 in advertising employment opportunities.

9122 9. Requiring the grantee to establish accredited science  
 9123 degree programs.

9124 10. Requiring the grantee to establish internship programs  
 9125 to create learning opportunities for educators and secondary,  
 9126 postsecondary, graduate, and doctoral students.

9127 |           11. Requiring the grantee to submit data to the  
 9128 | corporation on the activities and performance during each fiscal  
 9129 | year and to provide to the corporation an annual accounting of  
 9130 | the expenditure of funds disbursed under this section.

9131 |           12. Establishing that the corporation shall review the  
 9132 | activities of the grantee to assess the grantee's financial and  
 9133 | operational compliance with the provisions of the contract and  
 9134 | with relevant provisions of law.

9135 |           13. Authorizing the grantee, when feasible, to use  
 9136 | information submitted by it to the Federal Government or to  
 9137 | other organizations awarding research grants to the grantee to  
 9138 | help meet reporting requirements imposed under this section or  
 9139 | the contract, if the information satisfies the reporting  
 9140 | standards of this section and the contract.

9141 |           14. Requiring the grantee during the first 7 years of the  
 9142 | contract to create 545 positions and to acquire associated  
 9143 | research equipment for the grantee's facility in this state, and  
 9144 | pay for related maintenance of the equipment, in a total amount  
 9145 | of not less than \$45 million.

9146 |           15. Requiring the grantee to progress in the creation of  
 9147 | the total number of jobs prescribed in subparagraph 14. on the  
 9148 | following schedule: At least 38 positions in the 1st year, 168  
 9149 | positions in the 2nd year, 280 positions in the 3rd year, 367  
 9150 | positions in the 4th year, 436 positions in the 5th year, 500  
 9151 | positions in the 6th year, and 545 positions in the 7th year.  
 9152 | The board may allow the grantee to deviate downward from such  
 9153 | employee levels by 25 percent in any year, to allow the grantee  
 9154 | flexibility in achieving the objectives set forth in the

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9155 | business plan provided to the corporation; however, the grantee  
 9156 | must have no fewer than 545 positions by the end of the 7th  
 9157 | year.

9158 |         16. Requiring the grantee to allow the corporation to  
 9159 | retain an independent certified public accountant licensed in  
 9160 | this state pursuant to chapter 473 to inspect the records of the  
 9161 | grantee in order to audit the expenditure of funds disbursed to  
 9162 | the grantee. The independent certified public accountant may  
 9163 | ~~shall~~ not disclose any confidential or proprietary scientific  
 9164 | information of the grantee.

9165 |         17. Requiring the grantee to purchase liability insurance  
 9166 | and governing the coverage level of such insurance.

9167 |         (9) PERFORMANCE EXPECTATIONS.—In addition to the  
 9168 | provisions prescribed in subsection (8), the contract between  
 9169 | the corporation and the grantee shall include a provision that  
 9170 | the grantee, in cooperation with the department ~~Office of~~  
 9171 | ~~Tourism, Trade, and Economic Development~~, shall report to the  
 9172 | corporation on performance expectations that reflect the  
 9173 | aspirations of the Governor and the Legislature for the benefits  
 9174 | accruing to this state as a result of the funds appropriated  
 9175 | pursuant to this section. These shall include, but are not  
 9176 | limited to, performance expectations addressing:

9177 |             (a) The number and dollar value of research grants  
 9178 | obtained from the Federal Government or sources other than this  
 9179 | state.

9180 |             (b) The percentage of total research dollars received by  
 9181 | The Scripps Research Institute from sources other than this  
 9182 | state which is used to conduct research activities by the



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9183 grantee in this state.

9184 (c) The number or value of patents obtained by the  
9185 grantee.

9186 (d) The number or value of licensing agreements executed  
9187 by the grantee.

9188 (e) The extent to which research conducted by the grantee  
9189 results in commercial applications.

9190 (f) The number of collaborative agreements reached and  
9191 maintained with colleges and universities in this state and with  
9192 research institutions in this state, including agreements that  
9193 foster participation in research opportunities by public and  
9194 private colleges and universities and research institutions in  
9195 this state with significant minority populations, including  
9196 historically black colleges and universities.

9197 (g) The number of collaborative partnerships established  
9198 and maintained with businesses in this state.

9199 (h) The total amount of funding received by the grantee  
9200 from sources other than the State of Florida.

9201 (i) The number or value of spin-off businesses created in  
9202 this state as a result of commercialization of the research of  
9203 the grantee.

9204 (j) The number or value of businesses recruited to this  
9205 state by the grantee.

9206 (k) The establishment and implementation of policies to  
9207 promote supplier diversity using the guidelines developed by the  
9208 Office of Supplier Diversity under s. 287.09451 and to comply  
9209 with the ordinances, including any small business ordinances,  
9210 enacted by the county and which are applicable to the biomedical

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9211 research institution and campus located in this state.

9212 (l) The designation by the grantee of a representative to  
 9213 coordinate with the Office of Supplier Diversity.

9214 (m) The establishment and implementation of a program to  
 9215 conduct workforce recruitment activities at public and private  
 9216 colleges and universities and community colleges in this state  
 9217 which request the participation of the grantee.

9218  
 9219 The contract shall require the grantee to provide information to  
 9220 the corporation on the progress in meeting these performance  
 9221 expectations on an annual basis. It is the intent of the  
 9222 Legislature that, in fulfilling its obligation to work with  
 9223 Florida's public and private colleges and universities, Scripps  
 9224 Florida work with such colleges and universities regardless of  
 9225 size.

9226 (10) DISBURSEMENT CONDITIONS.—In addition to the  
 9227 provisions prescribed in subsection (8), the contract between  
 9228 the corporation and the grantee shall include disbursement  
 9229 conditions that must be satisfied by the grantee as a condition  
 9230 for the continued disbursement of funds under this section.  
 9231 These disbursement conditions shall be negotiated between the  
 9232 corporation and the grantee and shall not be designed to impede  
 9233 the ability of the grantee to attain full operational status.  
 9234 The disbursement conditions may be appropriately varied as to  
 9235 timeframes, numbers, values, and percentages. The disbursement  
 9236 conditions shall include, but are not limited to, the following  
 9237 areas:

9238 (1) Beginning June 2004, the grantee shall commence

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9239 | collaboration efforts with the department ~~Office of Tourism,~~  
 9240 | ~~Trade, and Economic Development~~ by complying with reasonable  
 9241 | requests for cooperation in economic development efforts in the  
 9242 | biomed/biotech industry. No later than July 2004, the grantee  
 9243 | shall designate a person who shall be charged with assisting in  
 9244 | these collaborative efforts.

9245 | ~~(15) PROGRAM EVALUATION.—~~

9246 | ~~(a) Before January 1, 2007, the Office of Program Policy~~  
 9247 | ~~Analysis and Government Accountability shall conduct a~~  
 9248 | ~~performance audit of the Office of Tourism, Trade, and Economic~~  
 9249 | ~~Development and the corporation relating to the provisions of~~  
 9250 | ~~this section. The audit shall assess the implementation and~~  
 9251 | ~~outcomes of activities under this section. At a minimum, the~~  
 9252 | ~~audit shall address:~~

9253 | ~~1. Performance of the Office of Tourism, Trade, and~~  
 9254 | ~~Economic Development in disbursing funds appropriated under this~~  
 9255 | ~~section.~~

9256 | ~~2. Performance of the corporation in managing and~~  
 9257 | ~~enforcing the contract with the grantee.~~

9258 | ~~3. Compliance by the corporation with the provisions of~~  
 9259 | ~~this section and the provisions of the contract.~~

9260 | ~~4. Economic activity generated through funds disbursed~~  
 9261 | ~~under the contract.~~

9262 | ~~(b) Before January 1, 2010, the Office of Program Policy~~  
 9263 | ~~Analysis and Government Accountability shall update the report~~  
 9264 | ~~required under this subsection. In addition to addressing the~~  
 9265 | ~~items prescribed in paragraph (a), the updated report shall~~  
 9266 | ~~include a recommendation on whether the Legislature should~~

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9267 ~~retain the statutory authority for the corporation.~~

9268  
 9269 ~~A report of each audit's findings and recommendations shall be~~  
 9270 ~~submitted to the Governor, the President of the Senate, and the~~  
 9271 ~~Speaker of the House of Representatives. In completing the~~  
 9272 ~~performance audits required under this subsection, the Office of~~  
 9273 ~~Program Policy Analysis and Government Accountability shall~~  
 9274 ~~maximize the use of reports submitted by the grantee to the~~  
 9275 ~~Federal Government or to other organizations awarding research~~  
 9276 ~~grants to the grantee.~~

9277 Section 121. Subsection (2) of section 288.9604, Florida  
 9278 Statutes, is amended to read:

9279 288.9604 Creation of the authority.—

9280 (2) The Governor, subject to confirmation by the Senate,  
 9281 shall appoint the board of directors of the corporation, who  
 9282 shall be five in number. The terms of office for the directors  
 9283 shall be for 4 years from the date of their appointment. A  
 9284 vacancy occurring during a term shall be filled for the  
 9285 unexpired term. A director shall be eligible for reappointment.  
 9286 At least three of the directors of the corporation shall be  
 9287 bankers who have been selected by the Governor from a list of  
 9288 bankers who were nominated by Enterprise Florida, Inc., and one  
 9289 of the directors shall be an economic development specialist.  
 9290 ~~The chairperson of the Florida Black Business Investment Board~~  
 9291 ~~shall be an ex officio member of the board of the corporation.~~

9292 Section 122. Paragraph (v) of subsection (2) of section  
 9293 288.9605, Florida Statutes, is amended to read:

9294 288.9605 Corporation powers.—

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9295 (2) The corporation is authorized and empowered to:  
 9296 (v) Enter into investment agreements with Enterprise  
 9297 Florida, Inc., ~~the Florida Black Business Investment Board~~  
 9298 concerning the issuance of bonds and other forms of indebtedness  
 9299 and capital ~~for the purposes of ss. 288.707-288.714.~~

9300 Section 123. Subsection (1) of section 288.9606, Florida  
 9301 Statutes, is amended to read:

9302 288.9606 Issue of revenue bonds.—

9303 (1) When authorized by a public agency pursuant to s.  
 9304 163.01(7), the corporation has power in its corporate capacity,  
 9305 in its discretion, to issue revenue bonds or other evidences of  
 9306 indebtedness which a public agency has the power to issue, from  
 9307 time to time to finance the undertaking of any purpose of this  
 9308 act ~~and ss. 288.707-288.714~~, including, without limiting the  
 9309 generality thereof, the payment of principal and interest upon  
 9310 any advances for surveys and plans or preliminary loans, and has  
 9311 the power to issue refunding bonds for the payment or retirement  
 9312 of bonds previously issued. Bonds issued pursuant to this  
 9313 section shall bear the name "Florida Development Finance  
 9314 Corporation Revenue Bonds." The security for such bonds may be  
 9315 based upon such revenues as are legally available. In  
 9316 anticipation of the sale of such revenue bonds, the corporation  
 9317 may issue bond anticipation notes and may renew such notes from  
 9318 time to time, but the maximum maturity of any such note,  
 9319 including renewals thereof, may not exceed 5 years from the date  
 9320 of issuance of the original note. Such notes shall be paid from  
 9321 any revenues of the corporation available therefor and not  
 9322 otherwise pledged or from the proceeds of sale of the revenue

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9323 | bonds in anticipation of which they were issued. Any bond, note,  
 9324 | or other form of indebtedness issued pursuant to this act shall  
 9325 | mature no later than the end of the 30th fiscal year after the  
 9326 | fiscal year in which the bond, note, or other form of  
 9327 | indebtedness was issued.

9328 |         Section 124. Subsection (1) of section 288.9624, Florida  
 9329 | Statutes, are amended to read:

9330 |         288.9624 Florida Opportunity Fund; creation; duties.—

9331 |         (1) (a) Enterprise Florida, Inc., shall facilitate the  
 9332 | creation of the Florida Opportunity Fund, a private, not-for-  
 9333 | profit corporation organized and operated under chapter 617.  
 9334 | Enterprise Florida, Inc., shall be the fund's sole shareholder  
 9335 | or member. The fund is not a public corporation or  
 9336 | instrumentality of the state. The fund shall manage its business  
 9337 | affairs and conduct business consistent with its organizational  
 9338 | documents and the purposes set forth in this section.  
 9339 | Notwithstanding the powers granted under chapter 617, the  
 9340 | corporation may not amend, modify, or repeal a bylaw or article  
 9341 | of incorporation without the express written consent of  
 9342 | Enterprise Florida, Inc.

9343 |         ~~(b) The vice chair of Enterprise Florida, Inc., shall~~  
 9344 | ~~select from among its sitting board of directors a five-person~~  
 9345 | ~~appointment committee. The appointment committee shall select~~  
 9346 | ~~five initial members of a board of directors for the fund.~~

9347 |         (b)(e) The persons elected to the ~~initial~~ board of  
 9348 | directors ~~by the appointment committee~~ shall include persons who  
 9349 | have expertise in the area of the selection and supervision of  
 9350 | early stage investment managers or in the fiduciary management

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9351 of investment funds and other areas of expertise as considered  
9352 appropriate ~~by the appointment committee.~~

9353 ~~(c)(d)~~ After election of the initial board of directors,  
9354 vacancies on the board shall be filled by vote of the board of  
9355 directors of Enterprise Florida, Inc., and board members shall  
9356 serve terms as provided in the fund's organizational documents.  
9357 Within 90 days before an anticipated vacancy by expiration of  
9358 the term of a board member, the board of directors of the fund  
9359 shall submit a list of three eligible nominees, which may  
9360 include the incumbent, to the board of directors of Enterprise  
9361 Florida, Inc. The board of directors of Enterprise Florida,  
9362 Inc., may appoint a board member from the nominee list or  
9363 request a new list of three nominees not included on the  
9364 previous list from which to appoint.

9365 ~~(d)(e)~~ Members of the board are subject to any  
9366 restrictions on conflicts of interest specified in the  
9367 organizational documents and may not have an interest in any  
9368 venture capital investment selected by the fund under ss.  
9369 288.9621-288.9624.

9370 ~~(e)(f)~~ Members of the board shall serve without  
9371 compensation, but members, the president of the board, and other  
9372 board employees may be reimbursed for all reasonable, necessary,  
9373 and actual expenses as determined and approved by the board  
9374 pursuant to s. 112.061.

9375 ~~(f)(g)~~ The fund shall have all powers granted under its  
9376 organizational documents and shall indemnify members to the  
9377 broadest extent permissible under the laws of this state.

9378 Section 125. Subsections (3), (8), and (9) of section

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9379 | 288.975, Florida Statutes, are amended to read:  
 9380 |       288.975 Military base reuse plans.—  
 9381 |       (3) No later than 6 months after the designation of a  
 9382 | military base for closure by the Federal Government, each host  
 9383 | local government shall notify the Department of Economic  
 9384 | Opportunity ~~secretary of the Department of Community Affairs and~~  
 9385 | ~~the director of the Office of Tourism, Trade, and Economic~~  
 9386 | ~~Development~~ in writing, by hand delivery or return receipt  
 9387 | requested, as to whether it intends to use the optional  
 9388 | provisions provided in this act. If a host local government does  
 9389 | not opt to use the provisions of this act, land use planning and  
 9390 | regulation pertaining to base reuse activities within those host  
 9391 | local governments shall be subject to all applicable statutory  
 9392 | requirements, including those contained within chapters 163 and  
 9393 | 380.  
 9394 |       (8) At the request of a host local government, the  
 9395 | department ~~Office of Tourism, Trade, and Economic Development~~  
 9396 | shall coordinate a presubmission workshop concerning a military  
 9397 | base reuse plan within the boundaries of the host jurisdiction.  
 9398 | Agencies that shall participate in the workshop shall include  
 9399 | any affected local governments; the Department of Environmental  
 9400 | Protection; the Department of Economic Opportunity ~~Office of~~  
 9401 | ~~Tourism, Trade, and Economic Development; the Department of~~  
 9402 | ~~Community Affairs;~~ the Department of Transportation; the  
 9403 | Department of Health; the Department of Children and Family  
 9404 | Services; the Department of Juvenile Justice; the Department of  
 9405 | Agriculture and Consumer Services; the Department of State; the  
 9406 | Fish and Wildlife Conservation Commission; and any applicable



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9407 | water management districts and regional planning councils. The  
 9408 | purposes of the workshop shall be to assist the host local  
 9409 | government to understand issues of concern to the above listed  
 9410 | entities pertaining to the military base site and to identify  
 9411 | opportunities for better coordination of planning and review  
 9412 | efforts with the information and analyses generated by the  
 9413 | federal environmental impact statement process and the federal  
 9414 | community base reuse planning process.

9415 | (9) If a host local government elects to use the optional  
 9416 | provisions of this act, it shall, no later than 12 months after  
 9417 | notifying the agencies of its intent pursuant to subsection (3)  
 9418 | either:

9419 | (a) Send a copy of the proposed military base reuse plan  
 9420 | for review to any affected local governments; the Department of  
 9421 | Environmental Protection; the Department of Economic Opportunity  
 9422 | ~~Office of Tourism, Trade, and Economic Development; the~~  
 9423 | ~~Department of Community Affairs;~~ the Department of  
 9424 | Transportation; the Department of Health; the Department of  
 9425 | Children and Family Services; the Department of Juvenile  
 9426 | Justice; the Department of Agriculture and Consumer Services;  
 9427 | the Department of State; the Fish and Wildlife Conservation  
 9428 | Commission; and any applicable water management districts and  
 9429 | regional planning councils, or

9430 | (b) Petition the Department of Economic Opportunity  
 9431 | ~~secretary of the Department of Community Affairs~~ for an  
 9432 | extension of the deadline for submitting a proposed reuse plan.  
 9433 | Such an extension request must be justified by changes or delays  
 9434 | in the closure process by the United States ~~federal~~ Department

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9435 of Defense or for reasons otherwise deemed to promote the  
9436 orderly and beneficial planning of the subject military base  
9437 reuse. The Department of Economic Opportunity ~~secretary of the~~  
9438 ~~Department of Community Affairs~~ may grant extensions to the  
9439 required submission date of the reuse plan.

9440 Section 126. Paragraph (b) of subsection (1), paragraphs  
9441 (a) and (c) of subsection (2) and subsections (3), (4), (5),  
9442 (6), (7), and (9) of section 288.980, Florida Statutes, are  
9443 amended to read:

9444 288.980 Military base retention; legislative intent;  
9445 grants program.—

9446 (1)

9447 (b) The Florida Defense Alliance, an organization within  
9448 Enterprise Florida, is designated as the organization to ensure  
9449 that Florida, its resident military bases and missions, and its  
9450 military host communities are in competitive positions as the  
9451 United States continues its defense realignment and downsizing.  
9452 The defense alliance shall serve as an overall advisory body for  
9453 Enterprise Florida defense-related activity. The Florida Defense  
9454 Alliance may receive funding from appropriations made for that  
9455 purpose administered by the department ~~Office of Tourism, Trade,~~  
9456 ~~and Economic Development.~~

9457 (2) (a) The Governor, through the department, may ~~Office of~~  
9458 ~~Tourism, Trade, and Economic Development~~ is authorized to award  
9459 grants from any funds available to it to support activities  
9460 related to the retention of military installations potentially  
9461 affected by federal base closure or realignment.

9462 (c) Except for grants issued pursuant to the Florida

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9463 Military Installation Reuse Planning and Marketing Grant Program  
 9464 as described in paragraph (3)(c), the amount of any grant  
 9465 provided to an applicant may not exceed \$250,000. The department  
 9466 ~~Office of Tourism, Trade, and Economic Development~~ shall require  
 9467 that an applicant:

9468 1. Represent a local government with a military  
 9469 installation or military installations that could be adversely  
 9470 affected by federal base realignment or closure.

9471 2. Agree to match at least 30 percent of any grant  
 9472 awarded.

9473 3. Prepare a coordinated program or plan of action  
 9474 delineating how the eligible project will be administered and  
 9475 accomplished.

9476 4. Provide documentation describing the potential for  
 9477 realignment or closure of a military installation located in the  
 9478 applicant's community and the adverse impacts such realignment  
 9479 or closure will have on the applicant's community.

9480 (3) The Florida Economic Reinvestment Initiative is  
 9481 established to respond to the need for this state and defense-  
 9482 dependent communities in this state to develop alternative  
 9483 economic diversification strategies to lessen reliance on  
 9484 national defense dollars in the wake of base closures and  
 9485 reduced federal defense expenditures and the need to formulate  
 9486 specific base reuse plans and identify any specific  
 9487 infrastructure needed to facilitate reuse. The initiative shall  
 9488 consist of the following three distinct grant programs to be  
 9489 administered by the department ~~Office of Tourism, Trade, and~~  
 9490 ~~Economic Development~~:

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9491 (a) The Florida Defense Planning Grant Program, through  
 9492 which funds shall be used to analyze the extent to which the  
 9493 state is dependent on defense dollars and defense infrastructure  
 9494 and prepare alternative economic development strategies. The  
 9495 state shall work in conjunction with defense-dependent  
 9496 communities in developing strategies and approaches that will  
 9497 help communities make the transition from a defense economy to a  
 9498 nondefense economy. Grant awards may not exceed \$250,000 per  
 9499 applicant and shall be available on a competitive basis.

9500 (b) The Florida Defense Implementation Grant Program,  
 9501 through which funds shall be made available to defense-dependent  
 9502 communities to implement the diversification strategies  
 9503 developed pursuant to paragraph (a). Eligible applicants include  
 9504 defense-dependent counties and cities, and local economic  
 9505 development councils located within such communities. Grant  
 9506 awards may not exceed \$100,000 per applicant and shall be  
 9507 available on a competitive basis. Awards shall be matched on a  
 9508 one-to-one basis.

9509  
 9510 Applications for grants under this subsection must include a  
 9511 coordinated program of work or plan of action delineating how  
 9512 the eligible project will be administered and accomplished,  
 9513 which must include a plan for ensuring close cooperation between  
 9514 civilian and military authorities in the conduct of the funded  
 9515 activities and a plan for public involvement.

9516 (4) The Defense Infrastructure Grant Program is created.  
 9517 The Governor, through the department, ~~director of the Office of~~  
 9518 ~~Tourism, Trade, and Economic Development~~ shall coordinate and

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9519 | implement this program, the purpose of which is to support local  
 9520 | infrastructure projects deemed to have a positive impact on the  
 9521 | military value of installations within the state. Funds awarded  
 9522 | by the Governor are to be used for projects that benefit both  
 9523 | the local community and the military installation. It is not the  
 9524 | intent, however, to fund on-base military construction projects.  
 9525 | Infrastructure projects to be funded under this program include,  
 9526 | but are not limited to, those related to encroachment,  
 9527 | transportation and access, utilities, communications, housing,  
 9528 | environment, and security. Grant requests will be accepted only  
 9529 | from economic development applicants serving in the official  
 9530 | capacity of a governing board of a county, municipality, special  
 9531 | district, or state agency that will have the authority to  
 9532 | maintain the project upon completion. An applicant must  
 9533 | represent a community or county in which a military installation  
 9534 | is located. There is no limit as to the amount of any grant  
 9535 | awarded to an applicant. A match by the county or local  
 9536 | community may be required. The department ~~Office of Tourism,~~  
 9537 | ~~Trade, and Economic Development~~ shall establish guidelines to  
 9538 | implement the purpose of this subsection.

9539 |         (5) (a) The Defense-Related Business Adjustment Program is  
 9540 | hereby created. The Governor, through the department, ~~Director~~  
 9541 | ~~of the Office of Tourism, Trade, and Economic Development~~ shall  
 9542 | coordinate the development of the Defense-Related Business  
 9543 | Adjustment Program. Funds shall be available to assist defense-  
 9544 | related companies in the creation of increased commercial  
 9545 | technology development through investments in technology. Such  
 9546 | technology must have a direct impact on critical state needs for

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9547 | the purpose of generating investment-grade technologies and  
 9548 | encouraging the partnership of the private sector and government  
 9549 | defense-related business adjustment. The following areas shall  
 9550 | receive precedence in consideration for funding commercial  
 9551 | technology development: law enforcement or corrections,  
 9552 | environmental protection, transportation, education, and health  
 9553 | care. Travel and costs incidental thereto, and staff salaries,  
 9554 | are not considered an "activity" for which grant funds may be  
 9555 | awarded.

9556 |       (b) The department ~~Office~~ shall require that an applicant:

9557 |       1. Be a defense-related business that could be adversely  
 9558 | affected by federal base realignment or closure or reduced  
 9559 | defense expenditures.

9560 |       2. Agree to match at least 50 percent of any funds awarded  
 9561 | by the United States Department of Defense in cash or in-kind  
 9562 | services. Such match shall be directly related to activities for  
 9563 | which the funds are being sought.

9564 |       3. Prepare a coordinated program or plan delineating how  
 9565 | the funds will be administered.

9566 |       4. Provide documentation describing how defense-related  
 9567 | realignment or closure will adversely impact defense-related  
 9568 | companies.

9569 |       (6) The Retention of Military Installations Program is  
 9570 | created, which shall be coordinated and implemented by the  
 9571 | department. ~~The Director of the Office of Tourism, Trade, and~~  
 9572 | ~~Economic Development shall coordinate and implement this~~  
 9573 | ~~program. The sum of \$1.2 million is appropriated from the~~  
 9574 | ~~General Revenue Fund for fiscal year 1999-2000 to the Office of~~

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9575 ~~Tourism, Trade, and Economic Development to implement this~~  
9576 ~~program for military installations located in counties with a~~  
9577 ~~population greater than 824,000. The funds shall be used to~~  
9578 ~~assist military installations potentially affected by federal~~  
9579 ~~base closure or realignment in covering current operating costs~~  
9580 ~~in an effort to retain the installation in this state. An~~  
9581 ~~eligible military installation for this program shall include a~~  
9582 ~~provider of simulation solutions for war-fighting~~  
9583 ~~experimentation, testing, and training which employs at least~~  
9584 ~~500 civilian and military employees and has been operating in~~  
9585 ~~the state for a period of more than 10 years.~~

9586       (7) The Governor, through the department, ~~director~~ may  
9587 award nonfederal matching funds specifically appropriated for  
9588 construction, maintenance, and analysis of a Florida defense  
9589 workforce database. Such funds will be used to create a registry  
9590 of worker skills that can be used to match the worker needs of  
9591 companies that are relocating to this state or to assist workers  
9592 in relocating to other areas within this state where similar or  
9593 related employment is available.

9594       (9) The department ~~Office of Tourism, Trade, and Economic~~  
9595 ~~Development~~ shall establish guidelines to implement and carry  
9596 out the purpose and intent of this section.

9597       Section 127. Paragraphs (a), (e), and (f) of subsection  
9598 (2) of section 288.984, Florida Statutes, are amended to read:

9599       288.984 Florida Council on Military Base and Mission  
9600 Support.—The Florida Council on Military Base and Mission  
9601 Support is established. The council shall provide oversight and  
9602 direction for initiatives, claims, and actions taken on behalf

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9603 of the state, its agencies, and political subdivisions under  
 9604 this part.

9605 (2) MEMBERSHIP.—

9606 (a) The council shall be composed of nine members. The  
 9607 President of the Senate, the Speaker of the House of  
 9608 Representatives, and the Governor shall each appoint three  
 9609 members as follows:

9610 1. The President of the Senate shall appoint one member of  
 9611 the Senate, one community representative from a community-based  
 9612 defense support organization, and one member who is a retired  
 9613 military general or flag-rank officer residing in this state or  
 9614 an executive officer of a defense contracting firm doing  
 9615 significant business in this state.

9616 2. The Speaker of the House of Representatives shall  
 9617 appoint one member of the House of Representatives, one  
 9618 community representative from a community-based defense support  
 9619 organization, and one member who is a retired military general  
 9620 or flag-rank officer residing in this state or an executive  
 9621 officer of a defense contracting firm doing significant business  
 9622 in this state.

9623 3. The Governor shall appoint the Commissioner of Economic  
 9624 Opportunity or the commissioner's designee, a board member of  
 9625 Enterprise Florida, Inc., ~~director or designee of the Office of~~  
 9626 ~~Tourism, Trade, and Economic Development, the vice chairperson~~  
 9627 ~~or designee of Enterprise Florida, Inc.,~~ and one at-large  
 9628 member.

9629 (e) The Department of Economic Opportunity ~~Office of~~  
 9630 ~~Tourism, Trade, and Economic Development~~ shall provide



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9631 administrative support to the council.

9632 (f) The ~~Secretary of Community Affairs or his or her~~  
 9633 ~~designee, the~~ Secretary of Environmental Protection or his or  
 9634 her designee, the Secretary of Transportation or his or her  
 9635 designee, the Adjutant General of the state or his or her  
 9636 designee, and the executive director of the Department of  
 9637 Veterans' Affairs or his or her designee shall attend meetings  
 9638 held by the council and provide assistance, information, and  
 9639 support as requested by the council.

9640 Section 128. Paragraphs (f) and (j) of subsection (3) of  
 9641 section 288.99, Florida Statutes, are amended to read:

9642 288.99 Certified Capital Company Act.—

9643 (3) DEFINITIONS.—As used in this section, the term:

9644 (f) "Early stage technology business" means a qualified  
 9645 business that is:

9646 1. Involved, at the time of the certified capital  
 9647 company's initial investment in such business, in activities  
 9648 related to developing initial product or service offerings, such  
 9649 as prototype development or the establishment of initial  
 9650 production or service processes; or

9651 2. Less than 2 years old and has, together with its  
 9652 affiliates, less than \$3 million in annual revenues for the  
 9653 fiscal year immediately preceding the initial investment by the  
 9654 certified capital company on a consolidated basis, as determined  
 9655 in accordance with generally accepted accounting principles;

9656 ~~3. The Florida Black Business Investment Board;~~

9657 ~~4. Any entity that is majority owned by the Florida Black~~  
 9658 ~~Business Investment Board; or~~

9659 | ~~5. Any entity in which the Florida Black Business~~  
 9660 | ~~Investment Board holds a majority voting interest on the board~~  
 9661 | ~~of directors.~~

9662 | (j) "Qualified business" means the Digital Divide Trust  
 9663 | Fund established under the State of Florida Technology Office or  
 9664 | a business that meets the following conditions as evidenced by  
 9665 | documentation required by commission rule:

9666 | 1. The business is headquartered in this state and its  
 9667 | principal business operations are located in this state or at  
 9668 | least 75 percent of the employees are employed in the state.

9669 | 2. At the time a certified capital company makes an  
 9670 | initial investment in a business, the business would qualify for  
 9671 | investment under 13 C.F.R. s. 121.301(c), which is involved in  
 9672 | manufacturing, processing or assembling products, conducting  
 9673 | research and development, or providing services.

9674 | 3. At the time a certified capital company makes an  
 9675 | initial investment in a business, the business certifies in an  
 9676 | affidavit that:

9677 | a. The business is unable to obtain conventional  
 9678 | financing, which means that the business has failed in an  
 9679 | attempt to obtain funding for a loan from a bank or other  
 9680 | commercial lender or that the business cannot reasonably be  
 9681 | expected to qualify for such financing under the standards of  
 9682 | commercial lending;

9683 | b. The business plan for the business projects that the  
 9684 | business is reasonably expected to achieve in excess of \$25  
 9685 | million in sales revenue within 5 years after the initial  
 9686 | investment, or the business is located in a designated Front

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9687 | Porch community, enterprise zone, urban high crime area, rural  
 9688 | job tax credit county, or nationally recognized historic  
 9689 | district;

9690 |       c. The business will maintain its headquarters in this  
 9691 | state for the next 10 years and any new manufacturing facility  
 9692 | financed by a qualified investment will remain in this state for  
 9693 | the next 10 years, or the business is located in a designated  
 9694 | Front Porch community, enterprise zone, urban high crime area,  
 9695 | rural job tax credit county, or nationally recognized historic  
 9696 | district; and

9697 |       d. The business has fewer than 200 employees and at least  
 9698 | 75 percent of the employees are employed in this state. ~~For~~  
 9699 | ~~purposes of this subsection, the term also includes the Florida~~  
 9700 | ~~Black Business Investment Board, any entity majority owned by~~  
 9701 | ~~the Florida Black Business Investment Board, or any entity in~~  
 9702 | ~~which the Florida Black Business Investment Board holds a~~  
 9703 | ~~majority voting interest on the board of directors.~~

9704 |       4. The term does not include:

9705 |       a. Any business predominantly engaged in retail sales,  
 9706 | real estate development, insurance, banking, lending, or oil and  
 9707 | gas exploration.

9708 |       b. Any business predominantly engaged in professional  
 9709 | services provided by accountants, lawyers, or physicians.

9710 |       c. Any company that has no historical revenues and either  
 9711 | has no specific business plan or purpose or has indicated that  
 9712 | its business plan is solely to engage in a merger or acquisition  
 9713 | with any unidentified company or other entity.

9714 |       d. Any company that has a strategic plan to grow through

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9715 the acquisition of firms with substantially similar business  
 9716 which would result in the planned net loss of Florida-based jobs  
 9717 over a 12-month period after the acquisition as determined by  
 9718 the office.

9719 Section 129. Present subsections (2) and (5) and paragraph  
 9720 (b) of subsection (9) of section 288.9913, Florida Statutes, are  
 9721 amended, subsections (3) and (4) and present subsections (6)  
 9722 through (10) are renumbered as subsections (2) and (3) and  
 9723 subsections (4) through (8), respectively, to read:

9724 288.9913 Definitions.—As used in ss. 288.991–288.9922, the  
 9725 term:

9726 ~~(2) "Department" means the Department of Revenue.~~

9727 ~~(5) "Office" means the Office of Tourism, Trade, and~~  
 9728 ~~Economic Development.~~

9729 (7)~~(9)~~ "Qualified investment" means an equity investment  
 9730 in, or a long-term debt security issued by, a qualified  
 9731 community development entity that:

9732 (b) Is designated by the qualified community development  
 9733 entity as a qualified investment under this paragraph and is  
 9734 approved by the department ~~office~~ as a qualified investment.

9735 Section 130. Subsections (1), (2), and (3), and paragraphs  
 9736 (a) and (b) of subsection (4), and subsection (6) of section  
 9737 288.9914, Florida Statutes, are amended to read:

9738 288.9914 Certification of qualified investments;  
 9739 investment issuance reporting.—

9740 (1) ELIGIBLE INDUSTRIES.—

9741 (a) The department ~~office~~, in consultation with Enterprise  
 9742 Florida, Inc., shall designate industries using the North

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9743 American Industry Classification System which are eligible to  
 9744 receive low-income community investments. The designated  
 9745 industries must be those industries that have the greatest  
 9746 potential to create strong positive impacts on or benefits to  
 9747 the state, regional, and local economies.

9748 (b) A qualified community development entity may not make  
 9749 a qualified low-income community investment in a business unless  
 9750 the principal activities of the business are within an eligible  
 9751 industry. The Governor ~~Office~~ may waive this limitation if the  
 9752 department ~~office~~ determines that the investment will have a  
 9753 positive impact on a community.

9754 (2) APPLICATION.—A qualified community development entity  
 9755 must submit an application to the Governor, through the  
 9756 department, ~~Office~~ to approve a proposed investment as a  
 9757 qualified investment. The application must include:

9758 (a) The name, address, and tax identification number of  
 9759 the qualified community development entity.

9760 (b) Proof of certification as a qualified community  
 9761 development entity under 26 U.S.C. s. 45D.

9762 (c) A copy of an allocation agreement executed by the  
 9763 entity, or its controlling entity, and the Community Development  
 9764 Financial Institutions Fund, which authorizes the entity to  
 9765 serve businesses in this state.

9766 (d) A verified statement by the chief executive officer of  
 9767 the entity that the allocation agreement remains in effect.

9768 (e) A description of the proposed amount, structure, and  
 9769 purchaser of an equity investment or long-term debt security.

9770 (f) The name and tax identification number of any person

9771 authorized to claim a tax credit earned as a result of the  
 9772 purchase of the proposed qualified investment.

9773 (g) A detailed explanation of the proposed use of the  
 9774 proceeds from a proposed qualified investment.

9775 (h) A nonrefundable application fee of \$1,000, payable to  
 9776 the department ~~office~~.

9777 (i) A statement that the entity will invest only in the  
 9778 industries designated by the department ~~office~~.

9779 (j) The entity's plans for the development of  
 9780 relationships with community-based organizations, local  
 9781 community development offices and organizations, and economic  
 9782 development organizations. The entity must also explain steps it  
 9783 has taken to implement its plans to develop these relationships.

9784 (k) A statement that the entity will not invest in a  
 9785 qualified active low-income community business unless the  
 9786 business will create or retain jobs that pay an average wage of  
 9787 at least 115 percent of the federal poverty income guidelines  
 9788 for a family of four.

9789 (3) REVIEW.—

9790 (a) The department ~~office~~ shall review applications to  
 9791 approve an investment as a qualified investment in the order  
 9792 received. The Governor, through the department, ~~office~~ shall  
 9793 approve or deny an application within 30 days after receipt.

9794 (b) If the Governor ~~office~~ intends to deny the  
 9795 application, the department ~~office~~ shall inform the applicant of  
 9796 the basis of the proposed denial. The applicant shall have 15  
 9797 days after it receives the notice of the intent to deny the  
 9798 application to submit a revised application to the department

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9799 ~~office~~. The Governor, through the department, ~~office~~ shall issue  
 9800 a final order approving or denying the revised application  
 9801 within 30 days after receipt.

9802 (c) The Governor ~~office~~ may not approve a cumulative  
 9803 amount of qualified investments that may result in the claim of  
 9804 more than \$97.5 million in tax credits during the existence of  
 9805 the program or more than \$20 million in tax credits in a single  
 9806 state fiscal year. However, the potential for a taxpayer to  
 9807 carry forward an unused tax credit may not be considered in  
 9808 calculating the annual limit.

9809 (4) APPROVAL.—

9810 (a) The Governor, through the department, ~~office~~ shall  
 9811 provide a copy of the final order approving an investment as a  
 9812 qualified investment to the qualified community development  
 9813 entity and to the Department of Revenue. The notice shall  
 9814 include the identity of the taxpayers who are eligible to claim  
 9815 the tax credits and the amount that may be claimed by each  
 9816 taxpayer.

9817 (b) The Governor, through the Department of Economic  
 9818 Opportunity, ~~office~~ shall approve an application for part of the  
 9819 amount of the proposed investment if the amount of tax credits  
 9820 available is insufficient.

9821 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The  
 9822 qualified community development entity must provide the  
 9823 department ~~office~~ with evidence of the receipt of the cash in  
 9824 exchange for the qualified investment within 30 business days  
 9825 after receipt.

9826 Section 131. Subsection (2) of section 288.9916, Florida

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9827 Statutes, is amended to read:

9828 288.9916 New markets tax credit.—

9829 (2) A tax credit earned under this section may not be sold  
9830 or transferred, except as provided in this subsection.

9831 (a) A partner, member, or shareholder of a partnership,  
9832 limited liability company, S-corporation, or other "pass-  
9833 through" entity may claim the tax credit pursuant to an  
9834 agreement among the partners, members, or shareholders. Any  
9835 change in the allocation of a tax credit under the agreement  
9836 must be reported to the Department of Economic Opportunity  
9837 ~~office~~ and to the Department of Revenue.

9838 (b) Eligibility to claim a tax credit transfers to  
9839 subsequent purchasers of a qualified investment. Such transfers  
9840 must be reported to the Department of Economic Opportunity  
9841 ~~office~~ and to the Department of Revenue along with the identity,  
9842 tax identification number, and tax credit amount allocated to a  
9843 taxpayer pursuant to paragraph (a). The notice of transfer also  
9844 must state whether unused tax credits are being transferred and  
9845 the amount of unused tax credits being transferred.

9846 Section 132. Section 288.9917, Florida Statutes, is  
9847 amended to read:

9848 288.9917 Community development entity reporting after a  
9849 credit allowance date; certification of tax credit amount.—

9850 (1) A qualified community development entity that has  
9851 issued a qualified investment shall submit the following to the  
9852 department ~~office~~ within 30 days after each credit allowance  
9853 date:

9854 (a) A list of all qualified active low-income community



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9855 businesses in which a qualified low-income community investment  
 9856 was made since the last credit allowance date. The list shall  
 9857 also describe the type and amount of investment in each business  
 9858 and the address of the principal location of each business. The  
 9859 list must be verified by the chief executive officer of the  
 9860 community development entity.

9861 (b) Bank records, wire transfer records, or similar  
 9862 documents that provide evidence of the qualified low-income  
 9863 community investments made since the last credit allowance date.

9864 (c) A verified statement by the chief financial or  
 9865 accounting officer of the community development entity that no  
 9866 redemption or principal repayment was made with respect to the  
 9867 qualified investment since the previous credit allowance date.

9868 (d) Information relating to the recapture of the federal  
 9869 new markets tax credit since the last credit allowance date.

9870 (2) The Governor, through the Department of Economic  
 9871 Opportunity, office shall certify in writing to the qualified  
 9872 community development entity and to the Department of Revenue  
 9873 the amount of the tax credit authorized for each taxpayer  
 9874 eligible to claim the tax credit in the tax year containing the  
 9875 last credit allowance date.

9876 Section 133. Section 288.9918, Florida Statutes, is  
 9877 amended to read:

9878 288.9918 Annual reporting by a community development  
 9879 entity.—A community development entity that has issued a  
 9880 qualified investment shall submit an annual report to the  
 9881 department ~~office~~ by April 30 after the end of each year which  
 9882 includes a credit allowance date. The report shall include:

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9883 (1) The entity's annual financial statements for the  
 9884 preceding tax year, audited by an independent certified public  
 9885 accountant.

9886 (2) The identity of the types of industries, identified by  
 9887 the North American Industry Classification System Code, in which  
 9888 qualified low-income community investments were made.

9889 (3) The names of the counties in which the qualified  
 9890 active low-income businesses are located which received  
 9891 qualified low-income community investments.

9892 (4) The number of jobs created and retained by qualified  
 9893 active low-income community businesses receiving qualified low-  
 9894 income community investments, including verification that the  
 9895 average wages paid meet or exceed 115 percent of the federal  
 9896 poverty income guidelines for a family of four.

9897 (5) A description of the relationships that the entity has  
 9898 established with community-based organizations and local  
 9899 community development offices and organizations and a summary of  
 9900 the outcomes resulting from those relationships.

9901 (6) Other information and documentation required by the  
 9902 department ~~office~~ to verify continued certification as a  
 9903 qualified community development entity under 26 U.S.C. s. 45D.

9904 Section 134. Section 288.9919, Florida Statutes, is  
 9905 amended to read:

9906 288.9919 Audits and examinations; penalties.—

9907 (1) AUDITS.—A community development entity that issues an  
 9908 investment approved by the department ~~office~~ as a qualified  
 9909 investment shall be deemed a recipient of state financial  
 9910 assistance under s. 215.97, the Florida Single Audit Act.

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9911 | However, an entity that makes a qualified investment or receives  
 9912 | a qualified low-income community investment is not a  
 9913 | subrecipient for the purposes of s. 215.97.

9914 |       (2) EXAMINATIONS.—The department ~~office~~ may conduct  
 9915 | examinations to verify compliance with the New Markets  
 9916 | Development Program Act.

9917 |       Section 135. Section 288.9920, Florida Statutes, is  
 9918 | amended to read:

9919 |       288.9920 Recapture and penalties.—

9920 |       (1) Notwithstanding s. 95.091, the Governor, through the  
 9921 | Department of Economic Opportunity, ~~office~~ shall direct the  
 9922 | Department of Revenue, at any time before December 31, 2022, to  
 9923 | recapture all or a portion of a tax credit authorized pursuant  
 9924 | to the New Markets Development Program Act if one or more of the  
 9925 | following occur:

9926 |       (a) The Federal Government recaptures any portion of the  
 9927 | federal new markets tax credit. The recapture by the Department  
 9928 | of Revenue shall equal the recapture by the Federal Government.

9929 |       (b) The qualified community development entity redeems or  
 9930 | makes a principal repayment on a qualified investment before the  
 9931 | final allowance date. The recapture by the Department of Revenue  
 9932 | shall equal the redemption or principal repayment divided by the  
 9933 | purchase price and multiplied by the tax credit authorized to a  
 9934 | taxpayer for the qualified investment.

9935 |       (c)1. The qualified community development entity fails to  
 9936 | invest at least 85 percent of the purchase price in qualified  
 9937 | low-income community investments within 12 months after the  
 9938 | issuance of a qualified investment; or

9939 |           2. The qualified community development entity fails to  
 9940 | maintain 85 percent of the purchase price in qualified low-  
 9941 | income community investments until the last credit allowance  
 9942 | date for a qualified investment.

9943 |  
 9944 | For the purposes of this paragraph, an investment by a qualified  
 9945 | community development entity includes principal recovered from  
 9946 | an investment for 12 months after its recovery or principal  
 9947 | recovered after the sixth credit allowance date. Principal held  
 9948 | for longer than 12 months or recovered before the sixth credit  
 9949 | allowance date is not an investment unless it is reinvested in a  
 9950 | qualified low-income community investment.

9951 |           (d) The qualified community development entity fails to  
 9952 | provide the Department of Economic Opportunity ~~office~~ with  
 9953 | information, reports, or documentation required by the New  
 9954 | Markets Development Program Act.

9955 |           (e) The Department of Economic Opportunity ~~office~~  
 9956 | determines that a taxpayer received tax credits to which the  
 9957 | taxpayer was not entitled.

9958 |           (2) The Governor, through the Department of Economic  
 9959 | Opportunity, ~~office~~ shall provide notice to the qualified  
 9960 | community development entity and the Department of Revenue of a  
 9961 | proposed recapture of a tax credit. The entity shall have 6  
 9962 | months after ~~following the~~ receipt of the notice to cure a  
 9963 | deficiency identified in the notice and avoid recapture. The  
 9964 | Governor, through the Department of Economic Opportunity, ~~office~~  
 9965 | shall issue a final order of recapture if the entity fails to  
 9966 | cure a deficiency within the 6-month period. The final order of

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9967 recapture shall be provided to the entity, the Department of  
 9968 Revenue, and a taxpayer otherwise authorized to claim the tax  
 9969 credit. Only one correction is permitted for each qualified  
 9970 equity investment during the 7-year credit period. Recaptured  
 9971 funds shall be deposited into the General Revenue Fund.

9972 (3) An entity that submits fraudulent information to the  
 9973 Department of Economic Opportunity ~~office~~ is liable for the  
 9974 costs associated with the investigation and prosecution of the  
 9975 fraudulent claim plus a penalty in an amount equal to double the  
 9976 tax credits claimed by investors in the entity's qualified  
 9977 investments. This penalty is in addition to any other penalty  
 9978 that may be imposed by law.

9979 Section 136. Section 288.9921, Florida Statutes, is  
 9980 amended to read:

9981 288.9921 Rulemaking.—The Department of Economic  
 9982 Opportunity ~~Office~~ and the Department of Revenue may adopt rules  
 9983 pursuant to ss. 120.536(1) and 120.54 to administer ss. 288.991-  
 9984 288.9920.

9985 Section 137. Section 290.004, Florida Statutes, is amended  
 9986 to read:

9987 290.004 Definitions relating to Florida Enterprise Zone  
 9988 Act.—As used in ss. 290.001-290.016:

9989 (1) "Community investment corporation" means a black  
 9990 business investment corporation, a certified development  
 9991 corporation, a small business investment corporation, or other  
 9992 similar entity incorporated under Florida law that has limited  
 9993 its investment policy to making investments solely in minority  
 9994 business enterprises.

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9995           (2) "Department" means the Department of Economic  
 9996 Opportunity.  
 9997           ~~(2) "Director" means the director of the Office of~~  
 9998 ~~Tourism, Trade, and Economic Development.~~  
 9999           (3)~~(3)~~ "Governing body" means the council or other  
 10000 legislative body charged with governing the county or  
 10001 municipality.  
 10002           (4)~~(4)~~ "Minority business enterprise" has the same meaning  
 10003 as provided in s. 288.703.  
 10004           ~~(5) "Office" means the Office of Tourism, Trade, and~~  
 10005 ~~Economic Development.~~  
 10006           (5)~~(6)~~ "Rural enterprise zone" means an enterprise zone  
 10007 that is nominated by a county having a population of 75,000 or  
 10008 fewer, or a county having a population of 100,000 or fewer which  
 10009 is contiguous to a county having a population of 75,000 or  
 10010 fewer, or by a municipality in such a county, or by such a  
 10011 county and one or more municipalities. An enterprise zone  
 10012 designated in accordance with s. 290.0065(5)(b) ~~or s. 379.2353~~  
 10013 is considered to be a rural enterprise zone.  
 10014           (6)~~(7)~~ "Small business" has the same meaning as provided  
 10015 in s. 288.703.  
 10016           Section 138. Subsection (1) and paragraphs (a) and (b) of  
 10017 subsection (6) of section 290.0055, Florida Statutes, are  
 10018 amended to read:  
 10019           290.0055 Local nominating procedure.—  
 10020           (1) If, pursuant to s. 290.0065, an opportunity exists for  
 10021 designation of a new enterprise zone, any county or  
 10022 municipality, or a county and one or more municipalities

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10023 together, may apply to the department ~~office~~ for the designation  
 10024 of an area as an enterprise zone after completion of the  
 10025 following:

10026 (a) The adoption by the governing body or bodies of a  
 10027 resolution which:

10028 1. Finds that an area exists in such county or  
 10029 municipality, or in both the county and one or more  
 10030 municipalities, which chronically exhibits extreme and  
 10031 unacceptable levels of poverty, unemployment, physical  
 10032 deterioration, and economic disinvestment;

10033 2. Determines that the rehabilitation, conservation, or  
 10034 redevelopment, or a combination thereof, of such area is  
 10035 necessary in the interest of the public health, safety, and  
 10036 welfare of the residents of such county or municipality, or such  
 10037 county and one or more municipalities; and

10038 3. Determines that the revitalization of such area can  
 10039 occur only if the private sector can be induced to invest its  
 10040 own resources in productive enterprises that build or rebuild  
 10041 the economic viability of the area.

10042 (b) The creation of an enterprise zone development agency  
 10043 pursuant to s. 290.0056.

10044 (c) The creation and adoption of a strategic plan pursuant  
 10045 to s. 290.0057.

10046 (6) (a) The department ~~office~~ may approve a change in the  
 10047 boundary of any enterprise zone which was designated pursuant to  
 10048 s. 290.0065. A boundary change must continue to satisfy the  
 10049 requirements of subsections (3), (4), and (5).

10050 (b) Upon a recommendation by the enterprise zone

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10051 development agency, the governing body of the jurisdiction which  
 10052 authorized the application for an enterprise zone may apply to  
 10053 the department ~~Office~~ for a change in boundary once every 3  
 10054 years by adopting a resolution that:

10055 1. States with particularity the reasons for the change;  
 10056 and

10057 2. Describes specifically and, to the extent required by  
 10058 the department ~~office~~, the boundary change to be made.

10059 Section 139. Paragraph (h) of subsection (8) and  
 10060 subsections (11) and (12) of section 290.0056, Florida Statutes,  
 10061 are amended to read:

10062 290.0056 Enterprise zone development agency.—

10063 (8) The enterprise zone development agency shall have the  
 10064 following powers and responsibilities:

10065 (h) To work with the department and Enterprise Florida,  
 10066 Inc., ~~and the office~~ to ensure that the enterprise zone  
 10067 coordinator receives training on an annual basis.

10068 (11) Before ~~Prior to~~ December 1 of each year, the agency  
 10069 shall submit to the department ~~Office of Tourism, Trade, and~~  
 10070 ~~Economic Development~~ a complete and detailed written report  
 10071 setting forth:

10072 (a) Its operations and accomplishments during the fiscal  
 10073 year.

10074 (b) The accomplishments and progress concerning the  
 10075 implementation of the strategic plan or measurable goals, and  
 10076 any updates to the strategic plan or measurable goals.

10077 (c) The number and type of businesses assisted by the  
 10078 agency during the fiscal year.



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10079 (d) The number of jobs created within the enterprise zone  
 10080 during the fiscal year.

10081 (e) The usage and revenue impact of state and local  
 10082 incentives granted during the calendar year.

10083 (f) Any other information required by the department  
 10084 ~~office~~.

10085 (12) ~~If In the event that~~ the nominated area selected by  
 10086 the governing body is not designated a state enterprise zone,  
 10087 the governing body may dissolve the agency after receiving  
 10088 notification from the department ~~office~~ that the area was not  
 10089 designated as an enterprise zone.

10090 Section 140. Subsections (1) and (5) of section 290.0058,  
 10091 Florida Statutes, are amended to read:

10092 290.0058 Determination of pervasive poverty, unemployment,  
 10093 and general distress.—

10094 (1) In determining whether an area suffers from pervasive  
 10095 poverty, unemployment, and general distress, for purposes of ss.  
 10096 290.0055 and 290.0065, the governing body and the department  
 10097 ~~office~~ shall use data from the most current decennial census,  
 10098 and from information published by the Bureau of the Census and  
 10099 the Bureau of Labor Statistics. The data shall be comparable in  
 10100 point or period of time and methodology employed.

10101 (5) In making the calculations required by this section,  
 10102 the local government and the department ~~office~~ shall round all  
 10103 fractional percentages of one-half percent or more up to the  
 10104 next highest whole percentage figure.

10105 Section 141. Section 290.0065, Florida Statutes, is  
 10106 amended to read:

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10107 | 290.0065 State designation of enterprise zones.—

10108 | (1) The maximum number of enterprise zones authorized  
 10109 | under this section is the number of enterprise zones having an  
 10110 | effective date on or before January 1, 2005, subject to any  
 10111 | increase due to any new enterprise zones authorized by the  
 10112 | Legislature during the 2005 Regular Session of the Legislature.

10113 | (2) If, pursuant to subsection (4), the department ~~office~~  
 10114 | does not redesignate an enterprise zone, a governing body of a  
 10115 | county or municipality or the governing bodies of a county and  
 10116 | one or more municipalities jointly, pursuant to s. 290.0055, may  
 10117 | apply for designation of an enterprise zone to take the place of  
 10118 | the enterprise zone not redesignated and request designation of  
 10119 | an enterprise zone. The department ~~Office~~, in consultation with  
 10120 | Enterprise Florida, Inc., shall determine which areas nominated  
 10121 | by such governing bodies meet the criteria outlined in s.  
 10122 | 290.0055 and are the most appropriate for designation as state  
 10123 | enterprise zones. Each application made pursuant to s. 290.0055  
 10124 | shall be ranked competitively based on the pervasive poverty,  
 10125 | unemployment, and general distress of the area; the strategic  
 10126 | plan, including local fiscal and regulatory incentives, prepared  
 10127 | pursuant to s. 290.0057; and the prospects for new investment  
 10128 | and economic development in the area. Pervasive poverty,  
 10129 | unemployment, and general distress shall be weighted 35 percent;  
 10130 | strategic plan and local fiscal and regulatory incentives shall  
 10131 | be weighted 40 percent; and prospects for new investment and  
 10132 | economic development in the area shall be weighted 25 percent.

10133 | (3) Any area authorized to be an enterprise zone by both a  
 10134 | county and a municipality shall be placed in the appropriate

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10135 category established under s. 290.0055(4) (b) in which an  
 10136 application by the municipality would have been considered if  
 10137 the municipality had acted alone, if at least 60 percent of the  
 10138 population of the area authorized to be an enterprise zone  
 10139 resides within the municipality. An area authorized to be an  
 10140 enterprise zone by a county and one or more municipalities shall  
 10141 be placed in the category in which an application by the  
 10142 municipality with the highest percentage of residents in such  
 10143 area would have been considered if such municipality had  
 10144 authorized the area to be an enterprise zone.

10145 (4) (a) Notwithstanding s. 290.0055, the department ~~office~~  
 10146 may redesignate any state enterprise zone having an effective  
 10147 date on or before January 1, 2005, as a state enterprise zone  
 10148 upon completion and submittal to the department ~~office~~ by the  
 10149 governing body for an enterprise zone of the following:

10150 1. An updated zone profile for the enterprise zone based  
 10151 on the most recent census data that complies with s. 290.0055,  
 10152 except that pervasive poverty criteria may be set aside for  
 10153 rural enterprise zones.

10154 2. A resolution passed by the governing body for that  
 10155 enterprise zone requesting redesignation and explaining the  
 10156 reasons the conditions of the zone merit redesignation.

10157 3. Measurable goals for the enterprise zone developed by  
 10158 the enterprise zone development agency, which may be the goals  
 10159 established in the enterprise zone's strategic plan.

10160

10161 The governing body may also submit a request for a boundary  
 10162 change in an enterprise zone in the same application to the

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10163 department ~~office~~ as long as the new area complies with the  
 10164 requirements of s. 290.0055, except that pervasive poverty  
 10165 criteria may be set aside for rural enterprise zones.

10166 (b) The department, in consultation with Enterprise  
 10167 Florida, Inc., ~~the office~~ shall, based on the enterprise zone  
 10168 profile and the grounds for redesignation expressed in the  
 10169 resolution, determine whether the enterprise zone merits  
 10170 redesignation. The department ~~office~~ may also examine and  
 10171 consider the following:

- 10172 1. Progress made, if any, in the enterprise zone's  
 10173 strategic plan.
- 10174 2. Use of enterprise zone incentives during the life of  
 10175 the enterprise zone.

10176  
 10177 If the department ~~office~~ determines that the enterprise zone  
 10178 merits redesignation, the department ~~office~~ shall notify the  
 10179 governing body in writing of its approval of redesignation.

10180 (c) If the enterprise zone is redesignated, the department  
 10181 ~~office~~ shall determine if the measurable goals submitted are  
 10182 reasonable. If the department ~~office~~ determines that the goals  
 10183 are reasonable, it ~~the office~~ shall notify the governing body in  
 10184 writing that the goals have been approved.

10185 (d) If the department ~~office~~ denies redesignation of an  
 10186 enterprise zone, the department ~~office~~ shall notify the  
 10187 governing body in writing of the denial. Any county or  
 10188 municipality having jurisdiction over an area denied  
 10189 redesignation as a state enterprise zone pursuant to this  
 10190 subsection may not apply for designation of that area for 1 year

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10191 following the date of denial.

10192 (5) Notwithstanding s. 290.0055, an area designated as a  
 10193 federal empowerment zone or enterprise community pursuant to  
 10194 Title XIII of the Omnibus Budget Reconciliation Act of 1993, the  
 10195 Taxpayer Relief Act of 1997, or the 1999 Agricultural  
 10196 Appropriations Act shall be designated a state enterprise zone  
 10197 as follows:

10198 (a) An area designated as an urban empowerment zone or  
 10199 urban enterprise community pursuant to Title XIII of the Omnibus  
 10200 Budget Reconciliation Act of 1993, the Taxpayer Relief Act of  
 10201 1997, or the 2000 Community Renewal Tax Relief Act shall be  
 10202 redesignated a state enterprise zone by the department ~~office~~  
 10203 upon completion of the requirements set out in paragraph (d),  
 10204 except in the case of a county as defined in s. 125.011(1)  
 10205 which, notwithstanding s. 290.0055, may incorporate and include  
 10206 such designated urban empowerment zone or urban enterprise  
 10207 community areas within the boundaries of its state enterprise  
 10208 zones without any limitation as to size.

10209 (b) An area designated as a rural empowerment zone or  
 10210 rural enterprise community pursuant to Title XIII of the Omnibus  
 10211 Budget Reconciliation Act of 1993 or the 1999 Agricultural  
 10212 Appropriations Act shall be redesignated a state rural  
 10213 enterprise zone by the department ~~office~~ upon completion of the  
 10214 requirements set out in paragraph (d) and may incorporate and  
 10215 include such designated rural empowerment zone or rural  
 10216 enterprise community within the boundaries of its state  
 10217 enterprise zones without any limitation as to size.

10218 (c) Any county or municipality having jurisdiction over an

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10219 area redesignated as a state enterprise zone pursuant to this  
 10220 subsection, other than a county defined in s. 125.011(1), may  
 10221 not apply for designation of another area.

10222 (d) Before ~~Prior to~~ redesignating such areas as state  
 10223 enterprise zones, the department ~~office~~ shall ensure that the  
 10224 governing body having jurisdiction over the zone submits the  
 10225 information required under paragraph (4)(a) for redesignation to  
 10226 the department ~~office~~.

10227 (6)(a) The department ~~office~~, in consultation with  
 10228 Enterprise Florida, Inc., may develop guidelines necessary for  
 10229 the department's approval of areas under this section ~~by the~~  
 10230 ~~director~~.

10231 (b) Such guidelines shall provide for the measurement of  
 10232 pervasive poverty, unemployment, and general distress using the  
 10233 criteria outlined by s. 290.0058.

10234 (c) Such guidelines shall provide for the evaluation of  
 10235 the strategic plan or measurable goals and local fiscal and  
 10236 regulatory incentives for effectiveness, including how the  
 10237 following key principles will be implemented by the governing  
 10238 body or bodies:

10239 1. Economic opportunity, including job creation within the  
 10240 community and throughout the region, as well as entrepreneurial  
 10241 initiatives, small business expansion, and training for jobs  
 10242 that offer upward mobility.

10243 2. Sustainable community development that advances the  
 10244 creation of livable and vibrant communities through  
 10245 comprehensive approaches that coordinate economic, physical,  
 10246 community, and human development.

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10247 3. Community-based partnerships involving the  
10248 participation of all segments of the community.

10249 4. Strategic vision for change that identifies how the  
10250 community will be revitalized. This vision should include  
10251 methods for building on community assets and coordinate a  
10252 response to community needs in a comprehensive fashion. This  
10253 vision should provide goals and performance benchmarks for  
10254 measuring progress and establish a framework for evaluating and  
10255 adjusting the strategic plan or measurable goals.

10256 5. Local fiscal and regulatory incentives enacted pursuant  
10257 to s. 290.0057(1)(e). These incentives should induce economic  
10258 revitalization, including job creation and small business  
10259 expansion.

10260 (d) Such guidelines may provide methods for evaluating the  
10261 prospects for new investment and economic development in the  
10262 area, including a review and evaluation of any previous state  
10263 enterprise zones located in the area.

10264 (7) Upon approval by the department ~~director~~ of a  
10265 resolution authorizing an area to be an enterprise zone pursuant  
10266 to this section, the department ~~office~~ shall assign a unique  
10267 identifying number to that resolution. The department ~~office~~  
10268 shall provide the Department of Revenue and Enterprise Florida,  
10269 Inc., with a copy of each resolution approved, together with its  
10270 identifying number.

10271 Section 142. Subsection (1) of section 290.0066, Florida  
10272 Statutes, is amended to read:

10273 290.0066 Revocation of enterprise zone designation.—

10274 (1) The department ~~director~~ may revoke the designation of

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10275 an enterprise zone if the department ~~director~~ determines that  
 10276 the governing body or bodies:

10277 (a) Have failed to make progress in achieving the  
 10278 benchmarks set forth in the strategic plan or measurable goals;  
 10279 or

10280 (b) Have not complied substantially with the strategic  
 10281 plan or measurable goals.

10282 Section 143. Section 290.00710, Florida Statutes, is  
 10283 amended to read:

10284 290.00710 Enterprise zone designation for the City of  
 10285 Lakeland.—The City of Lakeland may apply to the department  
 10286 ~~Office of Tourism, Trade, and Economic Development~~ for  
 10287 designation of one enterprise zone for an area within the City  
 10288 of Lakeland, which zone shall encompass an area up to 10 square  
 10289 miles. The application must be submitted by December 31, 2005,  
 10290 and must comply with the requirements of s. 290.0055.

10291 Notwithstanding s. 290.0065, limiting the total number of  
 10292 enterprise zones designated and the number of enterprise zones  
 10293 within a population category, the department ~~Office of Tourism,~~  
 10294 ~~Trade, and Economic Development~~ may designate one enterprise  
 10295 zone under this section. The department ~~Office of Tourism,~~  
 10296 ~~Trade, and Economic Development~~ shall establish the initial  
 10297 effective date of the enterprise zone designated pursuant to  
 10298 this section.

10299 Section 144. Section 290.0072, Florida Statutes, is  
 10300 amended to read:

10301 290.0072 Enterprise zone designation for the City of  
 10302 Winter Haven.—The City of Winter Haven may apply to the



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10303 ~~department Office of Tourism, Trade, and Economic Development~~  
 10304 for designation of one enterprise zone for an area within the  
 10305 City of Winter Haven, which zone shall encompass an area up to 5  
 10306 square miles. Notwithstanding s. 290.0065 limiting the total  
 10307 number of enterprise zones designated and the number of  
 10308 enterprise zones within a population category, the department  
 10309 ~~Office of Tourism, Trade, and Economic Development~~ may designate  
 10310 one enterprise zone under this section. The department ~~Office of~~  
 10311 ~~Tourism, Trade, and Economic Development~~ shall establish the  
 10312 initial effective date of the enterprise zone designated  
 10313 pursuant to this section.

10314 Section 145. Section 290.00725, Florida Statutes, is  
 10315 amended to read:

10316 290.00725 Enterprise zone designation for the City of  
 10317 Ocala.—The City of Ocala may apply to the department ~~Office of~~  
 10318 ~~Tourism, Trade, and Economic Development~~ for designation of one  
 10319 enterprise zone for an area within the western portion of the  
 10320 city, which zone shall encompass an area up to 5 square miles.  
 10321 The application must be submitted by December 31, 2009, and must  
 10322 comply with the requirements of s. 290.0055. Notwithstanding s.  
 10323 290.0065 limiting the total number of enterprise zones  
 10324 designated and the number of enterprise zones within a  
 10325 population category, the department ~~Office of Tourism, Trade,~~  
 10326 ~~and Economic Development~~ may designate one enterprise zone under  
 10327 this section. The department ~~Office of Tourism, Trade, and~~  
 10328 ~~Economic Development~~ shall establish the initial effective date  
 10329 of the enterprise zone designated under this section.

10330 Section 146. Section 290.0073, Florida Statutes, is

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10331 amended to read:

10332       290.0073 Enterprise zone designation for Indian River  
 10333 County, the City of Vero Beach, and the City of Sebastian.—  
 10334 Indian River County, the City of Vero Beach, and the City of  
 10335 Sebastian may jointly apply to the department ~~Office of Tourism,~~  
 10336 ~~Trade, and Economic Development~~ for designation of one  
 10337 enterprise zone encompassing an area not to exceed 10 square  
 10338 miles. The application must be submitted by December 31, 2005,  
 10339 and must comply with the requirements of s. 290.0055.  
 10340 Notwithstanding the provisions of s. 290.0065 limiting the total  
 10341 number of enterprise zones designated and the number of  
 10342 enterprise zones within a population category, the department  
 10343 ~~Office of Tourism, Trade, and Economic Development~~ may designate  
 10344 one enterprise zone under this section. The department ~~Office of~~  
 10345 ~~Tourism, Trade, and Economic Development~~ shall establish the  
 10346 initial effective date of the enterprise zone designated  
 10347 pursuant to this section.

10348       Section 147. Section 290.0074, Florida Statutes, is  
 10349 amended to read:

10350       290.0074 Enterprise zone designation for Sumter County.—  
 10351 Sumter County may apply to the department ~~Office of Tourism,~~  
 10352 ~~Trade, and Economic Development~~ for designation of one  
 10353 enterprise zone encompassing an area not to exceed 10 square  
 10354 miles. The application must be submitted by December 31, 2005.  
 10355 Notwithstanding the provisions of s. 290.0065 limiting the total  
 10356 number of enterprise zones designated and the number of  
 10357 enterprise zones within a population category, the department  
 10358 ~~Office of Tourism, Trade, and Economic Development~~ may designate

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10359 one enterprise zone under this section. The department ~~Office of~~  
 10360 ~~Tourism, Trade and Economic Development~~ shall establish the  
 10361 initial effective date of the enterprise zone designated  
 10362 pursuant to this section.

10363 Section 148. Section 290.0077, Florida Statutes, is  
 10364 amended to read:

10365 290.0077 Enterprise zone designation for Orange County and  
 10366 the municipality of Apopka.—Orange County and the municipality  
 10367 of Apopka may jointly apply to the department ~~Office of Tourism,~~  
 10368 ~~Trade, and Economic Development~~ for designation of one  
 10369 enterprise zone. The application must be submitted by December  
 10370 31, 2005, and must comply with the requirements of s. 290.0055.  
 10371 Notwithstanding the provisions of s. 290.0065 limiting the total  
 10372 number of enterprise zones designated and the number of  
 10373 enterprise zones within a population category, the department  
 10374 ~~Office of Tourism, Trade, and Economic Development~~ may designate  
 10375 one enterprise zone under this section. The department ~~Office of~~  
 10376 ~~Tourism, Trade, and Economic Development~~ shall establish the  
 10377 initial effective date of the enterprise zone designated  
 10378 pursuant to this section.

10379 Section 149. Section 290.014, Florida Statutes, is amended  
 10380 to read:

10381 290.014 Annual reports on enterprise zones.—

10382 (1) By February 1 of each year, the Department of Revenue  
 10383 shall submit an annual report to the Department of Economic  
 10384 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
 10385 detailing the usage and revenue impact by county of the state  
 10386 incentives listed in s. 290.007.

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10387 (2) By March 1 of each year, the Department of Economic  
 10388 Opportunity ~~office~~ shall submit an annual report to the  
 10389 Governor, the Speaker of the House of Representatives, and the  
 10390 President of the Senate. The report shall include the  
 10391 information provided by the Department of Revenue pursuant to  
 10392 subsection (1) and the information provided by enterprise zone  
 10393 development agencies pursuant to s. 290.0056. In addition, the  
 10394 report shall include an analysis of the activities and  
 10395 accomplishments of each enterprise zone.

10396 Section 150. Subsections (3) and (4) of section 290.053,  
 10397 Florida Statutes, are amended to read:

10398 290.053 Response to economic emergencies in small  
 10399 communities.-

10400 (3) A local government entity shall notify the Governor,  
 10401 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 10402 ~~and Economic Development~~, and Enterprise Florida, Inc., when one  
 10403 or more of the conditions specified in subsection (2) have  
 10404 occurred or will occur if action is not taken to assist the  
 10405 local governmental entity or the affected community.

10406 (4) Upon notification that one or more of the conditions  
 10407 described in subsection (2) exist, the Governor or his or her  
 10408 designee shall contact the local governmental entity to  
 10409 determine what actions have been taken by the local governmental  
 10410 entity or the affected community to resolve the economic  
 10411 emergency. The Governor may ~~has the authority to~~ waive the  
 10412 eligibility criteria of any program or activity administered by  
 10413 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 10414 ~~and Economic Development~~, or Enterprise Florida, Inc., to

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10415 provide economic relief to the affected community by granting  
 10416 participation in such programs or activities. The Governor shall  
 10417 consult with the President of the Senate and the Speaker of the  
 10418 House of Representatives and shall take other action, as  
 10419 necessary, to resolve the economic emergency in the most  
 10420 expedient manner possible. All actions taken pursuant to this  
 10421 section shall be within current appropriations and shall have no  
 10422 annualized impact beyond normal growth.

10423 Section 151. Section 290.06561, Florida Statutes, is  
 10424 amended to read:

10425 290.06561 Designation of rural enterprise zone as catalyst  
 10426 site.—Notwithstanding s. 290.0065(1), the Department of Economic  
 10427 Opportunity ~~Office of Tourism, Trade, and Economic Development,~~  
 10428 upon request of the host county, shall designate as a rural  
 10429 enterprise zone any catalyst site as defined in s.  
 10430 288.0656(2) (b) that was approved before ~~prior to~~ January 1,  
 10431 2010, and that is not located in an existing rural enterprise  
 10432 zone. The request from the host county must include the legal  
 10433 description of the catalyst site and the name and contact  
 10434 information for the county development authority responsible for  
 10435 managing the catalyst site. The designation shall provide  
 10436 businesses locating within the catalyst site the same  
 10437 eligibility for economic incentives and other benefits of a  
 10438 rural enterprise zone designated under s. 290.0065. The  
 10439 reporting criteria for a catalyst site designated as a rural  
 10440 enterprise zone under this section are the same as for other  
 10441 rural enterprise zones. Host county development authorities may  
 10442 enter into memoranda of agreement, as necessary, to coordinate

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10443 their efforts to implement this section.

10444 Section 152. Paragraph (d) of subsection (3) of section  
 10445 310.0015, Florida Statutes, is amended to read:

10446 310.0015 Piloting regulation; general provisions.—

10447 (3) The rate-setting process, the issuance of licenses  
 10448 only in numbers deemed necessary or prudent by the board, and  
 10449 other aspects of the economic regulation of piloting established  
 10450 in this chapter are intended to protect the public from the  
 10451 adverse effects of unrestricted competition which would result  
 10452 from an unlimited number of licensed pilots being allowed to  
 10453 market their services on the basis of lower prices rather than  
 10454 safety concerns. This system of regulation benefits and protects  
 10455 the public interest by maximizing safety, avoiding uneconomic  
 10456 duplication of capital expenses and facilities, and enhancing  
 10457 state regulatory oversight. The system seeks to provide pilots  
 10458 with reasonable revenues, taking into consideration the normal  
 10459 uncertainties of vessel traffic and port usage, sufficient to  
 10460 maintain reliable, stable piloting operations. Pilots have  
 10461 certain restrictions and obligations under this system,  
 10462 including, but not limited to, the following:

10463 (d)1. The pilot or pilots in a port shall train and  
 10464 compensate all member deputy pilots in that port. Failure to  
 10465 train or compensate such deputy pilots shall constitute a ground  
 10466 for disciplinary action under s. 310.101. Nothing in this  
 10467 subsection shall be deemed to create an agency or employment  
 10468 relationship between a pilot or deputy pilot and the pilot or  
 10469 pilots in a port.

10470 2. The pilot or pilots in a port shall establish a

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10471 competency-based mentor program by which minority persons, as  
 10472 defined in s. 288.703~~(3)~~, may acquire the skills for the  
 10473 professional preparation and education competency requirements  
 10474 of a licensed state pilot or certificated deputy pilot. The  
 10475 department shall provide the Governor, the President of the  
 10476 Senate, and the Speaker of the House of Representatives with a  
 10477 report each year on the number of minority persons, as defined  
 10478 in s. 288.703~~(3)~~, who have participated in each mentor program,  
 10479 who are licensed state pilots or certificated deputy pilots, and  
 10480 who have applied for state pilot licensure or deputy pilot  
 10481 certification.

10482 Section 153. Subsections (1), (3), (5), (8), (9), (10),  
 10483 and (11) of section 311.09, Florida Statutes, are amended to  
 10484 read:

10485 311.09 Florida Seaport Transportation and Economic  
 10486 Development Council.—

10487 (1) The Florida Seaport Transportation and Economic  
 10488 Development Council is created within the Department of  
 10489 Transportation. The council consists of the following 17  
 10490 members: the port director, or the port director's designee, of  
 10491 each of the ports of Jacksonville, Port Canaveral, Fort Pierce,  
 10492 Palm Beach, Port Everglades, Miami, Port Manatee, St.  
 10493 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key  
 10494 West, and Fernandina; the secretary of the Department of  
 10495 Transportation or his or her designee; the Commissioner of  
 10496 Economic Opportunity or the commissioner's ~~director of the~~  
 10497 ~~Office of Tourism, Trade, and Economic Development or his or her~~  
 10498 designee; and the secretary of the Department of Community

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10499 Affairs or his or her designee.

10500 (3) The council shall prepare a 5-year Florida Seaport

10501 Mission Plan defining the goals and objectives of the council

10502 concerning the development of port facilities and an intermodal

10503 transportation system consistent with the goals of the Florida

10504 Transportation Plan developed pursuant to s. 339.155. The

10505 Florida Seaport Mission Plan shall include specific

10506 recommendations for the construction of transportation

10507 facilities connecting any port to another transportation mode

10508 and for the efficient, cost-effective development of

10509 transportation facilities or port facilities for the purpose of

10510 enhancing international trade, promoting cargo flow, increasing

10511 cruise passenger movements, increasing port revenues, and

10512 providing economic benefits to the state. The council shall

10513 update the 5-year Florida Seaport Mission Plan annually and

10514 shall submit the plan no later than February 1 of each year to

10515 the President of the Senate,† the Speaker of the House of

10516 Representatives,† the Department of Economic Opportunity, and

10517 ~~Office of Tourism, Trade, and Economic Development;~~ the

10518 ~~Department of Transportation; and the Department of Community~~

10519 ~~Affairs~~. The council shall develop programs, based on an

10520 examination of existing programs in Florida and other states,

10521 for the training of minorities and secondary school students in

10522 job skills associated with employment opportunities in the

10523 maritime industry, and report on progress and recommendations

10524 for further action to the President of the Senate and the

10525 Speaker of the House of Representatives annually.

10526 (5) The council shall review and approve or disapprove



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10527 each project eligible to be funded pursuant to the Florida  
 10528 Seaport Transportation and Economic Development Program. The  
 10529 council shall annually submit to the Secretary of Transportation  
 10530 ~~and~~, the Commissioner of Economic Opportunity or the  
 10531 commissioner's designee, ~~director of the Office of Tourism,~~  
 10532 ~~Trade, and Economic Development;~~ and the Secretary of Community  
 10533 Affairs a list of projects which have been approved by the  
 10534 council. The list shall specify the recommended funding level  
 10535 for each project; and, if staged implementation of the project  
 10536 is appropriate, the funding requirements for each stage shall be  
 10537 specified.

10538 (8) The Department of Economic Opportunity ~~Office of~~  
 10539 ~~Tourism, Trade, and Economic Development,~~ in consultation with  
 10540 Enterprise Florida, Inc., shall review the list of projects  
 10541 approved by the council to evaluate the economic benefit of the  
 10542 project and to determine whether the project is consistent with  
 10543 the Florida Seaport Mission Plan. The Department of Economic  
 10544 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
 10545 shall review the economic benefits of each project based upon  
 10546 the rules adopted pursuant to subsection (4). The Department of  
 10547 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 10548 ~~Development~~ shall identify those projects which it has  
 10549 determined do not offer an economic benefit to the state or are  
 10550 not consistent with the Florida Seaport Mission Plan and shall  
 10551 notify the council of its findings.

10552 (9) The council shall review the findings of the  
 10553 Department of Economic Opportunity ~~Community Affairs;~~ the ~~Office~~  
 10554 ~~of Tourism, Trade, and Economic Development;~~ and the Department

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10555 of Transportation. Projects found to be inconsistent pursuant to  
 10556 subsections (6), (7), and (8) and projects which have been  
 10557 determined not to offer an economic benefit to the state  
 10558 pursuant to subsection (8) may ~~shall~~ not be included in the list  
 10559 of projects to be funded.

10560 (10) The Department of Transportation shall include in its  
 10561 annual legislative budget request a Florida Seaport  
 10562 Transportation and Economic Development grant program for  
 10563 expenditure of funds of not less than \$8 million per year. Such  
 10564 budget shall include funding for projects approved by the  
 10565 council which have been determined by each agency to be  
 10566 consistent and which have been determined by the Department of  
 10567 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 10568 ~~Development~~ to be economically beneficial. The department shall  
 10569 include the specific approved seaport projects to be funded  
 10570 under this section during the ensuing fiscal year in the  
 10571 tentative work program developed pursuant to s. 339.135(4). The  
 10572 total amount of funding to be allocated to seaport projects  
 10573 under s. 311.07 during the successive 4 fiscal years shall also  
 10574 be included in the tentative work program developed pursuant to  
 10575 s. 339.135(4). The council may submit to the department a list  
 10576 of approved projects that could be made production-ready within  
 10577 the next 2 years. The list shall be submitted by the department  
 10578 as part of the needs and project list prepared pursuant to s.  
 10579 339.135(2) (b). However, the department shall, upon written  
 10580 request of the Florida Seaport Transportation and Economic  
 10581 Development Council, submit work program amendments pursuant to  
 10582 s. 339.135(7) to the Governor within 10 days after the later of

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10583 the date the request is received by the department or the  
 10584 effective date of the amendment, termination, or closure of the  
 10585 applicable funding agreement between the department and the  
 10586 affected seaport, as required to release the funds from the  
 10587 existing commitment. Notwithstanding s. 339.135(7)(c), any work  
 10588 program amendment to transfer prior year funds from one approved  
 10589 seaport project to another seaport project is subject to the  
 10590 procedures in s. 339.135(7)(d). Notwithstanding any provision of  
 10591 law to the contrary, the department may transfer unexpended  
 10592 budget between the seaport projects as identified in the  
 10593 approved work program amendments.

10594 (11) The council shall meet at the call of its  
 10595 chairperson, at the request of a majority of its membership, or  
 10596 at such times as may be prescribed in its bylaws. However, the  
 10597 council must meet at least semiannually. A majority of voting  
 10598 members of the council constitutes a quorum for the purpose of  
 10599 transacting the business of the council. All members of the  
 10600 council are voting members. A vote of the majority of the voting  
 10601 members present is sufficient for any action of the council,  
 10602 except that a member representing the Department of  
 10603 ~~Transportation, the Department of Community Affairs,~~ or the  
 10604 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 10605 ~~Economic Development~~ may vote to overrule any action of the  
 10606 council approving a project pursuant to subsection (5). The  
 10607 bylaws of the council may require a greater vote for a  
 10608 particular action.

10609 Section 154. Section 311.11, Florida Statutes, is amended  
 10610 to read:

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10611 311.11 Seaport Employment Training Grant Program.—  
 10612 (1) The Department of Economic Opportunity ~~Office of~~  
 10613 ~~Tourism, Trade, and Economic Development~~, in cooperation with  
 10614 the Florida Seaport Transportation and Economic Development  
 10615 Council, shall establish a Seaport Employment Training Grant  
 10616 Program within the department ~~Office~~. The Governor ~~office~~ shall  
 10617 grant funds appropriated by the Legislature to the program for  
 10618 the purpose of stimulating and supporting seaport training and  
 10619 employment programs which will seek to match state and local  
 10620 training programs with identified job skills associated with  
 10621 employment opportunities in the port, maritime, and  
 10622 transportation industries, and for the purpose of providing such  
 10623 other training, educational, and information services as  
 10624 required to stimulate jobs in the described industries. Funds  
 10625 may be used for the purchase of equipment to be used for  
 10626 training purposes, hiring instructors, and any other purpose  
 10627 associated with the training program. The department's ~~office's~~  
 10628 contribution to any specific training program may not exceed 50  
 10629 percent of the total cost of the program. Matching contributions  
 10630 may include services in kind, including, but not limited to,  
 10631 training instructors, equipment usage, and training facilities.

10632 (2) The Department of Economic Opportunity ~~Office~~ shall  
 10633 adopt criteria to implement this section.

10634 Section 155. Paragraphs (i) and (l) of subsection (1) of  
 10635 section 311.115, Florida Statutes, are amended to read:

10636 311.115 Seaport Security Standards Advisory Council.—The  
 10637 Seaport Security Standards Advisory Council is created under the  
 10638 Office of Drug Control. The council shall serve as an advisory

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10639 council as provided in s. 20.03(7).

10640 (1) The members of the council shall be appointed by the  
10641 Governor and consist of the following:

10642 (i) One member from the Department of Economic Opportunity  
10643 ~~Office of Tourism, Trade, and Economic Development.~~

10644 (1) The director of the Division of Emergency Management,  
10645 or his or her designee.

10646 Section 156. Subsection (2) of section 311.22, Florida  
10647 Statutes, is amended to read:

10648 311.22 Additional authorization for funding certain  
10649 dredging projects.—

10650 (2) The council shall adopt rules for evaluating the  
10651 projects that may be funded pursuant to this section. The rules  
10652 must provide criteria for evaluating the economic benefit of the  
10653 project. The rules must include the creation of an  
10654 administrative review process by the council which is similar to  
10655 the process described in s. 311.09(5)-(12), and provide for a  
10656 review by ~~the Department of Community Affairs,~~ the Department of  
10657 Transportation, and the Department of Economic Opportunity  
10658 ~~Office of Tourism, Trade, and Economic Development~~ of all  
10659 projects submitted for funding under this section.

10660 Section 157. Section 42 of chapter 2005-71, Laws of  
10661 Florida, and section 1 of chapter 2005-261, Laws of Florida, are  
10662 repealed.

10663 Section 158. Paragraph (a) of subsection (6), paragraph  
10664 (b) of subsection (9), paragraph (a) of subsection (35),  
10665 subsection (60), and paragraph (b) of subsection (65) of section  
10666 320.08058, Florida Statutes, is amended to read:

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10667 | 320.08058 Specialty license plates.—  
 10668 | (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
 10669 | PLATES.—  
 10670 | (a) Because the United States Olympic Committee has  
 10671 | selected this state to participate in a combined fundraising  
 10672 | program that provides for one-half of all money raised through  
 10673 | volunteer giving to stay in this state and be administered by  
 10674 | Enterprise Florida, Inc., ~~the direct-support organization~~  
 10675 | ~~established under s. 288.1229~~ to support amateur sports, and  
 10676 | because the United States Olympic Committee and Enterprise  
 10677 | Florida, Inc., ~~the direct-support organization~~ are nonprofit  
 10678 | organizations dedicated to providing athletes with support and  
 10679 | training and preparing athletes of all ages and skill levels for  
 10680 | sports competition, and because Enterprise Florida, Inc., ~~the~~  
 10681 | ~~direct-support organization~~ assists in the bidding for sports  
 10682 | competitions that provide significant impact to the economy of  
 10683 | this state, and the Legislature supports the efforts of the  
 10684 | United States Olympic Committee and Enterprise Florida, Inc.,  
 10685 | ~~the direct-support organization~~, the Legislature establishes a  
 10686 | Florida United States Olympic Committee license plate for the  
 10687 | purpose of providing a continuous funding source to support this  
 10688 | worthwhile effort. Florida United States Olympic Committee  
 10689 | license plates must contain the official United States Olympic  
 10690 | Committee logo and must bear a design and colors that are  
 10691 | approved by the department. The word "Florida" must be centered  
 10692 | at the top of the plate.  
 10693 | (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—  
 10694 | (b) The license plate annual use fees are to be annually

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10695 distributed as follows:

10696       1. Fifty-five percent of the proceeds from the Florida  
 10697 Professional Sports Team plate must be deposited into the  
 10698 Professional Sports Development Trust Fund within the Department  
 10699 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 10700 ~~Development~~. These funds must be used solely to attract and  
 10701 support major sports events in this state. As used in this  
 10702 subparagraph, the term "major sports events" means, but is not  
 10703 limited to, championship or all-star contests of Major League  
 10704 Baseball, the National Basketball Association, the National  
 10705 Football League, the National Hockey League, the men's and  
 10706 women's National Collegiate Athletic Association Final Four  
 10707 basketball championship, or a horseracing or dogracing Breeders'  
 10708 Cup. All funds must be used to support and promote major  
 10709 sporting events, and the uses must be approved by Enterprise  
 10710 Florida, Inc. ~~the Florida Sports Foundation~~.

10711       2. The remaining proceeds of the Florida Professional  
 10712 Sports Team license plate must be allocated to Enterprise  
 10713 Florida, Inc. ~~the Florida Sports Foundation, a direct support~~  
 10714 ~~organization of the Office of Tourism, Trade, and Economic~~  
 10715 ~~Development~~. These funds must be deposited into the Professional  
 10716 Sports Development Trust Fund within the Department of Economic  
 10717 Opportunity ~~Office of Tourism, Trade, and Economic Development~~.  
 10718 These funds must be used by Enterprise Florida, Inc., ~~the~~  
 10719 ~~Florida Sports Foundation~~ to promote the economic development of  
 10720 the sports industry; to distribute licensing and royalty fees to  
 10721 participating professional sports teams; to promote education  
 10722 programs in Florida schools that provide an awareness of the

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10723 benefits of physical activity and nutrition standards; to  
10724 partner with the Department of Education and the Department of  
10725 Health to develop a program that recognizes schools whose  
10726 students demonstrate excellent physical fitness or fitness  
10727 improvement; to institute a grant program for communities  
10728 bidding on minor sporting events that create an economic impact  
10729 for the state; to distribute funds to Florida-based charities  
10730 designated by Enterprise Florida, Inc., ~~the Florida Sports~~  
10731 ~~Foundation~~ and the participating professional sports teams; and  
10732 to fulfill the sports promotion responsibilities of the  
10733 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
10734 ~~Economic Development~~.

10735 3. Enterprise Florida, Inc., ~~The Florida Sports Foundation~~  
10736 shall provide an annual financial audit in accordance with s.  
10737 215.981 of its financial accounts and records by an independent  
10738 certified public accountant pursuant to the contract established  
10739 by the Department of Economic Opportunity ~~Office of Tourism,~~  
10740 ~~Trade, and Economic Development~~ as specified in s. ~~288.1229(5)~~.  
10741 The auditor shall submit the audit report to the Department of  
10742 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
10743 ~~Development~~ for review and approval. If the audit report is  
10744 approved, the Department of Economic Opportunity ~~office~~ shall  
10745 certify the audit report to the Auditor General for review.

10746 4. Notwithstanding ~~the provisions of~~ subparagraphs 1. and  
10747 2., proceeds from the Professional Sports Development Trust Fund  
10748 may also be used for operational expenses of Enterprise Florida,  
10749 Inc., ~~the Florida Sports Foundation~~ and financial support of the  
10750 Sunshine State Games.



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10751 (35) FLORIDA GOLF LICENSE PLATES.—

10752 (a) The Department of Highway Safety and Motor Vehicles  
10753 shall develop a Florida Golf license plate as provided in this  
10754 section. The word "Florida" must appear at the bottom of the  
10755 plate. The Dade Amateur Golf Association, following consultation  
10756 with the PGA TOUR, Enterprise Florida, Inc. ~~the Florida Sports~~  
10757 ~~Foundation~~, the LPGA, and the PGA of America may submit a  
10758 revised sample plate for consideration by the department.

10759 (60) FLORIDA NASCAR LICENSE PLATES.—

10760 (a) The department shall develop a Florida NASCAR license  
10761 plate as provided in this section. Florida NASCAR license plates  
10762 must bear the colors and design approved by the department. The  
10763 word "Florida" must appear at the top of the plate, and the term  
10764 "NASCAR" must appear at the bottom of the plate. The National  
10765 Association for Stock Car Auto Racing, following consultation  
10766 with Enterprise Florida, Inc. ~~the Florida Sports Foundation~~, may  
10767 submit a sample plate for consideration by the department.

10768 (b) The license plate annual use fees shall be distributed  
10769 to Enterprise Florida, Inc. ~~the Florida Sports Foundation~~, a  
10770 ~~direct support organization of the Office of Tourism, Trade, and~~  
10771 ~~Economic Development~~. The license plate annual use fees shall be  
10772 annually allocated as follows:

10773 1. Up to 5 percent of the proceeds from the annual use  
10774 fees may be used by Enterprise Florida, Inc., ~~the Florida Sports~~  
10775 ~~Foundation~~ for the administration of the NASCAR license plate  
10776 program.

10777 2. The National Association for Stock Car Auto Racing  
10778 shall receive up to \$60,000 in proceeds from the annual use fees

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10779 to be used to pay startup costs, including costs incurred in  
 10780 developing and issuing the plates. Thereafter, 10 percent of the  
 10781 proceeds from the annual use fees shall be provided to the  
 10782 association for the royalty rights for the use of its marks.

10783 3. The remaining proceeds from the annual use fees shall  
 10784 be distributed to Enterprise Florida, Inc. ~~the Florida Sports~~  
 10785 ~~Foundation.~~ Enterprise Florida, Inc., shall ~~The Florida Sports~~  
 10786 ~~Foundation will~~ retain 15 percent to support its regional grant  
 10787 program, attracting sporting events to Florida; 20 percent to  
 10788 support the marketing of motorsports-related tourism in the  
 10789 state; and 50 percent to be paid to the NASCAR Foundation, a s.  
 10790 501(c)(3) charitable organization, to support Florida-based  
 10791 charitable organizations.

10792 (c) Enterprise Florida, Inc., ~~The Florida Sports~~  
 10793 ~~Foundation~~ shall provide an annual financial audit in accordance  
 10794 with s. 215.981 of its financial accounts and records by an  
 10795 independent certified public accountant pursuant to the contract  
 10796 established by the Department of Economic Opportunity ~~Office of~~  
 10797 ~~Tourism, Trade, and Economic Development as specified in s.~~  
 10798 ~~288.1229(5).~~ The auditor shall submit the audit report to the  
 10799 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 10800 ~~Economic Development~~ for review and approval. If the audit  
 10801 report is approved, the Department of Economic Opportunity  
 10802 ~~office~~ shall certify the audit report to the Auditor General for  
 10803 review.

10804 (65) FLORIDA TENNIS LICENSE PLATES.—

10805 (b) The department shall distribute the annual use fees to  
 10806 Enterprise Florida, Inc. ~~the Florida Sports Foundation, a~~

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10807 ~~direct support organization of the Office of Tourism, Trade, and~~  
 10808 ~~Economic Development.~~ The license plate annual use fees shall be  
 10809 annually allocated as follows:

10810 1. Up to 5 percent of the proceeds from the annual use  
 10811 fees may be used by Enterprise Florida, Inc., ~~the Florida Sports~~  
 10812 ~~Foundation~~ to administer the license plate program.

10813 2. The United States Tennis Association Florida Section  
 10814 Foundation shall receive the first \$60,000 in proceeds from the  
 10815 annual use fees to reimburse it for startup costs,  
 10816 administrative costs, and other costs it incurs in the  
 10817 development and approval process.

10818 3. Up to 5 percent of the proceeds from the annual use  
 10819 fees may be used for promoting and marketing the license plates.  
 10820 The remaining proceeds shall be available for grants by the  
 10821 United States Tennis Association Florida Section Foundation to  
 10822 nonprofit organizations to operate youth tennis programs and  
 10823 adaptive tennis programs for special populations of all ages,  
 10824 and for building, renovating, and maintaining public tennis  
 10825 courts.

10826 Section 159. Subsection (3) of section 320.63, Florida  
 10827 Statutes, is amended to read:

10828 320.63 Application for license; contents.—Any person  
 10829 desiring to be licensed pursuant to ss. 320.60-320.70 shall make  
 10830 application therefor to the department upon a form containing  
 10831 such information as the department requires. The department  
 10832 shall require, with such application or otherwise and from time  
 10833 to time, all of the following, which information may be  
 10834 considered by the department in determining the fitness of the

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10835 applicant or licensee to engage in the business for which the  
 10836 applicant or licensee desires to be licensed:

10837 (3) From each manufacturer, distributor, or importer which  
 10838 utilizes an identical blanket basic agreement for its dealers or  
 10839 distributors in this state, which agreement comprises all or any  
 10840 part of the applicant's or licensee's agreements with motor  
 10841 vehicle dealers in this state, a copy of the written agreement  
 10842 and all supplements thereto, together with a list of the  
 10843 applicant's or licensee's authorized dealers or distributors and  
 10844 their addresses. The applicant or licensee shall further notify  
 10845 the department immediately of the appointment of any additional  
 10846 dealer or distributor. The applicant or licensee shall annually  
 10847 report to the department on its efforts to add new minority  
 10848 dealer points, including difficulties encountered under ss.  
 10849 320.61-320.70. For purposes of this section "minority" shall  
 10850 have the same meaning as that given it in the definition of  
 10851 "minority person" in s. 288.703~~(3)~~. Not later than 60 days  
 10852 before ~~prior to~~ the date a revision or modification to a  
 10853 franchise agreement is offered uniformly to a licensee's motor  
 10854 vehicle dealers in this state, the licensee shall notify the  
 10855 department of such revision, modification, or addition to the  
 10856 franchise agreement on file with the department. In no event may  
 10857 a franchise agreement, or any addendum or supplement thereto, be  
 10858 offered to a motor vehicle dealer in this state until the  
 10859 applicant or licensee files an affidavit with the department  
 10860 acknowledging that the terms or provisions of the agreement, or  
 10861 any related document, are not inconsistent with, prohibited by,  
 10862 or contrary to the provisions contained in ss. 320.60-320.70.

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10863 Any franchise agreement offered to a motor vehicle dealer in  
 10864 this state shall provide that all terms and conditions in such  
 10865 agreement inconsistent with the law and rules of this state are  
 10866 of no force and effect.

10867 Section 160. Subsection (5) of section 331.3051, Florida  
 10868 Statutes, is amended to read:

10869 331.3051 Duties of Space Florida.—Space Florida shall:

10870 (5) Consult with Enterprise Florida, Inc., ~~the Florida~~  
 10871 ~~Commission on Tourism~~ in developing a space tourism marketing  
 10872 plan. Space Florida and Enterprise Florida, Inc., ~~the Florida~~  
 10873 ~~Commission on Tourism~~ may enter into a mutually beneficial  
 10874 agreement that provides funding to Enterprise Florida, Inc., ~~the~~  
 10875 ~~commission~~ for its services to implement this subsection.

10876 Section 161. Effective December 31, 2011, section  
 10877 331.3081, Florida Statutes, is amended to read:

10878 (Substantial rewording of section. See  
 10879 s. 331.3081, F.S., for present text.)

10880 331.3081 Board of Directors; advisory board.—

10881 (1) Space Florida shall be governed by the 11-member board  
 10882 of directors of Enterprise Florida, Inc., created under s.  
 10883 288.901(3), which does not include the board's at-large or  
 10884 nonvoting members.

10885 (2) Space Florida shall have a 15-member advisory council,  
 10886 appointed by the Governor from a list of nominations submitted  
 10887 by the board of directors. The advisory council shall be  
 10888 composed of Florida residents with expertise in the space  
 10889 industry, and each of the following areas of expertise or  
 10890 experience must be represented by at least one advisory council

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10891 member: human space-flight programs, commercial launches into  
10892 space; organized labor with experience working in the aerospace  
10893 industry, aerospace-related industries, a commercial company  
10894 working under Federal Government contracts to conduct space-  
10895 related business, an aerospace company whose primary client is  
10896 the United States Department of Defense, and an alternative  
10897 energy enterprise with potential for aerospace applications. The  
10898 advisory council shall elect a member to serve as chair of the  
10899 council. The advisory council shall make recommendations to the  
10900 board of directors of Enterprise Florida, Inc., on the operation  
10901 of Space Florida, including matters pertaining to ways to  
10902 improve or enhance Florida's efforts to expand its existing  
10903 space and aerospace industry, to improve management and use of  
10904 Florida's state-owned real property assets related to space and  
10905 aerospace, how best to retain and, if necessary, retrain  
10906 Florida's highly skilled space and aerospace workforce, and how  
10907 to strengthen bonds between this state, the National Aeronautics  
10908 and Space Administration, and the United States Department of  
10909 Defense, and private space and aerospace industries.

10910 (3) The term for an advisory council member is 2 years. A  
10911 member may not serve more than two consecutive terms. The  
10912 Governor may remove any member for cause and shall fill all  
10913 vacancies that occur.

10914 (4) Advisory council members shall serve without  
10915 compensation, but may be reimbursed for all reasonable,  
10916 necessary, and actual expenses, as determined by the board of  
10917 directors of Enterprise Florida, Inc.

10918 Section 162. Paragraph (c) of subsection (2) of section

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10919 331.310, Florida Statutes, is amended to read:

10920 331.310 Powers and duties of the board of directors.—

10921 (2) The board of directors shall:

10922 (c) Appoint a person to act as the executive director  
 10923 ~~president~~ of Space Florida, having such official title,  
 10924 functions, duties, powers, and salary as the board may  
 10925 prescribe.

10926 Section 163. Subsection (1) of section 375.021, Florida  
 10927 Statutes, is amended to read:

10928 375.021 Comprehensive multipurpose outdoor recreation  
 10929 plan.—

10930 (1) The department is given the responsibility, authority,  
 10931 and power to develop and execute a comprehensive multipurpose  
 10932 outdoor recreation plan for this state with the cooperation of  
 10933 the Department of Agriculture and Consumer Services, the  
 10934 Department of Transportation, the Fish and Wildlife Conservation  
 10935 Commission, the Department of Economic Opportunity Florida  
 10936 ~~Commission on Tourism~~, and the water management districts.

10937 Section 164. Section 376.60, Florida Statutes, is amended  
 10938 to read:

10939 376.60 Asbestos removal program inspection and  
 10940 notification fee.—The Department of Environmental Protection  
 10941 shall charge an inspection and notification fee, not to exceed  
 10942 \$300 for a small business as defined in s. 288.703(1), or \$1,000  
 10943 for any other project, for any asbestos removal project. The  
 10944 department may establish a fee schedule by rule. Schools,  
 10945 colleges, universities, residential dwellings, and those persons  
 10946 otherwise exempted from licensure under s. 469.002(4) are exempt

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10947 from the fees. Any fee collected must be deposited in the  
 10948 asbestos program account in the Air Pollution Control Trust Fund  
 10949 to be used by the department to administer its asbestos removal  
 10950 program.

10951 (1) In those counties with approved local air pollution  
 10952 control programs, the department shall return 80 percent of the  
 10953 asbestos removal program inspection and notification fees  
 10954 collected in that county to the local government quarterly, if  
 10955 the county requests it.

10956 (2) The fees returned to a county under subsection (1)  
 10957 must be used only for asbestos-related program activities.

10958 (3) A county may not levy any additional fees for asbestos  
 10959 removal activity while it receives fees under subsection (1).

10960 (4) If a county has requested reimbursement under  
 10961 subsection (1), the department shall reimburse the approved  
 10962 local air pollution control program with 80 percent of the fees  
 10963 collected in the county retroactive to July 1, 1994, for  
 10964 asbestos-related program activities.

10965 (5) If an approved local air pollution control program  
 10966 that is providing asbestos notification and inspection services  
 10967 according to 40 C.F.R. part 61, subpart M, and is collecting  
 10968 fees sufficient to support the requirements of 40 C.F.R. part  
 10969 61, subpart M, opts not to receive the state-generated asbestos  
 10970 notification fees, the state may discontinue collection of the  
 10971 state asbestos notification fees in that county.

10972 Section 165. Subsection (2) of section 376.86, Florida  
 10973 Statutes, is amended to read:

10974 376.86 Brownfield Areas Loan Guarantee Program.—



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10975           (2) The council shall consist of the secretary of the  
 10976 Department of Environmental Protection or the secretary's  
 10977 designee, ~~the secretary of the Department of Community Affairs~~  
 10978 ~~or the secretary's designee~~, the State Surgeon General or the  
 10979 State Surgeon General's designee, the executive director of the  
 10980 State Board of Administration or the executive director's  
 10981 designee, the executive director of the Florida Housing Finance  
 10982 Corporation or the executive director's designee, and the  
 10983 Commissioner of Economic Opportunity or the commissioner's  
 10984 ~~Director of the Governor's Office of Tourism, Trade, and~~  
 10985 ~~Economic Development or the director's~~ designee. The  
 10986 Commissioner of Economic Opportunity or the commissioner's  
 10987 designee shall serve as chair ~~chairperson~~ of the council ~~shall~~  
 10988 ~~be the Director of the Governor's Office of Tourism, Trade, and~~  
 10989 ~~Economic Development~~. Staff services for activities of the  
 10990 council shall be provided as needed by the member agencies.

10991           Section 166. Paragraph (h) of subsection (5) of section  
 10992 377.711, Florida Statutes, is amended to read:

10993           377.711 Florida party to Southern States Energy Compact.—  
 10994 The Southern States Energy Compact is enacted into law and  
 10995 entered into by the state as a party, and is of full force and  
 10996 effect between the state and any other states joining therein in  
 10997 accordance with the terms of the compact, which compact is  
 10998 substantially as follows:

10999           (5) POWERS.—The board shall have the power to:

11000           (h) Recommend such changes in, or amendments or additions  
 11001 to, the laws, codes, rules, regulations, administrative  
 11002 procedures and practices, or ordinances of the party states in

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11003 any of the fields of its interest and competence as in its  
 11004 judgment may be appropriate. Any such recommendation shall be  
 11005 made through the Department of Environmental Protection with due  
 11006 consideration of the desirability of uniformity and appropriate  
 11007 weight to any special circumstances that may justify variations  
 11008 to meet local conditions. ~~Any such recommendation shall be made,~~  
 11009 ~~in the case of Florida, through the Department of Commerce.~~

11010 Section 167. Subsection (3) of section 377.712, Florida  
 11011 Statutes, is amended to read:

11012 377.712 Florida participation.—

11013 (3) Departments ~~The department,~~ agencies, and officers of  
 11014 this state, and its subdivisions are authorized to cooperate  
 11015 with the board in the furtherance of any of its activities  
 11016 pursuant to the compact, provided such proposed activities have  
 11017 been made known to, and have the approval of, either the  
 11018 Governor or the Department of Health.

11019 Section 168. Paragraph (d) of subsection (2) and  
 11020 subsection (24) of section 380.06, Florida Statutes, are amended  
 11021 to read:

11022 380.06 Developments of regional impact.—

11023 (2) STATEWIDE GUIDELINES AND STANDARDS.—

11024 (d) The guidelines and standards shall be applied as  
 11025 follows:

11026 1. Fixed thresholds.—

11027 a. A development that is below 100 percent of all  
 11028 numerical thresholds in the guidelines and standards is ~~shall~~  
 11029 ~~be~~ required to undergo development-of-regional-impact  
 11030 review.

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11031           b. A development that is at or above 120 percent of any  
 11032 numerical threshold shall be required to undergo development-of-  
 11033 regional-impact review.

11034           c. Projects certified under s. 403.973 which create at  
 11035 least 100 jobs and meet the criteria of the Department of  
 11036 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 11037 ~~Development~~ as to their impact on an area's economy, employment,  
 11038 and prevailing wage and skill levels that are at or below 100  
 11039 percent of the numerical thresholds for industrial plants,  
 11040 industrial parks, distribution, warehousing or wholesaling  
 11041 facilities, office development or multiuse projects other than  
 11042 residential, as described in s. 380.0651(3)(c), (d), and (h),  
 11043 are not required to undergo development-of-regional-impact  
 11044 review.

11045           2. Rebuttable presumption.—It shall be presumed that a  
 11046 development that is at 100 percent or between 100 and 120  
 11047 percent of a numerical threshold shall be required to undergo  
 11048 development-of-regional-impact review.

11049           (24) STATUTORY EXEMPTIONS.—

11050           (a) Any proposed hospital is exempt from ~~the provisions of~~  
 11051 this section.

11052           (b) Any proposed electrical transmission line or  
 11053 electrical power plant is exempt from ~~the provisions of~~ this  
 11054 section.

11055           (c) Any proposed addition to an existing sports facility  
 11056 complex is exempt from ~~the provisions of~~ this section if the  
 11057 addition meets the following characteristics:

11058           1. It would not operate concurrently with the scheduled

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11059 hours of operation of the existing facility.

11060 2. Its seating capacity would be no more than 75 percent  
11061 of the capacity of the existing facility.

11062 3. The sports facility complex property is owned by a  
11063 public body before ~~prior to~~ July 1, 1983.

11064  
11065 This exemption does not apply to any pari-mutuel facility.

11066 (d) Any proposed addition or cumulative additions  
11067 subsequent to July 1, 1988, to an existing sports facility  
11068 complex owned by a state university is exempt if the increased  
11069 seating capacity of the complex is no more than 30 percent of  
11070 the capacity of the existing facility.

11071 (e) Any addition of permanent seats or parking spaces for  
11072 an existing sports facility located on property owned by a  
11073 public body before ~~prior to~~ July 1, 1973, is exempt from ~~the~~  
11074 ~~provisions of~~ this section if future additions do not expand  
11075 existing permanent seating or parking capacity more than 15  
11076 percent annually in excess of the prior year's capacity.

11077 (f) Any increase in the seating capacity of an existing  
11078 sports facility having a permanent seating capacity of at least  
11079 50,000 spectators is exempt from ~~the provisions of~~ this section,  
11080 provided that such an increase does not increase permanent  
11081 seating capacity by more than 5 percent per year and not to  
11082 exceed a total of 10 percent in any 5-year period, and provided  
11083 that the sports facility notifies the appropriate local  
11084 government within which the facility is located of the increase  
11085 at least 6 months before ~~prior to~~ the initial use of the  
11086 increased seating, in order to permit the appropriate local

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11087 government to develop a traffic management plan for the traffic  
 11088 generated by the increase. Any traffic management plan shall be  
 11089 consistent with the local comprehensive plan, the regional  
 11090 policy plan, and the state comprehensive plan.

11091 (g) Any expansion in the permanent seating capacity or  
 11092 additional improved parking facilities of an existing sports  
 11093 facility is exempt from ~~the provisions of~~ this section, if the  
 11094 following conditions exist:

11095 1.a. The sports facility had a permanent seating capacity  
 11096 on January 1, 1991, of at least 41,000 spectator seats;

11097 b. The sum of such expansions in permanent seating  
 11098 capacity does not exceed a total of 10 percent in any 5-year  
 11099 period and does not exceed a cumulative total of 20 percent for  
 11100 any such expansions; or

11101 c. The increase in additional improved parking facilities  
 11102 is a one-time addition and does not exceed 3,500 parking spaces  
 11103 serving the sports facility; and

11104 2. The local government having jurisdiction of the sports  
 11105 facility includes in the development order or development permit  
 11106 approving such expansion under this paragraph a finding of fact  
 11107 that the proposed expansion is consistent with the  
 11108 transportation, water, sewer and stormwater drainage provisions  
 11109 of the approved local comprehensive plan and local land  
 11110 development regulations relating to those provisions.

11111  
 11112 Any owner or developer who intends to rely on this statutory  
 11113 exemption shall provide to the department a copy of the local  
 11114 government application for a development permit. Within 45 days

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11115 after ~~of~~ receipt of the application, the department shall render  
 11116 to the local government an advisory and nonbinding opinion, in  
 11117 writing, stating whether, in the department's opinion, the  
 11118 prescribed conditions exist for an exemption under this  
 11119 paragraph. The local government shall render the development  
 11120 order approving each such expansion to the department. The  
 11121 owner, developer, or department may appeal the local government  
 11122 development order pursuant to s. 380.07, within 45 days after  
 11123 the order is rendered. The scope of review shall be limited to  
 11124 the determination of whether the conditions prescribed in this  
 11125 paragraph exist. If any sports facility expansion undergoes  
 11126 development-of-regional-impact review, all previous expansions  
 11127 which were exempt under this paragraph shall be included in the  
 11128 development-of-regional-impact review.

11129 (h) Expansion to port harbors, spoil disposal sites,  
 11130 navigation channels, turning basins, harbor berths, and other  
 11131 related inwater harbor facilities of ports listed in s.  
 11132 403.021(9)(b), port transportation facilities and projects  
 11133 listed in s. 311.07(3)(b), and intermodal transportation  
 11134 facilities identified pursuant to s. 311.09(3) are exempt from  
 11135 ~~the provisions of~~ this section when such expansions, projects,  
 11136 or facilities are consistent with comprehensive master plans  
 11137 that are in compliance with ~~the provisions of~~ s. 163.3178.

11138 (i) Any proposed facility for the storage of any petroleum  
 11139 product or any expansion of an existing facility is exempt from  
 11140 ~~the provisions of~~ this section.

11141 (j) Any renovation or redevelopment within the same land  
 11142 parcel which does not change land use or increase density or

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11143 intensity of use.

11144 (k) Waterport and marina development, including dry  
 11145 storage facilities, are exempt from ~~the provisions of this~~  
 11146 section.

11147 (l) Any proposed development within an urban service  
 11148 boundary established under s. 163.3177(14), which is not  
 11149 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~  
 11150 ~~provisions of~~ this section if the local government having  
 11151 jurisdiction over the area where the development is proposed has  
 11152 adopted the urban service boundary, has entered into a binding  
 11153 agreement with jurisdictions that would be impacted and with the  
 11154 Department of Transportation regarding the mitigation of impacts  
 11155 on state and regional transportation facilities, and has adopted  
 11156 a proportionate share methodology pursuant to s. 163.3180(16).

11157 (m) Any proposed development within a rural land  
 11158 stewardship area created under s. 163.3177(11)(d) is exempt from  
 11159 ~~the provisions of~~ this section if the local government that has  
 11160 adopted the rural land stewardship area has entered into a  
 11161 binding agreement with jurisdictions that would be impacted and  
 11162 the Department of Transportation regarding the mitigation of  
 11163 impacts on state and regional transportation facilities, and has  
 11164 adopted a proportionate share methodology pursuant to s.  
 11165 163.3180(16).

11166 (n) The establishment, relocation, or expansion of any  
 11167 military installation as defined in s. 163.3175, is exempt from  
 11168 this section.

11169 (o) Any self-storage warehousing that does not allow  
 11170 retail or other services is exempt from this section.

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11171 (p) Any proposed nursing home or assisted living facility  
 11172 is exempt from this section.

11173 (q) Any development identified in an airport master plan  
 11174 and adopted into the comprehensive plan pursuant to s.  
 11175 163.3177(6)(k) is exempt from this section.

11176 (r) Any development identified in a campus master plan and  
 11177 adopted pursuant to s. 1013.30 is exempt from this section.

11178 (s) Any development in a specific area plan which is  
 11179 prepared pursuant to s. 163.3245 and adopted into the  
 11180 comprehensive plan is exempt from this section.

11181 (t) Any development within a county with a research and  
 11182 education authority created by special act and that is also  
 11183 within a research and development park that is operated or  
 11184 managed by a research and development authority pursuant to part  
 11185 V of chapter 159 is exempt from this section.

11186  
 11187 If a use is exempt from review as a development of regional  
 11188 impact under paragraphs (a)-(s), but will be part of a larger  
 11189 project that is subject to review as a development of regional  
 11190 impact, the impact of the exempt use must be included in the  
 11191 review of the larger project, unless such exempt use involves a  
 11192 development of regional impact that includes a landowner,  
 11193 tenant, or user that has entered into a funding agreement with  
 11194 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 11195 ~~and Economic Development~~ under the Innovation Incentive Program  
 11196 and the agreement contemplates a state award of at least \$50  
 11197 million.

11198 Section 169. Paragraph (e) of subsection (1) of section



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11199 381.0054, Florida Statutes, is amended to read:

11200 381.0054 Healthy lifestyles promotion.—

11201 (1) The Department of Health shall promote healthy  
 11202 lifestyles to reduce the prevalence of excess weight gain and  
 11203 obesity in Florida by implementing appropriate physical activity  
 11204 and nutrition programs that are directed towards all Floridians  
 11205 by:

11206 (e) Partnering with the Department of Education, school  
 11207 districts, and Enterprise Florida, Inc., ~~the Florida Sports~~  
 11208 ~~Foundation~~ to develop a program that recognizes schools whose  
 11209 students demonstrate excellent physical fitness or fitness  
 11210 improvement.

11211 Section 170. Paragraphs (c), (d), and (e) of subsection  
 11212 (2), paragraphs (b) and (c) of subsection (3), and subsections  
 11213 (4), (15), (17), and (18) of section 403.973, Florida Statutes,  
 11214 are amended to read:

11215 403.973 Expedited permitting; amendments to comprehensive  
 11216 plans.—

11217 (2) As used in this section, the term:

11218 ~~(c) "Office" means the Office of Tourism, Trade, and~~  
 11219 ~~Economic Development.~~

11220 (c) ~~(d)~~ "Permit applications" means state permits and  
 11221 licenses, and at the option of a participating local government,  
 11222 local development permits or orders.

11223 (d) ~~(e)~~ "Secretary" means the Secretary of Environmental  
 11224 Protection or his or her designee.

11225 (3)

11226 (b) On a case-by-case basis and at the request of a county

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11227 or municipal government, the Department of Economic Opportunity  
 11228 ~~office~~ may certify as eligible for expedited review a project  
 11229 not meeting the minimum job creation thresholds but creating a  
 11230 minimum of 10 jobs. The recommendation from the governing body  
 11231 of the county or municipality in which the project may be  
 11232 located is required in order for the Department of Economic  
 11233 Opportunity ~~office~~ to certify that any project is eligible for  
 11234 expedited review under this paragraph. When considering projects  
 11235 that do not meet the minimum job creation thresholds but that  
 11236 are recommended by the governing body in which the project may  
 11237 be located, the Department of Economic Opportunity ~~office~~ shall  
 11238 consider economic impact factors that include, but are not  
 11239 limited to:

- 11240 1. The proposed wage and skill levels relative to those
- 11241 existing in the area in which the project may be located;
- 11242 2. The project's potential to diversify and strengthen the
- 11243 area's economy;
- 11244 3. The amount of capital investment; and
- 11245 4. The number of jobs that will be made available for
- 11246 persons served by the welfare transition program.

11247 (c) At the request of a county or municipal government,  
 11248 the Department of Economic Opportunity ~~office~~ or a Quick  
 11249 Permitting County may certify projects located in counties where  
 11250 the ratio of new jobs per participant in the welfare transition  
 11251 program, as determined by Workforce Florida, Inc., is less than  
 11252 one or otherwise critical, as eligible for the expedited  
 11253 permitting process. Such projects must meet the numerical job  
 11254 creation criteria of this subsection, but the jobs created by

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11255 | the project do not have to be high-wage jobs that diversify the  
 11256 | state's economy.

11257 |         (4) The regional teams shall be established through the  
 11258 | execution of memoranda of agreement developed by the applicant  
 11259 | and the secretary, with input solicited from the Department of  
 11260 | Economic Opportunity ~~office~~ and the respective heads of ~~the~~  
 11261 | ~~Department of Community Affairs,~~ the Department of  
 11262 | Transportation and its district offices, the Department of  
 11263 | Agriculture and Consumer Services, the Fish and Wildlife  
 11264 | Conservation Commission, appropriate regional planning councils,  
 11265 | appropriate water management districts, and voluntarily  
 11266 | participating municipalities and counties. The memoranda of  
 11267 | agreement should also accommodate participation in this  
 11268 | expedited process by other local governments and federal  
 11269 | agencies as circumstances warrant.

11270 |         (15) The Department of Economic Opportunity ~~office,~~  
 11271 | working with the agencies providing cooperative assistance and  
 11272 | input regarding the memoranda of agreement, shall review sites  
 11273 | proposed for the location of facilities eligible for the  
 11274 | Innovation Incentive Program under s. 288.1089. Within 20 days  
 11275 | after the request for the review by the Department of Economic  
 11276 | Opportunity ~~office,~~ the agencies shall provide to the Department  
 11277 | of Economic Opportunity ~~office~~ a statement as to each site's  
 11278 | necessary permits under local, state, and federal law and an  
 11279 | identification of significant permitting issues, which if  
 11280 | unresolved, may result in the denial of an agency permit or  
 11281 | approval or any significant delay caused by the permitting  
 11282 | process.

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11283           (17) The Department of Economic Opportunity ~~office~~ shall  
 11284 be responsible for certifying a business as eligible for  
 11285 undergoing expedited review under this section. Enterprise  
 11286 Florida, Inc., a county or municipal government, or the Rural  
 11287 Economic Development Initiative may recommend to the Department  
 11288 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 11289 ~~Development~~ that a project meeting the minimum job creation  
 11290 threshold undergo expedited review.

11291           (18) The Department of Economic Opportunity ~~office~~,  
 11292 working with the Rural Economic Development Initiative and the  
 11293 agencies participating in the memoranda of agreement, shall  
 11294 provide technical assistance in preparing permit applications  
 11295 and local comprehensive plan amendments for counties having a  
 11296 population of fewer than 75,000 residents, or counties having  
 11297 fewer than 125,000 residents which are contiguous to counties  
 11298 having fewer than 75,000 residents. Additional assistance may  
 11299 include, but not be limited to, guidance in land development  
 11300 regulations and permitting processes, working cooperatively with  
 11301 state, regional, and local entities to identify areas within  
 11302 these counties which may be suitable or adaptable for  
 11303 preclearance review of specified types of land uses and other  
 11304 activities requiring permits.

11305           Section 171. Paragraph (b) of subsection (2) of section  
 11306 440.45, Florida Statutes, is amended to read:

11307           440.45 Office of the Judges of Compensation Claims.—

11308           (2)

11309           (b) Except as provided in paragraph (c), the Governor  
 11310 shall appoint a judge of compensation claims from a list of

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11311 three persons nominated by a statewide nominating commission.  
 11312 The statewide nominating commission shall be composed of the  
 11313 following:

11314 1. Five members, at least one of whom must be a member of  
 11315 a minority group as defined in s. 288.703~~(3)~~, one of each who  
 11316 resides in each of the territorial jurisdictions of the district  
 11317 courts of appeal, appointed by the Board of Governors of The  
 11318 Florida Bar from among The Florida Bar members who are engaged  
 11319 in the practice of law. On July 1, 1999, the term of office of  
 11320 each person appointed by the Board of Governors of The Florida  
 11321 Bar to the commission expires. The Board of Governors shall  
 11322 appoint members who reside in the odd-numbered district court of  
 11323 appeal jurisdictions to 4-year terms each, beginning July 1,  
 11324 1999, and members who reside in the even-numbered district court  
 11325 of appeal jurisdictions to 2-year terms each, beginning July 1,  
 11326 1999. Thereafter, each member shall be appointed for a 4-year  
 11327 term;

11328 2. Five electors, at least one of whom must be a member of  
 11329 a minority group as defined in s. 288.703~~(3)~~, one of each who  
 11330 resides in each of the territorial jurisdictions of the district  
 11331 courts of appeal, appointed by the Governor. On July 1, 1999,  
 11332 the term of office of each person appointed by the Governor to  
 11333 the commission expires. The Governor shall appoint members who  
 11334 reside in the odd-numbered district court of appeal  
 11335 jurisdictions to 2-year terms each, beginning July 1, 1999, and  
 11336 members who reside in the even-numbered district court of appeal  
 11337 jurisdictions to 4-year terms each, beginning July 1, 1999.  
 11338 Thereafter, each member shall be appointed for a 4-year term;

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11339 and  
 11340 3. Five electors, at least one of whom must be a member of  
 11341 a minority group as defined in s. 288.703~~(3)~~, one of each who  
 11342 resides in the territorial jurisdictions of the district courts  
 11343 of appeal, selected and appointed by a majority vote of the  
 11344 other 10 members of the commission. On October 1, 1999, the term  
 11345 of office of each person appointed to the commission by its  
 11346 other members expires. A majority of the other members of the  
 11347 commission shall appoint members who reside in the odd-numbered  
 11348 district court of appeal jurisdictions to 2-year terms each,  
 11349 beginning October 1, 1999, and members who reside in the even-  
 11350 numbered district court of appeal jurisdictions to 4-year terms  
 11351 each, beginning October 1, 1999. Thereafter, each member shall  
 11352 be appointed for a 4-year term.

11353  
 11354 A vacancy occurring on the commission shall be filled by the  
 11355 original appointing authority for the unexpired balance of the  
 11356 term. No attorney who appears before any judge of compensation  
 11357 claims more than four times a year is eligible to serve on the  
 11358 statewide nominating commission. The meetings and determinations  
 11359 of the nominating commission as to the judges of compensation  
 11360 claims shall be open to the public.

11361 Section 172. Subsection (1), paragraph (a) of subsection  
 11362 (3), and subsection (6) of section 473.3065, Florida Statutes,  
 11363 are amended to read:

11364 473.3065 Certified Public Accountant Education Minority  
 11365 Assistance Program; advisory council.—

11366 (1) The Certified Public Accountant Education Minority

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11367 Assistance Program for Florida residents is hereby established  
 11368 in the division for the purpose of providing scholarships to  
 11369 minority persons, as defined in s. 288.703~~(3)~~, who are students  
 11370 enrolled in their fifth year of an accounting education program  
 11371 at an institution in this state approved by the board by rule. A  
 11372 Certified Public Accountant Education Minority Assistance  
 11373 Advisory Council shall assist the board in administering the  
 11374 program.

11375 (3) The board shall adopt rules as necessary for  
 11376 administration of the program, including rules relating to the  
 11377 following:

11378 (a) Eligibility criteria for receipt of a scholarship,  
 11379 which, at a minimum, shall include the following factors:

- 11380 1. Financial need.
- 11381 2. Ethnic, gender, or racial minority status pursuant to
- 11382 s. 288.703~~(4)~~(3).
- 11383 3. Scholastic ability and performance.

11384 (6) There is hereby created the Certified Public  
 11385 Accountant Education Minority Assistance Advisory Council to  
 11386 assist the board in administering the program. The council shall  
 11387 be diverse and representative of the gender, ethnic, and racial  
 11388 categories set forth in s. 288.703~~(4)~~(3).

11389 (a) The council shall consist of five licensed Florida-  
 11390 certified public accountants selected by the board, of whom one  
 11391 shall be a board member who serves as chair of the council, one  
 11392 shall be a representative of the National Association of Black  
 11393 Accountants, one shall be a representative of the Cuban American  
 11394 CPA Association, and two shall be selected at large. At least

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11395 one member of the council must be a woman.

11396 (b) The board shall determine the terms for initial  
11397 appointments and appointments thereafter.

11398 (c) Any vacancy on the council shall be filled in the  
11399 manner provided for the selection of the initial member. Any  
11400 member appointed to fill a vacancy of an unexpired term shall be  
11401 appointed for the remainder of that term.

11402 (d) Three consecutive absences or absences constituting 50  
11403 percent or more of the council's meetings within any 12-month  
11404 period shall cause the council membership of the member in  
11405 question to become void, and the position shall be considered  
11406 vacant.

11407 (e) The members of the council shall serve without  
11408 compensation, and any necessary and actual expenses incurred by  
11409 a member while engaged in the business of the council shall be  
11410 borne by such member or by the organization or agency such  
11411 member represents. However, the council member who is a member  
11412 of the board shall be compensated in accordance with ~~the~~  
11413 ~~provisions of~~ ss. 455.207(4) and 112.061.

11414 Section 173. Section 570.96, Florida Statutes, is amended  
11415 to read:

11416 570.96 Agritourism.—The Department of Agriculture and  
11417 Consumer Services may provide marketing advice, technical  
11418 expertise, promotional support, and product development related  
11419 to agritourism to assist the following in their agritourism  
11420 initiatives: Enterprise Florida, Inc. ~~the Florida Commission on~~  
11421 ~~Tourism~~; convention and visitor bureaus; tourist development  
11422 councils; economic development organizations; and local



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11423 governments. In carrying out this responsibility, the department  
 11424 shall focus its agritourism efforts on rural and urban  
 11425 communities.

11426 Section 174. Subsection (1) of section 597.006, Florida  
 11427 Statutes, is amended to read:

11428 597.006 Aquaculture Interagency Coordinating Council.—

11429 (1) CREATION.—The Legislature finds and declares that  
 11430 there is a need for interagency coordination with regard to  
 11431 aquaculture by the following agencies: the Department of  
 11432 Agriculture and Consumer Services; the Department of Economic  
 11433 Opportunity Office of Tourism, Trade, and Economic Development;  
 11434 ~~the Department of Community Affairs;~~ the Department of  
 11435 Environmental Protection; ~~the Department of Labor and Employment~~  
 11436 ~~Security;~~ the Fish and Wildlife Conservation Commission; the  
 11437 statewide consortium of universities under the Florida Institute  
 11438 of Oceanography; Florida Agricultural and Mechanical University;  
 11439 the Institute of Food and Agricultural Sciences at the  
 11440 University of Florida; and the Florida Sea Grant Program. It is  
 11441 therefore the intent of the Legislature to hereby create an  
 11442 Aquaculture Interagency Coordinating Council to act as an  
 11443 advisory body as defined in s. 20.03(9).

11444 Section 175. Paragraph (d) of subsection (1), paragraphs  
 11445 (d) and (e) of subsection (2), paragraph (a) of subsection (4),  
 11446 and subsection (5) of section 624.5105, Florida Statutes, are  
 11447 amended to read:

11448 624.5105 Community contribution tax credit; authorization;  
 11449 limitations; eligibility and application requirements;  
 11450 administration; definitions; expiration.—

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11451 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

11452 (d) Each proposal for the granting of such tax credit  
 11453 requires the prior approval of the Governor, through the  
 11454 Department of Economic Opportunity ~~director~~.

11455 (2) ELIGIBILITY REQUIREMENTS.—

11456 (d) The project shall be located in an area designated as  
 11457 an enterprise zone or a Front Porch Community ~~pursuant to s.~~  
 11458 ~~20.18(6)~~. Any project designed to construct or rehabilitate  
 11459 housing for low-income or very-low-income households as defined  
 11460 in s. 420.9071(19) and (28) is exempt from the area requirement  
 11461 of this paragraph.

11462 (e)1. If, during the first 10 business days of the state  
 11463 fiscal year, eligible tax credit applications for projects that  
 11464 provide homeownership opportunities for low-income or very-low-  
 11465 income households as defined in s. 420.9071(19) and (28) are  
 11466 received for less than the annual tax credits available for  
 11467 those projects, the Governor, through the Department of Economic  
 11468 Opportunity, Office of Tourism, Trade, and Economic Development  
 11469 shall grant tax credits for those applications and shall grant  
 11470 remaining tax credits on a first-come, first-served basis for  
 11471 any subsequent eligible applications received before the end of  
 11472 the state fiscal year. If, during the first 10 business days of  
 11473 the state fiscal year, eligible tax credit applications for  
 11474 projects that provide homeownership opportunities for low-income  
 11475 or very-low-income households as defined in s. 420.9071(19) and  
 11476 (28) are received for more than the annual tax credits available  
 11477 for those projects, the Governor, through the Department of  
 11478 Economic Opportunity, office shall grant the tax credits for

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11479 those applications as follows:

11480 a. If tax credit applications submitted for approved  
 11481 projects of an eligible sponsor do not exceed \$200,000 in total,  
 11482 the credits shall be granted in full if the tax credit  
 11483 applications are approved.

11484 b. If tax credit applications submitted for approved  
 11485 projects of an eligible sponsor exceed \$200,000 in total, the  
 11486 amount of tax credits granted under sub-subparagraph a. shall be  
 11487 subtracted from the amount of available tax credits, and the  
 11488 remaining credits shall be granted to each approved tax credit  
 11489 application on a pro rata basis.

11490 2. If, during the first 10 business days of the state  
 11491 fiscal year, eligible tax credit applications for projects other  
 11492 than those that provide homeownership opportunities for low-  
 11493 income or very-low-income households as defined in s.  
 11494 420.9071(19) and (28) are received for less than the annual tax  
 11495 credits available for those projects, the Governor, through the  
 11496 Department of Economic Opportunity, office shall grant tax  
 11497 credits for those applications and shall grant remaining tax  
 11498 credits on a first-come, first-served basis for any subsequent  
 11499 eligible applications received before the end of the state  
 11500 fiscal year. If, during the first 10 business days of the state  
 11501 fiscal year, eligible tax credit applications for projects other  
 11502 than those that provide homeownership opportunities for low-  
 11503 income or very-low-income households as defined in s.  
 11504 420.9071(19) and (28) are received for more than the annual tax  
 11505 credits available for those projects, the Governor, through the  
 11506 Department of Economic Opportunity, office shall grant the tax

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11507 credits for those applications on a pro rata basis.

11508 (4) ADMINISTRATION.—

11509 (a)1. The Department of Economic Opportunity ~~may~~ ~~Office of~~  
 11510 ~~Tourism, Trade, and Economic Development~~ is authorized to adopt  
 11511 all rules necessary to administer this section, including rules  
 11512 for the approval or disapproval of proposals by insurers.

11513 2. The Governor's decision ~~of the director~~ shall be in  
 11514 writing, and, if approved, the proposal shall state the maximum  
 11515 credit allowable to the insurer. A copy of the Governor's  
 11516 decision shall be transmitted to the executive director of the  
 11517 Department of Revenue, who shall apply such credit to the tax  
 11518 liability of the insurer.

11519 3. The Department of Economic Opportunity ~~office~~ shall  
 11520 monitor all projects periodically, in a manner consistent with  
 11521 available resources to ensure that resources are utilized in  
 11522 accordance with this section; however, each project shall be  
 11523 reviewed no less frequently than once every 2 years.

11524 4. The Department of Economic Opportunity ~~Office of~~  
 11525 ~~Tourism, Trade, and Economic Development~~ shall, in consultation  
 11526 with ~~the Department of Community Affairs,~~ the Florida Housing  
 11527 Finance Corporation, and the statewide and regional housing and  
 11528 financial intermediaries, market the availability of the  
 11529 community contribution tax credit program to community-based  
 11530 organizations.

11531 (5) DEFINITIONS.—As used in ~~For the purpose of~~ this  
 11532 section, the term:

11533 (a) "Community contribution" means the grant by an insurer  
 11534 of any of the following items:

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- 11535 1. Cash or other liquid assets.  
 11536 2. Real property.  
 11537 3. Goods or inventory.  
 11538 4. Other physical resources which are identified by the  
 11539 department.

11540 ~~(b) "Director" means the director of the Office of~~  
 11541 ~~Tourism, Trade, and Economic Development.~~

11542 (b) ~~(e)~~ "Local government" means any county or incorporated  
 11543 municipality in the state.

11544 ~~(d) "Office" means the Office of Tourism, Trade, and~~  
 11545 ~~Economic Development.~~

11546 (c) ~~(e)~~ "Project" means an activity as defined in s.  
 11547 220.03(1)(t).

11548 Section 176. Subsection (7) of section 627.3511, Florida  
 11549 Statutes, is amended to read:

11550 627.3511 Depopulation of Citizens Property Insurance  
 11551 Corporation.—

11552 (7) A minority business, which is at least 51 percent  
 11553 owned by minority persons as described in s. 288.703~~(3)~~,  
 11554 desiring to operate or become licensed as a property and  
 11555 casualty insurer may exempt up to \$50 of the escrow requirements  
 11556 of the take-out bonus, as described in this section. Such  
 11557 minority business, which has applied for a certificate of  
 11558 authority to engage in business as a property and casualty  
 11559 insurer, may simultaneously file the business' proposed take-out  
 11560 plan, as described in this section, with the corporation.

11561 Section 177. Subsection (1) of section 641.217, Florida  
 11562 Statutes, is amended to read:

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11563 641.217 Minority recruitment and retention plans  
 11564 required.—

11565 (1) Any entity contracting with the Agency for Health Care  
 11566 Administration to provide health care services to Medicaid  
 11567 recipients or state employees on a prepaid or fixed-sum basis  
 11568 must submit to the Agency for Health Care Administration the  
 11569 entity's plan for recruitment and retention of health care  
 11570 practitioners who are minority persons ~~minorities~~ as defined in  
 11571 s. 288.703~~(3)~~. The plan must demonstrate an ability to recruit  
 11572 and retain minority persons ~~minorities~~ which shall include, but  
 11573 is not limited to, the following efforts:

11574 (a) Establishing and maintaining contacts with various  
 11575 organizations representing the interests and concerns of  
 11576 minority constituencies to seek advice and assistance.

11577 (b) Identifying and recruiting at colleges and  
 11578 universities which primarily serve minority students.

11579 (c) Reviewing and analyzing the organization's workforce  
 11580 as to minority representation.

11581 (d) Other factors identified by the Agency for Health Care  
 11582 Administration by rule.

11583 Section 178. Paragraph (b) of subsection (4) of section  
 11584 657.042, Florida Statutes, is amended to read:

11585 657.042 Investment powers and limitations.—A credit union  
 11586 may invest its funds subject to the following definitions,  
 11587 restrictions, and limitations:

11588 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF  
 11589 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of  
 11590 the credit union may be invested in any of the following:

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11591 (b) Any capital participation instrument or evidence of  
 11592 indebtedness issued by Enterprise Florida, Inc., ~~the Florida~~  
 11593 ~~Black Business Investment Board~~ pursuant to the Florida Small  
 11594 and Minority Business Assistance Act.

11595 Section 179. Paragraph (g) of subsection (4) of section  
 11596 658.67, Florida Statutes, is amended to read:

11597 658.67 Investment powers and limitations.—A bank may  
 11598 invest its funds, and a trust company may invest its corporate  
 11599 funds, subject to the following definitions, restrictions, and  
 11600 limitations:

11601 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR  
 11602 LESS OF CAPITAL ACCOUNTS.—

11603 (g) Up to 10 percent of the capital accounts of a bank or  
 11604 trust company may be invested in any capital participation  
 11605 instrument or evidence of indebtedness issued by ~~the~~ Enterprise  
 11606 Florida, Inc., ~~Florida Black Business Investment Board~~ pursuant  
 11607 to the Florida Small and Minority Business Assistance Act.

11608 Section 180. Subsections (2) and (3) of section 1003.492,  
 11609 Florida Statutes, are amended to read:

11610 1003.492 Industry-certified career education programs.—

11611 (2) The State Board of Education shall use the expertise  
 11612 of Workforce Florida, Inc., ~~and Enterprise Florida, Inc.~~, to  
 11613 develop and adopt rules pursuant to ss. 120.536(1) and 120.54  
 11614 for implementing an industry certification process. Industry  
 11615 certification shall be defined by the Department of Economic  
 11616 Opportunity Agency for Workforce Innovation, based upon the  
 11617 highest available national standards for specific industry  
 11618 certification, to ensure student skill proficiency and to

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11619 address emerging labor market and industry trends. A regional  
 11620 workforce board or a career and professional academy may apply  
 11621 to Workforce Florida, Inc., to request additions to the approved  
 11622 list of industry certifications based on high-demand job  
 11623 requirements in the regional economy. The list of industry  
 11624 certifications approved by Workforce Florida, Inc., and the  
 11625 Department of Education shall be published and updated annually  
 11626 by a date certain, to be included in the adopted rule.

11627 (3) The Department of Education shall collect student  
 11628 achievement and performance data in industry-certified career  
 11629 education programs and shall work with Workforce Florida, Inc.,  
 11630 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.  
 11631 The data collection and analyses shall examine the performance  
 11632 of participating students over time. Performance factors shall  
 11633 include, but not be limited to, graduation rates, retention  
 11634 rates, Florida Bright Futures Scholarship awards, additional  
 11635 educational attainment, employment records, earnings, industry  
 11636 certification, and employer satisfaction. The results of this  
 11637 study shall be submitted to the President of the Senate and the  
 11638 Speaker of the House of Representatives annually by December 31.

11639 Section 181. Paragraphs (f) and (k) of subsection (4) of  
 11640 section 1003.493, Florida Statutes, are amended to read:

11641 1003.493 Career and professional academies.—

11642 (4) Each career and professional academy must:

11643 (f) Provide instruction in careers designated as high  
 11644 growth, high demand, and high pay by the local workforce  
 11645 development board, the chamber of commerce, or the Department of  
 11646 Economic Opportunity ~~Agency for Workforce Innovation~~.



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11647 (k) Include an evaluation plan developed jointly with the  
 11648 Department of Education and the local workforce board. The  
 11649 evaluation plan must include an assessment tool based on  
 11650 national industry standards, such as the Career Academy National  
 11651 Standards of Practice, and outcome measures, including, but not  
 11652 limited to, achievement of national industry certifications  
 11653 identified in the Industry Certification Funding List, pursuant  
 11654 to rules adopted by the State Board of Education, graduation  
 11655 rates, enrollment in postsecondary education, business and  
 11656 industry satisfaction, employment and earnings, awards of  
 11657 postsecondary credit and scholarships, and student achievement  
 11658 levels and learning gains on statewide assessments administered  
 11659 under s. 1008.22(3)(c). The Department of Education shall use  
 11660 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in  
 11661 identifying industry experts to participate in developing and  
 11662 implementing such assessments.

11663 Section 182. Paragraph (c) of subsection (5) of section  
 11664 1004.226, Florida Statutes, is amended to read:

11665 1004.226 The 21st Century Technology, Research, and  
 11666 Scholarship Enhancement Act.—

11667 (5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—

11668 (c) The board, in consultation with senior administrators  
 11669 of state universities, state university foundation directors,  
 11670 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 11671 ~~and Economic Development,~~ the board of directors of Enterprise  
 11672 Florida, Inc., and leading members of private industry, shall  
 11673 develop and recommend to the Board of Governors criteria for the  
 11674 21st Century World Class Scholars Program. Such criteria shall

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11675 address, at a minimum, the following:

11676 1. The presence of distinguished faculty members,  
 11677 including whether the university has a substantial history of  
 11678 external funding, along with the strong potential for attracting  
 11679 a scholar of national or international eminence.

11680 2. The presence of academically outstanding students,  
 11681 along with the promise and potential for attracting additional  
 11682 highly qualified students.

11683 3. The presence of adequate research and scholarly support  
 11684 services.

11685 4. The existence of an academic environment having  
 11686 appropriate infrastructure, including buildings, classrooms,  
 11687 libraries, laboratories, and specialized equipment, that is  
 11688 conducive to the conduct of the highest quality of scholarship  
 11689 and research.

11690 5. The demonstration of concordance with Florida's  
 11691 strategic plan for economic development or an emphasis on one or  
 11692 more emerging sciences or technologies that could favorably  
 11693 impact the state's economic future.

11694 Section 183. Paragraph (a) of subsection (4) of section  
 11695 1004.435, Florida Statutes, is amended to read:

11696 1004.435 Cancer control and research.—

11697 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;  
 11698 CREATION; COMPOSITION.—

11699 (a) There is created within the H. Lee Moffitt Cancer  
 11700 Center and Research Institute, Inc., the Florida Cancer Control  
 11701 and Research Advisory Council. The council shall consist of 34  
 11702 members, which includes the chairperson, all of whom must be

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11703 residents of this state. All members, except those appointed by  
 11704 the Speaker of the House of Representatives and the President of  
 11705 the Senate, must be appointed by the Governor. At least one of  
 11706 the members appointed by the Governor must be 60 years of age or  
 11707 older. One member must be a representative of the American  
 11708 Cancer Society; one member must be a representative of the  
 11709 Florida Tumor Registrars Association; one member must be a  
 11710 representative of the Sylvester Comprehensive Cancer Center of  
 11711 the University of Miami; one member must be a representative of  
 11712 the Department of Health; one member must be a representative of  
 11713 the University of Florida Shands Cancer Center; one member must  
 11714 be a representative of the Agency for Health Care  
 11715 Administration; one member must be a representative of the  
 11716 Florida Nurses Association; one member must be a representative  
 11717 of the Florida Osteopathic Medical Association; one member must  
 11718 be a representative of the American College of Surgeons; one  
 11719 member must be a representative of the School of Medicine of the  
 11720 University of Miami; one member must be a representative of the  
 11721 College of Medicine of the University of Florida; one member  
 11722 must be a representative of NOVA Southeastern College of  
 11723 Osteopathic Medicine; one member must be a representative of the  
 11724 College of Medicine of the University of South Florida; one  
 11725 member must be a representative of the College of Public Health  
 11726 of the University of South Florida; one member must be a  
 11727 representative of the Florida Society of Clinical Oncology; one  
 11728 member must be a representative of the Florida Obstetric and  
 11729 Gynecologic Society who has had training in the specialty of  
 11730 gynecologic oncology; one member must be a representative of the

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11731 Florida Medical Association; one member must be a member of the  
 11732 Florida Pediatric Society; one member must be a representative  
 11733 of the Florida Radiological Society; one member must be a  
 11734 representative of the Florida Society of Pathologists; one  
 11735 member must be a representative of the H. Lee Moffitt Cancer  
 11736 Center and Research Institute, Inc.; three members must be  
 11737 representatives of the general public acting as consumer  
 11738 advocates; one member must be a member of the House of  
 11739 Representatives appointed by the Speaker of the House of  
 11740 Representatives; one member must be a member of the Senate  
 11741 appointed by the President of the Senate; one member must be a  
 11742 representative of the Florida Dental Association; one member  
 11743 must be a representative of the Florida Hospital Association;  
 11744 one member must be a representative of the Association of  
 11745 Community Cancer Centers; one member shall be a representative  
 11746 from a statutory teaching hospital affiliated with a community-  
 11747 based cancer center; one member must be a representative of the  
 11748 Florida Association of Pediatric Tumor Programs, Inc.; one  
 11749 member must be a representative of the Cancer Information  
 11750 Service; one member must be a representative of the Florida  
 11751 Agricultural and Mechanical University Institute of Public  
 11752 Health; and one member must be a representative of the Florida  
 11753 Society of Oncology Social Workers. Of the members of the  
 11754 council appointed by the Governor, at least 10 must be  
 11755 individuals who are minority persons as defined by s.  
 11756 288.703~~(3)~~.

11757 Section 184. Sections 216.235, 216.236, 216.237, and  
 11758 216.238, Florida Statutes, are repealed.

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11759           Section 185.   Section 287.115, Florida Statutes, is  
 11760 repealed.

11761           Section 186.   Section 288.038, Florida Statutes, is  
 11762 repealed.

11763           Section 187.   Section 288.12295, Florida Statutes, is  
 11764 repealed.

11765           Section 188.   Section 288.386, Florida Statutes, is  
 11766 repealed.

11767           Section 189.   Section 288.7011, Florida Statutes, is  
 11768 repealed.

11769           Section 190.   Section 288.90151, Florida Statutes, is  
 11770 repealed.

11771           Section 191.   Section 288.9415, Florida Statutes, is  
 11772 repealed.

11773           Section 192.   Section 288.9618, Florida Statutes, is  
 11774 repealed.

11775           Section 193.   Section 288.982, Florida Statutes, is  
 11776 repealed.

11777           Section 194.   Section 373.461, Florida Statutes, is  
 11778 repealed.

11779           Section 195.   Section 379.2353, Florida Statutes, is  
 11780 repealed.

11781           Section 196.   Sections 409.944, 409.945, and 409.946,  
 11782 Florida Statutes, are repealed.

11783           Section 197.   Section 624.4072, Florida Statutes, is  
 11784 repealed.

11785           Section 198.   Section 625.3255, Florida Statutes, is  
 11786 repealed.

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11787            Section 199. Section 20.18, Florida Statutes, is repealed.

11788            Section 200. Transfers from the Department of Community  
 11789 Affairs.—

11790            (1) All powers, duties, functions, records, offices,  
 11791 personnel, associated administrative support positions,  
 11792 property, pending issues, and existing contracts, administrative  
 11793 authority, administrative rules, and unexpended balances of  
 11794 appropriations, allocations, and other funds relating to the  
 11795 following programs in the Department of Community Affairs are  
 11796 transferred by a type two transfer, as defined in s. 20.06(2),  
 11797 Florida Statutes, as follows:

11798            (a) The Division of Housing and Community Development is  
 11799 transferred to the Department of Economic Opportunity.

11800            (b) The Division of Community Planning is transferred to  
 11801 the Department of Economic Opportunity.

11802            (c) The Division of Emergency Management is transferred to  
 11803 the Executive Office of the Governor.

11804            (d) The Florida Building Commission is transferred to the  
 11805 Department of Business and Professional Regulation.

11806            (e) The responsibilities under the Florida Communities  
 11807 Trust, part III of chapter 380, Florida Statutes, are  
 11808 transferred to the Department of Environmental Protection.

11809            (f) The responsibilities under the Stan Mayfield Working  
 11810 Waterfronts Program authorized in s. 380.5105, Florida Statutes,  
 11811 are transferred to the Department of Environmental Protection.

11812            (g) The responsibilities of the Special District  
 11813 Information Program under chapter 189, Florida Statutes, are  
 11814 transferred to the Department of Financial Services.

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11815        (h) The responsibilities of the Community Services Block  
 11816 Grant Programs are transferred to the Department of Children and  
 11817 Family Services.

11818        (2) The following trust funds are transferred:

11819        (a) From the Department of Community Affairs to the  
 11820 Department of Economic Opportunity:

11821        1. The State Housing Trust Fund, FLAIR number 52-2-255.

11822        2. The Local Government Housing Trust Fund, FLAIR number  
 11823 52-2-250.

11824        3. The Florida Small Cities Community Development Block  
 11825 Grant Trust Fund, FLAIR number 52-2-109.

11826        4. The Federal Grants Trust Fund, FLAIR number 52-2-261.

11827        5. The Grants and Donations Trust Fund, FLAIR number 52-2-  
 11828 339.

11829        6. The Energy Consumption Trust Fund, FLAIR number 52-2-  
 11830 174.

11831        7. The Low-Income Home Energy Assistance Trust Fund, FLAIR  
 11832 number 52-2-451.

11833        (b) From the Department of Community Affairs to the  
 11834 Executive Office of the Governor:

11835        1. The Emergency Management, Preparedness, and Assistance  
 11836 Trust Fund, FLAIR number 52-2-11.

11837        2. The U.S. Contributions Trust Fund, FLAIR number 52-2-  
 11838 750.

11839        3. The Operating Trust Fund, FLAIR number 52-2-510.

11840        4. The Federal Emergency Management Programs Support Trust  
 11841 Fund, FLAIR number 52-2-525.

11842        (c) From the Department of Community Affairs to the

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11843 Department of Environmental Protection:

11844 1. The Florida Forever Program Trust Fund, FLAIR number  
11845 52-2-349.

11846 2. The Florida Communities Trust Fund, FLAIR number 52-2-  
11847 244.

11848 (d) From the Department of Community Affairs to the  
11849 Department of Children and Family Services, the Community  
11850 Services Block Grant Trust Fund, FLAIR number 52-2-118.

11851 (3) The Administrative Trust Fund, FLAIR number 52-2-021,  
11852 within the Department of Community Affairs is terminated. All  
11853 current balances remaining in the trust fund on the date of  
11854 termination pursuant to this section shall be transferred to the  
11855 Administrative Trust Fund within the Department of Economic  
11856 Opportunity.

11857 (4) Any binding contract or interagency agreement existing  
11858 on or before July 1, 2011, between the Department of Community  
11859 Affairs or the Division of Emergency Management, or an entity or  
11860 agent of the department or division, and any other agency,  
11861 entity, or person shall continue as a binding contract or  
11862 agreement for the remainder of the term of such contract or  
11863 agreement with the successor department, agency, or entity  
11864 responsible for the program, activity, or functions relative to  
11865 the contract or agreement.

11866 (5) All powers, duties, functions, records, offices,  
11867 personnel, property, pending issues, and existing contracts,  
11868 administrative authority, administrative rules, and unexpended  
11869 balances of appropriations, allocations, and other funds  
11870 relating to the Department of Community Affairs, and not



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11871 specifically delineated for transfer within this section are  
 11872 transferred by a type two transfer to the Department of Economic  
 11873 Opportunity.

11874 Section 201. Section 14.2016, Florida Statutes, is created  
 11875 to read:

11876 14.2016 Division of Emergency Management.—The Division of  
 11877 Emergency Management is established within the Executive Office  
 11878 of the Governor. The division shall be a separate budget entity,  
 11879 as provided in the General Appropriations Act, and shall prepare  
 11880 and submit a budget request in accordance with chapter 216. The  
 11881 division is responsible for all professional, technical, and  
 11882 administrative support functions necessary to carry out its  
 11883 responsibilities under part I of chapter 252. The head of the  
 11884 division is the Director of Emergency Management, who shall be  
 11885 appointed by and serve at the pleasure of the Governor. The  
 11886 division shall administer programs to apply rapidly all  
 11887 available aid to communities stricken by an emergency as defined  
 11888 in s. 252.34 and, for this purpose, shall provide liaison with  
 11889 federal agencies and other public and private agencies.

11890 Section 202. Section 163.03, Florida Statutes, is amended  
 11891 to read:

11892 163.03 Commissioner of Economic Opportunity ~~Secretary of~~  
 11893 ~~Community Affairs; powers and duties; function of Department of~~  
 11894 Economic Opportunity ~~Department of Community Affairs~~ with  
 11895 respect to federal grant-in-aid programs.—

11896 (1) The Commissioner of Economic Opportunity, or his or  
 11897 her designee, ~~Secretary of Community Affairs~~ shall:

11898 (a) Supervise and administer the activities of the

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11899 Department of Economic Opportunity ~~the department~~ and shall  
 11900 advise the Governor, the Cabinet, and the Legislature with  
 11901 respect to matters affecting community affairs and local  
 11902 government and participate in the formulation of policies which  
 11903 best use ~~utilize~~ the resources of state government for the  
 11904 benefit of local government.

11905 (b) Render services to local governments by assisting,  
 11906 upon request, in applying for and securing federal and state  
 11907 funds and by assisting the Executive Office of the Governor in  
 11908 coordinating the activities of the state with federal programs  
 11909 for assistance in and solution of urban problems.

11910 (c) Under the direction of the Governor, administer  
 11911 programs to apply rapidly all available aid to communities  
 11912 stricken by an emergency as defined in s. 252.34(3) ~~and, for~~  
 11913 ~~this purpose, provide liaison with federal agencies and other~~  
 11914 ~~public and private agencies.~~

11915 (d) When requested, administer programs which will assist  
 11916 the efforts of local governments in developing mutual and  
 11917 cooperative solutions to their common problems.

11918 (e) Conduct programs to encourage and promote the  
 11919 involvement of private enterprise in the solution of urban  
 11920 problems.

11921 (f) Conduct continuing programs of analysis and evaluation  
 11922 of local governments and recommend to the Governor programs and  
 11923 changes in the powers and organization of local government as  
 11924 may seem necessary to strengthen local governments.

11925 (g) Assist the Governor and the Cabinet in coordinating  
 11926 and making more effective the activities and services of those

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11927 departments and agencies of the state which may be of service to  
 11928 units of local government.

11929 (h) Provide consultative services and technical assistance  
 11930 to local officials in the fields of housing, redevelopment and  
 11931 renewal, local public improvement programs, planning and zoning,  
 11932 and other local programs and collect and disseminate information  
 11933 pertaining thereto, including information concerning federal,  
 11934 state, and private assistance programs and services.

11935 (i) Conduct research and studies, and prepare model  
 11936 ordinances and codes relating to the areas referred to herein.

11937 (j) Cooperate with other state agencies in the preparation  
 11938 of statewide plans relating to housing, redevelopment and  
 11939 renewal, human resources development, local planning and zoning,  
 11940 transportation and traffic, and other matters relating to the  
 11941 purposes of this section.

11942 (k) Accept funds from all sources to be used ~~utilized~~ in  
 11943 programs designed to combat juvenile crime, including the making  
 11944 of contributions to the National Youth Emergency Corps.

11945 (l) Be authorized to accept and disburse funds from all  
 11946 sources in order to carry out the following programs:

11947 1. Advisory and informational services to local  
 11948 governments.

11949 2. Community development training under Title VIII of the  
 11950 Housing Act of 1964.

11951 3. Local planning assistance under s. 701 of the Housing  
 11952 Act of 1954.

11953 4. Statewide planning assistance under s. 701 of the  
 11954 Housing Act of 1954.

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11955 5. Model cities technical assistance under s. 701 of the  
 11956 Housing Act of 1954.

11957 (m) Perform such other functions, duties, or  
 11958 responsibilities as may be hereafter assigned to him or her by  
 11959 law.

11960 (2) It is the intent of this section, with respect to  
 11961 federal grant-in-aid programs, that the Department of Economic  
 11962 Opportunity ~~the department~~ serve as the agency for disseminating  
 11963 information to local governments regarding the availability of  
 11964 federal grant-in-aid assistance to local governments in their  
 11965 efforts to secure federal grant-in-aid assistance, but only upon  
 11966 the request of such local governments, and for assisting local  
 11967 governments in maintaining liaison and communications with  
 11968 federal agencies concerning federal grant-in-aid programs.  
 11969 Nothing contained herein shall be construed to require consent,  
 11970 approval, or authorization from the Department of Economic  
 11971 Opportunity ~~the department~~ as a condition to any application for  
 11972 or acceptance of grants-in-aid from the United States  
 11973 Government.

11974 (3) The Department of Economic Opportunity ~~The department~~  
 11975 is authorized to adopt rules implementing the following grant  
 11976 programs, which rules shall be consistent with the laws,  
 11977 regulations, or guidelines governing the grant to the Department  
 11978 of Economic Opportunity ~~the department~~:

11979 ~~(a) Criminal justice grant programs administered by the~~  
 11980 ~~Bureau of Criminal Justice Assistance.~~

11981 ~~(b) Grants under the federal Outer Continental Shelf~~  
 11982 ~~Program administered by the Bureau of Land and Water Management.~~

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11983        (a)~~(e)~~ Federal housing assistance programs.  
 11984        ~~(d) Community Services Block Grant programs.~~  
 11985        ~~(c) Federal weatherization grant programs.~~  
 11986        (b)~~(f)~~ The ~~Jobs Impact Program of the~~ federal Community  
 11987        Development Block Grant.

11988                Section 203. Section 163.3191, Florida Statutes, is  
 11989        reenacted and amended to read:

11990                163.3191 Evaluation and appraisal of comprehensive plan.—

11991                (1) The planning program shall be a continuous and ongoing  
 11992        process. Each local government shall adopt an evaluation and  
 11993        appraisal report once every 7 years assessing the progress in  
 11994        implementing the local government's comprehensive plan.

11995        Furthermore, it is the intent of this section that:

11996                (a) Adopted comprehensive plans be reviewed through such  
 11997        evaluation process to respond to changes in state, regional, and  
 11998        local policies on planning and growth management and changing  
 11999        conditions and trends, to ensure effective intergovernmental  
 12000        coordination, and to identify major issues regarding the  
 12001        community's achievement of its goals.

12002                (b) After completion of the initial evaluation and  
 12003        appraisal report and any supporting plan amendments, each  
 12004        subsequent evaluation and appraisal report must evaluate the  
 12005        comprehensive plan in effect at the time of the initiation of  
 12006        the evaluation and appraisal report process.

12007                (c) Local governments identify the major issues, if  
 12008        applicable, with input from state agencies, regional agencies,  
 12009        adjacent local governments, and the public in the evaluation and  
 12010        appraisal report process. It is also the intent of this section

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12011 to establish minimum requirements for information to ensure  
12012 predictability, certainty, and integrity in the growth  
12013 management process. The report is intended to serve as a summary  
12014 audit of the actions that a local government has undertaken and  
12015 identify changes that it may need to make. The report should be  
12016 based on the local government's analysis of major issues to  
12017 further the community's goals consistent with statewide minimum  
12018 standards. The report is not intended to require a comprehensive  
12019 rewrite of the elements within the local plan, unless a local  
12020 government chooses to do so.

12021 (2) The report shall present an evaluation and assessment  
12022 of the comprehensive plan and shall contain appropriate  
12023 statements to update the comprehensive plan, including, but not  
12024 limited to, words, maps, illustrations, or other media, related  
12025 to:

12026 (a) Population growth and changes in land area, including  
12027 annexation, since the adoption of the original plan or the most  
12028 recent update amendments.

12029 (b) The extent of vacant and developable land.

12030 (c) The financial feasibility of implementing the  
12031 comprehensive plan and of providing needed infrastructure to  
12032 achieve and maintain adopted level-of-service standards and  
12033 sustain concurrency management systems through the capital  
12034 improvements element, as well as the ability to address  
12035 infrastructure backlogs and meet the demands of growth on public  
12036 services and facilities.

12037 (d) The location of existing development in relation to  
12038 the location of development as anticipated in the original plan,

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12039 or in the plan as amended by the most recent evaluation and  
 12040 appraisal report update amendments, such as within areas  
 12041 designated for urban growth.

12042 (e) An identification of the major issues for the  
 12043 jurisdiction and, where pertinent, the potential social,  
 12044 economic, and environmental impacts.

12045 (f) Relevant changes to the state comprehensive plan, the  
 12046 requirements of this part, the minimum criteria contained in  
 12047 chapter 9J-5, Florida Administrative Code, and the appropriate  
 12048 strategic regional policy plan since the adoption of the  
 12049 original plan or the most recent evaluation and appraisal report  
 12050 update amendments.

12051 (g) An assessment of whether the plan objectives within  
 12052 each element, as they relate to major issues, have been  
 12053 achieved. The report shall include, as appropriate, an  
 12054 identification as to whether unforeseen or unanticipated changes  
 12055 in circumstances have resulted in problems or opportunities with  
 12056 respect to major issues identified in each element and the  
 12057 social, economic, and environmental impacts of the issue.

12058 (h) A brief assessment of successes and shortcomings  
 12059 related to each element of the plan.

12060 (i) The identification of any actions or corrective  
 12061 measures, including whether plan amendments are anticipated to  
 12062 address the major issues identified and analyzed in the report.  
 12063 Such identification shall include, as appropriate, new  
 12064 population projections, new revised planning timeframes, a  
 12065 revised future conditions map or map series, an updated capital  
 12066 improvements element, and any new and revised goals, objectives,

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12067 and policies for major issues identified within each element.  
 12068 This paragraph shall not require the submittal of the plan  
 12069 amendments with the evaluation and appraisal report.

12070 (j) A summary of the public participation program and  
 12071 activities undertaken by the local government in preparing the  
 12072 report.

12073 (k) The coordination of the comprehensive plan with  
 12074 existing public schools and those identified in the applicable  
 12075 educational facilities plan adopted pursuant to s. 1013.35. The  
 12076 assessment shall address, where relevant, the success or failure  
 12077 of the coordination of the future land use map and associated  
 12078 planned residential development with public schools and their  
 12079 capacities, as well as the joint decisionmaking processes  
 12080 engaged in by the local government and the school board in  
 12081 regard to establishing appropriate population projections and  
 12082 the planning and siting of public school facilities. For those  
 12083 counties or municipalities that do not have a public schools  
 12084 interlocal agreement or public school facilities element, the  
 12085 assessment shall determine whether the local government  
 12086 continues to meet the criteria of s. 163.3177(12). If the county  
 12087 or municipality determines that it no longer meets the criteria,  
 12088 it must adopt appropriate school concurrency goals, objectives,  
 12089 and policies in its plan amendments pursuant to the requirements  
 12090 of the public school facilities element, and enter into the  
 12091 existing interlocal agreement required by ss. 163.3177(6)(h)2.  
 12092 and 163.31777 in order to fully participate in the school  
 12093 concurrency system.

12094 (l) The extent to which the local government has been



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12095 | successful in identifying alternative water supply projects and  
 12096 | traditional water supply projects, including conservation and  
 12097 | reuse, necessary to meet the water needs identified in s.  
 12098 | 373.709(2)(a) within the local government's jurisdiction. The  
 12099 | report must evaluate the degree to which the local government  
 12100 | has implemented the work plan for building public, private, and  
 12101 | regional water supply facilities, including development of  
 12102 | alternative water supplies, identified in the element as  
 12103 | necessary to serve existing and new development.

12104 | (m) If any of the jurisdiction of the local government is  
 12105 | located within the coastal high-hazard area, an evaluation of  
 12106 | whether any past reduction in land use density impairs the  
 12107 | property rights of current residents when redevelopment occurs,  
 12108 | including, but not limited to, redevelopment following a natural  
 12109 | disaster. The property rights of current residents shall be  
 12110 | balanced with public safety considerations. The local government  
 12111 | must identify strategies to address redevelopment feasibility  
 12112 | and the property rights of affected residents. These strategies  
 12113 | may include the authorization of redevelopment up to the actual  
 12114 | built density in existence on the property prior to the natural  
 12115 | disaster or redevelopment.

12116 | (n) An assessment of whether the criteria adopted pursuant  
 12117 | to s. 163.3177(6)(a) were successful in achieving compatibility  
 12118 | with military installations.

12119 | (o) The extent to which a concurrency exception area  
 12120 | designated pursuant to s. 163.3180(5), a concurrency management  
 12121 | area designated pursuant to s. 163.3180(7), or a multimodal  
 12122 | transportation district designated pursuant to s. 163.3180(15)

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12123 has achieved the purpose for which it was created and otherwise  
12124 complies with the provisions of s. 163.3180.

12125 (p) An assessment of the extent to which changes are  
12126 needed to develop a common methodology for measuring impacts on  
12127 transportation facilities for the purpose of implementing its  
12128 concurrency management system in coordination with the  
12129 municipalities and counties, as appropriate pursuant to s.  
12130 163.3180(10).

12131 (3) Voluntary scoping meetings may be conducted by each  
12132 local government or several local governments within the same  
12133 county that agree to meet together. Joint meetings among all  
12134 local governments in a county are encouraged. All scoping  
12135 meetings shall be completed at least 1 year prior to the  
12136 established adoption date of the report. The purpose of the  
12137 meetings shall be to distribute data and resources available to  
12138 assist in the preparation of the report, to provide input on  
12139 major issues in each community that should be addressed in the  
12140 report, and to advise on the extent of the effort for the  
12141 components of subsection (2). If scoping meetings are held, the  
12142 local government shall invite each state and regional reviewing  
12143 agency, as well as adjacent and other affected local  
12144 governments. A preliminary list of new data and major issues  
12145 that have emerged since the adoption of the original plan, or  
12146 the most recent evaluation and appraisal report-based update  
12147 amendments, should be developed by state and regional entities  
12148 and involved local governments for distribution at the scoping  
12149 meeting. For purposes of this subsection, a "scoping meeting" is  
12150 a meeting conducted to determine the scope of review of the

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12151 evaluation and appraisal report by parties to which the report  
12152 relates.

12153 (4) The local planning agency shall prepare the evaluation  
12154 and appraisal report and shall make recommendations to the  
12155 governing body regarding adoption of the proposed report. The  
12156 local planning agency shall prepare the report in conformity  
12157 with its public participation procedures adopted as required by  
12158 s. 163.3181. During the preparation of the proposed report and  
12159 prior to making any recommendation to the governing body, the  
12160 local planning agency shall hold at least one public hearing,  
12161 with public notice, on the proposed report. At a minimum, the  
12162 format and content of the proposed report shall include a table  
12163 of contents; numbered pages; element headings; section headings  
12164 within elements; a list of included tables, maps, and figures; a  
12165 title and sources for all included tables; a preparation date;  
12166 and the name of the preparer. Where applicable, maps shall  
12167 include major natural and artificial geographic features; city,  
12168 county, and state lines; and a legend indicating a north arrow,  
12169 map scale, and the date.

12170 (5) Ninety days prior to the scheduled adoption date, the  
12171 local government may provide a proposed evaluation and appraisal  
12172 report to the state land planning agency and distribute copies  
12173 to state and regional commenting agencies as prescribed by rule,  
12174 adjacent jurisdictions, and interested citizens for review. All  
12175 review comments, including comments by the state land planning  
12176 agency, shall be transmitted to the local government and state  
12177 land planning agency within 30 days after receipt of the  
12178 proposed report.

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12179           (6) The governing body, after considering the review  
 12180 comments and recommended changes, if any, shall adopt the  
 12181 evaluation and appraisal report by resolution or ordinance at a  
 12182 public hearing with public notice. The governing body shall  
 12183 adopt the report in conformity with its public participation  
 12184 procedures adopted as required by s. 163.3181. The local  
 12185 government shall submit to the state land planning agency three  
 12186 copies of the report, a transmittal letter indicating the dates  
 12187 of public hearings, and a copy of the adoption resolution or  
 12188 ordinance. The local government shall provide a copy of the  
 12189 report to the reviewing agencies which provided comments for the  
 12190 proposed report, or to all the reviewing agencies if a proposed  
 12191 report was not provided pursuant to subsection (5), including  
 12192 the adjacent local governments. Within 60 days after receipt,  
 12193 the state land planning agency shall review the adopted report  
 12194 and make a preliminary sufficiency determination that shall be  
 12195 forwarded by the agency to the local government for its  
 12196 consideration. The state land planning agency shall issue a  
 12197 final sufficiency determination within 90 days after receipt of  
 12198 the adopted evaluation and appraisal report.

12199           (7) The intent of the evaluation and appraisal process is  
 12200 the preparation of a plan update that clearly and concisely  
 12201 achieves the purpose of this section. Toward this end, the  
 12202 sufficiency review of the state land planning agency shall  
 12203 concentrate on whether the evaluation and appraisal report  
 12204 sufficiently fulfills the components of subsection (2). If the  
 12205 state land planning agency determines that the report is  
 12206 insufficient, the governing body shall adopt a revision of the

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12207 | report and submit the revised report for review pursuant to  
 12208 | subsection (6).

12209 |       (8) The state land planning agency may delegate the review  
 12210 | of evaluation and appraisal reports, including all state land  
 12211 | planning agency duties under subsections (4)-(7), to the  
 12212 | appropriate regional planning council. When the review has been  
 12213 | delegated to a regional planning council, any local government  
 12214 | in the region may elect to have its report reviewed by the  
 12215 | regional planning council rather than the state land planning  
 12216 | agency. The state land planning agency shall by agreement  
 12217 | provide for uniform and adequate review of reports and shall  
 12218 | retain oversight for any delegation of review to a regional  
 12219 | planning council.

12220 |       (9) The state land planning agency may establish a phased  
 12221 | schedule for adoption of reports. The schedule shall provide  
 12222 | each local government at least 7 years from plan adoption or  
 12223 | last established adoption date for a report and shall allot  
 12224 | approximately one-seventh of the reports to any 1 year. In order  
 12225 | to allow the municipalities to use data and analyses gathered by  
 12226 | the counties, the state land planning agency shall schedule  
 12227 | municipal report adoption dates between 1 year and 18 months  
 12228 | later than the report adoption date for the county in which  
 12229 | those municipalities are located. A local government may adopt  
 12230 | its report no earlier than 90 days prior to the established  
 12231 | adoption date. Small municipalities which were scheduled by  
 12232 | chapter 9J-33, Florida Administrative Code, to adopt their  
 12233 | evaluation and appraisal report after February 2, 1999, shall be  
 12234 | rescheduled to adopt their report together with the other

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12235 municipalities in their county as provided in this subsection.  
 12236 (10) The governing body shall amend its comprehensive plan  
 12237 based on the recommendations in the report and shall update the  
 12238 comprehensive plan based on the components of subsection (2),  
 12239 pursuant to the provisions of ss. 163.3184, 163.3187, and  
 12240 163.3189. Amendments to update a comprehensive plan based on the  
 12241 evaluation and appraisal report shall be adopted during a single  
 12242 amendment cycle within 18 months after the report is determined  
 12243 to be sufficient by the state land planning agency, except the  
 12244 state land planning agency may grant an extension for adoption  
 12245 of a portion of such amendments. The state land planning agency  
 12246 may grant a 6-month extension for the adoption of such  
 12247 amendments if the request is justified by good and sufficient  
 12248 cause as determined by the agency. An additional extension may  
 12249 also be granted if the request will result in greater  
 12250 coordination between transportation and land use, for the  
 12251 purposes of improving Florida's transportation system, as  
 12252 determined by the agency in coordination with the Metropolitan  
 12253 Planning Organization program. Beginning July 1, 2006, failure  
 12254 to timely adopt and transmit update amendments to the  
 12255 comprehensive plan based on the evaluation and appraisal report  
 12256 shall result in a local government being prohibited from  
 12257 adopting amendments to the comprehensive plan until the  
 12258 evaluation and appraisal report update amendments have been  
 12259 adopted and transmitted to the state land planning agency. The  
 12260 prohibition on plan amendments shall commence when the update  
 12261 amendments to the comprehensive plan are past due. The  
 12262 comprehensive plan as amended shall be in compliance as defined

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12263 | in s. 163.3184(1)(b). Within 6 months after the effective date  
 12264 | of the update amendments to the comprehensive plan, the local  
 12265 | government shall provide to the state land planning agency and  
 12266 | to all agencies designated by rule a complete copy of the  
 12267 | updated comprehensive plan.

12268 |         (11) The Administration Commission may impose the  
 12269 | sanctions provided by s. 163.3184(11) against any local  
 12270 | government that fails to adopt and submit a report, or that  
 12271 | fails to implement its report through timely and sufficient  
 12272 | amendments to its local plan, except for reasons of excusable  
 12273 | delay or valid planning reasons agreed to by the state land  
 12274 | planning agency or found present by the Administration  
 12275 | Commission. Sanctions for untimely or insufficient plan  
 12276 | amendments shall be prospective only and shall begin after a  
 12277 | final order has been issued by the Administration Commission and  
 12278 | a reasonable period of time has been allowed for the local  
 12279 | government to comply with an adverse determination by the  
 12280 | Administration Commission through adoption of plan amendments  
 12281 | that are in compliance. The state land planning agency may  
 12282 | initiate, and an affected person may intervene in, such a  
 12283 | proceeding by filing a petition with the Division of  
 12284 | Administrative Hearings, which shall appoint an administrative  
 12285 | law judge and conduct a hearing pursuant to ss. 120.569 and  
 12286 | 120.57(1) and shall submit a recommended order to the  
 12287 | Administration Commission. The affected local government shall  
 12288 | be a party to any such proceeding. The commission may implement  
 12289 | this subsection by rule.

12290 |         (12) The state land planning agency shall not adopt rules

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12291 to implement this section, other than procedural rules.

12292 (13) The state land planning agency shall regularly review  
 12293 the evaluation and appraisal report process and submit a report  
 12294 to the Governor, the Administration Commission, the Speaker of  
 12295 the House of Representatives, the President of the Senate, and  
 12296 the respective community affairs committees of the Senate and  
 12297 the House of Representatives. The first report shall be  
 12298 submitted by December 31, 2004, and subsequent reports shall be  
 12299 submitted every 5 years thereafter. At least 9 months before the  
 12300 due date of each report, the Commissioner of Economic  
 12301 Opportunity ~~Secretary of Community Affairs~~ shall appoint a  
 12302 technical committee of at least 15 members to assist in the  
 12303 preparation of the report. The membership of the technical  
 12304 committee shall consist of representatives of local governments,  
 12305 regional planning councils, the private sector, and  
 12306 environmental organizations. The report shall assess the  
 12307 effectiveness of the evaluation and appraisal report process.

12308 (14) The requirement of subsection (10) prohibiting a  
 12309 local government from adopting amendments to the local  
 12310 comprehensive plan until the evaluation and appraisal report  
 12311 update amendments have been adopted and transmitted to the state  
 12312 land planning agency does not apply to a plan amendment proposed  
 12313 for adoption by the appropriate local government as defined in  
 12314 s. 163.3178(2)(k) in order to integrate a port comprehensive  
 12315 master plan with the coastal management element of the local  
 12316 comprehensive plan as required by s. 163.3178(2)(k) if the port  
 12317 comprehensive master plan or the proposed plan amendment does  
 12318 not cause or contribute to the failure of the local government



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12319 to comply with the requirements of the evaluation and appraisal  
 12320 report.

12321 Section 204. Section 215.559, Florida Statutes, is amended  
 12322 to read:

12323 215.559 Hurricane Loss Mitigation Program.—

12324 ~~(1) There is created~~ A Hurricane Loss Mitigation Program  
 12325 is established within the Division of Emergency Management.

12326 (1) The Legislature shall annually appropriate \$10 million  
 12327 of the moneys authorized for appropriation under s.

12328 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the  
 12329 division ~~Department of Community Affairs~~ for the purposes set  
 12330 forth in this section. Of the amount:

12331 ~~(2)(a)~~ Seven million dollars ~~in funds provided in~~  
 12332 ~~subsection (1)~~ shall be used for programs to improve the wind  
 12333 resistance of residences and mobile homes, including loans,  
 12334 subsidies, grants, demonstration projects, and direct  
 12335 assistance; educating persons concerning the Florida Building  
 12336 Code cooperative programs with local governments and the Federal  
 12337 Government; and other efforts to prevent or reduce losses or  
 12338 reduce the cost of rebuilding after a disaster.

12339 (b) Three million dollars ~~in funds provided in subsection~~  
 12340 ~~(1)~~ shall be used to retrofit existing facilities used as public  
 12341 hurricane shelters. Each year the division shall ~~department must~~  
 12342 prioritize the use of these funds for projects included in the  
 12343 annual report of the September 1, 2000, version of the Shelter  
 12344 Retrofit Report prepared in accordance with s. 252.385(3), ~~and~~  
 12345 ~~each annual report thereafter.~~ The division ~~department~~ must give  
 12346 funding priority to projects in regional planning council

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12347 regions that have shelter deficits and to projects that maximize  
 12348 the use of state funds.

12349 ~~(2)(3)~~(a) Forty percent of the total appropriation in  
 12350 paragraph (1)(a) ~~(2)(a)~~ shall be used to inspect and improve  
 12351 tie-downs for mobile homes.

12352 (b)1. ~~There is created~~ The Manufactured Housing and Mobile  
 12353 Home Mitigation and Enhancement Program is established. The  
 12354 program shall require the mitigation of damage to or the  
 12355 enhancement of homes for the areas of concern raised by the  
 12356 Department of Highway Safety and Motor Vehicles in the 2004-2005  
 12357 Hurricane Reports on the effects of the 2004 and 2005 hurricanes  
 12358 on manufactured and mobile homes in this state. The mitigation  
 12359 or enhancement must include, but need not be limited to,  
 12360 problems associated with weakened trusses, studs, and other  
 12361 structural components caused by wood rot or termite damage;  
 12362 site-built additions; or tie-down systems and may also address  
 12363 any other issues deemed appropriate by Tallahassee Community  
 12364 College, the Federation of Manufactured Home Owners of Florida,  
 12365 Inc., the Florida Manufactured Housing Association, and the  
 12366 Department of Highway Safety and Motor Vehicles. The program  
 12367 shall include an education and outreach component to ensure that  
 12368 owners of manufactured and mobile homes are aware of the  
 12369 benefits of participation.

12370 2. The program shall be a grant program that ensures that  
 12371 entire manufactured home communities and mobile home parks may  
 12372 be improved wherever practicable. The moneys appropriated for  
 12373 this program shall be distributed directly to Tallahassee  
 12374 Community College for the uses set forth under this subsection.

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12375           3. Upon evidence of completion of the program, the  
 12376 Citizens Property Insurance Corporation shall grant, on a pro  
 12377 rata basis, actuarially reasonable discounts, credits, or other  
 12378 rate differentials or appropriate reductions in deductibles for  
 12379 the properties of owners of manufactured homes or mobile homes  
 12380 on which fixtures or construction techniques that have been  
 12381 demonstrated to reduce the amount of loss in a windstorm have  
 12382 been installed or implemented. The discount on the premium must  
 12383 be applied to subsequent renewal premium amounts. Premiums of  
 12384 the Citizens Property Insurance Corporation must reflect the  
 12385 location of the home and the fact that the home has been  
 12386 installed in compliance with building codes adopted after  
 12387 Hurricane Andrew. Rates resulting from the completion of the  
 12388 Manufactured Housing and Mobile Home Mitigation and Enhancement  
 12389 Program are not considered competitive rates for the purposes of  
 12390 s. 627.351(6)(d)1. and 2.

12391           4. On or before January 1 of each year, Tallahassee  
 12392 Community College shall provide a report of activities under  
 12393 this subsection to the Governor, the President of the Senate,  
 12394 and the Speaker of the House of Representatives. The report must  
 12395 set forth the number of homes that have taken advantage of the  
 12396 program, the types of enhancements and improvements made to the  
 12397 manufactured or mobile homes and attachments to such homes, and  
 12398 whether there has been an increase in availability of insurance  
 12399 products to owners of manufactured or mobile homes.

12400  
 12401 Tallahassee Community College shall develop the programs ~~set~~  
 12402 ~~forth~~ in this subsection in consultation with the Federation of

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12403 Manufactured Home Owners of Florida, Inc., the Florida  
 12404 Manufactured Housing Association, and the Department of Highway  
 12405 Safety and Motor Vehicles. The moneys appropriated for the  
 12406 programs ~~set forth~~ in this subsection shall be distributed  
 12407 directly to Tallahassee Community College to be used as set  
 12408 forth in this subsection.

12409 (3)~~(4)~~ Of moneys provided to the division ~~Department of~~  
 12410 ~~Community Affairs~~ in paragraph (1) (a) ~~(2) (a)~~, 10 percent shall  
 12411 be allocated to the Florida International University center  
 12412 dedicated to hurricane research. The center shall develop a  
 12413 preliminary work plan approved by the advisory council set forth  
 12414 in subsection (4) ~~(5)~~ to eliminate the state and local barriers  
 12415 to upgrading existing mobile homes and communities, research and  
 12416 develop a program for the recycling of existing older mobile  
 12417 homes, and support programs of research and development relating  
 12418 to hurricane loss reduction devices and techniques for site-  
 12419 built residences. The State University System also shall consult  
 12420 with ~~the Department of Community Affairs~~ and assist the division  
 12421 ~~department~~ with the report required under subsection (6) ~~(7)~~.

12422 (4)~~(5)~~ Except for the programs ~~set forth~~ in subsection (3)  
 12423 ~~(4)~~, the division ~~Department of Community Affairs~~ shall develop  
 12424 the programs ~~set forth~~ in this section in consultation with an  
 12425 advisory council consisting of a representative designated by  
 12426 the Chief Financial Officer, a representative designated by the  
 12427 Florida Home Builders Association, a representative designated  
 12428 by the Florida Insurance Council, a representative designated by  
 12429 the Federation of Manufactured Home Owners, a representative  
 12430 designated by the Florida Association of Counties, ~~and~~ a

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12431 representative designated by the Florida Manufactured Housing  
 12432 Association, and a representative designated by the Florida  
 12433 Building Commission.

12434 (5) ~~(6)~~ Moneys provided to the division ~~Department of~~  
 12435 ~~Community Affairs~~ under this section are intended to supplement,  
 12436 not supplant, the division's other funding sources of the  
 12437 ~~Department of Community Affairs and may not supplant other~~  
 12438 ~~funding sources of the Department of Community Affairs.~~

12439 (6) ~~(7)~~ On January 1st of each year, the division  
 12440 ~~Department of Community Affairs~~ shall provide a full report and  
 12441 accounting of activities under this section and an evaluation of  
 12442 such activities to the Speaker of the House of Representatives,  
 12443 the President of the Senate, and the Majority and Minority  
 12444 Leaders of the House of Representatives and the Senate. Upon  
 12445 completion of the report, the division ~~Department of Community~~  
 12446 ~~Affairs~~ shall deliver the report to the Office of Insurance  
 12447 Regulation. The Office of Insurance Regulation shall review the  
 12448 report and shall make such recommendations available to the  
 12449 insurance industry as the Office of Insurance Regulation deems  
 12450 appropriate. These recommendations may be used by insurers for  
 12451 potential discounts or rebates pursuant to s. 627.0629. The  
 12452 Office of Insurance Regulation shall make such ~~the~~  
 12453 recommendations within 1 year after receiving the report.

12454 ~~(8) (a) Notwithstanding any other provision of this section~~  
 12455 ~~and for the 2010-2011 fiscal year only, the \$3 million~~  
 12456 ~~appropriation provided for in paragraph (2) (b) may be used for~~  
 12457 ~~hurricane shelters as identified in the General Appropriations~~  
 12458 ~~Act.~~

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12459 ~~(b) This subsection expires June 30, 2011.~~  
 12460 (7)~~(9)~~ This section is repealed June 30, 2021 ~~2011~~.  
 12461 Section 205. Subsection (4) of section 290.044, Florida  
 12462 Statutes, is amended to read:  
 12463 290.044 Florida Small Cities Community Development Block  
 12464 Grant Program Fund; administration; distribution.—  
 12465 (4) The department may set aside an amount of up to 5  
 12466 percent of the funds annually for use in any eligible local  
 12467 government jurisdiction for which an emergency or natural  
 12468 disaster has been declared by executive order. Such funds may  
 12469 only be provided to a local government to fund eligible  
 12470 emergency-related activities for which no other source of  
 12471 federal, state, or local disaster funds is available. The  
 12472 department may provide for such set-aside by rule. In the last  
 12473 quarter of the state fiscal year, any funds not allocated under  
 12474 the emergency-related set-aside ~~shall be used to fully fund any~~  
 12475 ~~applications which were partially funded due to inadequate funds~~  
 12476 ~~in the most recently completed neighborhood revitalization~~  
 12477 ~~category funding cycle, and then any remaining funds shall be~~  
 12478 distributed to ~~the next~~ unfunded applications from the most  
 12479 recent funding cycle.  
 12480 Section 206. Subsection (2) of section 290.047, Florida  
 12481 Statutes, is amended to read:  
 12482 290.047 Establishment of grant ceilings and maximum  
 12483 administrative cost percentages; elimination of population bias;  
 12484 loans in default.—  
 12485 (2) The department shall establish grant ceilings for each  
 12486 program category by rule. ~~These ceilings shall bear some~~

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12487 ~~relationship to an applicant's total population or its~~  
 12488 ~~population living below the federal poverty level. Population~~  
 12489 ~~ranges may be used in establishing these ceilings. In no case,~~  
 12490 ~~however, may a grant ceiling be set above \$750,000 or below~~  
 12491 ~~\$300,000.~~

12492 Section 207. Paragraph (b) of subsection (5) of section  
 12493 11.40, Florida Statutes, is amended to read:

12494 11.40 Legislative Auditing Committee.—

12495 (5) Following notification by the Auditor General, the  
 12496 Department of Financial Services, or the Division of Bond  
 12497 Finance of the State Board of Administration of the failure of a  
 12498 local governmental entity, district school board, charter  
 12499 school, or charter technical career center to comply with the  
 12500 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or  
 12501 s. 218.38, the Legislative Auditing Committee may schedule a  
 12502 hearing. If a hearing is scheduled, the committee shall  
 12503 determine if the entity should be subject to further state  
 12504 action. If the committee determines that the entity should be  
 12505 subject to further state action, the committee shall:

12506 (b) In the case of a special district, notify the  
 12507 Department of Financial Services ~~Community Affairs~~ that the  
 12508 special district has failed to comply with the law. Upon receipt  
 12509 of notification, the Department of Financial Services ~~Community~~  
 12510 ~~Affairs~~ shall proceed pursuant to the provisions specified in s.  
 12511 189.421.

12512 Section 208. Paragraph (c) of subsection (7) of section  
 12513 11.45, Florida Statutes, is amended to read:

12514 11.45 Definitions; duties; authorities; reports; rules.—

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12515 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—  
 12516 (c) The Auditor General shall provide annually a list of  
 12517 those special districts which are not in compliance with s.  
 12518 218.39 to the Special District Information Program of the  
 12519 Department of Financial Services ~~Community Affairs~~.

12520 Section 209. Subsection (2) of section 11.905, Florida  
 12521 Statutes, is amended to read:

12522 11.905 Schedule for reviewing state agencies and advisory  
 12523 committees.—The following state agencies, including their  
 12524 advisory committees, or the following advisory committees of  
 12525 agencies shall be reviewed according to the following schedule:

- 12526 (2) Reviewed by July 1, 2010:
- 12527 (a) Department of Children and Family Services.
- 12528 ~~(b) Department of Community Affairs.~~
- 12529 (b)(e) Department of Management Services.
- 12530 (c)(d) Department of State.

12531  
 12532 Upon completion of this cycle, each agency shall again be  
 12533 subject to sunset review 10 years after its initial review.

12534 Section 210. Paragraph (c) of subsection (3) of section  
 12535 17.61, Florida Statutes, is amended to read:

12536 17.61 Chief Financial Officer; powers and duties in the  
 12537 investment of certain funds.—

- 12538 (3)
- 12539 (c) Except as provided in this paragraph and except for  
 12540 moneys described in paragraph (d), the following agencies may  
 12541 not invest trust fund moneys as provided in this section, but  
 12542 shall retain such moneys in their respective trust funds for



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12543 investment, with interest appropriated to the General Revenue  
 12544 Fund, pursuant to s. 17.57:

12545 1. The Agency for Health Care Administration, except for  
 12546 the Tobacco Settlement Trust Fund.

12547 2. The Agency for Persons with Disabilities, except for:

12548 a. The Federal Grants Trust Fund.  
 12549 b. The Tobacco Settlement Trust Fund.

12550 3. The Department of Children and Family Services, except  
 12551 for:

12552 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.  
 12553 b. The Social Services Block Grant Trust Fund.  
 12554 c. The Tobacco Settlement Trust Fund.  
 12555 d. The Working Capital Trust Fund.

12556 ~~4. The Department of Community Affairs, only for the~~  
 12557 ~~Operating Trust Fund.~~

12558 4.5. The Department of Corrections.

12559 ~~5.6.~~ The Department of Elderly Affairs, except for:

12560 a. The Federal Grants Trust Fund.  
 12561 b. The Tobacco Settlement Trust Fund.

12562 ~~6.7.~~ The Department of Health, except for:

12563 a. The Federal Grants Trust Fund.  
 12564 b. The Grants and Donations Trust Fund.  
 12565 c. The Maternal and Child Health Block Grant Trust Fund.  
 12566 d. The Tobacco Settlement Trust Fund.

12567 ~~7.8.~~ The Department of Highway Safety and Motor Vehicles,  
 12568 only for the Security Deposits Trust Fund.

12569 ~~8.9.~~ The Department of Juvenile Justice.

12570 ~~9.10.~~ The Department of Law Enforcement.

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12571        ~~10.11.~~ The Department of Legal Affairs.  
 12572        ~~11.12.~~ The Department of State, only for:  
 12573        a. The Grants and Donations Trust Fund.  
 12574        b. The Records Management Trust Fund.  
 12575        ~~12.13.~~ The Executive Office of the Governor, only for:  
 12576        a. The Economic Development Transportation Trust Fund.  
 12577        b. The Economic Development Trust Fund.  
 12578        ~~13.14.~~ The Florida Public Service Commission, only for the  
 12579 Florida Public Service Regulatory Trust Fund.  
 12580        ~~14.15.~~ The Justice Administrative Commission.  
 12581        ~~15.16.~~ The state courts system.  
 12582        Section 211. Subsection (1) of section 20.181, Florida  
 12583 Statutes, is amended to read:  
 12584        20.181 Federal Grants Trust Fund.—  
 12585        (1) The Federal Grants Trust Fund is created within the  
 12586 Department of Economic Opportunity ~~Community Affairs~~.  
 12587        Section 212. Section 68.096, Florida Statutes, is amended  
 12588 to read:  
 12589        68.096 Definitions.—For purposes of ss. 68.094-68.105 ~~this~~  
 12590 ~~act~~:  
 12591        (1) "Department" means the Department of Economic  
 12592 Opportunity ~~Community Affairs~~.  
 12593        (2) "Eligible client" means a person whose income is equal  
 12594 to or below 150 percent of the then-current federal poverty  
 12595 guidelines prescribed for the size of the household of the  
 12596 person seeking assistance by the United States Department of  
 12597 Health and Human Services or disabled veterans who are in  
 12598 receipt of, or eligible to receive, Veterans Administration

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12599 pension benefits or supplemental security income.

12600 (3) "Legal assistance" means the provision of civil legal  
 12601 services consistent with the rules regulating The Florida Bar,  
 12602 subject to the limitations in s. 68.098.

12603 (4) "Not-for-profit legal aid organization" means a not-  
 12604 for-profit organization operated in this state that provides as  
 12605 its primary purpose civil legal services without charge to  
 12606 eligible clients.

12607 Section 213. Section 68.105, Florida Statutes, is amended  
 12608 to read:

12609 68.105 Use of funds; reports.—All appropriations made for  
 12610 the purposes of ss. 68.094-68.105 ~~this act~~ shall only be used  
 12611 for legal education or assistance in family law, juvenile law,  
 12612 entitlement to federal benefits, protection from domestic  
 12613 violence, elder abuse, child abuse, or immigration law. These  
 12614 funds shall not be used in criminal or postconviction relief  
 12615 matters, for lobbying activities, to sue the state, its agencies  
 12616 or political subdivisions, or colleges or universities, for  
 12617 class action lawsuits, to provide legal assistance with respect  
 12618 to noncriminal infractions pursuant to chapter 316, chapter 318,  
 12619 chapter 320, or chapter 322, to contest regulatory decisions of  
 12620 any municipal, county, or state administrative or legislative  
 12621 body, or to file or assist in the filing of private causes of  
 12622 action under federal or state statutes relating to or arising  
 12623 out of employment or terms or conditions of employment. The  
 12624 contracting organization shall require pilot projects to provide  
 12625 data on the number of clients served, the types of cases, the  
 12626 reasons the cases were closed, and the state dollars saved and

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12627 federal dollars brought into the state because of the legal  
 12628 services provided. The contracting organization shall provide to  
 12629 the department ~~of Community Affairs~~, within 60 days of the  
 12630 completion of the contract, a report on the legal services  
 12631 provided, the state dollars saved, and the federal dollars  
 12632 brought into the state.

12633 Section 214. Paragraph (b) of subsection (4) of section  
 12634 112.63, Florida Statutes, is amended to read:

12635 112.63 Actuarial reports and statements of actuarial  
 12636 impact; review.—

12637 (4) Upon receipt, pursuant to subsection (2), of an  
 12638 actuarial report, or upon receipt, pursuant to subsection (3),  
 12639 of a statement of actuarial impact, the Department of Management  
 12640 Services shall acknowledge such receipt, but shall only review  
 12641 and comment on each retirement system's or plan's actuarial  
 12642 valuations at least on a triennial basis. If the department  
 12643 finds that the actuarial valuation is not complete, accurate, or  
 12644 based on reasonable assumptions or otherwise materially fails to  
 12645 satisfy the requirements of this part, if the department  
 12646 requires additional material information necessary to complete  
 12647 its review of the actuarial valuation of a system or plan or  
 12648 material information necessary to satisfy the duties of the  
 12649 department pursuant to s. 112.665(1), or if the department does  
 12650 not receive the actuarial report or statement of actuarial  
 12651 impact, the department shall notify the administrator of the  
 12652 affected retirement system or plan and the affected governmental  
 12653 entity and request appropriate adjustment, the additional  
 12654 material information, or the required report or statement. The

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12655 notification must inform the administrator of the affected  
 12656 retirement system or plan and the affected governmental entity  
 12657 of the consequences for failure to comply with the requirements  
 12658 of this subsection. If, after a reasonable period of time, a  
 12659 satisfactory adjustment is not made or the report, statement, or  
 12660 additional material information is not provided, the department  
 12661 may notify the Department of Revenue and the Department of  
 12662 Financial Services of such noncompliance, in which case the  
 12663 Department of Revenue and the Department of Financial Services  
 12664 shall withhold any funds not pledged for satisfaction of bond  
 12665 debt service which are payable to the affected governmental  
 12666 entity until the adjustment is made or the report, statement, or  
 12667 additional material information is provided to the department.  
 12668 The department shall specify the date such action is to begin,  
 12669 and notification by the department must be received by the  
 12670 Department of Revenue, the Department of Financial Services, and  
 12671 the affected governmental entity 30 days before the date the  
 12672 action begins.

12673 (b) In the case of an affected special district, the  
 12674 Department of Management Services shall also notify the  
 12675 Department of Financial Services ~~Community Affairs~~. Upon receipt  
 12676 of notification, the Department of Financial Services ~~Community~~  
 12677 ~~Affairs~~ shall proceed pursuant to ~~the provisions of~~ s. 189.421  
 12678 with regard to the special district.

12679 Section 215. Paragraph (e) of subsection (1) of section  
 12680 112.665, Florida Statutes, is amended to read:

12681 112.665 Duties of Department of Management Services.—

12682 (1) The Department of Management Services shall:

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12683 (e) Issue, by January 1 annually, a report to the Special  
 12684 District Information Program of the Department of Financial  
 12685 Services ~~Community Affairs~~ that includes the participation in  
 12686 and compliance of special districts with the local government  
 12687 retirement system provisions in s. 112.63 and the state-  
 12688 administered retirement system provisions as specified in part I  
 12689 of chapter 121; and

12690 Section 216. Paragraph (d) of subsection (2) and paragraph  
 12691 (f) of subsection (5) of section 119.071, Florida Statutes, are  
 12692 amended to read:

12693 119.071 General exemptions from inspection or copying of  
 12694 public records.—

12695 (2) AGENCY INVESTIGATIONS.—

12696 (d) Any information revealing surveillance techniques or  
 12697 procedures or personnel is exempt from s. 119.07(1) and s.  
 12698 24(a), Art. I of the State Constitution. Any comprehensive  
 12699 inventory of state and local law enforcement resources compiled  
 12700 pursuant to part I, chapter 23, and any comprehensive policies  
 12701 or plans compiled by a criminal justice agency pertaining to the  
 12702 mobilization, deployment, or tactical operations involved in  
 12703 responding to an emergency ~~emergencies~~, as defined in s.  
 12704 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 12705 the State Constitution and unavailable for inspection, except by  
 12706 personnel authorized by a state or local law enforcement agency,  
 12707 the office of the Governor, the Department of Legal Affairs, the  
 12708 Department of Law Enforcement, or the Division of Emergency  
 12709 Management ~~the Department of Community Affairs~~ as having an  
 12710 official need for access to the inventory or comprehensive

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12711 policies or plans.

12712 (5) OTHER PERSONAL INFORMATION.—

12713 (f) Medical history records and information related to  
 12714 health or property insurance provided to the Department of  
 12715 Economic Opportunity ~~the Department of Community Affairs,~~ the  
 12716 Florida Housing Finance Corporation, a county, a municipality,  
 12717 or a local housing finance agency by an applicant for or a  
 12718 participant in a federal, state, or local housing assistance  
 12719 program are confidential and exempt from s. 119.07(1) and s.  
 12720 24(a), Art. I of the State Constitution. Governmental entities  
 12721 or their agents shall have access to such confidential and  
 12722 exempt records and information for the purpose of auditing  
 12723 federal, state, or local housing programs or housing assistance  
 12724 programs. Such confidential and exempt records and information  
 12725 may be used in any administrative or judicial proceeding,  
 12726 provided such records are kept confidential and exempt unless  
 12727 otherwise ordered by a court.

12728 Section 217. Subsection (4) of section 161.142, Florida  
 12729 Statutes, is amended to read:

12730 161.142 Declaration of public policy relating to improved  
 12731 navigation inlets.—The Legislature recognizes the need for  
 12732 maintaining navigation inlets to promote commercial and  
 12733 recreational uses of our coastal waters and their resources. The  
 12734 Legislature further recognizes that inlets interrupt or alter  
 12735 the natural drift of beach-quality sand resources, which often  
 12736 results in these sand resources being deposited in nearshore  
 12737 areas or in the inlet channel, or in the inland waterway  
 12738 adjacent to the inlet, instead of providing natural nourishment

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12739 to the adjacent eroding beaches. Accordingly, the Legislature  
 12740 finds it is in the public interest to replicate the natural  
 12741 drift of sand which is interrupted or altered by inlets to be  
 12742 replaced and for each level of government to undertake all  
 12743 reasonable efforts to maximize inlet sand bypassing to ensure  
 12744 that beach-quality sand is placed on adjacent eroding beaches.  
 12745 Such activities cannot make up for the historical sand deficits  
 12746 caused by inlets but shall be designed to balance the sediment  
 12747 budget of the inlet and adjacent beaches and extend the life of  
 12748 proximate beach-restoration projects so that periodic  
 12749 nourishment is needed less frequently. Therefore, in furtherance  
 12750 of this declaration of public policy and the Legislature's  
 12751 intent to redirect and recommit the state's comprehensive beach  
 12752 management efforts to address the beach erosion caused by  
 12753 inlets, the department shall ensure that:

12754 (4) The provisions of subsections (1) and (2) shall not be  
 12755 a requirement imposed upon ports listed in s. 403.021(9)(b);  
 12756 however, such ports must demonstrate reasonable effort to place  
 12757 beach-quality sand from construction and maintenance dredging  
 12758 and port-development projects on adjacent eroding beaches in  
 12759 accordance with port master plans approved by the Department of  
 12760 Economic Opportunity ~~Community Affairs~~, and permits approved and  
 12761 issued by the department, to ensure compliance with this  
 12762 section. Ports may sponsor or cosponsor inlet management  
 12763 projects that are fully eligible for state cost sharing.

12764 Section 218. Subsection (10) of section 161.54, Florida  
 12765 Statutes, is amended to read:

12766 161.54 Definitions.—In construing ss. 161.52-161.58:



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12767 (10) "State land planning agency" means the Department of  
 12768 Economic Opportunity ~~the Department of Community Affairs~~.

12769 Section 219. Paragraph (g) of subsection (3) of section  
 12770 163.06, Florida Statutes, is amended to read:

12771 163.06 Miami River Commission.—

12772 (3) The policy committee shall have the following powers  
 12773 and duties:

12774 (g) Coordinate a joint planning area agreement between the  
 12775 Department of Economic Opportunity ~~Community Affairs~~, the city,  
 12776 and the county under the provisions of s. 163.3177(11) (a), (b),  
 12777 and (c).

12778 Section 220. Paragraph (b) of subsection (6) of section  
 12779 163.2517, Florida Statutes, is amended to read:

12780 163.2517 Designation of urban infill and redevelopment  
 12781 area.—

12782 (6)

12783 (b) If the local government fails to implement the urban  
 12784 infill and redevelopment plan in accordance with the deadlines  
 12785 set forth in the plan, the Department of Economic Opportunity  
 12786 ~~Community Affairs~~ may seek to rescind the economic and  
 12787 regulatory incentives granted to the urban infill and  
 12788 redevelopment area, subject to the provisions of chapter 120.  
 12789 The action to rescind may be initiated 90 days after issuing a  
 12790 written letter of warning to the local government.

12791 Section 221. Subsection (20) of section 163.3164, Florida  
 12792 Statutes, is amended to read:

12793 163.3164 Local Government Comprehensive Planning and Land  
 12794 Development Regulation Act; definitions.—As used in this act:

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12795 (20) "State land planning agency" means the Department of  
 12796 Economic Opportunity ~~the Department of Community Affairs.~~

12797 Section 222. Paragraph (h) of subsection (6), subsection  
 12798 (10), and paragraphs (d), (e), and (f) of subsection (11) of  
 12799 section 163.3177, Florida Statutes, are amended to read:

12800 163.3177 Required and optional elements of comprehensive  
 12801 plan; studies and surveys.—

12802 (6) In addition to the requirements of subsections (1)-(5)  
 12803 and (12), the comprehensive plan shall include the following  
 12804 elements:

12805 (h)1. An intergovernmental coordination element showing  
 12806 relationships and stating principles and guidelines to be used  
 12807 in coordinating the adopted comprehensive plan with the plans of  
 12808 school boards, regional water supply authorities, and other  
 12809 units of local government providing services but not having  
 12810 regulatory authority over the use of land, with the  
 12811 comprehensive plans of adjacent municipalities, the county,  
 12812 adjacent counties, or the region, with the state comprehensive  
 12813 plan and with the applicable regional water supply plan approved  
 12814 pursuant to s. 373.709, as the case may require and as such  
 12815 adopted plans or plans in preparation may exist. This element of  
 12816 the local comprehensive plan must demonstrate consideration of  
 12817 the particular effects of the local plan, when adopted, upon the  
 12818 development of adjacent municipalities, the county, adjacent  
 12819 counties, or the region, or upon the state comprehensive plan,  
 12820 as the case may require.

12821 a. The intergovernmental coordination element must provide  
 12822 procedures for identifying and implementing joint planning

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12823 areas, especially for the purpose of annexation, municipal  
 12824 incorporation, and joint infrastructure service areas.

12825 b. The intergovernmental coordination element must provide  
 12826 for recognition of campus master plans prepared pursuant to s.  
 12827 1013.30 and airport master plans under paragraph (k).

12828 c. The intergovernmental coordination element shall  
 12829 provide for a dispute resolution process, as established  
 12830 pursuant to s. 186.509, for bringing intergovernmental disputes  
 12831 to closure in a timely manner.

12832 d. The intergovernmental coordination element shall  
 12833 provide for interlocal agreements as established pursuant to s.  
 12834 333.03(1)(b).

12835 2. The intergovernmental coordination element shall also  
 12836 state principles and guidelines to be used in coordinating the  
 12837 adopted comprehensive plan with the plans of school boards and  
 12838 other units of local government providing facilities and  
 12839 services but not having regulatory authority over the use of  
 12840 land. In addition, the intergovernmental coordination element  
 12841 must describe joint processes for collaborative planning and  
 12842 decisionmaking on population projections and public school  
 12843 siting, the location and extension of public facilities subject  
 12844 to concurrency, and siting facilities with countywide  
 12845 significance, including locally unwanted land uses whose nature  
 12846 and identity are established in an agreement. Within 1 year  
 12847 after adopting their intergovernmental coordination elements,  
 12848 each county, all the municipalities within that county, the  
 12849 district school board, and any unit of local government service  
 12850 providers in that county shall establish by interlocal or other

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12851 formal agreement executed by all affected entities, the joint  
 12852 processes described in this subparagraph consistent with their  
 12853 adopted intergovernmental coordination elements.

12854 3. To foster coordination between special districts and  
 12855 local general-purpose governments as local general-purpose  
 12856 governments implement local comprehensive plans, each  
 12857 independent special district must submit a public facilities  
 12858 report to the appropriate local government as required by s.  
 12859 189.415.

12860 4. Local governments shall execute an interlocal agreement  
 12861 with the district school board, the county, and nonexempt  
 12862 municipalities pursuant to s. 163.31777. The local government  
 12863 shall amend the intergovernmental coordination element to ensure  
 12864 that coordination between the local government and school board  
 12865 is pursuant to the agreement and shall state the obligations of  
 12866 the local government under the agreement. Plan amendments that  
 12867 comply with this subparagraph are exempt from the provisions of  
 12868 s. 163.3187(1).

12869 ~~5. By January 1, 2004, any county having a population~~  
 12870 ~~greater than 100,000, and the municipalities and special~~  
 12871 ~~districts within that county, shall submit a report to the~~  
 12872 ~~Department of Community Affairs which identifies:~~

12873 ~~a. All existing or proposed interlocal service delivery~~  
 12874 ~~agreements relating to education; sanitary sewer; public safety;~~  
 12875 ~~solid waste; drainage; potable water; parks and recreation; and~~  
 12876 ~~transportation facilities.~~

12877 ~~b. Any deficits or duplication in the provision of~~  
 12878 ~~services within its jurisdiction, whether capital or~~

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12879 ~~operational. Upon request, the Department of Community Affairs~~  
12880 ~~shall provide technical assistance to the local governments in~~  
12881 ~~identifying deficits or duplication.~~

12882 ~~6. Within 6 months after submission of the report, the~~  
12883 ~~Department of Community Affairs shall, through the appropriate~~  
12884 ~~regional planning council, coordinate a meeting of all local~~  
12885 ~~governments within the regional planning area to discuss the~~  
12886 ~~reports and potential strategies to remedy any identified~~  
12887 ~~deficiencies or duplications.~~

12888 ~~7. Each local government shall update its~~  
12889 ~~intergovernmental coordination element based upon the findings~~  
12890 ~~in the report submitted pursuant to subparagraph 5. The report~~  
12891 ~~may be used as supporting data and analysis for the~~  
12892 ~~intergovernmental coordination element.~~

12893 (10) The Legislature recognizes the importance and  
12894 significance of chapter 9J-5, Florida Administrative Code, the  
12895 Minimum Criteria for Review of Local Government Comprehensive  
12896 Plans and Determination of Compliance of the former Department  
12897 of Community Affairs that will be used to determine compliance  
12898 of local comprehensive plans. The Legislature reserved unto  
12899 itself the right to review chapter 9J-5, Florida Administrative  
12900 Code, and to reject, modify, or take no action relative to this  
12901 rule. Therefore, pursuant to subsection (9), the Legislature  
12902 hereby has reviewed chapter 9J-5, Florida Administrative Code,  
12903 and expresses the following legislative intent:

12904 (a) The Legislature finds that in order for the department  
12905 to review local comprehensive plans, it is necessary to define  
12906 the term "consistency." Therefore, for the purpose of

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12907 determining whether local comprehensive plans are consistent  
 12908 with the state comprehensive plan and the appropriate regional  
 12909 policy plan, a local plan shall be consistent with such plans if  
 12910 the local plan is "compatible with" and "furthers" such plans.  
 12911 The term "compatible with" means that the local plan is not in  
 12912 conflict with the state comprehensive plan or appropriate  
 12913 regional policy plan. The term "furthers" means to take action  
 12914 in the direction of realizing goals or policies of the state or  
 12915 regional plan. For the purposes of determining consistency of  
 12916 the local plan with the state comprehensive plan or the  
 12917 appropriate regional policy plan, the state or regional plan  
 12918 shall be construed as a whole and no specific goal and policy  
 12919 shall be construed or applied in isolation from the other goals  
 12920 and policies in the plans.

12921 (b) Each local government shall review all the state  
 12922 comprehensive plan goals and policies and shall address in its  
 12923 comprehensive plan the goals and policies which are relevant to  
 12924 the circumstances or conditions in its jurisdiction. The  
 12925 decision regarding which particular state comprehensive plan  
 12926 goals and policies will be furthered by the expenditure of a  
 12927 local government's financial resources in any given year is a  
 12928 decision which rests solely within the discretion of the local  
 12929 government. Intergovernmental coordination, as set forth in  
 12930 paragraph (6) (h), shall be utilized to the extent required to  
 12931 carry out the provisions of chapter 9J-5, Florida Administrative  
 12932 Code.

12933 (c) The Legislature declares that if any portion of  
 12934 chapter 9J-5, Florida Administrative Code, is found to be in

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12935 conflict with this part, the appropriate statutory provision  
 12936 shall prevail.

12937 (d) Chapter 9J-5, Florida Administrative Code, does not  
 12938 mandate the creation, limitation, or elimination of regulatory  
 12939 authority, nor does it authorize the adoption or require the  
 12940 repeal of any rules, criteria, or standards of any local,  
 12941 regional, or state agency.

12942 (e) It is the Legislature's intent that support data or  
 12943 summaries thereof shall not be subject to the compliance review  
 12944 process, but the Legislature intends that goals and policies be  
 12945 clearly based on appropriate data. The department may utilize  
 12946 support data or summaries thereof to aid in its determination of  
 12947 compliance and consistency. The Legislature intends that the  
 12948 department may evaluate the application of a methodology  
 12949 utilized in data collection or whether a particular methodology  
 12950 is professionally accepted. However, the department shall not  
 12951 evaluate whether one accepted methodology is better than  
 12952 another. Chapter 9J-5, Florida Administrative Code, shall not be  
 12953 construed to require original data collection by local  
 12954 governments; however, local governments are not to be  
 12955 discouraged from utilizing original data so long as  
 12956 methodologies are professionally accepted.

12957 (f) The Legislature recognizes that under this section,  
 12958 local governments are charged with setting levels of service for  
 12959 public facilities in their comprehensive plans in accordance  
 12960 with which development orders and permits will be issued  
 12961 pursuant to s. 163.3202(2)(g). Nothing herein shall supersede  
 12962 the authority of state, regional, or local agencies as otherwise

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12963 provided by law.

12964 (g) Definitions contained in chapter 9J-5, Florida  
 12965 Administrative Code, are not intended to modify or amend the  
 12966 definitions utilized for purposes of other programs or rules or  
 12967 to establish or limit regulatory authority. Local governments  
 12968 may establish alternative definitions in local comprehensive  
 12969 plans, as long as such definitions accomplish the intent of this  
 12970 chapter, and chapter 9J-5, Florida Administrative Code.

12971 (h) It is the intent of the Legislature that public  
 12972 facilities and services needed to support development shall be  
 12973 available concurrent with the impacts of such development in  
 12974 accordance with s. 163.3180. In meeting this intent, public  
 12975 facility and service availability shall be deemed sufficient if  
 12976 the public facilities and services for a development are phased,  
 12977 or the development is phased, so that the public facilities and  
 12978 those related services which are deemed necessary by the local  
 12979 government to operate the facilities necessitated by that  
 12980 development are available concurrent with the impacts of the  
 12981 development. The public facilities and services, unless already  
 12982 available, are to be consistent with the capital improvements  
 12983 element of the local comprehensive plan as required by paragraph  
 12984 (3) (a) or guaranteed in an enforceable development agreement.  
 12985 This shall include development agreements pursuant to this  
 12986 chapter or in an agreement or a development order issued  
 12987 pursuant to chapter 380. Nothing herein shall be construed to  
 12988 require a local government to address services in its capital  
 12989 improvements plan or to limit a local government's ability to  
 12990 address any service in its capital improvements plan that it



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12991 | deems necessary.

12992 |       (i) The department shall take into account the factors  
 12993 | delineated in rule 9J-5.002(2), Florida Administrative Code, as  
 12994 | it provides assistance to local governments and applies the rule  
 12995 | in specific situations with regard to the detail of the data and  
 12996 | analysis required.

12997 |       (j) Chapter 9J-5, Florida Administrative Code, has become  
 12998 | effective pursuant to subsection (9). The Legislature hereby  
 12999 | directs the department to adopt amendments as necessary which  
 13000 | conform chapter 9J-5, Florida Administrative Code, with the  
 13001 | requirements of this legislative intent by October 1, 1986.

13002 |       (k) In order for local governments to prepare and adopt  
 13003 | comprehensive plans with knowledge of the rules that are applied  
 13004 | to determine consistency of the plans with this part, there  
 13005 | should be no doubt as to the legal standing of chapter 9J-5,  
 13006 | Florida Administrative Code, at the close of the 1986  
 13007 | legislative session. Therefore, the Legislature declares that  
 13008 | changes made to chapter 9J-5 before October 1, 1986, are not  
 13009 | subject to rule challenges under s. 120.56(2), or to drawout  
 13010 | proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,  
 13011 | Florida Administrative Code, as amended, is subject to rule  
 13012 | challenges under s. 120.56(3), as nothing herein indicates  
 13013 | approval or disapproval of any portion of chapter 9J-5 not  
 13014 | specifically addressed herein. Any amendments to chapter 9J-5,  
 13015 | Florida Administrative Code, exclusive of the amendments adopted  
 13016 | prior to October 1, 1986, pursuant to this act, shall be subject  
 13017 | to the full chapter 120 process. All amendments shall have  
 13018 | effective dates as provided in chapter 120 and submission to the

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13019 President of the Senate and Speaker of the House of  
 13020 Representatives shall not be required.

13021 (1) The state land planning agency shall consider land use  
 13022 compatibility issues in the vicinity of all airports in  
 13023 coordination with the Department of Transportation and adjacent  
 13024 to or in close proximity to all military installations in  
 13025 coordination with the Department of Defense.

13026 (11)

13027 (d)1. The department, in cooperation with the Department  
 13028 of Agriculture and Consumer Services, the Department of  
 13029 Environmental Protection, water management districts, and  
 13030 regional planning councils, shall provide assistance to local  
 13031 governments in the implementation of this paragraph and rule 9J-  
 13032 5.006(5)(1), Florida Administrative Code. Implementation of  
 13033 those provisions shall include a process by which the department  
 13034 may authorize local governments to designate all or portions of  
 13035 lands classified in the future land use element as predominantly  
 13036 agricultural, rural, open, open-rural, or a substantively  
 13037 equivalent land use, as a rural land stewardship area within  
 13038 which planning and economic incentives are applied to encourage  
 13039 the implementation of innovative and flexible planning and  
 13040 development strategies and creative land use planning  
 13041 techniques, including those contained herein and in rule 9J-  
 13042 5.006(5)(1), Florida Administrative Code. Assistance may  
 13043 include, but is not limited to:

13044 a. Assistance from the Department of Environmental  
 13045 Protection and water management districts in creating the  
 13046 geographic information systems land cover database and aerial

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13047 | photogrammetry needed to prepare for a rural land stewardship  
 13048 | area;

13049 |       b. Support for local government implementation of rural  
 13050 | land stewardship concepts by providing information and  
 13051 | assistance to local governments regarding land acquisition  
 13052 | programs that may be used by the local government or landowners  
 13053 | to leverage the protection of greater acreage and maximize the  
 13054 | effectiveness of rural land stewardship areas; and

13055 |       c. Expansion of the role of the Department of Community  
 13056 | Affairs as a resource agency to facilitate establishment of  
 13057 | rural land stewardship areas in smaller rural counties that do  
 13058 | not have the staff or planning budgets to create a rural land  
 13059 | stewardship area.

13060 |       2. The department shall encourage participation by local  
 13061 | governments of different sizes and rural characteristics in  
 13062 | establishing and implementing rural land stewardship areas. It  
 13063 | is the intent of the Legislature that rural land stewardship  
 13064 | areas be used to further the following broad principles of rural  
 13065 | sustainability: restoration and maintenance of the economic  
 13066 | value of rural land; control of urban sprawl; identification and  
 13067 | protection of ecosystems, habitats, and natural resources;  
 13068 | promotion of rural economic activity; maintenance of the  
 13069 | viability of Florida's agricultural economy; and protection of  
 13070 | the character of rural areas of Florida. Rural land stewardship  
 13071 | areas may be multicounty in order to encourage coordinated  
 13072 | regional stewardship planning.

13073 |       3. A local government, in conjunction with a regional  
 13074 | planning council, a stakeholder organization of private land

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13075 owners, or another local government, shall notify the department  
13076 in writing of its intent to designate a rural land stewardship  
13077 area. The written notification shall describe the basis for the  
13078 designation, including the extent to which the rural land  
13079 stewardship area enhances rural land values, controls urban  
13080 sprawl, provides necessary open space for agriculture and  
13081 protection of the natural environment, promotes rural economic  
13082 activity, and maintains rural character and the economic  
13083 viability of agriculture.

13084 4. A rural land stewardship area shall be not less than  
13085 10,000 acres and shall be located outside of municipalities and  
13086 established urban growth boundaries, and shall be designated by  
13087 plan amendment. The plan amendment designating a rural land  
13088 stewardship area shall be subject to review by the Department of  
13089 Community Affairs pursuant to s. 163.3184 and shall provide for  
13090 the following:

13091 a. Criteria for the designation of receiving areas within  
13092 rural land stewardship areas in which innovative planning and  
13093 development strategies may be applied. Criteria shall at a  
13094 minimum provide for the following: adequacy of suitable land to  
13095 accommodate development so as to avoid conflict with  
13096 environmentally sensitive areas, resources, and habitats;  
13097 compatibility between and transition from higher density uses to  
13098 lower intensity rural uses; the establishment of receiving area  
13099 service boundaries which provide for a separation between  
13100 receiving areas and other land uses within the rural land  
13101 stewardship area through limitations on the extension of  
13102 services; and connection of receiving areas with the rest of the

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13103 rural land stewardship area using rural design and rural road  
 13104 corridors.

13105 b. Goals, objectives, and policies setting forth the  
 13106 innovative planning and development strategies to be applied  
 13107 within rural land stewardship areas pursuant to the provisions  
 13108 of this section.

13109 c. A process for the implementation of innovative planning  
 13110 and development strategies within the rural land stewardship  
 13111 area, including those described in this subsection and rule 9J-  
 13112 5.006(5)(1), Florida Administrative Code, which provide for a  
 13113 functional mix of land uses, including adequate available  
 13114 workforce housing, including low, very-low and moderate income  
 13115 housing for the development anticipated in the receiving area  
 13116 and which are applied through the adoption by the local  
 13117 government of zoning and land development regulations applicable  
 13118 to the rural land stewardship area.

13119 d. A process which encourages visioning pursuant to s.  
 13120 163.3167(11) to ensure that innovative planning and development  
 13121 strategies comply with the provisions of this section.

13122 e. The control of sprawl through the use of innovative  
 13123 strategies and creative land use techniques consistent with the  
 13124 provisions of this subsection and rule 9J-5.006(5)(1), Florida  
 13125 Administrative Code.

13126 5. A receiving area shall be designated by the adoption of  
 13127 a land development regulation. Prior to the designation of a  
 13128 receiving area, the local government shall provide the state  
 13129 land planning agency ~~Department of Community Affairs~~ a period of  
 13130 30 days in which to review a proposed receiving area for

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13131 consistency with the rural land stewardship area plan amendment  
 13132 and to provide comments to the local government. At the time of  
 13133 designation of a stewardship receiving area, a listed species  
 13134 survey will be performed. If listed species occur on the  
 13135 receiving area site, the developer shall coordinate with each  
 13136 appropriate local, state, or federal agency to determine if  
 13137 adequate provisions have been made to protect those species in  
 13138 accordance with applicable regulations. In determining the  
 13139 adequacy of provisions for the protection of listed species and  
 13140 their habitats, the rural land stewardship area shall be  
 13141 considered as a whole, and the impacts to areas to be developed  
 13142 as receiving areas shall be considered together with the  
 13143 environmental benefits of areas protected as sending areas in  
 13144 fulfilling this criteria.

13145         6. Upon the adoption of a plan amendment creating a rural  
 13146 land stewardship area, the local government shall, by ordinance,  
 13147 establish the methodology for the creation, conveyance, and use  
 13148 of transferable rural land use credits, otherwise referred to as  
 13149 stewardship credits, the application of which shall not  
 13150 constitute a right to develop land, nor increase density of  
 13151 land, except as provided by this section. The total amount of  
 13152 transferable rural land use credits within the rural land  
 13153 stewardship area must enable the realization of the long-term  
 13154 vision and goals for the 25-year or greater projected population  
 13155 of the rural land stewardship area, which may take into  
 13156 consideration the anticipated effect of the proposed receiving  
 13157 areas. Transferable rural land use credits are subject to the  
 13158 following limitations:

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13159           a. Transferable rural land use credits may only exist  
13160 within a rural land stewardship area.

13161           b. Transferable rural land use credits may only be used on  
13162 lands designated as receiving areas and then solely for the  
13163 purpose of implementing innovative planning and development  
13164 strategies and creative land use planning techniques adopted by  
13165 the local government pursuant to this section.

13166           c. Transferable rural land use credits assigned to a  
13167 parcel of land within a rural land stewardship area shall cease  
13168 to exist if the parcel of land is removed from the rural land  
13169 stewardship area by plan amendment.

13170           d. Neither the creation of the rural land stewardship area  
13171 by plan amendment nor the assignment of transferable rural land  
13172 use credits by the local government shall operate to displace  
13173 the underlying density of land uses assigned to a parcel of land  
13174 within the rural land stewardship area; however, if transferable  
13175 rural land use credits are transferred from a parcel for use  
13176 within a designated receiving area, the underlying density  
13177 assigned to the parcel of land shall cease to exist.

13178           e. The underlying density on each parcel of land located  
13179 within a rural land stewardship area shall not be increased or  
13180 decreased by the local government, except as a result of the  
13181 conveyance or use of transferable rural land use credits, as  
13182 long as the parcel remains within the rural land stewardship  
13183 area.

13184           f. Transferable rural land use credits shall cease to  
13185 exist on a parcel of land where the underlying density assigned  
13186 to the parcel of land is utilized.

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13187 g. An increase in the density of use on a parcel of land  
13188 located within a designated receiving area may occur only  
13189 through the assignment or use of transferable rural land use  
13190 credits and shall not require a plan amendment.

13191 h. A change in the density of land use on parcels located  
13192 within receiving areas shall be specified in a development order  
13193 which reflects the total number of transferable rural land use  
13194 credits assigned to the parcel of land and the infrastructure  
13195 and support services necessary to provide for a functional mix  
13196 of land uses corresponding to the plan of development.

13197 i. Land within a rural land stewardship area may be  
13198 removed from the rural land stewardship area through a plan  
13199 amendment.

13200 j. Transferable rural land use credits may be assigned at  
13201 different ratios of credits per acre according to the natural  
13202 resource or other beneficial use characteristics of the land and  
13203 according to the land use remaining following the transfer of  
13204 credits, with the highest number of credits per acre assigned to  
13205 the most environmentally valuable land or, in locations where  
13206 the retention of open space and agricultural land is a priority,  
13207 to such lands.

13208 k. The use or conveyance of transferable rural land use  
13209 credits must be recorded in the public records of the county in  
13210 which the property is located as a covenant or restrictive  
13211 easement running with the land in favor of the county and either  
13212 the Department of Environmental Protection, Department of  
13213 Agriculture and Consumer Services, a water management district,  
13214 or a recognized statewide land trust.



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13215           7. Owners of land within rural land stewardship areas  
 13216 should be provided incentives to enter into rural land  
 13217 stewardship agreements, pursuant to existing law and rules  
 13218 adopted thereto, with state agencies, water management  
 13219 districts, and local governments to achieve mutually agreed upon  
 13220 conservation objectives. Such incentives may include, but not be  
 13221 limited to, the following:

- 13222           a. Opportunity to accumulate transferable mitigation  
 13223 credits.
- 13224           b. Extended permit agreements.
- 13225           c. Opportunities for recreational leases and ecotourism.
- 13226           d. Payment for specified land management services on  
 13227 publicly owned land, or property under covenant or restricted  
 13228 easement in favor of a public entity.
- 13229           e. Option agreements for sale to public entities or  
 13230 private land conservation entities, in either fee or easement,  
 13231 upon achievement of conservation objectives.

13232           8. The department shall report to the Legislature on an  
 13233 annual basis on the results of implementation of rural land  
 13234 stewardship areas authorized by the department, including  
 13235 successes and failures in achieving the intent of the  
 13236 Legislature as expressed in this paragraph.

13237           (e) The Legislature finds that mixed-use, high-density  
 13238 development is appropriate for urban infill and redevelopment  
 13239 areas. Mixed-use projects accommodate a variety of uses,  
 13240 including residential and commercial, and usually at higher  
 13241 densities that promote pedestrian-friendly, sustainable  
 13242 communities. The Legislature recognizes that mixed-use, high-

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13243 density development improves the quality of life for residents  
 13244 and businesses in urban areas. The Legislature finds that mixed-  
 13245 use, high-density redevelopment and infill benefits residents by  
 13246 creating a livable community with alternative modes of  
 13247 transportation. Furthermore, the Legislature finds that local  
 13248 zoning ordinances often discourage mixed-use, high-density  
 13249 development in areas that are appropriate for urban infill and  
 13250 redevelopment. The Legislature intends to discourage single-use  
 13251 zoning in urban areas which often leads to lower-density, land-  
 13252 intensive development outside an urban service area. Therefore,  
 13253 the state land planning agency ~~Department of Community Affairs~~  
 13254 shall provide technical assistance to local governments in order  
 13255 to encourage mixed-use, high-density urban infill and  
 13256 redevelopment projects.

13257 (f) The Legislature finds that a program for the transfer  
 13258 of development rights is a useful tool to preserve historic  
 13259 buildings and create public open spaces in urban areas. A  
 13260 program for the transfer of development rights allows the  
 13261 transfer of density credits from historic properties and public  
 13262 open spaces to areas designated for high-density development.  
 13263 The Legislature recognizes that high-density development is  
 13264 integral to the success of many urban infill and redevelopment  
 13265 projects. The Legislature intends to encourage high-density  
 13266 urban infill and redevelopment while preserving historic  
 13267 structures and open spaces. Therefore, the state land planning  
 13268 agency ~~Department of Community Affairs~~ shall provide technical  
 13269 assistance to local governments in order to promote the transfer  
 13270 of development rights within urban areas for high-density infill

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13271 and redevelopment projects.

13272 Section 223. Subsection (3) of section 163.3178, Florida  
 13273 Statutes, is amended to read:

13274 163.3178 Coastal management.—

13275 (3) Expansions to port harbors, spoil disposal sites,  
 13276 navigation channels, turning basins, harbor berths, and other  
 13277 related inwater harbor facilities of ports listed in s.  
 13278 403.021(9); port transportation facilities and projects listed  
 13279 in s. 311.07(3)(b); intermodal transportation facilities  
 13280 identified pursuant to s. 311.09(3); and facilities determined  
 13281 by the state land planning agency ~~Department of Community~~  
 13282 ~~Affairs~~ and applicable general-purpose local government to be  
 13283 port-related industrial or commercial projects located within 3  
 13284 miles of or in a port master plan area which rely upon the use  
 13285 of port and intermodal transportation facilities shall not be  
 13286 designated as developments of regional impact if such  
 13287 expansions, projects, or facilities are consistent with  
 13288 comprehensive master plans that are in compliance with this  
 13289 section.

13290 Section 224. Paragraph (b) of subsection (1) and paragraph  
 13291 (g) of subsection (16) of section 163.3180, Florida Statutes, is  
 13292 amended to read:

13293 163.3180 Concurrency.—

13294 (1)

13295 (b) Local governments shall use professionally accepted  
 13296 techniques for measuring level of service for automobiles,  
 13297 bicycles, pedestrians, transit, and trucks. These techniques may  
 13298 be used to evaluate increased accessibility by multiple modes

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13299 and reductions in vehicle miles of travel in an area or zone.  
 13300 The Department of Transportation shall develop methodologies to  
 13301 assist local governments in implementing this multimodal level-  
 13302 of-service analysis. The state land planning agency ~~Department~~  
 13303 ~~of Community Affairs~~ and the Department of Transportation shall  
 13304 provide technical assistance to local governments in applying  
 13305 these methodologies.

13306 (16) It is the intent of the Legislature to provide a  
 13307 method by which the impacts of development on transportation  
 13308 facilities can be mitigated by the cooperative efforts of the  
 13309 public and private sectors. The methodology used to calculate  
 13310 proportionate fair-share mitigation under this section shall be  
 13311 as provided for in subsection (12).

13312 (g) Except as provided in subparagraph (b)1., this section  
 13313 may not prohibit the state land planning agency ~~Department of~~  
 13314 ~~Community Affairs~~ from finding other portions of the capital  
 13315 improvements element amendments not in compliance as provided in  
 13316 this chapter.

13317 Section 225. Section 163.3204, Florida Statutes, is  
 13318 amended to read:

13319 163.3204 Cooperation by state and regional agencies.—The  
 13320 state land planning agency ~~Department of Community Affairs~~ and  
 13321 any ad hoc working groups appointed by the department and all  
 13322 state and regional agencies involved in the administration and  
 13323 implementation of this act shall cooperate and work with units  
 13324 of local government in the preparation and adoption of  
 13325 comprehensive plans, or elements or portions thereof, and of  
 13326 local land development regulations.

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13327 Section 226. Subsection (14) of section 163.3221, Florida  
 13328 Statutes, is amended to read:

13329 163.3221 Florida Local Government Development Agreement  
 13330 Act; definitions.—As used in ss. 163.3220-163.3243:

13331 (14) "State land planning agency" means the Department of  
 13332 Economic Opportunity ~~the Department of Community Affairs~~.

13333 Section 227. Subsection (1) of section 163.3246, Florida  
 13334 Statutes, is amended to read:

13335 163.3246 Local government comprehensive planning  
 13336 certification program.—

13337 (1) There is created the Local Government Comprehensive  
 13338 Planning Certification Program to be administered by the  
 13339 Department of Economic Opportunity ~~Community Affairs~~. The  
 13340 purpose of the program is to create a certification process for  
 13341 local governments who identify a geographic area for  
 13342 certification within which they commit to directing growth and  
 13343 who, because of a demonstrated record of effectively adopting,  
 13344 implementing, and enforcing its comprehensive plan, the level of  
 13345 technical planning experience exhibited by the local government,  
 13346 and a commitment to implement exemplary planning practices,  
 13347 require less state and regional oversight of the comprehensive  
 13348 plan amendment process. The purpose of the certification area is  
 13349 to designate areas that are contiguous, compact, and appropriate  
 13350 for urban growth and development within a 10-year planning  
 13351 timeframe. Municipalities and counties are encouraged to jointly  
 13352 establish the certification area, and subsequently enter into  
 13353 joint certification agreement with the department.

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13354 Section 228. Paragraphs (a) and (b) of subsection (5) of  
 13355 section 163.3247, Florida Statutes, are amended to read:

13356 163.3247 Century Commission for a Sustainable Florida.—

13357 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

13358 (a) The Commissioner of Economic Opportunity ~~Secretary of~~  
 13359 ~~Community Affairs~~ shall select an executive director of the  
 13360 commission, and the executive director shall serve at the  
 13361 pleasure of the secretary under the supervision and control of  
 13362 the commission.

13363 (b) The Department of Economic Opportunity ~~Community~~  
 13364 ~~Affairs~~ shall provide staff and other resources necessary to  
 13365 accomplish the goals of the commission based upon  
 13366 recommendations of the Governor.

13367 Section 229. Paragraph (c) of subsection (2) of section  
 13368 163.336, Florida Statutes, is amended to read:

13369 163.336 Coastal resort area redevelopment pilot project.—

13370 (2) PILOT PROJECT ADMINISTRATION.—

13371 (c) The Office of the Governor, Department of  
 13372 Environmental Protection, and the Department of Economic  
 13373 Opportunity ~~Community Affairs~~ are directed to provide technical  
 13374 assistance to expedite permitting for redevelopment projects and  
 13375 construction activities within the pilot project areas  
 13376 consistent with the principles, processes, and timeframes  
 13377 provided in s. 403.973.

13378 Section 230. Section 163.458, Florida Statutes, is amended  
 13379 to read:

13380 163.458 Three-tiered plan.—The Department of Economic  
 13381 Opportunity ~~Community Affairs~~ is authorized to award core

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13382 administrative and operating grants. Administrative and  
13383 operating grants shall be used for staff salaries and  
13384 administrative expenses for eligible community-based development  
13385 organizations selected through a competitive three-tiered  
13386 process for the purpose of housing and economic development  
13387 projects. The department shall adopt by rule a set of criteria  
13388 for three-tiered funding that shall ensure equitable geographic  
13389 distribution of the funding throughout the state. This three-  
13390 tiered plan shall include emerging, intermediate, and mature  
13391 community-based development organizations recognizing the  
13392 varying needs of the three tiers. Funding shall be provided for  
13393 core administrative and operating grants for all levels of  
13394 community-based development organizations. Priority shall be  
13395 given to those organizations that demonstrate community-based  
13396 productivity and high performance as evidenced by past projects  
13397 developed with stakeholder input that have responded to  
13398 neighborhood needs, and have current projects located in high-  
13399 poverty neighborhoods, and to emerging community-based  
13400 development corporations that demonstrate a positive need  
13401 identified by stakeholders. Persons, equipment, supplies, and  
13402 other resources funded in whole or in part by grant funds shall  
13403 be utilized to further the purposes of this act, and may be  
13404 utilized to further the goals and objectives of the Front Porch  
13405 Florida Initiative. Each community-based development  
13406 organization shall be eligible to apply for a grant of up to  
13407 \$50,000 per year for a period of 5 years.

13408 Section 231. Section 163.460, Florida Statutes, is amended  
13409 to read:

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13410           163.460 Application requirements.—A community-based  
 13411 development organization applying for a core administrative and  
 13412 operating grant pursuant to this act must submit a proposal to  
 13413 the Department of Economic Opportunity ~~Community Affairs~~ that  
 13414 includes:

13415           (1) A map and narrative description of the service areas  
 13416 for the community-based development organization.

13417           (2) A copy of the documents creating the community-based  
 13418 development organization.

13419           (3) A listing of the membership of the board of the  
 13420 community-based development organization, including individual  
 13421 members' terms of office and the number of low-income residents  
 13422 on the board.

13423           (4) The organization's annual revitalization plan that  
 13424 describes the expenditure of the funds, including goals,  
 13425 objectives, and expected results, and has a clear relationship  
 13426 to the local municipality's comprehensive plan.

13427           (5) Other supporting information that may be required by  
 13428 the Department of Economic Opportunity ~~Community Affairs~~ to  
 13429 determine the organization's capacity and productivity.

13430           (6) A description of the location, financing plan, and  
 13431 potential impact of the business enterprises on residential,  
 13432 commercial, or industrial development, that shows a clear  
 13433 relationship to the organization's annual revitalization plan  
 13434 and demonstrates how the proposed expenditures are directly  
 13435 related to the scope of work for the proposed projects in the  
 13436 annual revitalization plan.

13437           Section 232. Section 163.461, Florida Statutes, is amended



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13438 to read:

13439       163.461 Reporting and evaluation requirements.—Community-

13440 based development organizations that receive funds under this

13441 act shall provide the following information to the Department of

13442 Economic Opportunity ~~Community Affairs~~ annually:

13443       (1) A listing of business firms and individuals assisted

13444 by the community-based development organization during the

13445 reporting period.

13446       (2) A listing of the type, source, purpose, and amount of

13447 each individual grant, loan, or donation received by the

13448 community-based development organization during the reporting

13449 period.

13450       (3) The number of paid and voluntary positions within the

13451 community-based development organization.

13452       (4) A listing of the salaries and administrative and

13453 operating expenses of the community-based development

13454 organization.

13455       (5) An identification and explanation of changes in the

13456 boundaries of the target area.

13457       (6) The amount of earned income from projects, programs,

13458 and development activities.

13459       (7) The number and description of projects in

13460 predevelopment phase, projects under construction, ongoing

13461 service programs, construction projects completed, and projects

13462 at sell-out or lease-up and property management phase, and a

13463 written explanation of the reasons that caused any projects not

13464 to be completed for the projected development phase.

13465       (8) The impact of the projects, as a result of receiving

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13466 funding under this act, on residents in the target area, and the  
 13467 relationship of this impact to expected outcomes listed in the  
 13468 organization's annual revitalization plan.

13469 (9) The number of housing units rehabilitated or  
 13470 constructed at various stages of development, predevelopment  
 13471 phase, construction phase, completion and sell-out or lease-up  
 13472 phase, and condominium or property management phase by the  
 13473 community-based development organization within the service area  
 13474 during the reporting period.

13475 (10) The number of housing units, number of projects, and  
 13476 number of persons served by prior projects developed by the  
 13477 organization, the amounts of project financing leverage with  
 13478 state funds for each prior and current project, and the  
 13479 incremental amounts of local and state real estate tax and sales  
 13480 tax revenue generated directly by the projects and programs  
 13481 annually.

13482 (11) The number of jobs, both permanent and temporary,  
 13483 received by individuals who were directly assisted by the  
 13484 community-based development organization through assistance to  
 13485 the business such as a loan or other credit assistance.

13486 (12) An identification and explanation of changes in the  
 13487 boundaries of the service area.

13488 (13) The impact of completed projects on residents in the  
 13489 target area and the relationship of this impact to expected  
 13490 outcomes listed in the organization's annual revitalization  
 13491 plan.

13492 (14) Such other information as the Department of Economic  
 13493 Opportunity ~~Community Affairs~~ requires.

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13494 Section 233. Section 163.462, Florida Statutes, is amended  
 13495 to read:

13496 163.462 Rulemaking authority.—The Department of Economic  
 13497 Opportunity Community Affairs shall adopt rules for the  
 13498 administration of this act.

13499 Section 234. Subsection (1) of section 163.5055, Florida  
 13500 Statutes, is amended to read:

13501 163.5055 Registration of district establishment; notice of  
 13502 dissolution.—

13503 (1) (a) Each neighborhood improvement district authorized  
 13504 and established under this part shall within 30 days thereof  
 13505 register with both the Department of Economic Opportunity  
 13506 ~~Community Affairs~~ and the Department of Legal Affairs by  
 13507 providing these departments with the district's name, location,  
 13508 size, and type, and such other information as the departments  
 13509 may require.

13510 (b) Each local governing body which authorizes the  
 13511 dissolution of a district shall notify both the Department of  
 13512 Economic Opportunity ~~Community Affairs~~ and the Department of  
 13513 Legal Affairs within 30 days after the dissolution of the  
 13514 district.

13515 Section 235. Paragraph (h) of subsection (1) of section  
 13516 163.506, Florida Statutes, is amended to read:

13517 163.506 Local government neighborhood improvement  
 13518 districts; creation; advisory council; dissolution.—

13519 (1) After a local planning ordinance has been adopted  
 13520 authorizing the creation of local government neighborhood  
 13521 improvement districts, the local governing body of a

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13522 municipality or county may create local government neighborhood  
 13523 improvement districts by the enactment of a separate ordinance  
 13524 for each district, which ordinance:

13525 (h) Requires the district to notify the Department of  
 13526 Legal Affairs and the Department of Economic Opportunity  
 13527 ~~Community Affairs~~ in writing of its establishment within 30 days  
 13528 thereof pursuant to s. 163.5055.

13529 Section 236. Paragraph (g) of subsection (1) of section  
 13530 163.508, Florida Statutes, is amended to read:

13531 163.508 Property owners' association neighborhood  
 13532 improvement districts; creation; powers and duties; duration.—

13533 (1) After a local planning ordinance has been adopted  
 13534 authorizing the creation of property owners' association  
 13535 neighborhood improvement districts, the local governing body of  
 13536 a municipality or county may create property owners' association  
 13537 neighborhood improvement districts by the enactment of a  
 13538 separate ordinance for each district, which ordinance:

13539 (g) Requires the district to notify the Department of  
 13540 Legal Affairs and the Department of Economic Opportunity  
 13541 ~~Community Affairs~~ in writing of its establishment within 30 days  
 13542 thereof pursuant to s. 163.5055.

13543 Section 237. Paragraph (i) of subsection (1) of section  
 13544 163.511, Florida Statutes, is amended to read:

13545 163.511 Special neighborhood improvement districts;  
 13546 creation; referendum; board of directors; duration; extension.—

13547 (1) After a local planning ordinance has been adopted  
 13548 authorizing the creation of special neighborhood improvement  
 13549 districts, the governing body of a municipality or county may

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13550 declare the need for and create special residential or business  
 13551 neighborhood improvement districts by the enactment of a  
 13552 separate ordinance for each district, which ordinance:

13553 (i) Requires the district to notify the Department of  
 13554 Legal Affairs and the Department of Economic Opportunity  
 13555 ~~Community Affairs~~ in writing of its establishment within 30 days  
 13556 thereof pursuant to s. 163.5055.

13557 Section 238. Paragraph (i) of subsection (1) of section  
 13558 163.512, Florida Statutes, is amended to read:

13559 163.512 Community redevelopment neighborhood improvement  
 13560 districts; creation; advisory council; dissolution.—

13561 (1) Upon the recommendation of the community redevelopment  
 13562 agency and after a local planning ordinance has been adopted  
 13563 authorizing the creation of community redevelopment neighborhood  
 13564 improvement districts, the local governing body of a  
 13565 municipality or county may create community redevelopment  
 13566 neighborhood improvement districts by the enactment of a  
 13567 separate ordinance for each district, which ordinance:

13568 (i) Requires the district to notify the Department of  
 13569 Legal Affairs and the Department of Economic Opportunity  
 13570 ~~Community Affairs~~ in writing of its establishment within 30 days  
 13571 thereof pursuant to s. 163.5055.

13572 Section 239. Subsection (6) of section 165.031, Florida  
 13573 Statutes, is amended to read:

13574 165.031 Definitions.—The following terms and phrases, when  
 13575 used in this chapter, shall have the meanings ascribed to them  
 13576 in this section, except where the context clearly indicates a  
 13577 different meaning:

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13578 (6) "Department" means the Department of Economic  
 13579 Opportunity Community Affairs.

13580 Section 240. Subsection (1) of section 171.204, Florida  
 13581 Statutes, is amended to read:

13582 171.204 Prerequisites to annexation under this part.—The  
 13583 interlocal service boundary agreement may describe the character  
 13584 of land that may be annexed under this part and may provide that  
 13585 the restrictions on the character of land that may be annexed  
 13586 pursuant to part I are not restrictions on land that may be  
 13587 annexed pursuant to this part. As determined in the interlocal  
 13588 service boundary agreement, any character of land may be  
 13589 annexed, including, but not limited to, an annexation of land  
 13590 not contiguous to the boundaries of the annexing municipality,  
 13591 an annexation that creates an enclave, or an annexation where  
 13592 the annexed area is not reasonably compact; however, such area  
 13593 must be "urban in character" as defined in s. 171.031(8). The  
 13594 interlocal service boundary agreement may not allow for  
 13595 annexation of land within a municipality that is not a party to  
 13596 the agreement or of land that is within another county. Before  
 13597 annexation of land that is not contiguous to the boundaries of  
 13598 the annexing municipality, an annexation that creates an  
 13599 enclave, or an annexation of land that is not currently served  
 13600 by water or sewer utilities, one of the following options must  
 13601 be followed:

13602 (1) The municipality shall transmit a comprehensive plan  
 13603 amendment that proposes specific amendments relating to the  
 13604 property anticipated for annexation to the Department of  
 13605 Economic Opportunity Community Affairs for review under chapter

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13606 | 163. After considering the department's review, the municipality  
 13607 | may approve the annexation and comprehensive plan amendment  
 13608 | concurrently. The local government must adopt the annexation and  
 13609 | the comprehensive plan amendment as separate and distinct  
 13610 | actions but may take such actions at a single public hearing; or

13611 |       Section 241. Subsection (4) of section 189.403, Florida  
 13612 | Statutes, is amended to read:

13613 |           189.403 Definitions.—As used in this chapter, the term:

13614 |           (4) "Department" means the Department of Financial  
 13615 | Services ~~Community Affairs~~.

13616 |       Section 242. Subsection (1) of section 189.4035, Florida  
 13617 | Statutes, is amended to read:

13618 |           189.4035 Preparation of official list of special  
 13619 | districts.—

13620 |           (1) The department ~~of Community Affairs~~ shall compile the  
 13621 | official list of special districts. The official list of special  
 13622 | districts shall include all special districts in this state and  
 13623 | shall indicate the independent or dependent status of each  
 13624 | district. All special districts in the list shall be sorted by  
 13625 | county. The definitions in s. 189.403 shall be the criteria for  
 13626 | determination of the independent or dependent status of each  
 13627 | special district on the official list. The status of community  
 13628 | development districts shall be independent on the official list  
 13629 | of special districts.

13630 |       Section 243. Section 189.412, Florida Statutes, is amended  
 13631 | to read:

13632 |           189.412 Special District Information Program; duties and  
 13633 | responsibilities.—The Special District Information Program of

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13634 the department of ~~Community Affairs~~ is created and has the  
 13635 following special duties:

13636 (1) The collection and maintenance of special district  
 13637 noncompliance status reports from the Department of Management  
 13638 Services, the Department of Financial Services, the Division of  
 13639 Bond Finance of the State Board of Administration, and the  
 13640 Auditor General for the reporting required in ss. 112.63,  
 13641 218.32, 218.38, and 218.39. The noncompliance reports must list  
 13642 those special districts that did not comply with the statutory  
 13643 reporting requirements.

13644 (2) The maintenance of a master list of independent and  
 13645 dependent special districts which shall be available on the  
 13646 department's website.

13647 (3) The publishing and updating of a "Florida Special  
 13648 District Handbook" that contains, at a minimum:

13649 (a) A section that specifies definitions of special  
 13650 districts and status distinctions in the statutes.

13651 (b) A section or sections that specify current statutory  
 13652 provisions for special district creation, implementation,  
 13653 modification, dissolution, and operating procedures.

13654 (c) A section that summarizes the reporting requirements  
 13655 applicable to all types of special districts as provided in ss.  
 13656 189.417 and 189.418.

13657 (4) When feasible, securing and maintaining access to  
 13658 special district information collected by all state agencies in  
 13659 existing or newly created state computer systems.

13660 (5) The facilitation of coordination and communication  
 13661 among state agencies regarding special district information.



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13662 (6) The conduct of studies relevant to special districts.

13663 (7) The provision of assistance related to and appropriate  
 13664 in the performance of requirements specified in this chapter,  
 13665 including assisting with an annual conference sponsored by the  
 13666 Florida Association of Special Districts or its successor.

13667 (8) Providing assistance to local general-purpose  
 13668 governments and certain state agencies in collecting delinquent  
 13669 reports or information, helping special districts comply with  
 13670 reporting requirements, declaring special districts inactive  
 13671 when appropriate, and, when directed by the Legislative Auditing  
 13672 Committee, initiating enforcement provisions as provided in ss.  
 13673 189.4044, 189.419, and 189.421.

13674 Section 244. Section 189.413, Florida Statutes, is amended  
 13675 to read:

13676 189.413 Special districts; oversight of state funds use.—  
 13677 Any state agency administering funding programs for which  
 13678 special districts are eligible shall be responsible for  
 13679 oversight of the use of such funds by special districts. The  
 13680 oversight responsibilities shall include, but not be limited to:

13681 (1) Reporting the existence of the program to the Special  
 13682 District Information Program of the department ~~of Community~~  
 13683 ~~Affairs~~.

13684 (2) Submitting annually a list of special districts  
 13685 participating in a state funding program to the Special District  
 13686 Information Program of the department ~~of Community Affairs~~. This  
 13687 list must indicate the special districts, if any, that are not  
 13688 in compliance with state funding program requirements.

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13689 Section 245. Section 189.425, Florida Statutes, is amended  
 13690 to read:

13691 189.425 Rulemaking authority.—The department ~~of Community~~  
 13692 ~~Affairs~~ may adopt rules to implement the provisions of this  
 13693 chapter.

13694 Section 246. Section 189.427, Florida Statutes, is amended  
 13695 to read:

13696 189.427 Fee schedule; Operating Trust Fund.—The department  
 13697 ~~of Community Affairs~~, by rule, shall establish a schedule of  
 13698 fees to pay one-half of the costs incurred by the department in  
 13699 administering this act, except that the fee may not exceed \$175  
 13700 per district per year. The fees collected under this section  
 13701 shall be deposited in the Operating Trust Fund, which shall be  
 13702 administered by the department ~~of Community Affairs~~. Any fee  
 13703 rule must consider factors such as the dependent and independent  
 13704 status of the district and district revenues for the most recent  
 13705 fiscal year as reported to the Department of Financial Services.  
 13706 The department may assess fines of not more than \$25, with an  
 13707 aggregate total not to exceed \$50, as penalties against special  
 13708 districts that fail to remit required fees to the department. It  
 13709 is the intent of the Legislature that general revenue funds will  
 13710 be made available to the department to pay one-half of the cost  
 13711 of administering this act.

13712 Section 247. Subsection (2) of section 190.009, Florida  
 13713 Statutes, is amended to read:

13714 190.009 Disclosure of public financing.—

13715 (2) The Department of Financial Services ~~Community Affairs~~  
 13716 shall keep a current list of districts and their disclosures

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13717 | pursuant to this act and shall make such studies and reports and  
 13718 | take such actions as it deems necessary.

13719 |         Section 248. Section 190.047, Florida Statutes, is amended  
 13720 | to read:

13721 |             190.047 Incorporation or annexation of district.—

13722 |             (1) Upon attaining the population standards for  
 13723 | incorporation contained in s. 165.061 and as determined by the  
 13724 | Department of Financial Services ~~Community Affairs~~, any district  
 13725 | wholly contained within the unincorporated area of a county that  
 13726 | also meets the other requirements for incorporation contained in  
 13727 | s. 165.061 shall hold a referendum at a general election on the  
 13728 | question of whether to incorporate. However, any district  
 13729 | contiguous to the boundary of a municipality may be annexed to  
 13730 | such municipality pursuant to the provisions of chapter 171.

13731 |             (2) The Department of Financial Services ~~Community Affairs~~  
 13732 | shall annually monitor the status of the district for purposes  
 13733 | of carrying out the provisions of this section.

13734 |         Section 249. Subsection (1) of section 191.009, Florida  
 13735 | Statutes, is amended to read:

13736 |             191.009 Taxes; non-ad valorem assessments; impact fees and  
 13737 | user charges.—

13738 |             (1) AD VALOREM TAXES.—An elected board may levy and assess  
 13739 | ad valorem taxes on all taxable property in the district to  
 13740 | construct, operate, and maintain district facilities and  
 13741 | services, to pay the principal of, and interest on, general  
 13742 | obligation bonds of the district, and to provide for any sinking  
 13743 | or other funds established in connection with such bonds. An ad  
 13744 | valorem tax levied by the board for operating purposes,

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13745 exclusive of debt service on bonds, may not exceed 3.75 mills  
 13746 unless a higher amount has been previously authorized by law,  
 13747 subject to a referendum as required by the State Constitution  
 13748 and this act. The ballot question on such referendum shall state  
 13749 the currently authorized millage rate and the year of its  
 13750 approval by referendum. The levy of ad valorem taxes pursuant to  
 13751 this section must be approved by referendum called by the board  
 13752 when the proposed levy of ad valorem taxes exceeds the amount  
 13753 authorized by prior special act, general law of local  
 13754 application, or county ordinance approved by referendum. Nothing  
 13755 in this act shall require a referendum on the levy of ad valorem  
 13756 taxes in an amount previously authorized by special act, general  
 13757 law of local application, or county ordinance approved by  
 13758 referendum. Such tax shall be assessed, levied, and collected in  
 13759 the same manner as county taxes. The levy of ad valorem taxes  
 13760 approved by referendum shall be reported within 60 days after  
 13761 the vote to the Department of Financial Services ~~Community~~  
 13762 ~~Affairs~~.

13763 Section 250. Section 191.015, Florida Statutes, is amended  
 13764 to read:

13765 191.015 Codification.—Each fire control district existing  
 13766 on the effective date of this section, by December 1, 2004,  
 13767 shall submit to the Legislature a draft codified charter, at its  
 13768 expense, so that its special acts may be codified into a single  
 13769 act for reenactment by the Legislature, if there is more than  
 13770 one special act for the district. The Legislature may adopt a  
 13771 schedule for individual district codification. Any codified act  
 13772 relating to a district, which act is submitted to the

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13773 Legislature for reenactment, shall provide for the repeal of all  
 13774 prior special acts of the Legislature relating to the district.  
 13775 The codified act shall be filed with the Department of Financial  
 13776 Services ~~Community Affairs~~ pursuant to s. 189.418(2).

13777 Section 251. Paragraph (c) of subsection (1) and paragraph  
 13778 (a) of subsection (10) of section 201.15, Florida Statutes, as  
 13779 amended by chapter 2010-153, Laws of Florida, are amended to  
 13780 read:

13781 201.15 Distribution of taxes collected.—All taxes  
 13782 collected under this chapter are subject to the service charge  
 13783 imposed in s. 215.20(1). Prior to distribution under this  
 13784 section, the Department of Revenue shall deduct amounts  
 13785 necessary to pay the costs of the collection and enforcement of  
 13786 the tax levied by this chapter. Such costs and the service  
 13787 charge may not be levied against any portion of taxes pledged to  
 13788 debt service on bonds to the extent that the costs and service  
 13789 charge are required to pay any amounts relating to the bonds.  
 13790 After distributions are made pursuant to subsection (1), all of  
 13791 the costs of the collection and enforcement of the tax levied by  
 13792 this chapter and the service charge shall be available and  
 13793 transferred to the extent necessary to pay debt service and any  
 13794 other amounts payable with respect to bonds authorized before  
 13795 January 1, 2010, secured by revenues distributed pursuant to  
 13796 subsection (1). All taxes remaining after deduction of costs and  
 13797 the service charge shall be distributed as follows:

13798 (1) Sixty-three and thirty-one hundredths percent of the  
 13799 remaining taxes shall be used for the following purposes:

13800 (c) After the required payments under paragraphs (a) and

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13801 (b), the remainder shall be paid into the State Treasury to the  
 13802 credit of:

13803 1. The State Transportation Trust Fund in the Department  
 13804 of Transportation in the amount of the lesser of 38.2 percent of  
 13805 the remainder or \$541.75 million in each fiscal year, to be used  
 13806 for the following specified purposes, notwithstanding any other  
 13807 law to the contrary:

13808 a. For the purposes of capital funding for the New Starts  
 13809 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
 13810 specified in s. 341.051, 10 percent of these funds;

13811 b. For the purposes of the Small County Outreach Program  
 13812 specified in s. 339.2818, 5 percent of these funds. Effective  
 13813 July 1, 2014, the percentage allocated under this sub-  
 13814 subparagraph shall be increased to 10 percent;

13815 c. For the purposes of the Strategic Intermodal System  
 13816 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
 13817 of these funds after allocating for the New Starts Transit  
 13818 Program described in sub-subparagraph a. and the Small County  
 13819 Outreach Program described in sub-subparagraph b.; and

13820 d. For the purposes of the Transportation Regional  
 13821 Incentive Program specified in s. 339.2819, 25 percent of these  
 13822 funds after allocating for the New Starts Transit Program  
 13823 described in sub-subparagraph a. and the Small County Outreach  
 13824 Program described in sub-subparagraph b. Effective July 1, 2014,  
 13825 the first \$60 million of the funds allocated pursuant to this  
 13826 sub-subparagraph shall be allocated annually to the Florida Rail  
 13827 Enterprise for the purposes established in s. 341.303(5).

13828 2. The Grants and Donations Trust Fund in the Department

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13829 of Economic Opportunity ~~the Department of Community Affairs~~ in  
 13830 the amount of the lesser of .23 percent of the remainder or  
 13831 \$3.25 million in each fiscal year, with 92 percent to be used to  
 13832 fund technical assistance to local governments and school boards  
 13833 on the requirements and implementation of this act and the  
 13834 remaining amount to be used to fund the Century Commission  
 13835 established in s. 163.3247.

13836 3. The Ecosystem Management and Restoration Trust Fund in  
 13837 the amount of the lesser of 2.12 percent of the remainder or \$30  
 13838 million in each fiscal year, to be used for the preservation and  
 13839 repair of the state's beaches as provided in ss. 161.091-  
 13840 161.212.

13841 4. General Inspection Trust Fund in the amount of the  
 13842 lesser of .02 percent of the remainder or \$300,000 in each  
 13843 fiscal year to be used to fund oyster management and restoration  
 13844 programs as provided in s. 379.362(3).

13845  
 13846 Moneys distributed pursuant to this paragraph may not be pledged  
 13847 for debt service unless such pledge is approved by referendum of  
 13848 the voters.

13849 (10) The lesser of 8.66 percent of the remaining taxes or  
 13850 \$136 million in each fiscal year shall be paid into the State  
 13851 Treasury to the credit of the State Housing Trust Fund and used  
 13852 as follows:

13853 (a) Twelve and one-half percent of that amount shall be  
 13854 deposited into the State Housing Trust Fund and be expended by  
 13855 the Department of Economic Opportunity ~~the Department of~~  
 13856 ~~Community Affairs~~ and by the Florida Housing Finance Corporation

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13857 | for the purposes for which the State Housing Trust Fund was  
 13858 | created and exists by law.

13859 |       Section 252. Paragraph (j) of subsection (4) of section  
 13860 | 215.5586, Florida Statutes, is amended to read:

13861 |       215.5586 My Safe Florida Home Program.—There is  
 13862 | established within the Department of Financial Services the My  
 13863 | Safe Florida Home Program. The department shall provide fiscal  
 13864 | accountability, contract management, and strategic leadership  
 13865 | for the program, consistent with this section. This section does  
 13866 | not create an entitlement for property owners or obligate the  
 13867 | state in any way to fund the inspection or retrofitting of  
 13868 | residential property in this state. Implementation of this  
 13869 | program is subject to annual legislative appropriations. It is  
 13870 | the intent of the Legislature that the My Safe Florida Home  
 13871 | Program provide trained and certified inspectors to perform  
 13872 | inspections for owners of site-built, single-family, residential  
 13873 | properties and grants to eligible applicants as funding allows.  
 13874 | The program shall develop and implement a comprehensive and  
 13875 | coordinated approach for hurricane damage mitigation that may  
 13876 | include the following:

13877 |       (4) ADVISORY COUNCIL.—There is created an advisory council  
 13878 | to provide advice and assistance to the department regarding  
 13879 | administration of the program. The advisory council shall  
 13880 | consist of:

13881 |       (j) The director of the ~~Florida~~ Division of Emergency  
 13882 | Management.

13883 |  
 13884 | Members appointed under paragraphs (a)-(d) shall serve at the



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13885 | pleasure of the Financial Services Commission. Members appointed  
 13886 | under paragraphs (e) and (f) shall serve at the pleasure of the  
 13887 | appointing officer. All other members shall serve ex officio as  
 13888 | voting ~~ex officio~~ members. Members of the advisory council shall  
 13889 | serve without compensation but may receive reimbursement as  
 13890 | provided in s. 112.061 for per diem and travel expenses incurred  
 13891 | in the performance of their official duties.

13892 |       Section 253. Section 215.55865, Florida Statutes, is  
 13893 | amended to read:

13894 |       215.55865 Uniform home grading scale.—The Financial  
 13895 | Services Commission shall adopt a uniform home grading scale to  
 13896 | grade the ability of a home to withstand the wind load from a  
 13897 | sustained severe tropical storm or hurricane. The commission  
 13898 | shall coordinate with the Office of Insurance Regulation, the  
 13899 | Department of Financial Services, and the Department of Economic  
 13900 | Opportunity ~~Community Affairs~~ in developing the grading scale,  
 13901 | which must be based upon and consistent with the rating system  
 13902 | required by chapter 2006-12, Laws of Florida. The commission  
 13903 | shall adopt the uniform grading scale by rule no later than June  
 13904 | 30, 2007.

13905 |       Section 254. Subsection (1) of section 215.5588, Florida  
 13906 | Statutes, is amended to read:

13907 |       215.5588 Florida Disaster Recovery Program.—

13908 |       (1) The Department of Economic Opportunity ~~Department of~~  
 13909 | ~~Community Affairs~~ shall implement the 2006 Disaster Recovery  
 13910 | Program from funds provided through the Emergency Supplemental  
 13911 | Appropriations Act for Defense, the Global War on Terror, and  
 13912 | Hurricane Recovery, 2006, for the purpose of assisting local

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13913 governments in satisfying disaster recovery needs in the areas  
 13914 of low-income housing and infrastructure, with a primary focus  
 13915 on the hardening of single-family and multifamily housing units,  
 13916 not only to ensure that affordable housing can withstand the  
 13917 effects of hurricane-force winds, but also to mitigate the  
 13918 increasing costs of insurance, which may ultimately render  
 13919 existing affordable homes unaffordable or uninsurable. This  
 13920 section does not create an entitlement for local governments or  
 13921 property owners or obligate the state in any way to fund  
 13922 disaster recovery needs.

13923 Section 255. Subsection (2) of section 218.32, Florida  
 13924 Statutes, is amended to read:

13925 218.32 Annual financial reports; local governmental  
 13926 entities.—

13927 (2) The department shall annually by December 1 file a  
 13928 verified report with the Governor, the Legislature, the Auditor  
 13929 General, and the Special District Information Program of the  
 13930 Department of Financial Services ~~Community Affairs~~ showing the  
 13931 revenues, both locally derived and derived from  
 13932 intergovernmental transfers, and the expenditures of each local  
 13933 governmental entity, regional planning council, local government  
 13934 finance commission, and municipal power corporation that is  
 13935 required to submit an annual financial report. The report must  
 13936 include, but is not limited to:

13937 (a) The total revenues and expenditures of each local  
 13938 governmental entity that is a component unit included in the  
 13939 annual financial report of the reporting entity.

13940 (b) The amount of outstanding long-term debt by each local

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13941 governmental entity. For purposes of this paragraph, the term  
 13942 "long-term debt" means any agreement or series of agreements to  
 13943 pay money, which, at inception, contemplate terms of payment  
 13944 exceeding 1 year in duration.

13945 Section 256. Paragraph (g) of subsection (1) of section  
 13946 218.37, Florida Statutes, is amended to read:

13947 218.37 Powers and duties of Division of Bond Finance;  
 13948 advisory council.—

13949 (1) The Division of Bond Finance of the State Board of  
 13950 Administration, with respect to both general obligation bonds  
 13951 and revenue bonds, shall:

13952 (g) By January 1 each year, provide the Special District  
 13953 Information Program of the Department of Financial Services  
 13954 ~~Community Affairs~~ with a list of special districts that are not  
 13955 in compliance with the requirements in s. 218.38.

13956 Section 257. Paragraph (c) of subsection (1) of section  
 13957 218.411, Florida Statutes, is amended to read:

13958 218.411 Authorization for state technical and advisory  
 13959 assistance.—

13960 (1) The board is authorized, upon request, to assist local  
 13961 governments in investing funds that are temporarily in excess of  
 13962 operating needs by:

13963 (c) Providing, in cooperation with the Department of  
 13964 Financial Services ~~Community Affairs~~, technical assistance to  
 13965 local governments in investment of surplus funds.

13966 Section 258. Paragraph (d) of subsection (2) and paragraph  
 13967 (e) of subsection (4) of section 220.183, Florida Statutes, are  
 13968 amended to read:

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13969 | 220.183 Community contribution tax credit.—  
 13970 | (2) ELIGIBILITY REQUIREMENTS.—  
 13971 | (d) The project shall be located in an area designated as  
 13972 | an enterprise zone or a Front Porch Florida Community pursuant  
 13973 | ~~to s. 20.18(6)~~. Any project designed to construct or  
 13974 | rehabilitate housing for low-income or very-low-income  
 13975 | households as defined in s. 420.9071(19) and (28) is exempt from  
 13976 | the area requirement of this paragraph. This section does not  
 13977 | preclude projects that propose to construct or rehabilitate  
 13978 | housing for low-income or very-low-income households on  
 13979 | scattered sites. Any project designed to provide increased  
 13980 | access to high-speed broadband capabilities which includes  
 13981 | coverage of a rural enterprise zone may locate the project's  
 13982 | infrastructure in any area of a rural county.  
 13983 | (4) ADMINISTRATION.—  
 13984 | (e) The Department of Economic Opportunity ~~The Office of~~  
 13985 | ~~Tourism, Trade, and Economic Development shall, in consultation~~  
 13986 | ~~with the Department of Community Affairs,~~ the Florida Housing  
 13987 | Finance Corporation, and the statewide and regional housing and  
 13988 | financial intermediaries, shall market the availability of the  
 13989 | community contribution tax credit program to community-based  
 13990 | organizations.  
 13991 | Section 259. Section 252.34, Florida Statutes, is amended  
 13992 | to read:  
 13993 | 252.34 Definitions.—As used in this part ~~ss. 252.31—~~  
 13994 | ~~252.60~~, the term:  
 13995 | (1) "Disaster" means any natural, technological, or civil  
 13996 | emergency that causes damage of sufficient severity and

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13997 magnitude to result in a declaration of a state of emergency by  
 13998 a county, the Governor, or the President of the United States.  
 13999 Disasters are ~~shall be~~ identified by the severity of resulting  
 14000 damage, as follows:

14001 (a) "Catastrophic disaster" means a disaster that will  
 14002 require massive state and federal assistance, including  
 14003 immediate military involvement.

14004 (b) "Major disaster" means a disaster that will likely  
 14005 exceed local capabilities and require a broad range of state and  
 14006 federal assistance.

14007 (c) "Minor disaster" means a disaster that is likely to be  
 14008 within the response capabilities of local government and to  
 14009 result in only a minimal need for state or federal assistance.

14010 (2) "Division" means the Division of Emergency Management  
 14011 of the Executive Office of the Governor ~~of the Department of~~  
 14012 ~~Community Affairs~~, or the successor to that division.

14013 (3) "Emergency" means any occurrence, or threat thereof,  
 14014 whether natural, technological, or manmade, in war or in peace,  
 14015 which results or may result in substantial injury or harm to the  
 14016 population or substantial damage to or loss of property.

14017 (4) "Emergency management" means the preparation for, the  
 14018 mitigation of, the response to, and the recovery from  
 14019 emergencies and disasters. Specific emergency management  
 14020 responsibilities include, but are not limited to:

14021 (a) Reduction of vulnerability of people and communities  
 14022 of this state to damage, injury, and loss of life and property  
 14023 resulting from natural, technological, or manmade emergencies or  
 14024 hostile military or paramilitary action.

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14025 (b) Preparation for prompt and efficient response and  
 14026 recovery to protect lives and property affected by emergencies.

14027 (c) Response to emergencies using all systems, plans, and  
 14028 resources necessary to preserve adequately the health, safety,  
 14029 and welfare of persons or property affected by the emergency.

14030 (d) Recovery from emergencies by providing for the rapid  
 14031 and orderly start of restoration and rehabilitation of persons  
 14032 and property affected by emergencies.

14033 (e) Provision of an emergency management system embodying  
 14034 all aspects of preemergency preparedness and postemergency  
 14035 response, recovery, and mitigation.

14036 (f) Assistance in anticipation, recognition, appraisal,  
 14037 prevention, and mitigation of emergencies which may be caused or  
 14038 aggravated by inadequate planning for, and regulation of, public  
 14039 and private facilities and land use.

14040 (5) "Local emergency management agency" means an  
 14041 organization created in accordance with ~~the provisions of ss.~~  
 14042 252.31-252.90 to discharge the emergency management  
 14043 responsibilities and functions of a political subdivision.

14044 (6) "Manmade emergency" means an emergency caused by an  
 14045 action against persons or society, including, but not limited  
 14046 to, enemy attack, sabotage, terrorism, civil unrest, or other  
 14047 action impairing the orderly administration of government.

14048 (7) "Natural emergency" means an emergency caused by a  
 14049 natural event, including, but not limited to, a hurricane, a  
 14050 storm, a flood, severe wave action, a drought, or an earthquake.

14051 (8) "Political subdivision" means any county or  
 14052 municipality created pursuant to law.

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14053 (9) "Technological emergency" means an emergency caused by  
 14054 a technological failure or accident, including, but not limited  
 14055 to, an explosion, transportation accident, radiological  
 14056 accident, or chemical or other hazardous material incident.

14057 Section 260. Subsection (2) of section 252.355, Florida  
 14058 Statutes, is amended to read:

14059 252.355 Registry of persons with special needs; notice.—

14060 (2) The division ~~Department of Community Affairs~~ shall be  
 14061 the designated lead agency responsible for community education  
 14062 and outreach to the public, including special needs clients,  
 14063 regarding registration and special needs shelters and general  
 14064 information regarding shelter stays.

14065 Section 261. Section 252.371, Florida Statutes, is amended  
 14066 to read:

14067 252.371 Emergency Management, Preparedness, and Assistance  
 14068 Trust Fund.—There is created the Emergency Management,  
 14069 Preparedness, and Assistance Trust Fund to be administered by  
 14070 the division ~~Department of Community Affairs~~.

14071 Section 262. Subsections (1) and (2) of section 252.373,  
 14072 Florida Statutes, are amended to read:

14073 252.373 Allocation of funds; rules.—

14074 (1) Funds appropriated from the Emergency Management,  
 14075 Preparedness, and Assistance Trust Fund shall be allocated by  
 14076 the division ~~Department of Community Affairs~~ for the following  
 14077 purposes:

14078 (a) To implement and administer state and local emergency  
 14079 management programs, including administration, training, and  
 14080 operations.

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14081 (b) For grants and loans to state or regional agencies,  
 14082 local governments, and private organizations to implement  
 14083 projects that will further state and local emergency management  
 14084 objectives. These projects must include, but need not be limited  
 14085 to, projects that will promote public education on disaster  
 14086 preparedness and recovery issues, enhance coordination of relief  
 14087 efforts of statewide private sector organizations, and improve  
 14088 the training and operations capabilities of agencies assigned  
 14089 lead or support responsibilities in the state comprehensive  
 14090 emergency management plan, including the State Fire Marshal's  
 14091 Office for coordinating the Florida fire services. The division  
 14092 shall establish criteria and procedures for competitive  
 14093 allocation of these funds by rule. No more than 5 percent of any  
 14094 award made pursuant to this subparagraph may be used for  
 14095 administrative expenses. This competitive criteria must give  
 14096 priority consideration to hurricane evacuation shelter retrofit  
 14097 projects.

14098 (c) To meet any matching requirements imposed as a  
 14099 condition of receiving federal disaster relief assistance.

14100 (2) The division ~~department~~ shall allocate funds from the  
 14101 Emergency Management, Preparedness, and Assistance Trust Fund to  
 14102 local emergency management agencies and programs pursuant to  
 14103 criteria specified in rule. Such rules shall include, but are  
 14104 not limited to:

14105 (a) Requiring that, at a minimum, a local emergency  
 14106 management agency either:

14107 1. Have a program director who works at least 40 hours a  
 14108 week in that capacity; or



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14109           2. If the county has fewer than 75,000 population or is  
 14110 party to an interjurisdictional emergency management agreement  
 14111 entered into pursuant to s. 252.38(3)(b), that is recognized by  
 14112 the Governor by executive order or rule, have an emergency  
 14113 management coordinator who works at least 20 hours a week in  
 14114 that capacity.

14115           (b) Specifying a formula that establishes a base grant  
 14116 allocation and weighted factors for funds to be allocated over  
 14117 the base grant amount.

14118           (c) Specifying match requirements.

14119           (d) Preferential funding to provide incentives to counties  
 14120 and municipalities to participate in mutual aid agreements.

14121           Section 263. Subsection (5) of section 252.55, Florida  
 14122 Statutes, is amended to read:

14123           252.55 Civil Air Patrol, Florida Wing.—

14124           (5) The wing commander of the Florida Wing of the Civil  
 14125 Air Patrol shall biennially furnish the Division ~~Bureau~~ of  
 14126 Emergency Management a 2-year projection of the goals and  
 14127 objectives of the Civil Air Patrol which shall be reported in  
 14128 the division's biennial report submitted pursuant to s. 252.35.

14129           Section 264. Subsection (4) of section 252.60, Florida  
 14130 Statutes, is amended to read:

14131           252.60 Radiological emergency preparedness.—

14132           (4) POWERS AND DUTIES.—In implementing the requirements of  
 14133 this section, the director of the division ~~secretary of the~~  
 14134 ~~department~~, or the director's ~~secretary's~~ designated  
 14135 representative, shall:

14136           (a) Negotiate and enter into such additional contracts and

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14137 | arrangements among the division, appropriate counties, and each  
 14138 | operator to provide for the level of funding and the respective  
 14139 | roles of each in the development, preparation, testing, and  
 14140 | implementation of the plans.

14141 | (b) Evaluate and determine the adequacy of the plans based  
 14142 | upon consultations with the United States Nuclear Regulatory  
 14143 | Commission and other agencies, as appropriate, and upon the  
 14144 | results of such tests as may be conducted.

14145 | (c) Limited to such funding as is available based upon the  
 14146 | requirements of subsection (5), require the participation of  
 14147 | appropriate counties and operators in the development,  
 14148 | preparation, testing, or implementation of the plans as needed.

14149 | (d) Determine the reasonableness and adequacy of the  
 14150 | provisions, terms, and conditions of the plans and, in the event  
 14151 | the appropriate counties and the operators cannot agree, resolve  
 14152 | such differences and require compliance by the appropriate  
 14153 | counties and the operators with the plans. In resolving such  
 14154 | differences, the director ~~secretary~~ shall consider:

14155 | 1. The requirements and parameters placed on the operators  
 14156 | by federal law and agencies;

14157 | 2. The reasonableness and adequacy of the funding for  
 14158 | appropriate counties from any sources of funds other than local  
 14159 | revenue sources; and

14160 | 3. The reasonableness and appropriateness of the costs to  
 14161 | the appropriate counties likely to be incurred in complying with  
 14162 | provisions, terms, and conditions of the plans.

14163 | (e) Receive, expend, and disburse such funds as are made  
 14164 | available by each licensee pursuant to this section.

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14165 (f) Limited to such funding as is available based upon the  
 14166 requirements of subsection (5), coordinate all activities  
 14167 undertaken pursuant to this section or required of appropriate  
 14168 counties and operators by any federal or state agency.

14169 Section 265. Section 252.61, Florida Statutes, is amended  
 14170 to read:

14171 252.61 List of persons for contact relating to release of  
 14172 toxic substances into atmosphere.—The Division of Emergency  
 14173 Management Department of Community Affairs shall maintain a list  
 14174 of contact persons after the survey pursuant to s. 403.771 is  
 14175 completed.

14176 Section 266. Section 252.82, Florida Statutes, is amended  
 14177 to read:

14178 252.82 Definitions.—As used in this part, the term:

14179 (1) "Commission" means the State Hazardous Materials  
 14180 Emergency Response Commission created pursuant to s. 301 of  
 14181 EPCRA.

14182 (2) "Committee" means any local emergency planning  
 14183 committee established in the state pursuant to s. 301 of EPCRA.

14184 (3) "Division" means the Division of Emergency Management  
 14185 of the Executive Office of the Governor.

14186 ~~(3) "Department" means the Department of Community~~  
 14187 ~~Affairs.~~

14188 (4) "Facility" means facility as defined in s. 329 of  
 14189 EPCRA. Vehicles placarded according to title 49 Code of Federal  
 14190 Regulations are ~~shall~~ not be considered a facility except for  
 14191 purposes of s. 304 of EPCRA.

14192 (5) "Hazardous material" means any hazardous chemical,

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14193 toxic chemical, or extremely hazardous substance, as defined in  
 14194 s. 329 of EPCRA.

14195 (6) "EPCRA" means the Emergency Planning and Community  
 14196 Right-to-Know Act of 1986, title III of the Superfund Amendments  
 14197 and Reauthorization Act of 1986, Pub. L. No. 99-499, ss. 300-  
 14198 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations  
 14199 adopted thereunder.

14200 (7) "Trust fund" means the Operating Trust Fund of the  
 14201 division ~~Department of Community Affairs~~.

14202 Section 267. Section 252.83, Florida Statutes, is amended  
 14203 to read:

14204 252.83 Powers and duties of the division ~~department~~.

14205 (1) The division ~~department~~ shall have the authority:

14206 (a) To coordinate its activities under this part with its  
 14207 other emergency management responsibilities, including its  
 14208 responsibilities under part I of this chapter, and activities  
 14209 and with the related activities of other agencies, keeping  
 14210 separate accounts for all activities supported or partially  
 14211 supported from the Operating Trust Fund.

14212 (b) To make rules, with the advice and consent of the  
 14213 commission, to implement this part.

14214 (2) The division ~~department~~ shall provide administrative  
 14215 support, including staff, facilities, materials, and services,  
 14216 to the commission and shall provide funding to the committees to  
 14217 enable the commission and the committees to perform their  
 14218 functions under EPCRA and this part.

14219 (3) The division ~~department~~ and the commission, to the  
 14220 extent possible, shall use the emergency planning capabilities

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14221 of local governments to reduce duplication and paperwork to  
 14222 achieve the intent of this part. It is the intent of the  
 14223 Legislature that this part be implemented in the most cost-  
 14224 efficient manner possible, with the least possible financial  
 14225 impact on local government and the community.

14226 Section 268. Subsections (1), (3), (4), and (5) of section  
 14227 252.85, Florida Statutes, are amended to read:

14228 252.85 Fees.—

14229 (1) Any owner or operator of a facility required under s.  
 14230 302 or s. 312 of EPCRA, or by s. 252.87, to submit a  
 14231 notification or an annual inventory form to the commission shall  
 14232 be required to pay an annual registration fee. The fee for any  
 14233 company, including all facilities under common ownership or  
 14234 control, shall not be less than \$25 nor more than \$2,000. The  
 14235 division ~~department~~ shall establish a reduced fee, of not less  
 14236 than \$25 nor more than \$500, applicable to any owner or operator  
 14237 regulated under part I of chapter 368, chapter 527, or s.  
 14238 376.303, which does not have present any extremely hazardous  
 14239 substance, as defined by EPCRA, in excess of a threshold  
 14240 planning quantity, as established by EPCRA. The division  
 14241 ~~department~~ shall establish a reduced fee of not less than \$25  
 14242 nor more than \$1,000, applicable to any owner or operator of a  
 14243 facility with a Standard Industrial Classification Code of 01,  
 14244 02, or 07, which is eligible for the "routine agricultural use"  
 14245 exemption provided in ss. 311 and 312 of EPCRA. The fee under  
 14246 this subsection shall be based on the number of employees  
 14247 employed within the state at facilities under the common  
 14248 ownership or control of such owner or operator, which number

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14249 shall be determined, to the extent possible, in accordance with  
 14250 data supplied by the Department of Economic Opportunity or the  
 14251 Department of Revenue ~~the Department of Labor and Employment~~  
 14252 ~~Security~~. In order to avoid the duplicative reporting of  
 14253 seasonal and temporary agricultural employees, fees applicable  
 14254 to owners or operators of agricultural facilities, which are  
 14255 eligible for the "routine agricultural use" reporting exemption  
 14256 provided in ss. 311 and 312 of EPCRA, shall be based on employee  
 14257 data which most closely reflects such owner or operator's  
 14258 permanent nonseasonal workforce. The division ~~department~~ shall  
 14259 establish by rule the date by which the fee is to be paid, as  
 14260 well as a formula or method of determining the applicable fee  
 14261 under this subsection without regard to the number of facilities  
 14262 under common ownership or control. The division ~~department~~ may  
 14263 require owners or operators of multiple facilities to  
 14264 demonstrate common ownership or control for purposes of this  
 14265 subsection.

14266 (3) Any owner or operator of a facility that is required  
 14267 to submit a report or filing under s. 313 of EPCRA shall pay an  
 14268 annual reporting fee not to exceed \$150 for those s. 313 EPCRA  
 14269 listed substances in effect on January 1, 2005. The division  
 14270 ~~department~~ shall establish by rule the date by which the fee is  
 14271 to be paid, as well as a formula or method of determining the  
 14272 applicable fee under this subsection.

14273 (4) (a) The division ~~department~~ may assess a late fee for  
 14274 the failure to submit a report or filing that substantially  
 14275 complies with the requirements of EPCRA or s. 252.87 by the  
 14276 specified date or for failure to pay any fee, including any late

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14277 fee, required by this section. This late fee shall be in  
 14278 addition to the fee otherwise imposed pursuant to this section.  
 14279 If the division ~~department~~ elects to impose a late fee, it shall  
 14280 provide the owner or operator with a written notice that  
 14281 identifies the specific requirements which have not been met and  
 14282 advises of its intent to assess a late fee.

14283 (b) The division ~~department~~ may impose a late fee, subject  
 14284 to the limitations set forth below:

14285 1. If the report, filing, or fee is submitted within 30  
 14286 days after the receipt of the division's ~~department's~~ notice, no  
 14287 late fee may be assessed.

14288 2. If the report, filing, or fee is not submitted within  
 14289 30 days after the receipt of the division's ~~department's~~ notice,  
 14290 the division ~~department~~ may impose a late fee in an amount equal  
 14291 to the amount of the annual registration fee, filing fee, or s.  
 14292 313 fee due, not to exceed \$2,000.

14293 3. If the report, filing, or fee is not submitted within  
 14294 90 days after the receipt of the division's ~~department's~~ notice,  
 14295 the division ~~department~~ may issue a second notice. If the  
 14296 report, filing, or fee is not submitted within 30 days after  
 14297 receipt of the division's ~~department's~~ second notice, the  
 14298 division ~~department~~ may assess a second late fee in an amount  
 14299 equal to twice the amount of the annual registration fee, filing  
 14300 fee, or s. 313 fee due, not to exceed \$4,000.

14301 4. The division ~~department~~ may consider, but is not  
 14302 limited to considering, the following factors in assessing late  
 14303 fees: good faith attempt to comply; history of noncompliance;  
 14304 ability to pay or continue in business; threat to health and

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14305 safety posed by noncompliance; and degree of culpability.

14306 (5) The division ~~department~~ shall establish by rule the  
 14307 dates by which the fee is to be paid, as well as a formula or  
 14308 method of determining the facility registration fee and late  
 14309 fee.

14310 Section 269. Subsections (1) and (3) of section 252.86,  
 14311 Florida Statutes, are amended to read:

14312 252.86 Penalties and remedies.—

14313 (1) The owner or operator of a facility, an employer, or  
 14314 any other person submitting written information pursuant to  
 14315 EPCRA or this part to the commission, a committee, or a fire  
 14316 department shall be liable for a civil penalty of \$5,000 for  
 14317 each item of information in the submission that is false, if  
 14318 such person knew or should have known the information was false  
 14319 or if such person submitted the information with reckless  
 14320 disregard of its truth or falsity. The division ~~department~~ may  
 14321 institute a civil action in a court of competent jurisdiction to  
 14322 impose and recover a civil penalty for the amount indicated in  
 14323 this subsection. However, the court may receive evidence in  
 14324 mitigation.

14325 (3) Any provision of s. 325 or s. 326 of EPCRA which  
 14326 creates a federal cause of action shall create a corresponding  
 14327 cause of action under state law, with jurisdiction in the  
 14328 circuit courts. Any provision of s. 325 or s. 326 of EPCRA which  
 14329 imposes or authorizes the imposition of a civil penalty by the  
 14330 Administrator of the Environmental Protection Agency, or which  
 14331 creates a liability to the United States, shall impose or  
 14332 authorize the imposition of such a penalty by the division



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14333 ~~department~~ or create such a liability to and for the benefit of  
 14334 the state, to be paid into the Operating Trust Fund. Venue shall  
 14335 be proper in the county where the violation occurred or where  
 14336 the defendant has its principal place of business.

14337 Section 270. Subsections (4) and (7) of section 252.87,  
 14338 Florida Statutes, are amended to read:

14339 252.87 Supplemental state reporting requirements.—

14340 (4) Each employer that owns or operates a facility in this  
 14341 state at which hazardous materials are present in quantities at  
 14342 or above the thresholds established under ss. 311(b) and 312(b)  
 14343 of EPCRA shall comply with the reporting requirements of ss. 311  
 14344 and 312 of EPCRA. Such employer shall also be responsible for  
 14345 notifying the division ~~department~~, the local emergency planning  
 14346 committee, and the local fire department in writing within 30  
 14347 days if there is a discontinuance or abandonment of the  
 14348 employer's business activities that could affect any stored  
 14349 hazardous materials.

14350 (7) The division ~~department~~ shall avoid duplicative  
 14351 reporting requirements by utilizing the reporting requirements  
 14352 of other state agencies that regulate hazardous materials to the  
 14353 extent feasible and shall request the information authorized  
 14354 under EPCRA. With the advice and consent of the State Emergency  
 14355 Response Commission for Hazardous Materials, the division  
 14356 ~~department~~ may require by rule that the maximum daily amount  
 14357 entry on the chemical inventory report required under s. 312 of  
 14358 EPCRA provide for reporting in estimated actual amounts. The  
 14359 division ~~department~~ may also require by rule an entry for the  
 14360 Federal Employer Identification Number on this report. To the

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14361 extent feasible, the division ~~department~~ shall encourage and  
 14362 accept required information in a form initiated through  
 14363 electronic data interchange and shall describe by rule the  
 14364 format, manner of execution, and method of electronic  
 14365 transmission necessary for using such form. To the extent  
 14366 feasible, the Department of Financial Services, the Department  
 14367 of Agriculture and Consumer Services, the Department of  
 14368 Environmental Protection, the Public Service Commission, the  
 14369 Department of Revenue, ~~the Department of Labor and Employment~~  
 14370 ~~Security~~, and other state agencies which regulate hazardous  
 14371 materials shall coordinate with the division ~~department~~ in order  
 14372 to avoid duplicative requirements contained in each agency's  
 14373 respective reporting or registration forms. The other state  
 14374 agencies that inspect facilities storing hazardous materials and  
 14375 suppliers and distributors of covered substances shall assist  
 14376 the division ~~department~~ in informing the facility owner or  
 14377 operator of the requirements of this part. The division  
 14378 ~~department~~ shall provide the other state agencies with the  
 14379 necessary information and materials to inform the owners and  
 14380 operators of the requirements of this part to ensure that the  
 14381 budgets of these agencies are not adversely affected.

14382 Section 271. Subsection (4) of section 252.88, Florida  
 14383 Statutes, is amended to read:

14384 252.88 Public records.—

14385 (4) The division ~~department~~, the commission, and the  
 14386 committees shall furnish copies of public records submitted  
 14387 under EPCRA or this part, and may charge a fee of \$1 per page  
 14388 per person per year for over 25 pages of materials copied.

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14389 Section 272. Subsections (3), (8), (9), and (19) of  
 14390 section 252.936, Florida Statutes, are amended to read:

14391 252.936 Definitions.—As used in this part, the term:

14392 (3) "Audit" means a review of information at, ~~a stationary~~  
 14393 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary  
 14394 source subject to s. 112(r)(7), to determine whether that  
 14395 stationary source is in compliance with ~~the requirements of this~~  
 14396 part and rules adopted to administer ~~implement~~ this part. Audits  
 14397 must include a review of the adequacy of the stationary source's  
 14398 Risk Management Plan, may consist of reviews of information  
 14399 submitted to the division ~~department~~ or the United States  
 14400 Environmental Protection Agency to determine whether the plan is  
 14401 complete or whether revisions to the plan are needed, and the  
 14402 reviews may be conducted at the stationary source to confirm  
 14403 that information onsite is consistent with reported information.

14404 (8) "Division" means the Division of Emergency Management  
 14405 in the Executive Office of the Governor. ~~"Department" means the~~  
 14406 ~~Department of Community Affairs.~~

14407 (9) "Inspection" means a review of information at a  
 14408 stationary source subject to s. 112(r)(7), including  
 14409 documentation and operating practices and access to the source  
 14410 and to any area where an accidental release could occur, to  
 14411 determine whether the stationary source is in compliance with  
 14412 ~~the requirements of this part~~ or rules adopted to administer  
 14413 ~~implement~~ this part.

14414 (19) "Trust fund" means the Operating Trust Fund of the  
 14415 ~~established in the department's~~ Division of Emergency  
 14416 Management.

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14417 Section 273. Section 252.937, Florida Statutes, is amended  
 14418 to read:

14419 252.937 Division ~~Department~~ powers and duties.—

14420 (1) The division ~~department~~ has the power and duty to:

14421 (a)1. Seek delegation from the United States Environmental  
 14422 Protection Agency to implement the Accidental Release Prevention  
 14423 Program under s. 112(r) (7) of the Clean Air Act and the federal  
 14424 implementing regulations for specified sources subject to s.  
 14425 112(r) (7) of the Clean Air Act. Implementation for all other  
 14426 sources subject to s. 112(r) (7) of the Clean Air Act shall ~~will~~  
 14427 be performed by the United States Environmental Protection  
 14428 Agency; and

14429 2. Ensure the timely submission of Risk Management Plans  
 14430 and any subsequent revisions of Risk Management Plans.

14431 (b) Adopt, modify, and repeal rules, with the advice and  
 14432 consent of the commission, necessary to obtain delegation from  
 14433 the United States Environmental Protection Agency and to  
 14434 administer the s. 112(r) (7) Accidental Release Prevention  
 14435 Program in this state for the specified stationary sources with  
 14436 no expansion or addition of the regulatory program.

14437 (c) Make and execute contracts and other agreements  
 14438 necessary or convenient to the implementation of this part.

14439 (d) Coordinate its activities under this part with its  
 14440 other emergency management responsibilities, including its  
 14441 responsibilities and activities under parts I, II, and III of  
 14442 this chapter and with the related activities of other state and  
 14443 local agencies, keeping separate accounts for all activities  
 14444 conducted under this part which are supported or partially

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14445 supported from the trust fund.

14446 (e) Establish, with the advice and consent of the  
 14447 commission, a technical assistance and outreach program ~~on or~~  
 14448 ~~before January 31, 1999,~~ to assist owners and operators of  
 14449 specified stationary sources subject to s. 112(r)(7) in  
 14450 complying with the reporting and fee requirements of this part.  
 14451 This program is designed to facilitate and ensure timely  
 14452 submission of proper certifications or compliance schedules and  
 14453 timely submission and registration of Risk Management Plans and  
 14454 revised registrations and Risk Management Plans if ~~when~~ required  
 14455 for these sources.

14456 (f) Make a quarterly report to the State Emergency  
 14457 Response Commission on income and expenses for the state's  
 14458 Accidental Release Prevention Program under this part.

14459 (2) To ensure that this program is self-supporting, the  
 14460 division ~~department~~ shall provide administrative support,  
 14461 including staff, facilities, materials, and services to  
 14462 implement this part for specified stationary sources subject to  
 14463 s. 252.939 and ~~shall~~ provide necessary funding to local  
 14464 emergency planning committees and county emergency management  
 14465 agencies for work performed to implement this part. Each state  
 14466 agency with regulatory, inspection, or technical assistance  
 14467 programs for specified stationary sources subject to this part  
 14468 shall enter into a memorandum of understanding with the division  
 14469 ~~department~~ which specifically outlines how each agency's staff,  
 14470 facilities, materials, and services will be used ~~utilized~~ to  
 14471 support implementation. At a minimum, these agencies ~~and~~  
 14472 ~~programs~~ include: the Department of Environmental Protection

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14473 ~~Protection's Division of Air Resources Management and Division~~  
 14474 ~~of Water Resource Management, and the Department of Labor and~~  
 14475 ~~Employment Security's Division of Safety.~~ It is the  
 14476 Legislature's intent to implement this part as efficiently and  
 14477 economically as possible, using existing expertise and  
 14478 resources, if available and appropriate.

14479 (3) To prevent the duplication of investigative efforts  
 14480 and resources, the division ~~department~~, on behalf of the  
 14481 commission, shall coordinate with any federal agencies or agents  
 14482 thereof, including the federal Chemical Safety and Hazard  
 14483 Investigation Board, or its successor, which are performing  
 14484 accidental release investigations for specified stationary  
 14485 sources, and may coordinate with any agencies of the state which  
 14486 are performing accidental release investigations. This  
 14487 accidental release investigation coordination is not intended to  
 14488 limit or take the place of any individual agency accidental  
 14489 release investigation under separate authority.

14490 (4) To promote efficient administration of this program  
 14491 and specified stationary sources, ~~the only~~ the division ~~agency~~  
 14492 ~~which~~ may seek delegation from the United States Environmental  
 14493 Protection Agency for this program ~~is the Florida Department of~~  
 14494 ~~Community Affairs.~~ Further, the division may ~~Florida Department~~  
 14495 ~~of Community Affairs shall~~ not delegate this program to any  
 14496 local environmental agency.

14497 Section 274. Section 252.943, Florida Statutes, is amended  
 14498 to read:

14499 252.943 Public records.—

14500 (1) The division ~~Department of Community Affairs~~ shall

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14501 protect records, reports, or information or particular parts  
 14502 thereof, other than release or emissions data, contained in a  
 14503 risk management plan from public disclosure pursuant to ss.  
 14504 112(r) and 114(c) of the federal Clean Air Act and authorities  
 14505 cited therein, based upon a showing satisfactory to the  
 14506 Administrator of the United States Environmental Protection  
 14507 Agency, by any owner or operator of a stationary source subject  
 14508 to the Accidental Release Prevention Program, that public  
 14509 release of such records, reports, or information would divulge  
 14510 methods or processes entitled to protection as trade secrets as  
 14511 provided for in 40 C.F.R. part 2, subpart B. Such records,  
 14512 reports, or information held by the division ~~department~~ are  
 14513 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
 14514 s. 24(a), Art. I of the State Constitution, unless a final  
 14515 determination has been made by the Administrator of the  
 14516 Environmental Protection Agency that such records, reports, or  
 14517 information are not entitled to trade secret protection, or  
 14518 pursuant to an order of court.

14519 (2) The division ~~department~~ shall protect records,  
 14520 reports, or information or particular parts thereof, other than  
 14521 release or emissions data, obtained from an investigation,  
 14522 inspection, or audit from public disclosure pursuant to ss.  
 14523 112(r) and 114(c) of the federal Clean Air Act and authorities  
 14524 cited therein, based upon a showing satisfactory to the  
 14525 Administrator of the United States Environmental Protection  
 14526 Agency, by any owner or operator of a stationary source subject  
 14527 to the Accidental Release Prevention Program, that public  
 14528 release of such records, reports, or information would divulge

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14529 methods or processes entitled to protection as trade secrets as  
 14530 provided for in 40 C.F.R. part 2, subpart B. Such records,  
 14531 reports, or information held by the division ~~department~~ are  
 14532 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
 14533 s. 24(a), Art. I of the State Constitution, unless a final  
 14534 determination has been made by the Administrator of the  
 14535 Environmental Protection Agency that such records, reports, or  
 14536 information are not entitled to trade secret protection, or  
 14537 pursuant to a court ~~an order of court~~.

14538 Section 275. Section 252.946, Florida Statutes, is amended  
 14539 to read:

14540 252.946 Public records.—With regard to information  
 14541 submitted to the United States Environmental Protection Agency  
 14542 under this part or s. 112(r)(7), the division ~~department of~~  
 14543 ~~Community Affairs~~, the State Hazardous Materials Emergency  
 14544 Response Commission, and any local emergency planning committee  
 14545 may assist persons in electronically accessing such information  
 14546 held by the United States Environmental Protection Agency in its  
 14547 centralized database. If requested, the division ~~department~~, the  
 14548 commission, or a committee may furnish copies of such United  
 14549 States Environmental Protection Agency records.

14550 Section 276. Subsections (3) and (4) of section 255.042,  
 14551 Florida Statutes, are amended to read:

14552 255.042 Shelter in public buildings.—

14553 (3) The Division of Emergency Management ~~Department of~~  
 14554 ~~Community Affairs~~ shall, in those cases in which the architect-  
 14555 engineer firm does not possess the specialized training required  
 14556 for the inclusion of fallout protection in building design and



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14557 upon request from the architect-engineer concerned or the  
 14558 responsible state or local agency, provide, at no cost to the  
 14559 architect-engineer or agency, professional development service  
 14560 to increase fallout protection through shelter slanting and  
 14561 cost-reduction techniques.

14562 (4) Nothing in this section establishes ~~act shall be~~  
 14563 ~~construed as establishing~~ a mandatory requirement for the  
 14564 incorporation of fallout shelter in the construction of,  
 14565 modification of, or addition to the public buildings concerned.  
 14566 It is mandatory, however, that the incorporation of such  
 14567 protection be given every consideration through acceptable  
 14568 shelter slanting and cost-reduction techniques. The responsible  
 14569 state or local official shall determine whether cost, or other  
 14570 related factors, precludes or makes impracticable the  
 14571 incorporation of fallout shelter in public buildings. Further,  
 14572 the Division of Emergency Management ~~Department of Community~~  
 14573 ~~Affairs~~ may waive the requirement for consideration of shelter  
 14574 in those cases where presently available shelter spaces equal or  
 14575 exceed the requirements of the area concerned.

14576 Section 277. Subsection (4) of section 258.004, Florida  
 14577 Statutes, is amended to read:

14578 258.004 Duties of division.—

14579 (4) The Division of Recreation and Parks shall provide  
 14580 consultation assistance to ~~the Department of Community Affairs~~  
 14581 ~~and to~~ local governing units as to the protection, organization,  
 14582 and administration of local recreation systems and the planning  
 14583 and design of local recreation areas and facilities.

14584 Section 278. Paragraph (b) of subsection (3), paragraph

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14585 (b) of subsection (4), subsection (6), paragraph (a) of  
 14586 subsection (7), and paragraph (c) of subsection (9) of section  
 14587 258.501, Florida Statutes, are amended to read:

14588 258.501 Myakka River; wild and scenic segment.—

14589 (3) DEFINITIONS.—As used in this section, the term:

14590 (b) "Agreement" means the interagency operating agreement  
 14591 between the department, the Department of Economic Opportunity  
 14592 ~~Community Affairs~~, and Sarasota County or the City of North  
 14593 Port.

14594 (4) DESIGNATION OF WILD AND SCENIC RIVER.—

14595 (b) The governments of Sarasota County and the City of  
 14596 North Port shall manage the Myakka River wild and scenic  
 14597 protection zone under their existing authorities for  
 14598 comprehensive planning, the regulation of land development  
 14599 activities, and other necessary or appropriate ordinances and in  
 14600 conformance with this section, the management plan required  
 14601 under subsection (5), and the agreements adopted by the  
 14602 department and the Department of Economic Opportunity ~~Community~~  
 14603 ~~Affairs~~ with the city and county pursuant to this section.

14604 (6) AMENDMENT OF REGULATIONS AND COMPREHENSIVE PLANS.—

14605 (a) Sarasota County and the City of North Port shall amend  
 14606 their comprehensive plans so that the parts of such plans that  
 14607 affect the wild and scenic protection zone conform to, or are  
 14608 more stringent than, this section, the river management plan,  
 14609 and management guidelines and performance standards to be  
 14610 developed and contained within agreements to be adopted by the  
 14611 department, the Department of Economic Opportunity ~~Community~~  
 14612 ~~Affairs~~, and the city and county. The guidelines and performance

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14613 standards must be used by the department and the Department of  
 14614 Economic Opportunity ~~Community Affairs~~ to review and monitor the  
 14615 regulation of activities by the city and county in the wild and  
 14616 scenic protection zone. Amendments to those comprehensive plans  
 14617 must include specific policies and guidelines for minimizing  
 14618 adverse impacts on resources in the river area and for managing  
 14619 the wild and scenic protection zone in conformance with this  
 14620 section, the river management plan, and the agreement. Such  
 14621 comprehensive plans must be amended within 1 year after the  
 14622 adoption date of the agreement, and thereafter, within 6 months  
 14623 following an amendment to this section, the river management  
 14624 plan, or the agreement, as may be necessary. For the purposes  
 14625 established in this subsection, such amendments need not conform  
 14626 to statutory or local ordinance limitations on the frequency of  
 14627 consideration of amendments to local comprehensive plans.

14628 (b) Sarasota County and the City of North Port shall adopt  
 14629 or amend, within 1 year after the department and the Department  
 14630 of Economic Opportunity ~~Community Affairs~~ adopt with the city  
 14631 and with the county agreements for regulating activities in the  
 14632 wild and scenic protection zone, any necessary ordinances and  
 14633 land development regulations so that those ordinances and  
 14634 regulations conform to the purposes of this section, the river  
 14635 management plan, and the agreement. Thereafter, following any  
 14636 amendment to this section, the river management plan, or the  
 14637 agreement, the city and county must amend or adopt, within 1  
 14638 year, appropriate ordinances and land development regulations to  
 14639 maintain such local ordinances and regulations in conformance  
 14640 with this section, the river management plan, and the agreement.

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14641 Those ordinances and regulations must provide that activities  
 14642 must be prohibited, or must undergo review and either be denied  
 14643 or permitted with or without conditions, so as to minimize  
 14644 potential adverse physical and visual impacts on resource values  
 14645 in the river area and to minimize adverse impacts on private  
 14646 landowners' use of land for residential purposes. The resource  
 14647 values of concern are those identified in this section and by  
 14648 the coordinating council in the river management plan.

14649 Activities which may be prohibited, subject to the agreement,  
 14650 include, but are not limited to, landfills, clear cuttings,  
 14651 major new infrastructure facilities, major activities that would  
 14652 alter historic water or flood flows, multifamily residential  
 14653 construction, commercial and industrial development, and mining  
 14654 and major excavations. However, appurtenant structures for these  
 14655 activities may be permitted if such structures do not have  
 14656 adverse visual or measurable adverse environmental impacts to  
 14657 resource values in the river area.

14658 (c) If the Department of Economic Opportunity Community  
 14659 ~~Affairs~~ determines that the local comprehensive plan or land  
 14660 development regulations, as amended or supplemented by the local  
 14661 government, are not in conformance with the purposes of this  
 14662 section, the river management plan, and the agreement, the  
 14663 Department of Economic Opportunity Community ~~Affairs~~ shall issue  
 14664 a notice of intent to find the plan not in compliance and such  
 14665 plan shall be subject to the administrative proceedings in  
 14666 accordance with s. 163.3184.

14667 (7) MANAGEMENT COORDINATING COUNCIL.—

14668 (a) Upon designation, the department shall create a

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14669 permanent council to provide interagency and intergovernmental  
 14670 coordination in the management of the river. The coordinating  
 14671 council shall be composed of one representative appointed from  
 14672 each of the following: the department, the Department of  
 14673 Transportation, the Fish and Wildlife Conservation Commission,  
 14674 the Department of Economic Opportunity ~~Community Affairs~~, the  
 14675 Division of Forestry of the Department of Agriculture and  
 14676 Consumer Services, the Division of Historical Resources of the  
 14677 Department of State, the Tampa Bay Regional Planning Council,  
 14678 the Southwest Florida Water Management District, the Southwest  
 14679 Florida Regional Planning Council, Manatee County, Sarasota  
 14680 County, Charlotte County, the City of Sarasota, the City of  
 14681 North Port, agricultural interests, environmental organizations,  
 14682 and any others deemed advisable by the department.

14683 (9) RULEMAKING AUTHORITY.—

14684 (c) The department and the Department of Economic  
 14685 Opportunity ~~Community Affairs~~ must enter into agreements with  
 14686 the City of North Port and Sarasota County that provide for  
 14687 guiding and monitoring the regulation of activities by the city  
 14688 and county, in accordance with subsection (6). Such agreements  
 14689 shall include guidelines and performance standards for  
 14690 regulating proposed activities so as to minimize adverse  
 14691 environmental and visual impacts of such activities on the  
 14692 resource values in the river area, and to minimize adverse  
 14693 impacts to landowners' use of land for residential purposes.

14694 Section 279. Paragraph (b) of subsection (1) of section  
 14695 259.035, Florida Statutes, is amended to read:

14696 259.035 Acquisition and Restoration Council.—

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14697 (1) There is created the Acquisition and Restoration  
 14698 Council.

14699 (b) The five remaining appointees shall be composed of the  
 14700 Secretary of Environmental Protection, the director of the  
 14701 Division of Forestry of the Department of Agriculture and  
 14702 Consumer Services, the executive director of the Fish and  
 14703 Wildlife Conservation Commission, the director of the Division  
 14704 of Historical Resources of the Department of State, and the  
 14705 Commissioner of Economic Opportunity ~~the secretary of the~~  
 14706 ~~Department of Community Affairs,~~ or their respective designees.

14707 Section 280. Subsection (3) of section 259.042, Florida  
 14708 Statutes, is amended to read:

14709 259.042 Tax increment financing for conservation lands.—

14710 (3) The governing body of the jurisdiction that will  
 14711 administer the separate reserve account shall provide  
 14712 documentation to the Department of Economic Opportunity  
 14713 ~~Community Affairs~~ identifying the boundary of the tax increment  
 14714 area. The department shall determine whether the boundary is  
 14715 appropriate in that property owners within the boundary will  
 14716 receive a benefit from the proposed purchase of identified  
 14717 conservation lands. The department must issue a letter of  
 14718 approval stating that the establishment of the tax increment  
 14719 area and the proposed purchases would benefit property owners  
 14720 within the boundary and serve a public purpose before any tax  
 14721 increment funds are deposited into the separate reserve account.  
 14722 If the department fails to provide the required letter within 90  
 14723 days after receiving sufficient documentation of the boundary,  
 14724 the establishment of the area and the proposed purchases are

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14725 deemed to provide such benefit and serve a public purpose.  
 14726 Section 281. Paragraphs (c) and (j) of subsection (3) of  
 14727 section 259.105, Florida Statutes, are amended to read:  
 14728 259.105 The Florida Forever Act.—  
 14729 (3) Less the costs of issuing and the costs of funding  
 14730 reserve accounts and other costs associated with bonds, the  
 14731 proceeds of cash payments or bonds issued pursuant to this  
 14732 section shall be deposited into the Florida Forever Trust Fund  
 14733 created by s. 259.1051. The proceeds shall be distributed by the  
 14734 Department of Environmental Protection in the following manner:  
 14735 (c) Twenty-one percent to the Department of Environmental  
 14736 Protection ~~Community Affairs~~ for use by the Florida Communities  
 14737 Trust for the purposes of part III of chapter 380, as described  
 14738 and limited by this subsection, and grants to local governments  
 14739 or nonprofit environmental organizations that are tax-exempt  
 14740 under s. 501(c) (3) of the United States Internal Revenue Code  
 14741 for the acquisition of community-based projects, urban open  
 14742 spaces, parks, and greenways to implement local government  
 14743 comprehensive plans. From funds available to the trust and used  
 14744 for land acquisition, 75 percent shall be matched by local  
 14745 governments on a dollar-for-dollar basis. The Legislature  
 14746 intends that the Florida Communities Trust emphasize funding  
 14747 projects in low-income or otherwise disadvantaged communities  
 14748 and projects that provide areas for direct water access and  
 14749 water-dependent facilities that are open to the public and offer  
 14750 public access by vessels to waters of the state, including boat  
 14751 ramps and associated parking and other support facilities. At  
 14752 least 30 percent of the total allocation provided to the trust

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14753 shall be used in Standard Metropolitan Statistical Areas, but  
 14754 one-half of that amount shall be used in localities in which the  
 14755 project site is located in built-up commercial, industrial, or  
 14756 mixed-use areas and functions to intersperse open spaces within  
 14757 congested urban core areas. From funds allocated to the trust,  
 14758 no less than 5 percent shall be used to acquire lands for  
 14759 recreational trail systems, provided that in the event these  
 14760 funds are not needed for such projects, they will be available  
 14761 for other trust projects. Local governments may use federal  
 14762 grants or loans, private donations, or environmental mitigation  
 14763 funds, including environmental mitigation funds required  
 14764 pursuant to s. 338.250, for any part or all of any local match  
 14765 required for acquisitions funded through the Florida Communities  
 14766 Trust. Any lands purchased by nonprofit organizations using  
 14767 funds allocated under this paragraph must provide for such lands  
 14768 to remain permanently in public use through a reversion of title  
 14769 to local or state government, conservation easement, or other  
 14770 appropriate mechanism. Projects funded with funds allocated to  
 14771 the Trust shall be selected in a competitive process measured  
 14772 against criteria adopted in rule by the Trust.

14773 (j) Two and five-tenths percent to the Department of  
 14774 Environmental Protection ~~Community Affairs~~ for the acquisition  
 14775 of land and capital project expenditures necessary to implement  
 14776 the Stan Mayfield Working Waterfronts Program within the Florida  
 14777 communities trust pursuant to s. 380.5105.

14778 Section 282. Paragraph (d) of subsection (1) of section  
 14779 260.0142, Florida Statutes, is amended to read:

14780 260.0142 Florida Greenways and Trails Council;



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14781 composition; powers and duties.—  
 14782 (1) There is created within the department the Florida  
 14783 Greenways and Trails Council which shall advise the department  
 14784 in the execution of the department's powers and duties under  
 14785 this chapter. The council shall be composed of 21 members,  
 14786 consisting of:  
 14787 (d) The 10 remaining members shall include:  
 14788 1. The Secretary of Environmental Protection or a  
 14789 designee.  
 14790 2. The executive director of the Fish and Wildlife  
 14791 Conservation Commission or a designee.  
 14792 3. The Commissioner of Economic Opportunity ~~The Secretary~~  
 14793 ~~of Community Affairs~~ or a designee.  
 14794 4. The Secretary of Transportation or a designee.  
 14795 5. The Director of the Division of Forestry of the  
 14796 Department of Agriculture and Consumer Services or a designee.  
 14797 6. The director of the Division of Historical Resources of  
 14798 the Department of State or a designee.  
 14799 7. A representative of the water management districts.  
 14800 Membership on the council shall rotate among the five districts.  
 14801 The districts shall determine the order of rotation.  
 14802 8. A representative of a federal land management agency.  
 14803 The Secretary of Environmental Protection shall identify the  
 14804 appropriate federal agency and request designation of a  
 14805 representative from the agency to serve on the council.  
 14806 9. A representative of the regional planning councils to  
 14807 be appointed by the Secretary of Environmental Protection ~~in~~  
 14808 ~~consultation with the Secretary of Community Affairs~~. Membership

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14809 on the council shall rotate among each of the ~~seven~~ regional  
 14810 planning councils. The regional planning councils shall  
 14811 determine the order of rotation.

14812 10. A representative of local governments to be appointed  
 14813 by the Secretary of Environmental Protection ~~in consultation~~  
 14814 ~~with the Secretary of Community Affairs~~. Membership shall  
 14815 alternate between a county representative and a municipal  
 14816 representative.

14817 Section 283. Paragraph (a) of subsection (4) of section  
 14818 282.34, Florida Statutes, is amended to read:

14819 282.34 Statewide e-mail service.—A state e-mail system  
 14820 that includes the delivery and support of e-mail, messaging, and  
 14821 calendaring capabilities is established as an enterprise  
 14822 information technology service as defined in s. 282.0041. The  
 14823 service shall be designed to meet the needs of all executive  
 14824 branch agencies. The primary goals of the service are to  
 14825 minimize the state investment required to establish, operate,  
 14826 and support the statewide service; reduce the cost of current e-  
 14827 mail operations and the number of duplicative e-mail systems;  
 14828 and eliminate the need for each state agency to maintain its own  
 14829 e-mail staff.

14830 (4) All agencies must be completely migrated to the  
 14831 statewide e-mail service as soon as financially and  
 14832 operationally feasible, but no later than June 30, 2015.

14833 (a) The following statewide e-mail service implementation  
 14834 schedule is established for state agencies:

14835 1. Phase 1.—The following agencies must be completely  
 14836 migrated to the statewide e-mail system by June 30, 2012: the

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14837 Agency for Enterprise Information Technology; the Department of  
 14838 Economic Opportunity; ~~Community Affairs, including~~ the Division  
 14839 of Emergency Management; the Department of Corrections; the  
 14840 Department of Health; the Department of Highway Safety and Motor  
 14841 Vehicles; the Department of Management Services, including the  
 14842 Division of Administrative Hearings, the Division of Retirement,  
 14843 the Commission on Human Relations, and the Public Employees  
 14844 Relations Commission; the Southwood Shared Resource Center; and  
 14845 the Department of Revenue.

14846 2. Phase 2.—The following agencies must be completely  
 14847 migrated to the statewide e-mail system by June 30, 2013: the  
 14848 Department of Business and Professional Regulation; the  
 14849 Department of Education, including the Board of Governors; the  
 14850 Department of Environmental Protection; the Department of  
 14851 Juvenile Justice; the Department of the Lottery; the Department  
 14852 of State; the Department of Law Enforcement; the Department of  
 14853 Veterans' Affairs; the Judicial Administration Commission; the  
 14854 Public Service Commission; and the Statewide Guardian Ad Litem  
 14855 Office.

14856 3. Phase 3.—The following agencies must be completely  
 14857 migrated to the statewide e-mail system by June 30, 2014: the  
 14858 Agency for Health Care Administration; the Agency for Workforce  
 14859 Innovation; the Department of Financial Services, including the  
 14860 Office of Financial Regulation and the Office of Insurance  
 14861 Regulation; the Department of Agriculture and Consumer Services;  
 14862 the Executive Office of the Governor; the Department of  
 14863 Transportation; the Fish and Wildlife Conservation Commission;  
 14864 the Agency for Persons With Disabilities; the Northwood Shared

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14865 Resource Center; and the State Board of Administration.

14866 4. Phase 4.—The following agencies must be completely  
 14867 migrated to the statewide e-mail system by June 30, 2015: the  
 14868 Department of Children and Family Services; the Department of  
 14869 Citrus; the Department of Elderly Affairs; and the Department of  
 14870 Legal Affairs.

14871 Section 284. Paragraphs (a) and (d) of subsection (1) and  
 14872 subsection (4) of section 282.709, Florida Statutes, are amended  
 14873 to read:

14874 282.709 State agency law enforcement radio system and  
 14875 interoperability network.—

14876 (1) The department may acquire and administer a statewide  
 14877 radio communications system to serve law enforcement units of  
 14878 state agencies, and to serve local law enforcement agencies  
 14879 through mutual aid channels.

14880 (a) The department shall, in conjunction with the  
 14881 Department of Law Enforcement and the Division of Emergency  
 14882 Management ~~of the Department of Community Affairs~~, establish  
 14883 policies, procedures, and standards to be incorporated into a  
 14884 comprehensive management plan for the use and operation of the  
 14885 statewide radio communications system.

14886 (d) The department shall exercise its powers and duties  
 14887 under this part to plan, manage, and administer the mutual aid  
 14888 channels in the statewide radio communication system.

14889 1. In implementing such powers and duties, the department  
 14890 shall consult and act in conjunction with the Department of Law  
 14891 Enforcement and the Division of Emergency Management ~~of the~~  
 14892 ~~Department of Community Affairs~~, and shall manage and administer

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14893 | the mutual aid channels in a manner that reasonably addresses  
 14894 | the needs and concerns of the involved law enforcement agencies  
 14895 | and emergency response agencies and entities.

14896 |         2. The department may make the mutual aid channels  
 14897 | available to federal agencies, state agencies, and agencies of  
 14898 | the political subdivisions of the state for the purpose of  
 14899 | public safety and domestic security.

14900 |         (4) The department may create and administer an  
 14901 | interoperability network to enable interoperability between  
 14902 | various radio communications technologies and to serve federal  
 14903 | agencies, state agencies, and agencies of political subdivisions  
 14904 | of the state for the purpose of public safety and domestic  
 14905 | security.

14906 |         (a) The department shall, in conjunction with the  
 14907 | Department of Law Enforcement and the Division of Emergency  
 14908 | Management ~~of the Department of Community Affairs~~, exercise its  
 14909 | powers and duties pursuant to this chapter to plan, manage, and  
 14910 | administer the interoperability network. The office may:

14911 |             1. Enter into mutual aid agreements among federal  
 14912 | agencies, state agencies, and political subdivisions of the  
 14913 | state for the use of the interoperability network.

14914 |             2. Establish the cost of maintenance and operation of the  
 14915 | interoperability network and charge subscribing federal and  
 14916 | local law enforcement agencies for access and use of the  
 14917 | network. The department may not charge state law enforcement  
 14918 | agencies identified in paragraph (2) (a) to use the network.

14919 |             3. In consultation with the Department of Law Enforcement  
 14920 | and the Division of Emergency Management ~~of the Department of~~

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14921 ~~Community Affairs~~, amend and enhance the statewide radio  
 14922 communications system as necessary to implement the  
 14923 interoperability network.

14924 (b) The department, in consultation with the Joint Task  
 14925 Force on State Agency Law Enforcement Communications, and in  
 14926 conjunction with the Department of Law Enforcement and the  
 14927 Division of Emergency Management ~~of the Department of Community~~  
 14928 ~~Affairs~~, shall establish policies, procedures, and standards to  
 14929 incorporate into a comprehensive management plan for the use and  
 14930 operation of the interoperability network.

14931 Section 285. Subsection (1) of section 288.021, Florida  
 14932 Statutes, is amended to read:

14933 288.021 Economic development liaison.—

14934 (1) The heads of the Department of Transportation, the  
 14935 Department of Environmental Protection and an additional member  
 14936 appointed by the secretary of the department, ~~the Department of~~  
 14937 ~~Labor and Employment Security~~, the Department of Education, the  
 14938 Department of Economic Opportunity ~~Community Affairs~~, the  
 14939 Department of Management Services, the Department of Revenue,  
 14940 the Fish and Wildlife Conservation Commission, each water  
 14941 management district, and each Department of Transportation  
 14942 District office shall designate a high-level staff member from  
 14943 within such agency to serve as the economic development liaison  
 14944 for the agency. This person shall report to the agency head and  
 14945 have general knowledge both of the state's permitting and other  
 14946 regulatory functions and of the state's economic goals,  
 14947 policies, and programs. This person shall also be the primary  
 14948 point of contact for the agency with the Office of Tourism,

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14949 Trade, and Economic Development on issues and projects important  
 14950 to the economic development of Florida, including its rural  
 14951 areas, to expedite project review, to ensure a prompt, effective  
 14952 response to problems arising with regard to permitting and  
 14953 regulatory functions, and to work closely with the other  
 14954 economic development liaisons to resolve interagency conflicts.

14955 Section 286. Paragraph (a) of subsection (6) of section  
 14956 288.0656, Florida Statutes, is amended to read:

14957 288.0656 Rural Economic Development Initiative.—

14958 (6) (a) By August 1 of each year, the head of each of the  
 14959 following agencies and organizations shall designate a deputy  
 14960 secretary or higher-level staff person from within the agency or  
 14961 organization to serve as the REDI representative for the agency  
 14962 or organization:

- 14963 1. The Department of Economic Opportunity ~~Community~~  
 14964 ~~Affairs~~.
- 14965 2. The Department of Transportation.
- 14966 3. The Department of Environmental Protection.
- 14967 4. The Department of Agriculture and Consumer Services.
- 14968 5. The Department of State.
- 14969 6. The Department of Health.
- 14970 7. The Department of Children and Family Services.
- 14971 8. The Department of Corrections.
- 14972 9. The Agency for Workforce Innovation.
- 14973 10. The Department of Education.
- 14974 11. The Department of Juvenile Justice.
- 14975 12. The Fish and Wildlife Conservation Commission.
- 14976 13. Each water management district.

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- 14977 14. Enterprise Florida, Inc.
- 14978 15. Workforce Florida, Inc.
- 14979 16. The Florida Commission on Tourism or VISIT Florida.
- 14980 17. The Florida Regional Planning Council Association.
- 14981 18. The Agency for Health Care Administration.
- 14982 19. The Institute of Food and Agricultural Sciences
- 14983 (IFAS).

14984

14985 An alternate for each designee shall also be chosen, and the

14986 names of the designees and alternates shall be sent to the

14987 director of the Office of Tourism, Trade, and Economic

14988 Development.

14989 Section 287. Paragraph (b) of subsection (4) of section

14990 288.109, Florida Statutes, is amended to read:

14991 288.109 One-Stop Permitting System.—

14992 (4) The One-Stop Permitting System must initially provide

14993 access to the following state agencies, water management

14994 districts and counties, with other agencies and counties that

14995 agree to participate:

14996 (b) The Department of Economic Opportunity Community

14997 ~~Affairs~~.

14998 Section 288. Subsections (3), (8), and (9) of section

14999 288.975, Florida Statutes, are amended to read:

15000 288.975 Military base reuse plans.—

15001 (3) No later than 6 months after the designation of a

15002 military base for closure by the Federal Government, each host

15003 local government shall notify the secretary of the Department of

15004 Economic Opportunity Community ~~Affairs~~ and the director of the



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15005 Office of Tourism, Trade, and Economic Development in writing,  
 15006 by hand delivery or return receipt requested, as to whether it  
 15007 intends to use the optional provisions provided in this act. If  
 15008 a host local government does not opt to use the provisions of  
 15009 this act, land use planning and regulation pertaining to base  
 15010 reuse activities within those host local governments shall be  
 15011 subject to all applicable statutory requirements, including  
 15012 those contained within chapters 163 and 380.

15013 (8) At the request of a host local government, the Office  
 15014 of Tourism, Trade, and Economic Development shall coordinate a  
 15015 presubmission workshop concerning a military base reuse plan  
 15016 within the boundaries of the host jurisdiction. Agencies that  
 15017 shall participate in the workshop shall include any affected  
 15018 local governments; the Department of Environmental Protection;  
 15019 the Office of Tourism, Trade, and Economic Development; the  
 15020 Department of Economic Opportunity ~~Community Affairs~~; the  
 15021 Department of Transportation; the Department of Health; the  
 15022 Department of Children and Family Services; the Department of  
 15023 Juvenile Justice; the Department of Agriculture and Consumer  
 15024 Services; the Department of State; the Fish and Wildlife  
 15025 Conservation Commission; and any applicable water management  
 15026 districts and regional planning councils. The purposes of the  
 15027 workshop shall be to assist the host local government to  
 15028 understand issues of concern to the above listed entities  
 15029 pertaining to the military base site and to identify  
 15030 opportunities for better coordination of planning and review  
 15031 efforts with the information and analyses generated by the  
 15032 federal environmental impact statement process and the federal

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15033 community base reuse planning process.

15034 (9) If a host local government elects to use the optional  
 15035 provisions of this act, it shall, no later than 12 months after  
 15036 notifying the agencies of its intent pursuant to subsection (3)  
 15037 either:

15038 (a) Send a copy of the proposed military base reuse plan  
 15039 for review to any affected local governments; the Department of  
 15040 Environmental Protection; the Office of Tourism, Trade, and  
 15041 Economic Development; the Department of Economic Opportunity  
 15042 ~~Community Affairs~~; the Department of Transportation; the  
 15043 Department of Health; the Department of Children and Family  
 15044 Services; the Department of Juvenile Justice; the Department of  
 15045 Agriculture and Consumer Services; the Department of State; the  
 15046 Fish and Wildlife Conservation Commission; and any applicable  
 15047 water management districts and regional planning councils, or

15048 (b) Petition the secretary of the Department of Economic  
 15049 Opportunity ~~Community Affairs~~ for an extension of the deadline  
 15050 for submitting a proposed reuse plan. Such an extension request  
 15051 must be justified by changes or delays in the closure process by  
 15052 the federal Department of Defense or for reasons otherwise  
 15053 deemed to promote the orderly and beneficial planning of the  
 15054 subject military base reuse. The secretary of the Department of  
 15055 Community Affairs may grant extensions to the required  
 15056 submission date of the reuse plan.

15057 Section 289. Paragraph (f) of subsection (2) of section  
 15058 288.984, Florida Statutes, is amended to read:

15059 288.984 Florida Council on Military Base and Mission  
 15060 Support.—The Florida Council on Military Base and Mission

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15061 Support is established. The council shall provide oversight and  
 15062 direction for initiatives, claims, and actions taken on behalf  
 15063 of the state, its agencies, and political subdivisions under  
 15064 this part.

15065 (2) MEMBERSHIP.—

15066 (f) The Commissioner of Economic Opportunity ~~Secretary of~~  
 15067 ~~Community Affairs~~ or his or her designee, the Secretary of  
 15068 Environmental Protection or his or her designee, the Secretary  
 15069 of Transportation or his or her designee, the Adjutant General  
 15070 of the state or his or her designee, and the executive director  
 15071 of the Department of Veterans' Affairs or his or her designee  
 15072 shall attend meetings held by the council and provide  
 15073 assistance, information, and support as requested by the  
 15074 council.

15075 Section 290. Subsections (3) and (6) of section 290.042,  
 15076 Florida Statutes, are amended to read:

15077 290.042 Definitions relating to Florida Small Cities  
 15078 Community Development Block Grant Program Act.—As used in ss.  
 15079 290.0401-290.049, the term:

15080 (3) "Department" means the Department of Economic  
 15081 Opportunity ~~Community Affairs~~.

15082 (6) "Person of low or moderate income" means any person  
 15083 who meets the definition established by the department ~~of~~  
 15084 ~~Community Affairs~~ in accordance with the guidelines established  
 15085 in Title I of the Housing and Community Development Act of 1974,  
 15086 as amended.

15087 Section 291. Section 290.043, Florida Statutes, is amended  
 15088 to read:

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15089           290.043 Florida Small Cities Community Development Block  
 15090 Grant Program; administration.—There is created the Florida  
 15091 Small Cities Community Development Block Grant Program. The  
 15092 department ~~of Community Affairs~~ shall administer the program as  
 15093 authorized and described in Title I of the Housing and Community  
 15094 Development Act of 1974, as amended; Pub. L. No. 93-383, as  
 15095 amended by Pub. L. No. 96-399 and Pub. L. No. 97-35; 42 U.S.C.  
 15096 ss. 5301 et seq.

15097           Section 292. Subsection (6) of section 290.046, Florida  
 15098 Statutes, is amended to read:

15099           290.046 Applications for grants; procedures;  
 15100 requirements.—

15101           (6) The local government shall establish a citizen  
 15102 advisory task force composed of citizens in the jurisdiction in  
 15103 which the proposed project is to be implemented to provide input  
 15104 relative to all phases of the project process. The local  
 15105 government must obtain consent from the department ~~of Community~~  
 15106 ~~Affairs~~ for any other type of citizen participation plan upon a  
 15107 showing that such plan is better suited to secure citizen  
 15108 participation for that locality.

15109           Section 293. Section 290.048, Florida Statutes, is amended  
 15110 to read:

15111           290.048 General powers of department ~~of Community Affairs~~  
 15112 under ss. 290.0401-290.049.—The department has all the powers  
 15113 necessary or appropriate to carry out the purposes and  
 15114 provisions of the program, including the power to:

15115           (1) Make contracts and agreements with the Federal  
 15116 Government; other agencies of the state; any other public

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15117 | agency; or any other public person, association, corporation,  
 15118 | local government, or entity in exercising its powers and  
 15119 | performing its duties under ss. 290.0401-290.049.

15120 |       (2) Seek and accept funding from any public or private  
 15121 | source.

15122 |       (3) Adopt and enforce rules not inconsistent with ss.  
 15123 | 290.0401-290.049 for the administration of the fund.

15124 |       (4) Assist in training employees of local governing  
 15125 | authorities to help achieve and increase their capacity to  
 15126 | administer programs pursuant to ss. 290.0401-290.049 and provide  
 15127 | technical assistance and advice to local governing authorities  
 15128 | involved with these programs.

15129 |       (5) Adopt and enforce strict requirements concerning an  
 15130 | applicant's written description of a service area. Each such  
 15131 | description shall contain maps which illustrate the location of  
 15132 | the proposed service area. All such maps must be clearly legible  
 15133 | and must:

15134 |           (a) Contain a scale which is clearly marked on the map.

15135 |           (b) Show the boundaries of the locality.

15136 |           (c) Show the boundaries of the service area where the  
 15137 | activities will be concentrated.

15138 |           (d) Display the location of all proposed area activities.

15139 |           (e) Include the names of streets, route numbers, or easily  
 15140 | identifiable landmarks where all service activities are located.

15141 |       (6) Pledge community development block grant revenues from  
 15142 | the Federal Government in order to guarantee notes or other  
 15143 | obligations of a public entity which are approved pursuant to s.  
 15144 | 290.0455.

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15145 (7) Establish an advisory committee of no more than 13  
 15146 members to solicit participation in designing, administering,  
 15147 and evaluating the program and in linking the program with other  
 15148 housing and community development resources.

15149 Section 294. Paragraph (a) of subsection (2) and  
 15150 subsection (4) of section 290.0491, Florida Statutes, is amended  
 15151 to read:

15152 290.0491 Florida Empowerment Zones.—

15153 (2) DEFINITIONS.—As used in this section, the term:

15154 (a) "Department" means the Department of Economic  
 15155 Opportunity Community Affairs.

15156 (4) EMPOWERMENT ZONE PROGRAM.—There is created an economic  
 15157 development program to be known as the Florida Empowerment Zone  
 15158 Program. The program shall exist for 10 years and, except as  
 15159 otherwise provided by law, be operated by the Department of  
 15160 Economic Opportunity Community Affairs in conjunction with the  
 15161 Federal Empowerment Zone Program.

15162 Section 295. Paragraph (b) of subsection (1) of section  
 15163 311.105, Florida Statutes, is amended to read:

15164 311.105 Florida Seaport Environmental Management  
 15165 Committee; permitting; mitigation.—

15166 (1)

15167 (b) The committee shall consist of the following members:  
 15168 the Secretary of Environmental Protection, or his or her  
 15169 designee, as an ex officio, nonvoting member; a designee from  
 15170 the United States Army Corps of Engineers, as an ex officio,  
 15171 nonvoting member; a designee from the Florida Inland Navigation  
 15172 District, as an ex officio, nonvoting member; the Commissioner

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15173 of Economic Opportunity ~~Secretary of Community Affairs~~, or his  
 15174 or her designee, as an ex officio, nonvoting member; and five or  
 15175 more port directors, as voting members, appointed to the  
 15176 committee by the council chair, who shall also designate one  
 15177 such member as committee chair.

15178 Section 296. Subsection (3) of section 327.803, Florida  
 15179 Statutes, is amended to read:

15180 327.803 Boating Advisory Council.—

15181 (3) The purpose of the council is to make recommendations  
 15182 to the Fish and Wildlife Conservation Commission and the  
 15183 Department of Economic Opportunity ~~Community Affairs~~ regarding  
 15184 issues affecting the boating community, including, but not  
 15185 limited to, issues related to:

15186 (a) Boating and diving safety education.

15187 (b) Boating-related facilities, including marinas and boat  
 15188 testing facilities.

15189 (c) Boat usage.

15190 (d) Boat access.

15191 (e) Working waterfronts.

15192 Section 297. Subsection (1) of section 332.115, Florida  
 15193 Statutes, is amended to read:

15194 332.115 Joint project agreement with port district for  
 15195 transportation corridor between airport and port facility.—

15196 (1) An eligible agency may acquire, construct, and operate  
 15197 all equipment, appurtenances, and land necessary to establish,  
 15198 maintain, and operate, or to license others to establish,  
 15199 maintain, operate, or use, a transportation corridor connecting  
 15200 an airport operated by such eligible agency with a port

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15201 facility, which corridor must be acquired, constructed, and used  
 15202 for the transportation of persons between the airport and the  
 15203 port facility, for the transportation of cargo, and for the  
 15204 location and operation of lines for the transmission of water,  
 15205 electricity, communications, information, petroleum products,  
 15206 products of a public utility (including new technologies of a  
 15207 public utility nature), and materials. However, any such  
 15208 corridor may be established and operated only pursuant to a  
 15209 joint project agreement between an eligible agency as defined in  
 15210 s. 332.004 and a port district as defined in s. 315.02, and such  
 15211 agreement must be approved by the Department of Transportation  
 15212 and the Department of Economic Opportunity ~~Community Affairs~~.  
 15213 Before the Department of Transportation approves the joint  
 15214 project agreement, that department must review the public  
 15215 purpose and necessity for the corridor pursuant to s. 337.273(5)  
 15216 and must also determine that the proposed corridor is consistent  
 15217 with the Florida Transportation Plan. Before the Department of  
 15218 Economic Opportunity ~~Community Affairs~~ approves the joint  
 15219 project agreement, that department must determine that the  
 15220 proposed corridor is consistent with the applicable local  
 15221 government comprehensive plans. An affected local government may  
 15222 provide its comments regarding the consistency of the proposed  
 15223 corridor with its comprehensive plan to the Department of  
 15224 Economic Opportunity ~~Community Affairs~~.

15225 Section 298. Section 333.065, Florida Statutes, is amended  
 15226 to read:

15227 333.065 Guidelines regarding land use near airports.—The  
 15228 Department of Transportation, after consultation with the



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15229 Department of Economic Opportunity ~~Community Affairs~~, local  
 15230 governments, and other interested persons, shall adopt by rule  
 15231 recommended guidelines regarding compatible land uses in the  
 15232 vicinity of airports. These guidelines shall utilize acceptable  
 15233 and established quantitative measures, such as the Air  
 15234 Installation Compatible Use Zone standards, the Florida  
 15235 Statutes, and applicable Federal Aviation Administration  
 15236 documents.

15237 Section 299. Paragraph (f) of subsection (4) of section  
 15238 339.135, Florida Statutes, is amended to read:

15239 339.135 Work program; legislative budget request;  
 15240 definitions; preparation, adoption, execution, and amendment.—

15241 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

15242 (f) The central office shall submit a preliminary copy of  
 15243 the tentative work program to the Executive Office of the  
 15244 Governor, the legislative appropriations committees, the Florida  
 15245 Transportation Commission, and the Department of Economic  
 15246 Opportunity ~~Community Affairs~~ at least 14 days prior to the  
 15247 convening of the regular legislative session. Prior to the  
 15248 statewide public hearing required by paragraph (g), the  
 15249 Department of Economic Opportunity ~~Community Affairs~~ shall  
 15250 transmit to the Florida Transportation Commission a list of  
 15251 those projects and project phases contained in the tentative  
 15252 work program which are identified as being inconsistent with  
 15253 approved local government comprehensive plans. For urbanized  
 15254 areas of metropolitan planning organizations, the list may not  
 15255 contain any project or project phase that is scheduled in a  
 15256 transportation improvement program unless such inconsistency has

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15257 | been previously reported to the affected metropolitan planning  
 15258 | organization.

15259 |         Section 300. Paragraphs (f) and (g) of subsection (8) of  
 15260 | section 339.175, Florida Statutes, are amended to read:

15261 |             339.175 Metropolitan planning organization.—

15262 |         (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,  
 15263 | in cooperation with the state and affected public transportation  
 15264 | operators, develop a transportation improvement program for the  
 15265 | area within the jurisdiction of the M.P.O. In the development of  
 15266 | the transportation improvement program, each M.P.O. must provide  
 15267 | the public, affected public agencies, representatives of  
 15268 | transportation agency employees, freight shippers, providers of  
 15269 | freight transportation services, private providers of  
 15270 | transportation, representatives of users of public transit, and  
 15271 | other interested parties with a reasonable opportunity to  
 15272 | comment on the proposed transportation improvement program.

15273 |         (f) The adopted annual transportation improvement program  
 15274 | for M.P.O.'s in nonattainment or maintenance areas must be  
 15275 | submitted to the district secretary and the Department of  
 15276 | Economic Opportunity ~~Community Affairs~~ at least 90 days before  
 15277 | the submission of the state transportation improvement program  
 15278 | by the department to the appropriate federal agencies. The  
 15279 | annual transportation improvement program for M.P.O.'s in  
 15280 | attainment areas must be submitted to the district secretary and  
 15281 | the Department of Economic Opportunity ~~Community Affairs~~ at  
 15282 | least 45 days before the department submits the state  
 15283 | transportation improvement program to the appropriate federal  
 15284 | agencies; however, the department, the Department of Economic

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15285 Opportunity Community Affairs, and a metropolitan planning  
 15286 organization may, in writing, agree to vary this submittal date.  
 15287 The Governor or the Governor's designee shall review and approve  
 15288 each transportation improvement program and any amendments  
 15289 thereto.

15290 (g) The Department of Economic Opportunity Community  
 15291 ~~Affairs~~ shall review the annual transportation improvement  
 15292 program of each M.P.O. for consistency with the approved local  
 15293 government comprehensive plans of the units of local government  
 15294 whose boundaries are within the metropolitan area of each M.P.O.  
 15295 and shall identify those projects that are inconsistent with  
 15296 such comprehensive plans. The Department of Economic Opportunity  
 15297 ~~Community Affairs~~ shall notify an M.P.O. of any transportation  
 15298 projects contained in its transportation improvement program  
 15299 which are inconsistent with the approved local government  
 15300 comprehensive plans of the units of local government whose  
 15301 boundaries are within the metropolitan area of the M.P.O.

15302 Section 301. Subsection (1) of section 342.201, Florida  
 15303 Statutes, is amended to read:

15304 342.201 Waterfronts Florida Program.—

15305 (1) There is established within the Department of Economic  
 15306 Opportunity Community Affairs the Waterfronts Florida Program to  
 15307 provide technical assistance and support to communities in  
 15308 revitalizing waterfront areas in this state.

15309 Section 302. Subsection (3) of section 369.303, Florida  
 15310 Statutes, is amended to read:

15311 369.303 Definitions.—As used in this part:

15312 (3) "Department" means the Department of Economic

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15313 Opportunity ~~Community Affairs~~.

15314 Section 303. Subsections (1) of section 369.318, Florida  
15315 Statutes, is amended to read:

15316 369.318 Studies.—

15317 (1) The Department of Environmental Protection shall study  
15318 the efficacy and applicability of water quality and wastewater  
15319 treatment standards needed to achieve nitrogen reductions  
15320 protective of surface and groundwater quality within the Wekiva  
15321 Study Area and report to the Governor and the Department of  
15322 Economic Opportunity ~~Community Affairs~~. The Department of  
15323 Environmental Protection may adopt rules to implement the  
15324 specific recommendations set forth in sections C.2. and C.4. of  
15325 its report entitled "A Strategy for Water Quality Protection:  
15326 Wastewater Treatment in the Wekiva Study Area," dated December  
15327 2004, in order to achieve nitrogen reductions protective of  
15328 surface and groundwater quality in the Wekiva Study Area and  
15329 implement Recommendation 8 of the Wekiva River Basin  
15330 Coordinating Committee's final report dated March 16, 2004. The  
15331 rules shall provide an opportunity for relief from such specific  
15332 recommendations upon affirmative demonstration by the permittee  
15333 or permit applicant, based on water quality data, physical  
15334 circumstances, or other credible information, that the discharge  
15335 of treated wastewater is protective of surface water and  
15336 groundwater quality with respect to nitrate nitrogen as set  
15337 forth in section C.1. of the referenced December 2004 report.

15338 Section 304. Subsections (5) and (7) of section 369.321,  
15339 Florida Statutes, are amended to read:

15340 369.321 Comprehensive plan amendments.—Except as otherwise

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15341 expressly provided, by January 1, 2006, each local government  
 15342 within the Wekiva Study Area shall amend its local government  
 15343 comprehensive plan to include the following:

15344 (5) Comprehensive plans and comprehensive plan amendments  
 15345 adopted by the local governments to implement this section shall  
 15346 be reviewed by the Department of Economic Opportunity ~~Community~~  
 15347 ~~Affairs~~ pursuant to s. 163.3184, and shall be exempt from the  
 15348 provisions of s. 163.3187(1).

15349 (7) During the period prior to the adoption of the  
 15350 comprehensive plan amendments required by this act, any local  
 15351 comprehensive plan amendment adopted by a city or county that  
 15352 applies to land located within the Wekiva Study Area shall  
 15353 protect surface and groundwater resources and be reviewed by the  
 15354 Department of Economic Opportunity ~~Community Affairs~~, pursuant  
 15355 to chapter 163 and chapter 9J-5, Florida Administrative Code,  
 15356 using best available data, including the information presented  
 15357 to the Wekiva River Basin Coordinating Committee.

15358 Section 305. Subsections (1) and (3) of section 369.322,  
 15359 Florida Statutes, are amended to read:

15360 369.322 Coordination of land use and water supply within  
 15361 the Wekiva Study Area.—

15362 (1) In their review of local government comprehensive plan  
 15363 amendments for property located within the Wekiva Study Area  
 15364 pursuant to s. 163.3184, the Department of Economic Opportunity  
 15365 ~~Community Affairs~~ and the St. Johns River Water Management  
 15366 District shall assure that amendments that increase development  
 15367 potential demonstrate that adequate potable water consumptive  
 15368 use permit capacity is available.

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15369 (3) In recognition of the need to balance resource  
 15370 protection, existing infrastructure and improvements planned or  
 15371 committed as part of approved development, consistent with  
 15372 existing municipal or county comprehensive plans and economic  
 15373 development opportunities, planned community development  
 15374 initiatives that assure protection of surface and groundwater  
 15375 resources while promoting compact, ecologically and economically  
 15376 sustainable growth should be encouraged. Small area studies,  
 15377 sector plans, or similar planning tools should support these  
 15378 community development initiatives. In addition, the Department  
 15379 of Economic Opportunity ~~Community Affairs~~ may make available  
 15380 best practice guides that demonstrate how to balance resource  
 15381 protection and economic development opportunities.

15382 Section 306. Section 369.323, Florida Statutes, is amended  
 15383 to read:

15384 369.323 Compliance.—Comprehensive plans and plan  
 15385 amendments adopted by the local governments within the Wekiva  
 15386 Study Area to implement this act shall be reviewed for  
 15387 compliance by the Department of Economic Opportunity ~~Community~~  
 15388 ~~Affairs~~.

15389 Section 307. Subsections (1) and (5) of section 369.324,  
 15390 Florida Statutes, are amended to read:

15391 369.324 Wekiva River Basin Commission.—

15392 (1) The Wekiva River Basin Commission is created to  
 15393 monitor and ensure the implementation of the recommendations of  
 15394 the Wekiva River Basin Coordinating Committee for the Wekiva  
 15395 Study Area. The East Central Florida Regional Planning Council  
 15396 shall provide staff support to the commission with funding

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15397 assistance from the Department of Economic Opportunity Community  
 15398 ~~Affairs~~. The commission shall be comprised of a total of 19  
 15399 members appointed by the Governor, 9 of whom shall be voting  
 15400 members and 10 shall be ad hoc nonvoting members. The voting  
 15401 members shall include:

15402 (a) One member of each of the Boards of County  
 15403 Commissioners for Lake, Orange, and Seminole Counties.

15404 (b) One municipal elected official to serve as a  
 15405 representative of the municipalities located within the Wekiva  
 15406 Study Area of Lake County.

15407 (c) One municipal elected official to serve as a  
 15408 representative of the municipalities located within the Wekiva  
 15409 Study Area of Orange County.

15410 (d) One municipal elected official to serve as a  
 15411 representative of the municipalities located within the Wekiva  
 15412 Study Area of Seminole County.

15413 (e) One citizen representing an environmental or  
 15414 conservation organization, one citizen representing a local  
 15415 property owner, a land developer, or an agricultural entity, and  
 15416 one at-large citizen who shall serve as chair of the council.

15417 (f) The ad hoc nonvoting members shall include one  
 15418 representative from each of the following entities:

- 15419 1. St. Johns River Management District.
- 15420 2. Department of Economic Opportunity Community ~~Affairs~~.
- 15421 3. Department of Environmental Protection.
- 15422 4. Department of Health.
- 15423 5. Department of Agriculture and Consumer Services.
- 15424 6. Fish and Wildlife Conservation Commission.

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15425 | 7. Department of Transportation.  
 15426 | 8. MetroPlan Orlando.  
 15427 | 9. Orlando-Orange County Expressway Authority.  
 15428 | 10. Seminole County Expressway Authority.  
 15429 | (5) The commission shall report annually, no later than  
 15430 | December 31 of each year, to the Governor, the President of the  
 15431 | Senate, the Speaker of the House of Representatives, and the  
 15432 | Department of Economic Opportunity ~~Community Affairs~~ on  
 15433 | implementation progress.  
 15434 | Section 308. Paragraph (b) of subsection (3) of section  
 15435 | 373.199, Florida Statutes, is amended to read:  
 15436 | 373.199 Florida Forever Water Management District Work  
 15437 | Plan.—  
 15438 | (3) In developing the list, each water management district  
 15439 | shall:  
 15440 | (b) Work cooperatively with the applicable ecosystem  
 15441 | management area teams and other citizen advisory groups, the  
 15442 | Department of Environmental Protection and its district offices,  
 15443 | the Department of Agriculture and Consumer Services, the Fish  
 15444 | and Wildlife Conservation Commission, the Department of Economic  
 15445 | Opportunity ~~Community Affairs~~, the Department of Transportation,  
 15446 | other state agencies, and federal agencies, where applicable.  
 15447 | Section 309. Subsection (5) of section 373.4149, Florida  
 15448 | Statutes, is amended to read:  
 15449 | 373.4149 Miami-Dade County Lake Belt Plan.—  
 15450 | (5) The secretary of the Department of Environmental  
 15451 | Protection, the Commissioner ~~secretary~~ of the Department of  
 15452 | Economic Opportunity ~~Community Affairs~~, the secretary of the



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15453 Department of Transportation, the Commissioner of Agriculture,  
 15454 the executive director of the Fish and Wildlife Conservation  
 15455 Commission, and the executive director of the South Florida  
 15456 Water Management District may enter into agreements with  
 15457 landowners, developers, businesses, industries, individuals, and  
 15458 governmental agencies as necessary to effectuate the Miami-Dade  
 15459 Lake Belt Plan and the provisions of this section.

15460 Section 310. Paragraph (a) of subsection (1) of section  
 15461 373.453, Florida Statutes, is amended to read:

15462 373.453 Surface water improvement and management plans and  
 15463 programs.—

15464 (1) (a) Each water management district, in cooperation with  
 15465 the department, the Department of Agriculture and Consumer  
 15466 Services, the Department of Economic Opportunity ~~Community~~  
 15467 ~~Affairs~~, the Fish and Wildlife Conservation Commission, local  
 15468 governments, and others, shall maintain a list that prioritizes  
 15469 water bodies of regional or statewide significance within the  
 15470 water management district. The list shall be reviewed and  
 15471 updated every 5 years.

15472 Section 311. Subsection (2) of section 376.86, Florida  
 15473 Statutes, is amended to read:

15474 376.86 Brownfield Areas Loan Guarantee Program.—

15475 (2) The council shall consist of the secretary of the  
 15476 Department of Environmental Protection or the secretary's  
 15477 designee, the Commissioner of Economic Opportunity or the  
 15478 commissioner's secretary ~~of the Department of Community Affairs~~  
 15479 ~~or the secretary's~~ designee, the State Surgeon General or the  
 15480 State Surgeon General's designee, the Executive Director of the

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15481 State Board of Administration or the executive director's  
 15482 designee, the Executive Director of the Florida Housing Finance  
 15483 Corporation or the executive director's designee, and the  
 15484 Director of the Governor's Office of Tourism, Trade, and  
 15485 Economic Development or the director's designee. The chairperson  
 15486 of the council shall be the Director of the Governor's Office of  
 15487 Tourism, Trade, and Economic Development. Staff services for  
 15488 activities of the council shall be provided as needed by the  
 15489 member agencies.

15490 Section 312. Paragraph (c) of subsection (1) of section  
 15491 377.6015, Florida Statutes, is amended to read:

15492 377.6015 Florida Energy and Climate Commission.—

15493 (1) The Florida Energy and Climate Commission is created  
 15494 within the Executive Office of the Governor. The commission  
 15495 shall be comprised of nine members appointed by the Governor,  
 15496 the Commissioner of Agriculture, and the Chief Financial  
 15497 Officer.

15498 (c) The chair may designate the following ex officio,  
 15499 nonvoting members to provide information and advice to the  
 15500 commission at the request of the chair:

- 15501 1. The chair of the Florida Public Service Commission, or  
 15502 his or her designee.
- 15503 2. The Public Counsel, or his or her designee.
- 15504 3. A representative of the Department of Agriculture and  
 15505 Consumer Services.
- 15506 4. A representative of the Department of Financial  
 15507 Services.
- 15508 5. A representative of the Department of Environmental

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15509 Protection.

15510 6. A representative of the Department of Economic  
 15511 Opportunity ~~Community Affairs~~.

15512 7. A representative of the Board of Governors of the State  
 15513 University System.

15514 8. A representative of the Department of Transportation.  
 15515 Section 313. Paragraph (h) of subsection (2) of section  
 15516 377.703, Florida Statutes, is amended to read:

15517 377.703 Additional functions of the Florida Energy and  
 15518 Climate Commission.—

15519 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The  
 15520 commission shall perform the following functions consistent with  
 15521 the development of a state energy policy:

15522 (h) The commission shall promote the development and use  
 15523 of renewable energy resources, in conformance with the  
 15524 provisions of chapter 187 and s. 377.601, by:

15525 1. Establishing goals and strategies for increasing the  
 15526 use of solar energy in this state.

15527 2. Aiding and promoting the commercialization of solar  
 15528 energy technology, in cooperation with the Florida Solar Energy  
 15529 Center, Enterprise Florida, Inc., and any other federal, state,  
 15530 or local governmental agency which may seek to promote research,  
 15531 development, and demonstration of solar energy equipment and  
 15532 technology.

15533 3. Identifying barriers to greater use of solar energy  
 15534 systems in this state, and developing specific recommendations  
 15535 for overcoming identified barriers, with findings and  
 15536 recommendations to be submitted annually in the report to the

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15537 Governor and Legislature required under paragraph (f).

15538 4. In cooperation with the Department of Environmental  
 15539 Protection, the Department of Transportation, ~~the Department of~~  
 15540 ~~Community Affairs,~~ Enterprise Florida, Inc., the Florida Solar  
 15541 Energy Center, and the Florida Solar Energy Industries  
 15542 Association, investigating opportunities, pursuant to the  
 15543 National Energy Policy Act of 1992, the Housing and Community  
 15544 Development Act of 1992, and any subsequent federal legislation,  
 15545 for solar electric vehicles and other solar energy  
 15546 manufacturing, distribution, installation, and financing efforts  
 15547 which will enhance this state's position as the leader in solar  
 15548 energy research, development, and use.

15549 5. Undertaking other initiatives to advance the  
 15550 development and use of renewable energy resources in this state.

15551  
 15552 In the exercise of its responsibilities under this paragraph,  
 15553 the commission shall seek the assistance of the solar energy  
 15554 industry in this state and other interested parties and is  
 15555 authorized to enter into contracts, retain professional  
 15556 consulting services, and expend funds appropriated by the  
 15557 Legislature for such purposes.

15558 Section 314. Subsection (1), paragraph (c) of subsection  
 15559 (2), and subsections (3) and (4) of section 377.809, Florida  
 15560 Statutes, are amended to read:

15561 377.809 Energy Economic Zone Pilot Program.—

15562 (1) The Department of Economic Opportunity ~~Community~~  
 15563 ~~Affairs~~, in consultation with the Department of Transportation,  
 15564 shall implement an Energy Economic Zone Pilot Program for the

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15565 purpose of developing a model to help communities cultivate  
15566 green economic development, encourage renewable electric energy  
15567 generation, manufacture products that contribute to energy  
15568 conservation and green jobs, and further implement chapter 2008-  
15569 191, Laws of Florida, relative to discouraging sprawl and  
15570 developing energy-efficient land use patterns and greenhouse gas  
15571 reduction strategies. ~~The Office of Tourism, Trade, and Economic~~  
15572 ~~Development and the~~ Florida Energy and Climate Commission shall  
15573 provide technical assistance to the departments in developing  
15574 and administering the program.

15575 (2)

15576 (c) The Department of Economic Opportunity Community  
15577 ~~Affairs~~ shall grant at least one application if the application  
15578 meets the requirements of this subsection and the community has  
15579 demonstrated a prior commitment to energy conservation, carbon  
15580 reduction, green building, and economic development. The  
15581 Department of Economic Opportunity Community Affairs and the  
15582 ~~Office of Tourism, Trade, and Economic Development~~ shall provide  
15583 the pilot community, including businesses within the energy  
15584 economic zone, with technical assistance in identifying and  
15585 qualifying for eligible grants and credits in job creation,  
15586 energy, and other areas.

15587 ~~(3) The Department of Community Affairs, with the~~  
15588 ~~assistance of the Office of Tourism, Trade, and Economic~~  
15589 ~~Development, shall submit an interim report by February 15,~~  
15590 ~~2010, to the Governor, the President of the Senate, and the~~  
15591 ~~Speaker of the House of Representatives regarding the status of~~  
15592 ~~the pilot program. The report shall contain any recommendations~~

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15593 ~~deemed appropriate by the department for statutory changes to~~  
 15594 ~~accomplish the goals of the pilot program community, including~~  
 15595 ~~whether it would be beneficial to provide financial incentives~~  
 15596 ~~similar to those offered to an enterprise zone.~~

15597 (3)~~(4)~~ If the pilot project is ongoing, the Department of  
 15598 Economic Opportunity Community Affairs, ~~with the assistance of~~  
 15599 ~~the Office of Tourism, Trade, and Economic Development~~, shall  
 15600 submit a report to the Governor, the President of the Senate,  
 15601 and the Speaker of the House of Representatives by February 15,  
 15602 2012, evaluating whether the pilot program has demonstrated  
 15603 success. The report shall contain recommendations with regard to  
 15604 whether the program should be expanded for use by other local  
 15605 governments and whether state policies should be revised to  
 15606 encourage the goals of the program.

15607 Section 315. Subsection (3) of section 378.411, Florida  
 15608 Statutes, is amended to read:

15609 378.411 Certification to receive notices of intent to  
 15610 mine, to review, and to inspect for compliance.—

15611 (3) In making his or her determination, the secretary  
 15612 shall consult with the Department of Economic Opportunity  
 15613 ~~Community Affairs~~, the appropriate regional planning council,  
 15614 and the appropriate water management district.

15615 Section 316. Paragraph (c) of subsection (4) of section  
 15616 379.2291, Florida Statutes, is amended to read:

15617 379.2291 Endangered and Threatened Species Act.—

15618 (4) INTERAGENCY COORDINATION.—

15619 (c) The commission, in consultation with the Department of  
 15620 Agriculture and Consumer Services, the Department of Economic

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15621 Opportunity ~~Community Affairs~~, or the Department of  
 15622 Transportation, may establish reduced speed zones along roads,  
 15623 streets, and highways to protect endangered species or  
 15624 threatened species.

15625 Section 317. Subsection (18) of section 380.031, Florida  
 15626 Statutes, is amended to read:

15627 380.031 Definitions.—As used in this chapter:

15628 (18) "State land planning agency" means the Department of  
 15629 Economic Opportunity ~~Community Affairs~~ and may be referred to in  
 15630 this part as the "department."

15631 Section 318. Paragraph (e) of subsection (15) and  
 15632 subsection (27) of section 380.06, Florida Statutes, are amended  
 15633 to read:

15634 380.06 Developments of regional impact.—

15635 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

15636 (e)1. A local government shall not include, as a  
 15637 development order condition for a development of regional  
 15638 impact, any requirement that a developer contribute or pay for  
 15639 land acquisition or construction or expansion of public  
 15640 facilities or portions thereof unless the local government has  
 15641 enacted a local ordinance which requires other development not  
 15642 subject to this section to contribute its proportionate share of  
 15643 the funds, land, or public facilities necessary to accommodate  
 15644 any impacts having a rational nexus to the proposed development,  
 15645 and the need to construct new facilities or add to the present  
 15646 system of public facilities must be reasonably attributable to  
 15647 the proposed development.

15648 2. A local government shall not approve a development of

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15649 regional impact that does not make adequate provision for the  
 15650 public facilities needed to accommodate the impacts of the  
 15651 proposed development unless the local government includes in the  
 15652 development order a commitment by the local government to  
 15653 provide these facilities consistently with the development  
 15654 schedule approved in the development order; however, a local  
 15655 government's failure to meet the requirements of subparagraph 1.  
 15656 and this subparagraph shall not preclude the issuance of a  
 15657 development order where adequate provision is made by the  
 15658 developer for the public facilities needed to accommodate the  
 15659 impacts of the proposed development. Any funds or lands  
 15660 contributed by a developer must be expressly designated and used  
 15661 to accommodate impacts reasonably attributable to the proposed  
 15662 development.

15663 3. The department ~~of Community Affairs~~ and other state and  
 15664 regional agencies involved in the administration and  
 15665 implementation of this act shall cooperate and work with units  
 15666 of local government in preparing and adopting local impact fee  
 15667 and other contribution ordinances.

15668 (27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A  
 15669 DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his  
 15670 or her rights, responsibilities, and obligations under a  
 15671 development order and the development order does not clearly  
 15672 define his or her rights, responsibilities, and obligations, the  
 15673 developer or owner may request participation in resolving the  
 15674 dispute through the dispute resolution process outlined in s.  
 15675 186.509. The department ~~of Community Affairs~~ shall be notified  
 15676 by certified mail of any meeting held under the process provided



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15677 | for by this subsection at least 5 days before the meeting.

15678 |       Section 319. Paragraph (a) of subsection (5) of section  
15679 | 380.061, Florida Statutes, is amended to read:

15680 |       380.061 The Florida Quality Developments program.—

15681 |       (5) (a) Before filing an application for development  
15682 | designation, the developer shall contact the department ~~of~~  
15683 | ~~Community Affairs~~ to arrange one or more preapplication  
15684 | conferences with the other reviewing entities. Upon the request  
15685 | of the developer or any of the reviewing entities, other  
15686 | affected state or regional agencies shall participate in this  
15687 | conference. The department, in coordination with the local  
15688 | government with jurisdiction and the regional planning council,  
15689 | shall provide the developer information about the Florida  
15690 | Quality Developments designation process and the use of  
15691 | preapplication conferences to identify issues, coordinate  
15692 | appropriate state, regional, and local agency requirements,  
15693 | fully address any concerns of the local government, the regional  
15694 | planning council, and other reviewing agencies and the meeting  
15695 | of those concerns, if applicable, through development order  
15696 | conditions, and otherwise promote a proper, efficient, and  
15697 | timely review of the proposed Florida Quality Development. The  
15698 | department shall take the lead in coordinating the review  
15699 | process.

15700 |       Section 320. Subsections (2) and (6) of section 380.0677,  
15701 | Florida Statutes, are amended to read:

15702 |       380.0677 Green Swamp Land Authority.—

15703 |       (2) MISSION.—The mission of the Green Swamp Land Authority  
15704 | shall be to balance the protection of the ecological values of

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15705 | the Green Swamp Area of Critical State Concern with the  
 15706 | protection of private property rights and the interests of  
 15707 | taxpayers through the acquisition of lands, or rights or  
 15708 | interests in lands, from willing sellers within the Green Swamp  
 15709 | Area of Critical State Concern. To that end, the authority is  
 15710 | encouraged to coordinate with the Division of State Lands of the  
 15711 | Department of Environmental Protection, the Florida Communities  
 15712 | Trust Program within the Department of Environmental Protection  
 15713 | ~~Community Affairs~~, the Southwest Florida Water Management  
 15714 | District, and the St. Johns River Water Management District to  
 15715 | identify, select, and acquire less-than-fee-simple interests or  
 15716 | rights in parcels within the Green Swamp Area of Critical State  
 15717 | Concern, as part of overall land acquisition efforts by the  
 15718 | state and the districts. When the Department of Environmental  
 15719 | Protection and the water management districts are planning to  
 15720 | acquire parcels within the Green Swamp Area of Critical State  
 15721 | Concern, they shall consider acquiring such parcels using  
 15722 | alternatives to fee simple techniques in consultation with the  
 15723 | land authority.

15724 |       (6) APPROPRIATIONS. ~~From funds appropriated to the~~  
 15725 | ~~Department of Environmental Protection for land acquisition from~~  
 15726 | ~~the Conservation and Recreation Lands Trust Fund for fiscal~~  
 15727 | ~~years 1994-1995, 1995-1996, and 1996-1997, \$4 million shall be~~  
 15728 | ~~reserved each fiscal year to carry out the purposes of this~~  
 15729 | ~~section.~~ To the extent practicable, moneys appropriated from the  
 15730 | Conservation and Recreation Lands Trust Fund, Save Our Rivers  
 15731 | Trust Fund, and Florida Communities Trust Fund shall be used to  
 15732 | acquire lands, or interests or rights in lands, on the

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15733 Conservation and Recreation Lands, Save Our Rivers, or Florida  
 15734 Communities Trust land acquisition plans or lists, as defined in  
 15735 s. 259.035, or a land acquisition plan under s. 373.59 or s.  
 15736 380.508. However, nothing in this subsection prohibits the Green  
 15737 Swamp Land Authority from entering into land protection  
 15738 agreements with any property owner whose property is not on any  
 15739 of such lists. ~~From sums appropriated to the Department of~~  
 15740 ~~Environmental Protection from the Water Management District~~  
 15741 ~~Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and~~  
 15742 ~~1996-1997, \$3 million shall be reserved each fiscal year to~~  
 15743 ~~carry out the purposes of this section. Such amounts as are used~~  
 15744 ~~from the Water Management District Lands Trust Fund shall be~~  
 15745 ~~credited against the allocations as provided in s. 373.59 to the~~  
 15746 ~~St. Johns River Water Management District or the Southwest~~  
 15747 ~~Florida Water Management District in proportion to the amount of~~  
 15748 ~~lands for which an interest was acquired, and shall not be~~  
 15749 ~~required by a district for debt service payments or land~~  
 15750 ~~management purposes. From funds appropriated to the Department~~  
 15751 ~~of Community Affairs for the Florida Communities Trust Program~~  
 15752 ~~from the Preservation 2000 Trust Fund for fiscal years 1994-1995~~  
 15753 ~~through 1999-2000, \$3 million shall be reserved each fiscal year~~  
 15754 ~~to carry out the purposes of this section. Appropriations~~  
 15755 ~~identified pursuant to this subsection shall fund the~~  
 15756 ~~acquisition of lands, or the interests or rights in lands, and~~  
 15757 ~~related costs of acquisition. Such funds shall be available for~~  
 15758 ~~expenditure after the land authority has adopted rules to begin~~  
 15759 ~~its program. Funds reserved pursuant to this subsection, for~~  
 15760 ~~each of the referenced fiscal years, shall remain available for~~

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15761 ~~the purposes specified in this subsection for 24 months from the~~  
 15762 ~~date on which such funds become available for disbursement.~~  
 15763 ~~After such time has elapsed, any funds which are not legally~~  
 15764 ~~obligated for expenditure shall be released for the lawful~~  
 15765 ~~purposes for which they were otherwise appropriated.~~

15766 Section 321. Subsection (2) of section 380.503, Florida  
 15767 Statutes, is amended to read:

15768 380.503 Definitions.—As used in ss. 380.501-380.515,  
 15769 unless the context indicates a different meaning or intent:

15770 (2) "Department" means the Department of Environmental  
 15771 Protection Community Affairs.

15772 Section 322. Subsection (1) of section 380.504, Florida  
 15773 Statutes, is amended to read:

15774 380.504 Florida Communities Trust; creation; membership;  
 15775 expenses.—

15776 (1) There is created within the Department of  
 15777 Environmental Protection ~~the Department of Community Affairs~~ a  
 15778 nonregulatory state agency and instrumentality, which shall be a  
 15779 public body corporate and politic, known as the "Florida  
 15780 Communities Trust." The governing body of the trust shall  
 15781 consist of:

15782 (a) The Commissioner of Economic Opportunity ~~Secretary of~~  
 15783 ~~Community Affairs~~ and the Secretary of Environmental Protection;  
 15784 and

15785 (b) Four public members whom the Governor shall appoint  
 15786 subject to Senate confirmation.  
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15788 The Governor shall appoint a former elected official of a county  
 15789 government, a former elected official of a metropolitan  
 15790 municipal government, a representative of a nonprofit  
 15791 organization as defined in this part, and a representative of  
 15792 the development industry. The Commissioner of Economic  
 15793 Opportunity ~~Secretary of Community Affairs~~ may designate ~~his or~~  
 15794 ~~her assistant secretary or~~ the director of the Division of  
 15795 Community Planning and Development to serve in his or her  
 15796 absence. The Secretary of Environmental Protection may appoint  
 15797 his or her deputy secretary, the director of the Division of  
 15798 State Lands, or the director of the Division of Recreation and  
 15799 Parks to serve in his or her absence. The Secretary of  
 15800 Environmental Protection ~~Secretary of Community Affairs~~ shall be  
 15801 the chair of the governing body of the trust. The Governor shall  
 15802 make his or her appointments upon the expiration of any current  
 15803 terms or within 60 days after the effective date of the  
 15804 resignation of any member.

15805 Section 323. Subsection (1) of section 380.5115, Florida  
 15806 Statutes, is amended to read:

15807 380.5115 Florida Forever Program Trust Fund of the  
 15808 Department of Environmental Protection ~~Community Affairs~~.

15809 (1) There is created a Florida Forever Program Trust Fund  
 15810 within the department ~~of Community Affairs~~ to further the  
 15811 purposes of this part as specified in s. 259.105(3)(c) and (j).  
 15812 The trust fund shall receive funds pursuant to s. 259.105(3)(c)  
 15813 and (j).

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15814 Section 324. Paragraph (e) of subsection (2) and paragraph  
 15815 (b) of subsection (5) of section 381.0303, Florida Statutes, are  
 15816 amended to read:

15817 381.0303 Special needs shelters.—

15818 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY  
 15819 ASSISTANCE.—If funds have been appropriated to support disaster  
 15820 coordinator positions in county health departments:

15821 (e) The Secretary of Elderly Affairs, or his or her  
 15822 designee, shall convene, at any time that he or she deems  
 15823 appropriate and necessary, a multiagency special needs shelter  
 15824 discharge planning team to assist local areas that are severely  
 15825 impacted by a natural or manmade disaster that requires the use  
 15826 of special needs shelters. Multiagency special needs shelter  
 15827 discharge planning teams shall provide assistance to local  
 15828 emergency management agencies with the continued operation or  
 15829 closure of the shelters, as well as with the discharge of  
 15830 special needs clients to alternate facilities if necessary.  
 15831 Local emergency management agencies may request the assistance  
 15832 of a multiagency special needs shelter discharge planning team  
 15833 by alerting statewide emergency management officials of the  
 15834 necessity for additional assistance in their area. The Secretary  
 15835 of Elderly Affairs is encouraged to proactively work with other  
 15836 state agencies prior to any natural disasters for which warnings  
 15837 are provided to ensure that multiagency special needs shelter  
 15838 discharge planning teams are ready to assemble and deploy  
 15839 rapidly upon a determination by state emergency management  
 15840 officials that a disaster area requires additional assistance.  
 15841 The Secretary of Elderly Affairs may call upon any state agency

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15842 or office to provide staff to assist a multiagency special needs  
 15843 shelter discharge planning team. Unless the secretary determines  
 15844 that the nature or circumstances surrounding the disaster do not  
 15845 warrant participation from a particular agency's staff, each  
 15846 multiagency special needs shelter discharge planning team shall  
 15847 include at least one representative from each of the following  
 15848 state agencies:

- 15849 1. Department of Elderly Affairs.
- 15850 2. Department of Health.
- 15851 3. Department of Children and Family Services.
- 15852 4. Department of Veterans' Affairs.
- 15853 5. Division of Emergency Management ~~Department of~~  
 15854 ~~Community Affairs.~~
- 15855 6. Agency for Health Care Administration.
- 15856 7. Agency for Persons with Disabilities.

15857 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State  
 15858 Surgeon General may establish a special needs shelter  
 15859 interagency committee and serve as, or appoint a designee to  
 15860 serve as, the committee's chair. The department shall provide  
 15861 any necessary staff and resources to support the committee in  
 15862 the performance of its duties. The committee shall address and  
 15863 resolve problems related to special needs shelters not addressed  
 15864 in the state comprehensive emergency medical plan and shall  
 15865 consult on the planning and operation of special needs shelters.

15866 (b) The special needs shelter interagency committee shall  
 15867 be composed of representatives of emergency management, health,  
 15868 medical, and social services organizations. Membership shall  
 15869 include, but shall not be limited to, representatives of the

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15870 Departments of Health, ~~Community Affairs~~, Children and Family  
 15871 Services, Elderly Affairs, and Education; the Agency for Health  
 15872 Care Administration; the Division of Emergency Management; the  
 15873 Florida Medical Association; the Florida Osteopathic Medical  
 15874 Association; Associated Home Health Industries of Florida, Inc.;  
 15875 the Florida Nurses Association; the Florida Health Care  
 15876 Association; the Florida Assisted Living Affiliation; the  
 15877 Florida Hospital Association; the Florida Statutory Teaching  
 15878 Hospital Council; the Florida Association of Homes for the  
 15879 Aging; the Florida Emergency Preparedness Association; the  
 15880 American Red Cross; Florida Hospices and Palliative Care, Inc.;  
 15881 the Association of Community Hospitals and Health Systems; the  
 15882 Florida Association of Health Maintenance Organizations; the  
 15883 Florida League of Health Systems; the Private Care Association;  
 15884 the Salvation Army; the Florida Association of Aging Services  
 15885 Providers; the AARP; and the Florida Renal Coalition.

15886 Section 325. Subsection (3) of section 381.7354, Florida  
 15887 Statutes, is amended to read:

15888 381.7354 Eligibility.—

15889 (3) In addition to the grants awarded under subsections  
 15890 (1) and (2), up to 20 percent of the funding for the Reducing  
 15891 Racial and Ethnic Health Disparities: Closing the Gap grant  
 15892 program shall be dedicated to projects that address improving  
 15893 racial and ethnic health status within specific Front Porch  
 15894 Florida Communities, ~~as designated pursuant to s. 20.18(6)~~.

15895 Section 326. Subsection (8) of section 393.067, Florida  
 15896 Statutes, is amended to read:

15897 393.067 Facility licensure.—



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15898 (8) The agency, after consultation with the Division of  
 15899 Emergency Management ~~Department of Community Affairs~~, shall  
 15900 adopt rules for foster care facilities, group home facilities,  
 15901 and residential habilitation centers which establish minimum  
 15902 standards for the preparation and annual update of a  
 15903 comprehensive emergency management plan. At a minimum, the rules  
 15904 must provide for plan components that address emergency  
 15905 evacuation transportation; adequate sheltering arrangements;  
 15906 postdisaster activities, including emergency power, food, and  
 15907 water; postdisaster transportation; supplies; staffing;  
 15908 emergency equipment; individual identification of residents and  
 15909 transfer of records; and responding to family inquiries. The  
 15910 comprehensive emergency management plan for all comprehensive  
 15911 transitional education programs and for homes serving  
 15912 individuals who have complex medical conditions is subject to  
 15913 review and approval by the local emergency management agency.  
 15914 During its review, the local emergency management agency shall  
 15915 ensure that the agency and the Division of Emergency Management  
 15916 ~~Department of Community Affairs~~, at a minimum, are given the  
 15917 opportunity to review the plan. Also, appropriate volunteer  
 15918 organizations must be given the opportunity to review the plan.  
 15919 The local emergency management agency shall complete its review  
 15920 within 60 days and either approve the plan or advise the  
 15921 facility of necessary revisions.

15922 Section 327. Paragraph (c) of subsection (1) of section  
 15923 395.1055, Florida Statutes, is amended to read:

15924 395.1055 Rules and enforcement.—

15925 (1) The agency shall adopt rules pursuant to ss.

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15926 | 120.536(1) and 120.54 to implement the provisions of this part,  
 15927 | which shall include reasonable and fair minimum standards for  
 15928 | ensuring that:

15929 |       (c) A comprehensive emergency management plan is prepared  
 15930 | and updated annually. Such standards must be included in the  
 15931 | rules adopted by the agency after consulting with the Division  
 15932 | of Emergency Management ~~Department of Community Affairs~~. At a  
 15933 | minimum, the rules must provide for plan components that address  
 15934 | emergency evacuation transportation; adequate sheltering  
 15935 | arrangements; postdisaster activities, including emergency  
 15936 | power, food, and water; postdisaster transportation; supplies;  
 15937 | staffing; emergency equipment; individual identification of  
 15938 | residents and transfer of records, and responding to family  
 15939 | inquiries. The comprehensive emergency management plan is  
 15940 | subject to review and approval by the local emergency management  
 15941 | agency. During its review, the local emergency management agency  
 15942 | shall ensure that the following agencies, at a minimum, are  
 15943 | given the opportunity to review the plan: the Department of  
 15944 | Elderly Affairs, the Department of Health, the Agency for Health  
 15945 | Care Administration, and the Division of Emergency Management  
 15946 | ~~Department of Community Affairs~~. Also, appropriate volunteer  
 15947 | organizations must be given the opportunity to review the plan.  
 15948 | The local emergency management agency shall complete its review  
 15949 | within 60 days and either approve the plan or advise the  
 15950 | facility of necessary revisions.

15951 |       Section 328. Paragraph (a) of subsection (1) of section  
 15952 | 395.1056, Florida Statutes, is amended to read:

15953 |       395.1056 Plan components addressing a hospital's response

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15954 to terrorism; public records exemption; public meetings  
 15955 exemption.—

15956 (1) (a) Those portions of a comprehensive emergency  
 15957 management plan that address the response of a public or private  
 15958 hospital to an act of terrorism as defined by s. 775.30 held by  
 15959 the agency, a state or local law enforcement agency, a county or  
 15960 municipal emergency management agency, the Executive Office of  
 15961 the Governor, or the Department of Health, ~~or the Department of~~  
 15962 ~~Community Affairs~~ are confidential and exempt from s. 119.07(1)  
 15963 and s. 24(a), Art. I of the State Constitution.

15964 Section 329. Paragraph (c) of subsection (14) of section  
 15965 397.321, Florida Statutes, is amended to read:

15966 397.321 Duties of the department.—The department shall:

15967 (14) In cooperation with service providers, foster and  
 15968 actively seek additional funding to enhance resources for  
 15969 prevention, intervention, clinical treatment, and recovery  
 15970 support services, including, but not limited to, the development  
 15971 of partnerships with:

15972 (c) State agencies, including, but not limited to, the  
 15973 Department of Corrections, the Department of Education, the  
 15974 Department of Juvenile Justice, the Department of Economic  
 15975 Opportunity ~~Community Affairs~~, the Department of Elderly  
 15976 Affairs, the Department of Health, the Department of Financial  
 15977 Services, and the Agency for Health Care Administration.

15978 Section 330. Subsection (1) of section 397.801, Florida  
 15979 Statutes, is amended to read:

15980 397.801 Substance abuse impairment coordination.—

15981 (1) The Department of Children and Family Services, the

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15982 Department of Education, the Department of Corrections, the  
 15983 Department of Economic Opportunity ~~Community Affairs~~, and the  
 15984 Department of Law Enforcement each shall appoint a policy level  
 15985 staff person to serve as the agency substance abuse impairment  
 15986 coordinator. The responsibilities of the agency coordinator  
 15987 include interagency and intraagency coordination, collection and  
 15988 dissemination of agency-specific data relating to substance  
 15989 abuse impairment, and participation in the development of the  
 15990 state comprehensive plan for substance abuse impairment.

15991 Section 331. Paragraph (g) of subsection (2) of section  
 15992 400.23, Florida Statutes, is amended to read:

15993 400.23 Rules; evaluation and deficiencies; licensure  
 15994 status.—

15995 (2) Pursuant to the intention of the Legislature, the  
 15996 agency, in consultation with the Department of Health and the  
 15997 Department of Elderly Affairs, shall adopt and enforce rules to  
 15998 implement this part and part II of chapter 408, which shall  
 15999 include reasonable and fair criteria in relation to:

16000 (g) The preparation and annual update of a comprehensive  
 16001 emergency management plan. The agency shall adopt rules  
 16002 establishing minimum criteria for the plan after consultation  
 16003 with the Division of Emergency Management ~~Department of~~  
 16004 ~~Community Affairs~~. At a minimum, the rules must provide for plan  
 16005 components that address emergency evacuation transportation;  
 16006 adequate sheltering arrangements; postdisaster activities,  
 16007 including emergency power, food, and water; postdisaster  
 16008 transportation; supplies; staffing; emergency equipment;  
 16009 individual identification of residents and transfer of records;

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16010 and responding to family inquiries. The comprehensive emergency  
 16011 management plan is subject to review and approval by the local  
 16012 emergency management agency. During its review, the local  
 16013 emergency management agency shall ensure that the following  
 16014 agencies, at a minimum, are given the opportunity to review the  
 16015 plan: the Department of Elderly Affairs, the Department of  
 16016 Health, the Agency for Health Care Administration, and the  
 16017 Division of Emergency Management ~~Department of Community~~  
 16018 ~~Affairs~~. Also, appropriate volunteer organizations must be given  
 16019 the opportunity to review the plan. The local emergency  
 16020 management agency shall complete its review within 60 days and  
 16021 either approve the plan or advise the facility of necessary  
 16022 revisions.

16023 Section 332. Paragraph (a) of subsection (10) of section  
 16024 400.497, Florida Statutes, is amended to read:

16025 400.497 Rules establishing minimum standards.—The agency  
 16026 shall adopt, publish, and enforce rules to implement part II of  
 16027 chapter 408 and this part, including, as applicable, ss. 400.506  
 16028 and 400.509, which must provide reasonable and fair minimum  
 16029 standards relating to:

16030 (10) Preparation of a comprehensive emergency management  
 16031 plan pursuant to s. 400.492.

16032 (a) The Agency for Health Care Administration shall adopt  
 16033 rules establishing minimum criteria for the plan and plan  
 16034 updates, with the concurrence of the Department of Health and in  
 16035 consultation with the Division of Emergency Management  
 16036 ~~Department of Community Affairs~~.

16037 Section 333. Paragraph (f) of subsection (12) of section

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16038 400.506, Florida Statutes, is amended to read:

16039 400.506 Licensure of nurse registries; requirements;  
 16040 penalties.—

16041 (12) Each nurse registry shall prepare and maintain a  
 16042 comprehensive emergency management plan that is consistent with  
 16043 the criteria in this subsection and with the local special needs  
 16044 plan. The plan shall be updated annually. The plan shall include  
 16045 the means by which the nurse registry will continue to provide  
 16046 the same type and quantity of services to its patients who  
 16047 evacuate to special needs shelters which were being provided to  
 16048 those patients prior to evacuation. The plan shall specify how  
 16049 the nurse registry shall facilitate the provision of continuous  
 16050 care by persons referred for contract to persons who are  
 16051 registered pursuant to s. 252.355 during an emergency that  
 16052 interrupts the provision of care or services in private  
 16053 residences. Nurse registries may establish links to local  
 16054 emergency operations centers to determine a mechanism by which  
 16055 to approach specific areas within a disaster area in order for a  
 16056 provider to reach its clients. Nurse registries shall  
 16057 demonstrate a good faith effort to comply with the requirements  
 16058 of this subsection by documenting attempts of staff to follow  
 16059 procedures outlined in the nurse registry's comprehensive  
 16060 emergency management plan which support a finding that the  
 16061 provision of continuing care has been attempted for patients  
 16062 identified as needing care by the nurse registry and registered  
 16063 under s. 252.355 in the event of an emergency under this  
 16064 subsection.

16065 (f) The Agency for Health Care Administration shall adopt

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16066 rules establishing minimum criteria for the comprehensive  
 16067 emergency management plan and plan updates required by this  
 16068 subsection, with the concurrence of the Department of Health and  
 16069 in consultation with the Division of Emergency Management  
 16070 ~~Department of Community Affairs.~~

16071 Section 334. Paragraph (h) of subsection (1) of section  
 16072 400.605, Florida Statutes, is amended to read:

16073 400.605 Administration; forms; fees; rules; inspections;  
 16074 fines.—

16075 (1) The agency, in consultation with the department, may  
 16076 adopt rules to administer the requirements of part II of chapter  
 16077 408. The department, in consultation with the agency, shall by  
 16078 rule establish minimum standards and procedures for a hospice  
 16079 pursuant to this part. The rules must include:

16080 (h) Components of a comprehensive emergency management  
 16081 plan, developed in consultation with the Department of Health,  
 16082 the Department of Elderly Affairs, and the Division of Emergency  
 16083 Management ~~Department of Community Affairs.~~

16084 Section 335. Subsection (9) of section 400.935, Florida  
 16085 Statutes, is amended to read:

16086 400.935 Rules establishing minimum standards.—The agency  
 16087 shall adopt, publish, and enforce rules to implement this part  
 16088 and part II of chapter 408, which must provide reasonable and  
 16089 fair minimum standards relating to:

16090 (9) Preparation of the comprehensive emergency management  
 16091 plan under s. 400.934 and the establishment of minimum criteria  
 16092 for the plan, including the maintenance of patient equipment and  
 16093 supply lists that can accompany patients who are transported

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16094 from their homes. Such rules shall be formulated in consultation  
 16095 with the Department of Health and the Division of Emergency  
 16096 Management ~~Department of Community Affairs~~.

16097 Section 336. Paragraph (g) of subsection (2) of section  
 16098 400.967, Florida Statutes, is amended to read:

16099 400.967 Rules and classification of deficiencies.—

16100 (2) Pursuant to the intention of the Legislature, the  
 16101 agency, in consultation with the Agency for Persons with  
 16102 Disabilities and the Department of Elderly Affairs, shall adopt  
 16103 and enforce rules to administer this part and part II of chapter  
 16104 408, which shall include reasonable and fair criteria governing:

16105 (g) The preparation and annual update of a comprehensive  
 16106 emergency management plan. The agency shall adopt rules  
 16107 establishing minimum criteria for the plan after consultation  
 16108 with the Division of Emergency Management ~~Department of~~  
 16109 ~~Community Affairs~~. At a minimum, the rules must provide for plan  
 16110 components that address emergency evacuation transportation;  
 16111 adequate sheltering arrangements; postdisaster activities,  
 16112 including emergency power, food, and water; postdisaster  
 16113 transportation; supplies; staffing; emergency equipment;  
 16114 individual identification of residents and transfer of records;  
 16115 and responding to family inquiries. The comprehensive emergency  
 16116 management plan is subject to review and approval by the local  
 16117 emergency management agency. During its review, the local  
 16118 emergency management agency shall ensure that the following  
 16119 agencies, at a minimum, are given the opportunity to review the  
 16120 plan: the Department of Elderly Affairs, the Agency for Persons  
 16121 with Disabilities, the Agency for Health Care Administration,



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16122 and the Division of Emergency Management ~~Department of Community~~  
 16123 ~~Affairs~~. Also, appropriate volunteer organizations must be given  
 16124 the opportunity to review the plan. The local emergency  
 16125 management agency shall complete its review within 60 days and  
 16126 either approve the plan or advise the facility of necessary  
 16127 revisions.

16128 Section 337. Paragraph (b) of subsection (2) of section  
 16129 401.245, Florida Statutes, is amended to read:

16130 401.245 Emergency Medical Services Advisory Council.—

16131 (2)

16132 (b) Representation on the Emergency Medical Services  
 16133 Advisory Council shall include: two licensed physicians who are  
 16134 "medical directors" as defined in s. 401.23(15) or whose medical  
 16135 practice is closely related to emergency medical services; two  
 16136 emergency medical service administrators, one of whom is  
 16137 employed by a fire service; two certified paramedics, one of  
 16138 whom is employed by a fire service; two certified emergency  
 16139 medical technicians, one of whom is employed by a fire service;  
 16140 one emergency medical services educator; one emergency nurse;  
 16141 one hospital administrator; one representative of air ambulance  
 16142 services; one representative of a commercial ambulance operator;  
 16143 and two laypersons who are in no way connected with emergency  
 16144 medical services, one of whom is a representative of the  
 16145 elderly. Ex officio members of the advisory council from state  
 16146 agencies shall include, but shall not be limited to,  
 16147 representatives from the Department of Education, the Department  
 16148 of Management Services, the State Fire Marshal, the Department  
 16149 of Highway Safety and Motor Vehicles, the Department of

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16150 Transportation, and the Division of Emergency Management  
 16151 ~~Department of Community Affairs.~~

16152 Section 338. Subsection (5) of section 403.0752, Florida  
 16153 Statutes, is amended to read:

16154 403.0752 Ecosystem management agreements.—

16155 (5) The Commissioner of Economic Opportunity ~~Secretary of~~  
 16156 ~~Community Affairs~~, the Secretary of Transportation, the  
 16157 Commissioner of Agriculture, the Executive Director of the Fish  
 16158 and Wildlife Conservation Commission, and the executive  
 16159 directors of the water management districts are authorized to  
 16160 participate in the development of ecosystem management  
 16161 agreements with regulated entities and other governmental  
 16162 agencies as necessary to effectuate the provisions of this  
 16163 section. Local governments are encouraged to participate in  
 16164 ecosystem management agreements.

16165 Section 339. Subsection (6) of section 403.0891, Florida  
 16166 Statutes, is amended to read:

16167 403.0891 State, regional, and local stormwater management  
 16168 plans and programs.—The department, the water management  
 16169 districts, and local governments shall have the responsibility  
 16170 for the development of mutually compatible stormwater management  
 16171 programs.

16172 (6) The department and the Department of Economic  
 16173 Opportunity ~~Community Affairs~~, in cooperation with local  
 16174 governments in the coastal zone, shall develop a model  
 16175 stormwater management program that could be adopted by local  
 16176 governments. The model program shall contain dedicated funding  
 16177 options, including a stormwater utility fee system based upon an

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16178 equitable unit cost approach. Funding options shall be designed  
 16179 to generate capital to retrofit existing stormwater management  
 16180 systems, build new treatment systems, operate facilities, and  
 16181 maintain and service debt.

16182 Section 340. Paragraph (b) of subsection (3) of section  
 16183 403.42, Florida Statutes, is amended to read:

16184 403.42 Florida Clean Fuel Act.—

16185 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;  
 16186 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

16187 (b)1. The advisory board shall consist of the Commissioner  
 16188 of Economic Opportunity ~~the Secretary of Community Affairs,~~ or a  
 16189 designee from that department, the Secretary of Environmental  
 16190 Protection~~,~~ or a designee from that department, the Commissioner  
 16191 of Education~~,~~ or a designee from that department, the Secretary  
 16192 of Transportation~~,~~ or a designee from that department, the  
 16193 Commissioner of Agriculture~~,~~ or a designee from that the  
 16194 ~~department of Agriculture and Consumer Services,~~ the Secretary  
 16195 of Management Services~~,~~ or a designee from that department, and  
 16196 a representative of each of the following, who shall be  
 16197 appointed by the Secretary of Environmental Protection:

- 16198 a. The Florida biodiesel industry.
- 16199 b. The Florida electric utility industry.
- 16200 c. The Florida natural gas industry.
- 16201 d. The Florida propane gas industry.
- 16202 e. An automobile manufacturers' association.
- 16203 f. A Florida Clean Cities Coalition designated by the  
 16204 United States Department of Energy.
- 16205 g. Enterprise Florida, Inc.

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- 16206 h. EV Ready Broward.
- 16207 i. The Florida petroleum industry.
- 16208 j. The Florida League of Cities.
- 16209 k. The Florida Association of Counties.
- 16210 l. Floridians for Better Transportation.
- 16211 m. A motor vehicle manufacturer.
- 16212 n. Florida Local Environment Resource Agencies.
- 16213 o. Project for an Energy Efficient Florida.
- 16214 p. Florida Transportation Builders Association.
- 16215 2. The purpose of the advisory board is to serve as a
- 16216 resource for the department and to provide the Governor, the
- 16217 Legislature, and the Secretary of Environmental Protection with
- 16218 private sector and other public agency perspectives on achieving
- 16219 the goal of increasing the use of alternative fuel vehicles in
- 16220 this state.
- 16221 3. Members shall be appointed to serve terms of 1 year
- 16222 each, with reappointment at the discretion of the Secretary of
- 16223 Environmental Protection. Vacancies shall be filled for the
- 16224 remainder of the unexpired term in the same manner as the
- 16225 original appointment.
- 16226 4. The board shall annually select a chairperson.
- 16227 5.a. The board shall meet at least once each quarter or
- 16228 more often at the call of the chairperson or the Secretary of
- 16229 Environmental Protection.
- 16230 b. Meetings are exempt from the notice requirements of
- 16231 chapter 120, and sufficient notice shall be given to afford
- 16232 interested persons reasonable notice under the circumstances.
- 16233 6. Members of the board are entitled to travel expenses

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16234 while engaged in the performance of board duties.

16235 7. The board shall terminate 5 years after the effective  
16236 date of this act.

16237 Section 341. Paragraph (a) of subsection (2) of section  
16238 403.507, Florida Statutes, is amended to read:

16239 403.507 Preliminary statements of issues, reports, project  
16240 analyses, and studies.—

16241 (2) (a) No later than 100 days after the certification  
16242 application has been determined complete, the following agencies  
16243 shall prepare reports as provided below and shall submit them to  
16244 the department and the applicant, unless a final order denying  
16245 the determination of need has been issued under s. 403.519:

16246 1. The Department of Economic Opportunity ~~Community~~  
16247 ~~Affairs~~ shall prepare a report containing recommendations which  
16248 address the impact upon the public of the proposed electrical  
16249 power plant, based on the degree to which the electrical power  
16250 plant is consistent with the applicable portions of the state  
16251 comprehensive plan, emergency management, and other such matters  
16252 within its jurisdiction. The Department of Economic Opportunity  
16253 ~~Community Affairs~~ may also comment on the consistency of the  
16254 proposed electrical power plant with applicable strategic  
16255 regional policy plans or local comprehensive plans and land  
16256 development regulations.

16257 2. The water management district shall prepare a report as  
16258 to matters within its jurisdiction, including but not limited  
16259 to, the impact of the proposed electrical power plant on water  
16260 resources, regional water supply planning, and district-owned  
16261 lands and works.

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16262           3. Each local government in whose jurisdiction the  
 16263 proposed electrical power plant is to be located shall prepare a  
 16264 report as to the consistency of the proposed electrical power  
 16265 plant with all applicable local ordinances, regulations,  
 16266 standards, or criteria that apply to the proposed electrical  
 16267 power plant, including any applicable local environmental  
 16268 regulations adopted pursuant to s. 403.182 or by other means.

16269           4. The Fish and Wildlife Conservation Commission shall  
 16270 prepare a report as to matters within its jurisdiction.

16271           5. Each regional planning council shall prepare a report  
 16272 containing recommendations that address the impact upon the  
 16273 public of the proposed electrical power plant, based on the  
 16274 degree to which the electrical power plant is consistent with  
 16275 the applicable provisions of the strategic regional policy plan  
 16276 adopted pursuant to chapter 186 and other matters within its  
 16277 jurisdiction.

16278           6. The Department of Transportation shall address the  
 16279 impact of the proposed electrical power plant on matters within  
 16280 its jurisdiction.

16281           Section 342. Paragraph (a) of subsection (3) of section  
 16282 403.508, Florida Statutes, is amended to read:

16283           403.508 Land use and certification hearings, parties,  
 16284 participants.—

16285           (3) (a) Parties to the proceeding shall include:

16286           1. The applicant.

16287           2. The Public Service Commission.

16288           3. The Department of Economic Opportunity ~~Community~~  
 16289 ~~Affairs~~.

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- 16290 4. The Fish and Wildlife Conservation Commission.
- 16291 5. The water management district.
- 16292 6. The department.
- 16293 7. The regional planning council.
- 16294 8. The local government.
- 16295 9. The Department of Transportation.

16296 Section 343. Paragraph (b) of subsection (2) of section  
 16297 403.524, Florida Statutes, is amended to read:

16298 403.524 Applicability; certification; exemptions.—

16299 (2) Except as provided in subsection (1), construction of  
 16300 a transmission line may not be undertaken without first  
 16301 obtaining certification under this act, but this act does not  
 16302 apply to:

16303 (b) Transmission lines that have been exempted by a  
 16304 binding letter of interpretation issued under s. 380.06(4), or  
 16305 in which the Department of Economic Opportunity ~~Community~~  
 16306 ~~Affairs~~ or its predecessor agency has determined the utility to  
 16307 have vested development rights within the meaning of s.  
 16308 380.05(18) or s. 380.06(20).

16309 Section 344. Paragraph (a) of subsection (2) of section  
 16310 403.526, Florida Statutes, is amended to read:

16311 403.526 Preliminary statements of issues, reports, and  
 16312 project analyses; studies.—

16313 (2) (a) No later than 90 days after the filing of the  
 16314 application, the following agencies shall prepare reports as  
 16315 provided below, unless a final order denying the determination  
 16316 of need has been issued under s. 403.537:

- 16317 1. The department shall prepare a report as to the impact

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16318 of each proposed transmission line or corridor as it relates to  
 16319 matters within its jurisdiction.

16320 2. Each water management district in the jurisdiction of  
 16321 which a proposed transmission line or corridor is to be located  
 16322 shall prepare a report as to the impact on water resources and  
 16323 other matters within its jurisdiction.

16324 3. The Department of Economic Opportunity Community  
 16325 ~~Affairs~~ shall prepare a report containing recommendations which  
 16326 address the impact upon the public of the proposed transmission  
 16327 line or corridor, based on the degree to which the proposed  
 16328 transmission line or corridor is consistent with the applicable  
 16329 portions of the state comprehensive plan, emergency management,  
 16330 and other matters within its jurisdiction. The Department of  
 16331 Economic Opportunity Community ~~Affairs~~ may also comment on the  
 16332 consistency of the proposed transmission line or corridor with  
 16333 applicable strategic regional policy plans or local  
 16334 comprehensive plans and land development regulations.

16335 4. The Fish and Wildlife Conservation Commission shall  
 16336 prepare a report as to the impact of each proposed transmission  
 16337 line or corridor on fish and wildlife resources and other  
 16338 matters within its jurisdiction.

16339 5. Each local government shall prepare a report as to the  
 16340 impact of each proposed transmission line or corridor on matters  
 16341 within its jurisdiction, including the consistency of the  
 16342 proposed transmission line or corridor with all applicable local  
 16343 ordinances, regulations, standards, or criteria that apply to  
 16344 the proposed transmission line or corridor, including local  
 16345 comprehensive plans, zoning regulations, land development



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16346 regulations, and any applicable local environmental regulations  
16347 adopted pursuant to s. 403.182 or by other means. A change by  
16348 the responsible local government or local agency in local  
16349 comprehensive plans, zoning ordinances, or other regulations  
16350 made after the date required for the filing of the local  
16351 government's report required by this section is not applicable  
16352 to the certification of the proposed transmission line or  
16353 corridor unless the certification is denied or the application  
16354 is withdrawn.

16355         6. Each regional planning council shall present a report  
16356 containing recommendations that address the impact upon the  
16357 public of the proposed transmission line or corridor based on  
16358 the degree to which the transmission line or corridor is  
16359 consistent with the applicable provisions of the strategic  
16360 regional policy plan adopted under chapter 186 and other impacts  
16361 of each proposed transmission line or corridor on matters within  
16362 its jurisdiction.

16363         7. The Department of Transportation shall prepare a report  
16364 as to the impact of the proposed transmission line or corridor  
16365 on state roads, railroads, airports, aeronautics, seaports, and  
16366 other matters within its jurisdiction.

16367         8. The commission shall prepare a report containing its  
16368 determination under s. 403.537, and the report may include the  
16369 comments from the commission with respect to any other subject  
16370 within its jurisdiction.

16371         9. Any other agency, if requested by the department, shall  
16372 also perform studies or prepare reports as to subjects within  
16373 the jurisdiction of the agency which may potentially be affected

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16374 by the proposed transmission line.

16375 Section 345. Paragraph (a) of subsection (2) of section  
16376 403.527, Florida Statutes, is amended to read:

16377 403.527 Certification hearing, parties, participants.—

16378 (2) (a) Parties to the proceeding shall be:

16379 1. The applicant.

16380 2. The department.

16381 3. The commission.

16382 4. The Department of Economic Opportunity Community  
16383 Affairs.

16384 5. The Fish and Wildlife Conservation Commission.

16385 6. The Department of Transportation.

16386 7. Each water management district in the jurisdiction of  
16387 which the proposed transmission line or corridor is to be  
16388 located.

16389 8. The local government.

16390 9. The regional planning council.

16391 Section 346. Subsection (1) of section 403.757, Florida  
16392 Statutes, is amended to read:

16393 403.757 Coordination with other state agencies.—

16394 (1) The department shall coordinate its activities and  
16395 functions under ss. 403.75-403.769 and s. 526.01, as amended by  
16396 chapter 84-338, Laws of Florida, with the Department of Economic  
16397 Opportunity Community Affairs and other state agencies to avoid  
16398 duplication in reporting and information gathering.

16399 Section 347. Paragraph (a) of subsection (2) of section  
16400 403.941, Florida Statutes, is amended to read:

16401 403.941 Preliminary statements of issues, reports, and

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16402 studies.—

16403 (2) (a) The affected agencies shall prepare reports as  
 16404 provided in this paragraph and shall submit them to the  
 16405 department and the applicant within 60 days after the  
 16406 application is determined sufficient:

16407 1. The department shall prepare a report as to the impact  
 16408 of each proposed natural gas transmission pipeline or corridor  
 16409 as it relates to matters within its jurisdiction.

16410 2. Each water management district in the jurisdiction of  
 16411 which a proposed natural gas transmission pipeline or corridor  
 16412 is to be located shall prepare a report as to the impact on  
 16413 water resources and other matters within its jurisdiction.

16414 3. The Department of Economic Opportunity ~~Community~~  
 16415 ~~Affairs~~ shall prepare a report containing recommendations which  
 16416 address the impact upon the public of the proposed natural gas  
 16417 transmission pipeline or corridor, based on the degree to which  
 16418 the proposed natural gas transmission pipeline or corridor is  
 16419 consistent with the applicable portions of the state  
 16420 comprehensive plan and other matters within its jurisdiction.  
 16421 The Department of Economic Opportunity ~~Community~~ ~~Affairs~~ may  
 16422 also comment on the consistency of the proposed natural gas  
 16423 transmission pipeline or corridor with applicable strategic  
 16424 regional policy plans or local comprehensive plans and land  
 16425 development regulations.

16426 4. The Fish and Wildlife Conservation Commission shall  
 16427 prepare a report as to the impact of each proposed natural gas  
 16428 transmission pipeline or corridor on fish and wildlife resources  
 16429 and other matters within its jurisdiction.

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16430           5. Each local government in which the natural gas  
 16431 transmission pipeline or natural gas transmission pipeline  
 16432 corridor will be located shall prepare a report as to the impact  
 16433 of each proposed natural gas transmission pipeline or corridor  
 16434 on matters within its jurisdiction, including the consistency of  
 16435 the proposed natural gas transmission pipeline or corridor with  
 16436 all applicable local ordinances, regulations, standards, or  
 16437 criteria that apply to the proposed natural gas transmission  
 16438 pipeline or corridor, including local comprehensive plans,  
 16439 zoning regulations, land development regulations, and any  
 16440 applicable local environmental regulations adopted pursuant to  
 16441 s. 403.182 or by other means. No change by the responsible local  
 16442 government or local agency in local comprehensive plans, zoning  
 16443 ordinances, or other regulations made after the date required  
 16444 for the filing of the local government's report required by this  
 16445 section shall be applicable to the certification of the proposed  
 16446 natural gas transmission pipeline or corridor unless the  
 16447 certification is denied or the application is withdrawn.

16448           6. Each regional planning council in which the natural gas  
 16449 transmission pipeline or natural gas transmission pipeline  
 16450 corridor will be located shall present a report containing  
 16451 recommendations that address the impact upon the public of the  
 16452 proposed natural gas transmission pipeline or corridor, based on  
 16453 the degree to which the natural gas transmission pipeline or  
 16454 corridor is consistent with the applicable provisions of the  
 16455 strategic regional policy plan adopted pursuant to chapter 186  
 16456 and other impacts of each proposed natural gas transmission  
 16457 pipeline or corridor on matters within its jurisdiction.

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16458 | 7. The Department of Transportation shall prepare a report  
 16459 | on the effect of the natural gas transmission pipeline or  
 16460 | natural gas transmission pipeline corridor on matters within its  
 16461 | jurisdiction, including roadway crossings by the pipeline. The  
 16462 | report shall contain at a minimum:

16463 | a. A report by the applicant to the department stating  
 16464 | that all requirements of the department's utilities  
 16465 | accommodation guide have been or will be met in regard to the  
 16466 | proposed pipeline or pipeline corridor; and

16467 | b. A statement by the department as to the adequacy of the  
 16468 | report to the department by the applicant.

16469 | 8. The Department of State, Division of Historical  
 16470 | Resources, shall prepare a report on the impact of the natural  
 16471 | gas transmission pipeline or natural gas transmission pipeline  
 16472 | corridor on matters within its jurisdiction.

16473 | 9. The commission shall prepare a report addressing  
 16474 | matters within its jurisdiction. The commission's report shall  
 16475 | include its determination of need issued pursuant to s.  
 16476 | 403.9422.

16477 | Section 348. Paragraph (a) of subsection (4) of section  
 16478 | 403.9411, Florida Statutes, is amended to read:

16479 | 403.9411 Notice; proceedings; parties and participants.—

16480 | (4) (a) Parties to the proceeding shall be:

16481 | 1. The applicant.

16482 | 2. The department.

16483 | 3. The commission.

16484 | 4. The Department of Economic Opportunity Community  
 16485 | ~~Affairs~~.

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- 16486 5. The Fish and Wildlife Conservation Commission.
- 16487 6. Each water management district in the jurisdiction of
- 16488 which the proposed natural gas transmission pipeline or corridor
- 16489 is to be located.
- 16490 7. The local government.
- 16491 8. The regional planning council.
- 16492 9. The Department of Transportation.
- 16493 10. The Department of State, Division of Historical
- 16494 Resources.

16495 Section 349. Subsection (4) of section 403.973, Florida  
 16496 Statutes, is amended to read:

16497 403.973 Expedited permitting; amendments to comprehensive  
 16498 plans.—

16499 (4) The regional teams shall be established through the  
 16500 execution of memoranda of agreement developed by the applicant  
 16501 and the secretary, with input solicited from the office and the  
 16502 respective heads of the Department of Economic Opportunity  
 16503 ~~Community Affairs~~, the Department of Transportation and its  
 16504 district offices, the Department of Agriculture and Consumer  
 16505 Services, the Fish and Wildlife Conservation Commission,  
 16506 appropriate regional planning councils, appropriate water  
 16507 management districts, and voluntarily participating  
 16508 municipalities and counties. The memoranda of agreement should  
 16509 also accommodate participation in this expedited process by  
 16510 other local governments and federal agencies as circumstances  
 16511 warrant.

16512 Section 350. Subsection (4) of section 404.056, Florida  
 16513 Statutes, is amended to read:

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16514 404.056 Environmental radiation standards and projects;  
 16515 certification of persons performing measurement or mitigation  
 16516 services; mandatory testing; notification on real estate  
 16517 documents; rules.—

16518 (4) MANDATORY TESTING.—All public and private school  
 16519 buildings or school sites housing students in kindergarten  
 16520 through grade 12; all state-owned, state-operated, state-  
 16521 regulated, or state-licensed 24-hour care facilities; and all  
 16522 state-licensed day care centers for children or minors which are  
 16523 located in counties designated within the Department of Business  
 16524 and Professional Regulation's Community Affairs— Florida Radon  
 16525 Protection Map Categories as "Intermediate" or "Elevated Radon  
 16526 Potential" shall be measured to determine the level of indoor  
 16527 radon, using measurement procedures established by the  
 16528 department. Initial measurements shall be conducted in 20  
 16529 percent of the habitable first floor spaces within any of the  
 16530 regulated buildings and shall be completed and reported to the  
 16531 department within 1 year after the date the building is opened  
 16532 for occupancy or within 1 year after license approval for the  
 16533 entity residing in the existing building. Followup testing must  
 16534 be completed in 5 percent of the habitable first floor spaces  
 16535 within any of the regulated buildings after the building has  
 16536 been occupied for 5 years, and results must be reported to the  
 16537 department by the first day of the 6th year of occupancy. After  
 16538 radon measurements have been made twice, regulated buildings  
 16539 need not undergo further testing unless significant structural  
 16540 changes occur. No funds collected pursuant to s. 553.721 shall  
 16541 be used to carry out the provisions of this subsection.

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16542 Section 351. Paragraph (d) of subsection (4) of section  
 16543 404.0617, Florida Statutes, is amended to read:

16544 404.0617 Siting of commercial low-level radioactive waste  
 16545 management facilities.—

16546 (4) The Governor and Cabinet shall consider the following  
 16547 when determining whether to grant a petition for a variance from  
 16548 local ordinances, regulations, or plans:

16549 (d) Such studies, reports, and information as the Governor  
 16550 and Cabinet may request of the Department of Economic  
 16551 Opportunity ~~Community Affairs~~ addressing whether or not the  
 16552 proposed facility unreasonably interferes with the achievement  
 16553 of the goals and objectives of any adopted state or local  
 16554 comprehensive plan and any other matter within its jurisdiction.

16555 Section 352. Subsections (2), (3), and (4) of section  
 16556 409.508, Florida Statutes, are amended to read:

16557 409.508 Low-income home energy assistance program.—

16558 (2) The Department of Economic Opportunity ~~Community~~  
 16559 ~~Affairs~~ is designated as the state agency to administer the Low-  
 16560 income Home Energy Assistance Act of 1981, 42 U.S.C. ss. 8621 et  
 16561 seq. The Department of Economic Opportunity ~~Community Affairs~~ is  
 16562 authorized to provide home energy assistance benefits to  
 16563 eligible households which may be in the form of cash, vouchers,  
 16564 certificates, or direct payments to electric or natural gas  
 16565 utilities or other energy suppliers and operators of low-rent,  
 16566 subsidized housing in behalf of eligible households. Priority  
 16567 shall be given to eligible households having at least one  
 16568 elderly or handicapped individual and to eligible households  
 16569 with the lowest incomes.



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16570 (3) Agreements may be established between electric or  
 16571 natural gas utility companies, other energy suppliers, the  
 16572 Department of Revenue, and the Department of Economic  
 16573 Opportunity Community Affairs for the purpose of providing  
 16574 payments to energy suppliers in the form of a credit against  
 16575 sales and use taxes due or direct payments to energy suppliers  
 16576 for services rendered to low-income, eligible households.

16577 (4) The Department of Economic Opportunity Community  
 16578 Affairs shall adopt rules to carry out ~~the provisions of this~~  
 16579 section act.

16580 Section 353. Subsection (2) of section 409.509, Florida  
 16581 Statutes, is amended to read:

16582 409.509 Definitions; weatherization of low-income  
 16583 residences.—As used in this act, the term:

16584 (2) "Department" means the Department of Economic  
 16585 Opportunity Community Affairs.

16586 Section 354. Subsection (2) and paragraph (f) of  
 16587 subsection (3) of section 410.502, Florida Statutes, is amended  
 16588 to read:

16589 410.502 Housing and living arrangements; special needs of  
 16590 the elderly; services.—The Department of Elderly Affairs shall  
 16591 provide services related to housing and living arrangements  
 16592 which meet the special needs of the elderly. Such services shall  
 16593 include, but not be limited to:

16594 (2) Coordinating with the Department of Economic  
 16595 Opportunity Community Affairs to gather and maintain data on  
 16596 living arrangements which meet the special needs of the elderly  
 16597 and to disseminate such information to the public. Such

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16598 information shall include types of facilities, cost of care,  
 16599 services provided, and possible sources of help in meeting the  
 16600 cost of care for indigent individuals.

16601 (3) Promoting, through the Department of Elderly Affairs  
 16602 staff activities and area agencies on aging, the development of  
 16603 a variety of living arrangements through public and private  
 16604 auspices to meet the various needs and desires of the elderly,  
 16605 including, but not limited to:

16606 (f) Retirement communities for independent communal  
 16607 living, to be developed in conjunction with the Department of  
 16608 Economic Opportunity ~~Community Affairs~~.

16609  
 16610 Demonstration projects must be used advisedly to test the extent  
 16611 to which these and other innovative housing and living  
 16612 arrangements do meet the basic and special needs of the elderly.

16613 Section 355. Subsection (2) of section 418.12, Florida  
 16614 Statutes, is amended to read:

16615 418.12 Duties and functions of Division of Recreation and  
 16616 Parks.—Among its functions, the Division of Recreation and Parks  
 16617 of the Department of Environmental Protection shall:

16618 (2) Provide consultation assistance to the Department of  
 16619 Economic Opportunity ~~Community Affairs~~ and to local governing  
 16620 units as to the promotion, organization, and administration of  
 16621 local recreation systems and as to the planning and design of  
 16622 local recreation areas and facilities;

16623 Section 356. Paragraph (e) of subsection (3) and  
 16624 subsection (4) of section 420.0003, Florida Statutes, are  
 16625 amended to read:

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16626 | 420.0003 State housing strategy.—  
 16627 | (3) POLICIES.—  
 16628 | (e) Housing production or rehabilitation programs.—New  
 16629 | programs for housing production or rehabilitation shall be  
 16630 | developed in accordance with the following general guidelines as  
 16631 | appropriate for the purpose of the specific program:  
 16632 | 1. State and local governments shall provide incentives to  
 16633 | encourage the private sector to be the primary delivery vehicle  
 16634 | for the development of affordable housing.  
 16635 | 2. State funds should be heavily leveraged to achieve the  
 16636 | maximum local and private commitment of funds while achieving  
 16637 | the program objectives.  
 16638 | 3. To the maximum extent possible, state funds should be  
 16639 | expended to provide housing units rather than to support program  
 16640 | administration.  
 16641 | 4. State money should be used, when possible, as loans  
 16642 | rather than grants.  
 16643 | 5. State funds should be available only to local  
 16644 | governments that provide incentives or financial assistance for  
 16645 | housing.  
 16646 | 6. State funds should be made available only for projects  
 16647 | which are consistent with the local government comprehensive  
 16648 | plan.  
 16649 | 7. State funding for housing should not be made available  
 16650 | to local governments whose comprehensive plans have been found  
 16651 | not in compliance with chapter 163 and who have not entered into  
 16652 | a stipulated settlement agreement with the Department of  
 16653 | Economic Opportunity ~~the Department of Community Affairs~~ to

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16654 bring the plan into compliance.

16655 8. Mixed income projects should be encouraged, to avoid a  
16656 concentration of low-income residents in one area or project.

16657 9. Distribution of state housing funds should be flexible  
16658 and consider the regional and local needs, resources, and  
16659 capabilities of housing producers.

16660 10. Income levels used to determine program eligibility  
16661 should be adjusted for family size in determining the  
16662 eligibility of specific beneficiaries.

16663 11. To the maximum extent possible, state-owned lands that  
16664 are appropriate for the development of affordable housing shall  
16665 be made available for that purpose.

16666 (4) IMPLEMENTATION.—The Department of Economic Opportunity  
16667 ~~The Department of Community Affairs~~ and the Florida Housing  
16668 Finance Corporation in carrying out the strategy articulated  
16669 herein shall have the following duties:

16670 (a) The fiscal resources of the Department of Economic  
16671 Opportunity ~~the Department of Community Affairs~~ shall be  
16672 directed to achieve the following programmatic objectives:

16673 1. Effective technical assistance and capacity-building  
16674 programs shall be established at the state and local levels.

16675 2. The Shimberg Center for Affordable Housing at the  
16676 University of Florida shall develop and maintain statewide data  
16677 on housing needs and production, provide technical assistance  
16678 relating to real estate development and finance, operate an  
16679 information clearinghouse on housing programs, and coordinate  
16680 state housing initiatives with local government and federal  
16681 programs.

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16682 (b) The agency strategic plan of the Department of  
 16683 Economic Opportunity ~~the Department of Community Affairs~~ shall  
 16684 include specific goals, objectives, and strategies that  
 16685 implement the housing policies in this section and shall include  
 16686 the strategic plan for housing production prepared by the  
 16687 corporation pursuant to s. 420.511.

16688 (c) The Shimberg Center for Affordable Housing, in  
 16689 consultation with the Department of Economic Opportunity ~~the~~  
 16690 ~~Department of Community Affairs~~ and the Florida Housing Finance  
 16691 Corporation, shall review and evaluate existing housing  
 16692 rehabilitation, production, and finance programs to determine  
 16693 their consistency with relevant policies in this section and  
 16694 identify the needs of specific populations, including, but not  
 16695 limited to, elderly and handicapped persons, and shall recommend  
 16696 statutory modifications where appropriate. The Shimberg Center  
 16697 for Affordable Housing, in consultation with the Department of  
 16698 Economic Opportunity ~~the Department of Community Affairs~~ and the  
 16699 corporation, shall also evaluate the degree of coordination  
 16700 between state housing programs, and between state, federal, and  
 16701 local housing activities, and shall recommend improved program  
 16702 linkages. The recommendations required above and a report of any  
 16703 programmatic modifications made as a result of these policies  
 16704 shall be included in the housing report required by s. 420.6075,  
 16705 beginning December 31, 1991, and every 5 years thereafter.

16706 (d) The department and the corporation are anticipated to  
 16707 conform the administrative rules for each housing program to the  
 16708 policies stated in this section, provided that such changes in  
 16709 the rules are consistent with the statutory intent or

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16710 requirements for the program. This authority applies only to  
 16711 programs offering loans, grants, or tax credits and only to the  
 16712 extent that state policies are consistent with applicable  
 16713 federal requirements.

16714 Section 357. Subsection (6) of section 420.0004, Florida  
 16715 Statutes, is amended to read:

16716 420.0004 Definitions.—As used in this part, unless the  
 16717 context otherwise indicates:

16718 (6) "Department" means the Department of Economic  
 16719 Opportunity ~~the Department of Community Affairs.~~

16720 Section 358. Section 420.0005, Florida Statutes, is  
 16721 amended to read:

16722 420.0005 State Housing Trust Fund; State Housing Fund.—  
 16723 There is hereby established in the State Treasury a separate  
 16724 trust fund to be named the "State Housing Trust Fund." There  
 16725 shall be deposited in the fund all moneys appropriated by the  
 16726 Legislature, or moneys received from any other source, for the  
 16727 purpose of this chapter, and all proceeds derived from the use  
 16728 of such moneys. The fund shall be administered by the Florida  
 16729 Housing Finance Corporation on behalf of the department, as  
 16730 specified in this chapter. Money deposited to the fund and  
 16731 appropriated by the Legislature must, notwithstanding the  
 16732 provisions of chapter 216 or s. 420.504(3), be transferred  
 16733 quarterly in advance, to the extent available, or, if not so  
 16734 available, as soon as received into the State Housing Trust  
 16735 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)  
 16736 by the Chief Financial Officer to the corporation upon  
 16737 certification by the Commissioner of Economic Opportunity

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16738 ~~Secretary of Community Affairs~~ that the corporation is in  
 16739 compliance with the requirements of s. 420.0006. The  
 16740 certification made by the secretary shall also include the split  
 16741 of funds among programs administered by the corporation and the  
 16742 department as specified in chapter 92-317, Laws of Florida, as  
 16743 amended. Moneys advanced by the Chief Financial Officer must be  
 16744 deposited by the corporation into a separate fund established  
 16745 with a qualified public depository meeting the requirements of  
 16746 chapter 280 to be named the "State Housing Fund" and used for  
 16747 the purposes of this chapter. Administrative and personnel costs  
 16748 incurred in implementing this chapter may be paid from the State  
 16749 Housing Fund, but such costs may not exceed 5 percent of the  
 16750 moneys deposited into such fund. To the State Housing Fund shall  
 16751 be credited all loan repayments, penalties, and other fees and  
 16752 charges accruing to such fund under this chapter. It is the  
 16753 intent of this chapter that all loan repayments, penalties, and  
 16754 other fees and charges collected be credited in full to the  
 16755 program account from which the loan originated. Moneys in the  
 16756 State Housing Fund which are not currently needed for the  
 16757 purposes of this chapter shall be invested in such manner as is  
 16758 provided for by statute. The interest received on any such  
 16759 investment shall be credited to the State Housing Fund.

16760 Section 359. Paragraph (d) of subsection (1) of section  
 16761 420.101, Florida Statutes, is amended to read:

16762 420.101 Housing Development Corporation of Florida;  
 16763 creation, membership, and purposes.—

16764 (1) Twenty-five or more persons, a majority of whom shall  
 16765 be residents of this state, who may desire to create a housing

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16766 development corporation under the provisions of this part for  
 16767 the purpose of promoting and developing housing and advancing  
 16768 the prosperity and economic welfare of the state and, to that  
 16769 end, to exercise the powers and privileges hereinafter provided,  
 16770 may be incorporated by filing in the Department of State, as  
 16771 hereinafter provided, articles of incorporation. The articles of  
 16772 incorporation shall contain:

16773 (d) The names and post office addresses of the members of  
 16774 the first board of directors. The first board of directors shall  
 16775 be elected by and from the stockholders of the corporation and  
 16776 shall consist of 21 members. However, five of such members shall  
 16777 consist of the following persons, who shall be nonvoting  
 16778 members: the secretary of the Department of Economic Opportunity  
 16779 ~~Community Affairs~~ or her or his designee; the head of the  
 16780 Department of Financial Services or her or his designee with  
 16781 expertise in banking matters; a designee of the head of the  
 16782 Department of Financial Services with expertise in insurance  
 16783 matters; one state senator appointed by the President of the  
 16784 Senate; and one representative appointed by the Speaker of the  
 16785 House of Representatives.

16786 Section 360. Subsection (8) of section 420.111, Florida  
 16787 Statutes, is amended to read:

16788 420.111 Housing Development Corporation of Florida;  
 16789 additional powers.—In furtherance of its purposes and in  
 16790 addition to the powers now or hereafter conferred on business  
 16791 corporations by chapter 607, the corporation shall, subject to  
 16792 the restrictions and limitations herein contained, have the  
 16793 following powers:



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16794 (8) To cooperate with, and avail itself of the facilities  
 16795 of, the United States Department of Housing and Urban  
 16796 Development, the Department of Economic Opportunity Community  
 16797 ~~Affairs~~, and any other similar local, state, or Federal  
 16798 Government agency; and to cooperate with and assist, and  
 16799 otherwise encourage, organizations in the various communities of  
 16800 the state on the promotion, assistance, and development of the  
 16801 housing and economic welfare of such communities or of this  
 16802 state or any part thereof.

16803 Section 361. Section 420.36, Florida Statutes, is amended  
 16804 to read:

16805 420.36 Low-income Emergency Home Repair Program.—There is  
 16806 established within the Department of Economic Opportunity  
 16807 ~~Community Affairs~~ the Low-income Emergency Home Repair Program  
 16808 to assist low-income persons, especially the elderly and  
 16809 physically disabled, in making emergency repairs which directly  
 16810 affect their health and safety.

16811 (1) As used in this section, the term:

16812 (a) "Grantee" means a local public or private nonprofit  
 16813 agency currently receiving funds from the department to conduct  
 16814 a weatherization assistance program in one or more counties or a  
 16815 public or nonprofit agency chosen as outlined in subparagraph  
 16816 (4) (c) 4.

16817 (b) "Subgrantee" means a local public or private nonprofit  
 16818 agency experienced in weatherization, emergency repairs, or  
 16819 rehabilitation of housing.

16820 (2) A person is eligible to receive assistance if that  
 16821 person has an income in relation to that person's family size

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16822 | which is at or below 125 percent of the poverty level as  
 16823 | specified annually in the federal Office of Management and  
 16824 | Budget Poverty Guidelines. Eligible persons over 60 years of age  
 16825 | and eligible persons who are physically disabled shall be given  
 16826 | priority in the program.

16827 |       (3) (a) Allowable repairs, including materials and labor,  
 16828 | which may be charged under the program include:

16829 |           1. Correcting deficiencies in support beams, load-bearing  
 16830 | walls, and floor joists.

16831 |           2. Repair or replacement of unsafe or nonfunctional space  
 16832 | heating or water heating systems.

16833 |           3. Egress or physically disabled accessibility repairs,  
 16834 | improvements, or assistive devices, including wheelchair ramps,  
 16835 | steps, porches, handrails, or other health and safety measures.

16836 |           4. Plumbing, pump, well, and line repairs to ensure safe  
 16837 | drinking water and sanitary sewage.

16838 |           5. Electrical repairs.

16839 |           6. Repairs to deteriorating walls, floors, and roofs.

16840 |           7. Other interior and exterior repairs as necessary for  
 16841 | the health and safety of the resident.

16842 |       (b) Administrative expenses may not exceed 10 percent of  
 16843 | the total grant funds.

16844 |       (c) Each grantee shall be required to provide an in-kind  
 16845 | or cash match of at least 20 percent of the funds granted.  
 16846 | Grantees and subgrantees shall be encouraged to use community  
 16847 | resources to provide such match, including family, church, and  
 16848 | neighborhood volunteers and materials provided by local groups  
 16849 | and businesses. Grantees shall coordinate with local governments

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16850 through their community development block grant entitlement  
 16851 programs and other housing programs, local housing partnerships,  
 16852 and agencies under contract to a lead agency for the provisions  
 16853 of services under the Community Care for the Elderly Act, ss.  
 16854 430.201-430.207.

16855 (4) (a) Funds appropriated to the department for the  
 16856 program shall be deposited in the Energy Consumption Trust Fund.  
 16857 Administrative and personnel costs incurred by the department in  
 16858 implementing the provisions of this section may be paid from the  
 16859 fund.

16860 (b) The grantee may subgrant these funds to a subgrantee  
 16861 if the grantee is unable to serve all of the county or the  
 16862 target population. Grantee and subgrantee eligibility shall be  
 16863 determined by the department.

16864 (c) Funds shall be distributed to grantees and subgrantees  
 16865 as follows:

16866 1. For each county, a base amount of at least \$3,000 shall  
 16867 be set aside from the total funds available, and such amount  
 16868 shall be deducted from the total amount appropriated by the  
 16869 Legislature.

16870 2. The balance of the funds appropriated by the  
 16871 Legislature shall be divided by the total poverty population of  
 16872 the state, and this quotient shall be multiplied by each  
 16873 county's share of the poverty population. That amount plus the  
 16874 base of at least \$3,000 shall constitute each county's share. A  
 16875 grantee which serves more than one county shall receive the base  
 16876 amount plus the poverty population share for each county to be  
 16877 served. Contracts with grantees may be renewed annually.

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16878           3. The funds allocated to each county shall be offered  
 16879 first to an existing weatherization assistance program grantee  
 16880 in good standing, as determined by the department, that can  
 16881 provide services to the target population of low-income persons,  
 16882 low-income elderly persons, and low-income physically disabled  
 16883 persons throughout the county.

16884           4. If a weatherization assistance program grantee is not  
 16885 available to serve the entire county area, the funds shall be  
 16886 distributed through the following process:

16887           a. An announcement of funding availability shall be  
 16888 provided to the county. The county may elect to administer the  
 16889 program.

16890           b. If the county elects not to administer the program, the  
 16891 department shall establish rules to address the selection of one  
 16892 or more public or private not-for-profit agencies that are  
 16893 experienced in weatherization, rehabilitation, or emergency  
 16894 repair to administer the program.

16895           5. If no eligible agency agrees to serve a county, the  
 16896 funds for that county shall be distributed to grantees having  
 16897 the best performance record as determined by department rule. At  
 16898 the end of the contract year, any uncontracted or unexpended  
 16899 funds shall be returned to the Energy Consumption Trust Fund and  
 16900 reallocated under the next year's contracting cycle.

16901           (5) The department may perform all actions appropriate and  
 16902 necessary to carry out the purposes of this section, including,  
 16903 but not limited to:

16904           (a) Entering into contracts and agreements with the  
 16905 Federal Government, agencies of the state, local governments, or

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16906 any person, association, corporation, or entity.

16907 (b) Seeking and accepting funding from any public or  
16908 private source.

16909 (c) Adopting and enforcing rules consistent with this  
16910 section.

16911 Section 362. Subsections (1) and (2) of section 420.424,  
16912 Florida Statutes, are amended, and subsections (3) through (7)  
16913 of that section are redesignated as subsections (2) through (6),  
16914 to read:

16915 420.424 Definitions.—As used in ss. 420.421-420.429:

16916 (1) "Department" means the Department of Economic  
16917 Opportunity Community Affairs.

16918 ~~(2) "Secretary" means the Secretary of Community Affairs.~~

16919 Section 363. Subsection (12) of section 420.503, Florida  
16920 Statutes, is amended to read:

16921 420.503 Definitions.—As used in this part, the term:

16922 (12) "Department" means the Department of Economic  
16923 Opportunity ~~the Department of Community Affairs~~.

16924 Section 364. Subsections (1) and (3) of section 420.504,  
16925 Florida Statutes, are amended to read:

16926 420.504 Public corporation; creation, membership, terms,  
16927 expenses.—

16928 (1) There is created within the Department of Economic  
16929 Opportunity ~~the Department of Community Affairs~~ a public  
16930 corporation and a public body corporate and politic, to be known  
16931 as the "Florida Housing Finance Corporation." It is declared to  
16932 be the intent of and constitutional construction by the  
16933 Legislature that the Florida Housing Finance Corporation

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16934 constitutes an entrepreneurial public corporation organized to  
 16935 provide and promote the public welfare by administering the  
 16936 governmental function of financing or refinancing housing and  
 16937 related facilities in Florida and that the corporation is not a  
 16938 department of the executive branch of state government within  
 16939 the scope and meaning of s. 6, Art. IV of the State  
 16940 Constitution, but is functionally related to the Department of  
 16941 Economic Opportunity ~~the Department of Community Affairs~~ in  
 16942 which it is placed. The executive function of state government  
 16943 to be performed by the Commissioner of Economic Opportunity  
 16944 ~~secretary of the department~~ in the conduct of the business of  
 16945 the Florida Housing Finance Corporation must be performed  
 16946 pursuant to a contract to monitor and set performance standards  
 16947 for the implementation of the business plan for the provision of  
 16948 housing approved for the corporation as provided in s. 420.0006.  
 16949 This contract shall include the performance standards for the  
 16950 provision of affordable housing in Florida established in the  
 16951 business plan described in s. 420.511.

16952 (3) The corporation is a separate budget entity and is not  
 16953 subject to control, supervision, or direction by the Department  
 16954 of Economic Opportunity ~~the Department of Community Affairs~~ in  
 16955 any manner, including, but not limited to, personnel,  
 16956 purchasing, transactions involving real or personal property,  
 16957 and budgetary matters. The corporation shall consist of a board  
 16958 of directors composed of the Commissioner of Economic  
 16959 Opportunity ~~Secretary of Community Affairs~~ as an ex officio and  
 16960 voting member and eight members appointed by the Governor  
 16961 subject to confirmation by the Senate from the following:

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16962 (a) One citizen actively engaged in the residential home  
 16963 building industry.

16964 (b) One citizen actively engaged in the banking or  
 16965 mortgage banking industry.

16966 (c) One citizen who is a representative of those areas of  
 16967 labor engaged in home building.

16968 (d) One citizen with experience in housing development who  
 16969 is an advocate for low-income persons.

16970 (e) One citizen actively engaged in the commercial  
 16971 building industry.

16972 (f) One citizen who is a former local government elected  
 16973 official.

16974 (g) Two citizens of the state who are not principally  
 16975 employed as members or representatives of any of the groups  
 16976 specified in paragraphs (a)-(f).

16977 Section 365. Section 420.506, Florida Statutes, is amended  
 16978 to read:

16979 420.506 Executive director; agents and employees.—The  
 16980 appointment and removal of an executive director shall be by the  
 16981 Commissioner of Economic Opportunity ~~Secretary of Community~~  
 16982 ~~Affairs~~, with the advice and consent of the corporation's board  
 16983 of directors. The executive director shall employ legal and  
 16984 technical experts and such other agents and employees, permanent  
 16985 and temporary, as the corporation may require, and shall  
 16986 communicate with and provide information to the Legislature with  
 16987 respect to the corporation's activities. The board is  
 16988 authorized, notwithstanding the provisions of s. 216.262, to  
 16989 develop and implement rules regarding the employment of

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16990 employees of the corporation and service providers, including  
 16991 legal counsel. The board of directors of the corporation is  
 16992 entitled to establish travel procedures and guidelines for  
 16993 employees of the corporation. The executive director's office  
 16994 and the corporation's files and records must be located in Leon  
 16995 County.

16996 Section 366. Paragraph (e) of subsection (12) of section  
 16997 420.5095, Florida Statutes, is amended to read:

16998 420.5095 Community Workforce Housing Innovation Pilot  
 16999 Program.—

17000 (12) All eligible applications shall:

17001 (e) Demonstrate how the applicant will use the regulatory  
 17002 incentives and financial strategies outlined in subsection (8)  
 17003 from the local jurisdiction in which the proposed project is to  
 17004 be located. The corporation may consult with the Department of  
 17005 Economic Opportunity ~~the Department of Community Affairs~~ in  
 17006 evaluating the use of regulatory incentives by applicants.

17007 Section 367. Subsections (4) through (10) of section  
 17008 420.602, Florida Statutes, are amended, and a new subsection (4)  
 17009 is added to that section, to read:

17010 420.602 Definitions.—As used in this part, the following  
 17011 terms shall have the following meanings, unless the context  
 17012 otherwise requires:

17013 (4) "Commissioner" means the commissioner of Economic  
 17014 Opportunity.

17015 (5) ~~(4)~~ "Community-based organization" means a private  
 17016 corporation organized under chapter 617 to assist in the  
 17017 provision of housing and related services on a not-for-profit



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17018 basis within a designated area, including a municipality,  
 17019 county, or area of more than one municipality or county.  
 17020 (6)~~(5)~~ "Corporation" means the Florida Housing Finance  
 17021 Corporation as created in s. 420.504.  
 17022 (7)~~(6)~~ "Department" means the Department of Economic  
 17023 Opportunity ~~the Department of Community Affairs~~.  
 17024 (8)~~(7)~~ "Fund" means the Florida Affordable Housing Trust  
 17025 Fund as created in this part.  
 17026 (9)~~(8)~~ "Low-income persons" means one or more natural  
 17027 persons or a family, the total annual adjusted gross household  
 17028 income of which does not exceed 80 percent of the median annual  
 17029 adjusted gross income for households within the state, or 80  
 17030 percent of the median annual adjusted gross income for  
 17031 households within the metropolitan statistical area (MSA) or, if  
 17032 not within an MSA, within the county in which the person or  
 17033 family resides, whichever is greater.  
 17034 (10)~~(9)~~ "Moderate-income persons" means one or more  
 17035 natural persons or a family, the total annual adjusted gross  
 17036 household income of which is less than 120 percent of the median  
 17037 annual adjusted gross income for households within the state, or  
 17038 120 percent of the median annual adjusted gross income for  
 17039 households within the metropolitan statistical area (MSA) or, if  
 17040 not within an MSA, within the county in which the household is  
 17041 located, whichever is greater.  
 17042 ~~(10) "Secretary" means the Secretary of Community Affairs.~~  
 17043 Section 368. Subsections (3) and (4) of section 420.606,  
 17044 Florida Statutes, are amended to read:  
 17045 420.606 Training and technical assistance program.—

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17046 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The  
 17047 Department of Economic Opportunity ~~Community Affairs~~ shall be  
 17048 responsible for securing the necessary expertise to provide  
 17049 training and technical assistance to staff of local governments,  
 17050 to staff of state agencies, as appropriate, and to community-  
 17051 based organizations, and to persons forming such organizations,  
 17052 which are formed for the purpose of developing new housing and  
 17053 rehabilitating existing housing which is affordable for very-  
 17054 low-income persons, low-income persons, and moderate-income  
 17055 persons.

17056 (a) The training component of the program shall be  
 17057 designed to build the housing development capacity of community-  
 17058 based organizations and local governments as a permanent  
 17059 resource for the benefit of communities in this state.

17060 1. The scope of training shall include, but not be limited  
 17061 to, real estate development skills related to affordable  
 17062 housing, including the construction process and property  
 17063 management and disposition, the development of public-private  
 17064 partnerships to reduce housing costs, model housing projects,  
 17065 and management and board responsibilities of community-based  
 17066 organizations.

17067 2. Training activities may include, but are not limited  
 17068 to, materials for self-instruction, workshops, seminars,  
 17069 internships, coursework, and special programs developed in  
 17070 conjunction with state universities and community colleges.

17071 (b) The technical assistance component of the program  
 17072 shall be designed to assist applicants for state-administered  
 17073 programs in developing applications and in expediting project

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17074 implementation. Technical assistance activities for the staffs  
 17075 of community-based organizations and local governments who are  
 17076 directly involved in the production of affordable housing may  
 17077 include, but are not limited to, workshops for program  
 17078 applicants, onsite visits, guidance in achieving project  
 17079 completion, and a newsletter to community-based organizations  
 17080 and local governments.

17081 (4) POWERS.—The Department of Economic Opportunity  
 17082 ~~Community Affairs~~ may do all things necessary or appropriate to  
 17083 carry out the purposes of this section, including exercising the  
 17084 power to:

17085 (a) Enter into contracts and agreements with the Federal  
 17086 Government or with other agencies of the state, with local  
 17087 governments, or with any other person, association, corporation,  
 17088 or entity;

17089 (b) Seek and accept funding from any public or private  
 17090 source; and

17091 (c) Adopt and enforce rules consistent with this section.

17092 Section 369. Subsection (5) of section 420.609, Florida  
 17093 Statutes, is amended to read:

17094 420.609 Affordable Housing Study Commission.—Because the  
 17095 Legislature firmly supports affordable housing in Florida for  
 17096 all economic classes:

17097 (5) The commission shall review, evaluate, and make  
 17098 recommendations regarding existing and proposed housing programs  
 17099 and initiatives. The commission shall provide these and any  
 17100 other housing recommendations to the commissioner ~~secretary of~~  
 17101 ~~the Department of Community Affairs~~ and the executive director

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17102 of the corporation.

17103 Section 370. Subsection (2) of section 420.622, Florida  
 17104 Statutes, is amended to read:

17105 420.622 State Office on Homelessness; Council on  
 17106 Homelessness.—

17107 (2) The Council on Homelessness is created to consist of a  
 17108 17-member council of public and private agency representatives  
 17109 who shall develop policy and advise the State Office on  
 17110 Homelessness. The council members shall be: the Secretary of  
 17111 Children and Family Services, or his or her designee; the  
 17112 Commissioner of Economic Opportunity ~~Secretary of Community~~  
 17113 ~~Affairs~~, or his or her designee, to advise the council on issues  
 17114 related to rural development; the State Surgeon General, or his  
 17115 or her designee; the Executive Director of Veterans' Affairs, or  
 17116 his or her designee; the Secretary of Corrections, or his or her  
 17117 designee; the Secretary of Health Care Administration, or his or  
 17118 her designee; the Commissioner of Education, or his or her  
 17119 designee; the Director of Workforce Florida, Inc., or his or her  
 17120 designee; one representative of the Florida Association of  
 17121 Counties; one representative from the Florida League of Cities;  
 17122 one representative of the Florida Supportive Housing Coalition;  
 17123 the Executive Director of the Florida Housing Finance  
 17124 Corporation, or his or her designee; one representative of the  
 17125 Florida Coalition for the Homeless; and four members appointed  
 17126 by the Governor. The council members shall be volunteer, nonpaid  
 17127 persons and shall be reimbursed for travel expenses only. The  
 17128 appointed members of the council shall be appointed to staggered  
 17129 2-year terms, and the council shall meet at least four times per

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17130 year. The importance of minority, gender, and geographic  
 17131 representation must be considered when appointing members to the  
 17132 council.

17133 Section 371. Subsections (8) and (9) of section 420.631,  
 17134 Florida Statutes, are renumbered as subsections (7) and (8),  
 17135 respectively, and present subsections (2) and (7) of that  
 17136 section are amended to read:

17137 420.631 Definitions relating to Urban Homesteading Act.—As  
 17138 used in ss. 420.630-420.635:

17139 (2) "Department" means the Department of Economic  
 17140 Opportunity ~~the Department of Community Affairs.~~

17141 ~~(7) "Office" means the Office of Urban Opportunity within~~  
 17142 ~~the Department of Community Affairs.~~

17143 Section 372. Section 420.635, Florida Statutes, is amended  
 17144 to read:

17145 420.635 Loans to qualified buyers.—Contingent upon an  
 17146 appropriation, the department, ~~in consultation with the Office~~  
 17147 ~~of Urban Opportunity,~~ shall provide loans to qualified buyers  
 17148 who are required to pay the pro rata portion of the bonded debt  
 17149 on single-family housing pursuant to s. 420.634. Loans provided  
 17150 under this section shall be made at a rate of interest which  
 17151 does not exceed the qualified loan rate. A buyer must maintain  
 17152 the qualifications specified in s. 420.633 for the full term of  
 17153 the loan. The loan agreement may contain additional terms and  
 17154 conditions as determined by ~~the department.~~

17155 Section 373. Section 421.001, Florida Statutes, is amended  
 17156 to read:

17157 421.001 State role in housing and urban development.—The

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17158 | role of state government required by part I of chapter 421  
 17159 | (Housing Authorities Law), chapter 422 (Housing Cooperation  
 17160 | Law), and chapter 423 (Tax Exemption of Housing Authorities) is  
 17161 | the responsibility of the Department of Economic Opportunity  
 17162 | ~~Community Affairs~~; and the department is the agency of state  
 17163 | government responsible for the state's role in housing and urban  
 17164 | development.

17165 |       Section 374. Section 422.001, Florida Statutes, is amended  
 17166 | to read:

17167 |           422.001 State role in housing and urban development.—The  
 17168 | role of state government required by part I of chapter 421  
 17169 | (Housing Authorities Law), chapter 422 (Housing Cooperation  
 17170 | Law), and chapter 423 (Tax Exemption of Housing Authorities) is  
 17171 | the responsibility of the Department of Economic Opportunity  
 17172 | ~~Community Affairs~~; and the department is the agency of state  
 17173 | government responsible for the state's role in housing and urban  
 17174 | development.

17175 |       Section 375. Section 423.001, Florida Statutes, is amended  
 17176 | to read:

17177 |           423.001 State role in housing and urban development.—The  
 17178 | role of state government required by part I of chapter 421  
 17179 | (Housing Authorities Law), chapter 422 (Housing Cooperation  
 17180 | Law), and chapter 423 (Tax Exemption of Housing Authorities) is  
 17181 | the responsibility of the Department of Economic Opportunity  
 17182 | ~~Community Affairs~~; and the department is the agency of state  
 17183 | government responsible for the state's role in housing and urban  
 17184 | development.

17185 |       Section 376. Paragraph (b) of subsection (1) of section

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17186 | 429.41, Florida Statutes, is amended to read:  
 17187 |       429.41 Rules establishing standards.—  
 17188 |       (1) It is the intent of the Legislature that rules  
 17189 | published and enforced pursuant to this section shall include  
 17190 | criteria by which a reasonable and consistent quality of  
 17191 | resident care and quality of life may be ensured and the results  
 17192 | of such resident care may be demonstrated. Such rules shall also  
 17193 | ensure a safe and sanitary environment that is residential and  
 17194 | noninstitutional in design or nature. It is further intended  
 17195 | that reasonable efforts be made to accommodate the needs and  
 17196 | preferences of residents to enhance the quality of life in a  
 17197 | facility. The agency, in consultation with the department, may  
 17198 | adopt rules to administer the requirements of part II of chapter  
 17199 | 408. In order to provide safe and sanitary facilities and the  
 17200 | highest quality of resident care accommodating the needs and  
 17201 | preferences of residents, the department, in consultation with  
 17202 | the agency, the Department of Children and Family Services, and  
 17203 | the Department of Health, shall adopt rules, policies, and  
 17204 | procedures to administer this part, which must include  
 17205 | reasonable and fair minimum standards in relation to:  
 17206 |       (b) The preparation and annual update of a comprehensive  
 17207 | emergency management plan. Such standards must be included in  
 17208 | the rules adopted by the department after consultation with the  
 17209 | Department of Economic Opportunity ~~Community Affairs~~. At a  
 17210 | minimum, the rules must provide for plan components that address  
 17211 | emergency evacuation transportation; adequate sheltering  
 17212 | arrangements; postdisaster activities, including provision of  
 17213 | emergency power, food, and water; postdisaster transportation;

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17214 supplies; staffing; emergency equipment; individual  
 17215 identification of residents and transfer of records;  
 17216 communication with families; and responses to family inquiries.  
 17217 The comprehensive emergency management plan is subject to review  
 17218 and approval by the local emergency management agency. During  
 17219 its review, the local emergency management agency shall ensure  
 17220 that the following agencies, at a minimum, are given the  
 17221 opportunity to review the plan: the Department of Elderly  
 17222 Affairs, the Department of Health, the Agency for Health Care  
 17223 Administration, and the Department of Economic Opportunity  
 17224 ~~Community Affairs~~. Also, appropriate volunteer organizations  
 17225 must be given the opportunity to review the plan. The local  
 17226 emergency management agency shall complete its review within 60  
 17227 days and either approve the plan or advise the facility of  
 17228 necessary revisions.

17229 Section 377. Paragraph (g) of subsection (1) of section  
 17230 429.929, Florida Statutes, is amended to read:

17231 429.929 Rules establishing standards.—

17232 (1) The agency, in consultation with the department, may  
 17233 adopt rules to administer the requirements of part II of chapter  
 17234 408. The Department of Elderly Affairs, in conjunction with the  
 17235 agency, shall adopt rules to implement the provisions of this  
 17236 part. The rules must include reasonable and fair standards. Any  
 17237 conflict between these standards and those that may be set forth  
 17238 in local, county, or municipal ordinances shall be resolved in  
 17239 favor of those having statewide effect. Such standards must  
 17240 relate to:

17241 (g) Components of a comprehensive emergency management



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17242 plan, developed in consultation with the Department of Health,  
 17243 the Agency for Health Care Administration, and the Division of  
 17244 Emergency Management ~~Department of Community Affairs~~.

17245 Section 378. Section 450.261, Florida Statutes, is amended  
 17246 to read:

17247 450.261 Interstate Migrant Labor Commission; Florida  
 17248 membership.—In selecting the Florida membership of the  
 17249 Interstate Migrant Labor Commission, the Governor may designate  
 17250 the secretary of the Department of Economic Opportunity  
 17251 ~~Community Affairs~~ as his or her representative. The two  
 17252 legislative members shall be chosen from among the members of  
 17253 the Legislative Commission on Migrant Labor, and at least one of  
 17254 the two members appointed by the Governor shall be chosen from  
 17255 among the members of the advisory committee to that commission.

17256 Section 379. Subsection (21) of section 489.103, Florida  
 17257 Statutes, is amended to read:

17258 489.103 Exemptions.—This part does not apply to:

17259 (21) The sale, delivery, assembly, or tie-down of lawn  
 17260 storage buildings and storage buildings not exceeding 400 square  
 17261 feet and bearing the insignia of approval from the Florida  
 17262 Building Commission ~~Department of Community Affairs~~ showing  
 17263 compliance with the Florida Building Code.

17264 Section 380. Subsection (3) of section 489.109, Florida  
 17265 Statutes, is amended to read:

17266 489.109 Fees.—

17267 (3) In addition to the fees provided in subsection (1) for  
 17268 application and renewal for certification and registration, all  
 17269 certificateholders and registrants must pay a fee of \$4 to the

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17270 department at the time of application or renewal. The funds must  
 17271 be transferred at the end of each licensing period to the  
 17272 department ~~of Community Affairs~~ to fund projects relating to the  
 17273 building construction industry or continuing education programs  
 17274 offered to persons engaged in the building construction industry  
 17275 in Florida, to be selected by the Florida Building Commission.  
 17276 The board shall, at the time the funds are transferred, advise  
 17277 the department ~~of Community Affairs~~ on the most needed areas of  
 17278 research or continuing education based on significant changes in  
 17279 the industry's practices or on changes in the state building  
 17280 code or on the most common types of consumer complaints or on  
 17281 problems costing the state or local governmental entities  
 17282 substantial waste. The board's advice is not binding on the  
 17283 department ~~of Community Affairs~~. The department ~~of Community~~  
 17284 ~~Affairs~~ shall ensure the distribution of research reports and  
 17285 the availability of continuing education programs to all  
 17286 segments of the building construction industry to which they  
 17287 relate. The department ~~of Community Affairs~~ shall report to the  
 17288 board in October of each year, summarizing the allocation of the  
 17289 funds by institution and summarizing the new projects funded and  
 17290 the status of previously funded projects.

17291 Section 381. Subsection (3) of section 489.509, Florida  
 17292 Statutes, is amended to read:

17293 489.509 Fees.—

17294 (3) Four dollars of each fee under subsection (1) paid to  
 17295 the department at the time of application or renewal shall be  
 17296 transferred at the end of each licensing period to the  
 17297 department ~~of Community Affairs~~ to fund projects relating to the

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17298 building construction industry or continuing education programs  
 17299 offered to persons engaged in the building construction industry  
 17300 in Florida. The board shall, at the time the funds are  
 17301 transferred, advise the department ~~of Community Affairs~~ on the  
 17302 most needed areas of research or continuing education based on  
 17303 significant changes in the industry's practices or on the most  
 17304 common types of consumer complaints or on problems costing the  
 17305 state or local governmental entities substantial waste. The  
 17306 board's advice is not binding on the department ~~of Community~~  
 17307 ~~Affairs~~. The department ~~of Community Affairs~~ shall ensure the  
 17308 distribution of research reports and the availability of  
 17309 continuing education programs to all segments of the building  
 17310 construction industry to which they relate. The department ~~of~~  
 17311 ~~Community Affairs~~ shall report to the board in October of each  
 17312 year, summarizing the allocation of the funds by institution and  
 17313 summarizing the new projects funded and the status of previously  
 17314 funded projects.

17315 Section 382. Subsection (2) of section 497.271, Florida  
 17316 Statutes, is amended to read:

17317 497.271 Standards for construction and significant  
 17318 alteration or renovation of mausoleums and columbaria.—

17319 (2) The licensing authority shall adopt, by no later than  
 17320 July 1, 1999, rules establishing minimum standards for all newly  
 17321 constructed and significantly altered or renovated mausoleums  
 17322 and columbaria; however, in the case of significant alterations  
 17323 or renovations to existing structures, the rules shall apply  
 17324 only, when physically feasible, to the newly altered or  
 17325 renovated portion of such structures, except as specified in

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17326 subsection (4). In developing and adopting such rules, the  
 17327 licensing authority may define different classes of structures  
 17328 or construction standards, and may provide for different rules  
 17329 to apply to each of said classes, if the designation of classes  
 17330 and the application of different rules is in the public interest  
 17331 and is supported by findings by the licensing authority based on  
 17332 evidence of industry practices, economic and physical  
 17333 feasibility, location, or intended uses; provided, that the  
 17334 rules shall provide minimum standards applicable to all  
 17335 construction. For example, and without limiting the generality  
 17336 of the foregoing, the licensing authority may determine that a  
 17337 small single-story ground level mausoleum does not require the  
 17338 same level of construction standards that a large multistory  
 17339 mausoleum might require; or that a mausoleum located in a low-  
 17340 lying area subject to frequent flooding or hurricane threats  
 17341 might require different standards than one located on high  
 17342 ground in an area not subject to frequent severe weather  
 17343 threats. The licensing authority shall develop the rules in  
 17344 cooperation with, and with technical assistance from, the  
 17345 Florida Building Commission ~~of the Department of Community~~  
 17346 ~~Affairs~~, to ensure that the rules are in the proper form and  
 17347 content to be included as part of the Florida Building Code  
 17348 under part IV of chapter 553. If the Florida Building Commission  
 17349 advises that some of the standards proposed by the licensing  
 17350 authority are not appropriate for inclusion in such building  
 17351 codes, the licensing authority may choose to include those  
 17352 standards in a distinct chapter of its rules entitled "Non-  
 17353 Building-Code Standards for Mausoleums" or "Additional Standards

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17354 for Mausoleums," or other terminology to that effect. If the  
17355 licensing authority elects to divide the standards into two or  
17356 more chapters, all such rules shall be binding on licensees and  
17357 others subject to the jurisdiction of the licensing authority,  
17358 but only the chapter containing provisions appropriate for  
17359 building codes shall be transmitted to the Florida Building  
17360 Commission pursuant to subsection (3). Such rules may be in the  
17361 form of standards for design and construction; methods,  
17362 materials, and specifications for construction; or other  
17363 mechanisms. Such rules shall encompass, at a minimum, the  
17364 following standards:

17365 (a) No structure may be built or significantly altered for  
17366 use for interment, entombment, or inurnment purposes unless  
17367 constructed of such material and workmanship as will ensure its  
17368 durability and permanence, as well as the safety, convenience,  
17369 comfort, and health of the community in which it is located, as  
17370 dictated and determined at the time by modern mausoleum  
17371 construction and engineering science.

17372 (b) Such structure must be so arranged that the exterior  
17373 of any vault, niche, or crypt may be readily examined at any  
17374 time by any person authorized by law to do so.

17375 (c) Such structure must contain adequate provision for  
17376 drainage and ventilation. Private or family mausoleums with all  
17377 crypts bordering an exterior wall must contain pressure relief  
17378 ventilation from the crypts to the outside of the mausoleum  
17379 through the exterior wall or roof.

17380 (d) Such structure must be of fire-resistant construction.  
17381 Notwithstanding the requirements of s. 553.895 and chapter 633,

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17382 any mausoleum or columbarium constructed of noncombustible  
 17383 materials, as defined in the Standard Building Code, shall not  
 17384 require a sprinkler system.

17385 (e) Such structure must be resistant to hurricane and  
 17386 other storm damage to the highest degree provided under  
 17387 applicable building codes for buildings of that class.

17388 (f) Suitable provisions must be made for securely and  
 17389 permanently sealing each crypt with durable materials after the  
 17390 interment or entombment of human remains, so that no effluvia or  
 17391 odors may escape therefrom except as provided by design and  
 17392 sanitary engineering standards. Panels for permanent seals must  
 17393 be solid and constructed of materials of sufficient weight,  
 17394 permanence, density, imperviousness, and strength as to ensure  
 17395 their durability and continued functioning. Permanent crypt  
 17396 sealing panels must be securely installed and set in with high  
 17397 quality fire-resistant, resilient, and durable materials after  
 17398 the interment or entombment of human remains. The outer or  
 17399 exposed covering of each crypt must be of a durable, permanent,  
 17400 fire-resistant material; however, plastic, fiberglass, and wood  
 17401 are not acceptable materials for such outer or exposed  
 17402 coverings.

17403 (g) Interior and exterior fastenings for hangers, clips,  
 17404 doors, and other objects must be of copper, copper-base alloy,  
 17405 aluminum, or stainless steel of adequate gauges, or other  
 17406 materials established by rule which provide equivalent or better  
 17407 strength and durability, and must be properly installed.

17408 Section 383. Paragraph (a) of subsection (1) of section  
 17409 526.144, Florida Statutes, is amended to read:

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17410 526.144 Florida Disaster Motor Fuel Supplier Program.—

17411 (1) (a) There is created the Florida Disaster Motor Fuel  
 17412 Supplier Program within the Division of Emergency Management  
 17413 ~~Department of Community Affairs.~~

17414 Section 384. Subsection (7) of section 553.36, Florida  
 17415 Statutes, is amended to read:

17416 553.36 Definitions.—The definitions contained in this  
 17417 section govern the construction of this part unless the context  
 17418 otherwise requires.

17419 (7) "Department" means the Department of Business and  
 17420 Professional Regulation ~~Community Affairs.~~

17421 Section 385. Section 553.382, Florida Statutes, is amended  
 17422 to read:

17423 553.382 Placement of certain housing.—Notwithstanding any  
 17424 other law or ordinance to the contrary, in order to expand the  
 17425 availability of affordable housing in this state, any  
 17426 residential manufactured building that is certified under this  
 17427 chapter by the department ~~of Community Affairs~~ may be placed on  
 17428 a mobile home lot in a mobile home park, recreational vehicle  
 17429 park, or mobile home condominium, cooperative, or subdivision.  
 17430 Any such housing unit placed on a mobile home lot is a mobile  
 17431 home for purposes of chapter 723 and, therefore, all rights,  
 17432 obligations, and duties under chapter 723 apply, including the  
 17433 specifics of the prospectus. However, a housing unit subject to  
 17434 this section may not be placed on a mobile home lot without the  
 17435 prior written approval of the park owner. Each housing unit  
 17436 subject to this section shall be taxed as a mobile home under s.  
 17437 320.08(11) and is subject to payments to the Florida Mobile Home

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17438 Relocation Fund under s. 723.06116.

17439 Section 386. Subsection (2) of section 553.512, Florida

17440 Statutes, is amended to read:

17441 553.512 Modifications and waivers; advisory council.—

17442 (2) The Accessibility Advisory Council shall consist of

17443 the following seven members, who shall be knowledgeable in the

17444 area of accessibility for persons with disabilities. The

17445 commissioner of Economic Opportunity ~~Secretary of Community~~

17446 ~~Affairs~~ shall appoint the following: a representative from the

17447 Advocacy Center for Persons with Disabilities, Inc.; a

17448 representative from the Division of Blind Services; a

17449 representative from the Division of Vocational Rehabilitation; a

17450 representative from a statewide organization representing the

17451 physically handicapped; a representative from the hearing

17452 impaired; a representative from the President, Florida Council

17453 of Handicapped Organizations; and a representative of the

17454 Paralyzed Veterans of America. The terms for the first three

17455 council members appointed subsequent to October 1, 1991, shall

17456 be for 4 years, the terms for the next two council members

17457 appointed shall be for 3 years, and the terms for the next two

17458 members shall be for 2 years. Thereafter, all council member

17459 appointments shall be for terms of 4 years. No council member

17460 shall serve more than two 4-year terms subsequent to October 1,

17461 1991. Any member of the council may be replaced by the secretary

17462 upon three unexcused absences. Upon application made in the form

17463 provided, an individual waiver or modification may be granted by

17464 the commission so long as such modification or waiver is not in

17465 conflict with more stringent standards provided in another



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17466 chapter.

17467 Section 387. Section 553.71, Florida Statutes, is amended

17468 to read:

17469 553.71 Definitions.—As used in this part, the term:

17470 (1) "Commission" means the Florida Building Commission

17471 created by this part.

17472 (2) "Department" means the Department of Business and

17473 Professional Regulation ~~Community Affairs~~.

17474 (3)~~(4)~~ "Housing code" means any code or rule intending

17475 postconstruction regulation of structures which would include,

17476 but not be limited to: standards of maintenance, condition of

17477 facilities, condition of systems and components, living

17478 conditions, occupancy, use, and room sizes.

17479 (4)~~(8)~~ "Load management control device" means any device

17480 installed by any electric utility or its contractors which

17481 temporarily interrupts electric service to major appliances,

17482 motors, or other electrical systems contained within the

17483 buildings or on the premises of consumers for the purpose of

17484 reducing the utility's system demand as needed in order to

17485 prevent curtailment of electric service in whole or in part to

17486 consumers and thereby maintain the quality of service to

17487 consumers, provided the device is in compliance with a program

17488 approved by the Florida Public Service Commission.

17489 (5) "Local enforcement agency" means an agency of local

17490 government, a local school board, a community college board of

17491 trustees, or a university board of trustees in the State

17492 University System with jurisdiction to make inspections of

17493 buildings and to enforce the codes which establish standards for

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17494 design, construction, erection, alteration, repair,  
 17495 modification, or demolition of public or private buildings,  
 17496 structures, or facilities.

17497 (6)~~(10)~~ "Prototype building" means a building constructed  
 17498 in accordance with architectural or engineering plans intended  
 17499 for replication on various sites and which will be updated to  
 17500 comply with the Florida Building Code and applicable laws  
 17501 relating to firesafety, health and sanitation, casualty safety,  
 17502 and requirements for persons with disabilities which are in  
 17503 effect at the time a construction contract is to be awarded.

17504 (7)~~(6)~~ "Secretary" means the Secretary of Business and  
 17505 Professional Regulation ~~Community Affairs~~.

17506 (8)~~(9)~~ "Special inspector" means a licensed architect or  
 17507 registered engineer who is certified under chapter 471 or  
 17508 chapter 481 to conduct inspections of threshold buildings.

17509 (9)~~(3)~~ "State enforcement agency" means the agency of  
 17510 state government with authority to make inspections of buildings  
 17511 and to enforce the codes, as required by this part, which  
 17512 establish standards for design, construction, erection,  
 17513 alteration, repair, modification, or demolition of public or  
 17514 private buildings, structures, or facilities.

17515 (10)~~(11)~~ "Temporary" includes, but is not limited to,  
 17516 buildings identified by, but not designated as permanent  
 17517 structures on, an approved development order.

17518 (11)~~(7)~~ "Threshold building" means any building which is  
 17519 greater than three stories or 50 feet in height, or which has an  
 17520 assembly occupancy classification as defined in the Florida  
 17521 Building Code which exceeds 5,000 square feet in area and an

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17522 occupant content of greater than 500 persons.  
 17523 Section 388. Section 553.721, Florida Statutes, is amended  
 17524 to read:  
 17525 553.721 Surcharge.—In order for the Department of Business  
 17526 and Professional Regulation ~~Community Affairs~~ to administer and  
 17527 carry out the purposes of this part and related activities,  
 17528 there is hereby created a surcharge, to be assessed at the rate  
 17529 of 1.5 percent of the permit fees associated with enforcement of  
 17530 the Florida Building Code as defined by the uniform account  
 17531 criteria and specifically the uniform account code for building  
 17532 permits adopted for local government financial reporting  
 17533 pursuant to s. 218.32. The minimum amount collected on any  
 17534 permit issued shall be \$2. The unit of government responsible  
 17535 for collecting a permit fee pursuant to s. 125.56(4) or s.  
 17536 166.201 shall collect such surcharge and electronically remit  
 17537 the funds collected to the department on a quarterly calendar  
 17538 basis beginning not later than December 31, 2010, for the  
 17539 preceding quarter, and continuing each third month thereafter,  
 17540 and such unit of government shall retain 10 percent of the  
 17541 surcharge collected to fund the participation of building  
 17542 departments in the national and state building code adoption  
 17543 processes and to provide education related to enforcement of the  
 17544 Florida Building Code. All funds remitted to the department  
 17545 pursuant to this section shall be deposited in the Professional  
 17546 Regulation Trust Fund ~~Operating Trust Fund~~. Funds collected from  
 17547 such surcharge shall be used exclusively for the duties of the  
 17548 Florida Building Commission and the Department of Business and  
 17549 Professional Regulation ~~Community Affairs~~ under this chapter and

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17550 shall not be used to fund research on techniques for mitigation  
 17551 of radon in existing buildings. Funds used by the department as  
 17552 well as funds to be transferred to the Department of Health  
 17553 shall be as prescribed in the annual General Appropriations Act.  
 17554 The department shall adopt rules governing the collection and  
 17555 remittance of surcharges in accordance with chapter 120.

17556 Section 389. Subsection (1) of section 553.74, Florida  
 17557 Statutes, is amended to read:

17558 553.74 Florida Building Commission.—

17559 (1) The Florida Building Commission is created and ~~shall~~  
 17560 ~~be~~ located within the Department of Business and Professional  
 17561 Regulation ~~Community Affairs~~ for administrative purposes.

17562 Members shall be appointed by the Governor subject to  
 17563 confirmation by the Senate. The commission shall be composed of  
 17564 25 members, consisting of the following:

17565 (a) One architect registered to practice in this state and  
 17566 actively engaged in the profession. The American Institute of  
 17567 Architects, Florida Section, is encouraged to recommend a list  
 17568 of candidates for consideration.

17569 (b) One structural engineer registered to practice in this  
 17570 state and actively engaged in the profession. The Florida  
 17571 Engineering Society is encouraged to recommend a list of  
 17572 candidates for consideration.

17573 (c) One air-conditioning or mechanical contractor  
 17574 certified to do business in this state and actively engaged in  
 17575 the profession. The Florida Air Conditioning Contractors  
 17576 Association, the Florida Refrigeration and Air Conditioning  
 17577 Contractors Association, and the Mechanical Contractors

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17578 Association of Florida are encouraged to recommend a list of  
 17579 candidates for consideration.

17580 (d) One electrical contractor certified to do business in  
 17581 this state and actively engaged in the profession. The Florida  
 17582 Electrical Contractors Association and the National Electrical  
 17583 Contractors Association, Florida Chapter, are encouraged to  
 17584 recommend a list of candidates for consideration.

17585 (e) One member from fire protection engineering or  
 17586 technology who is actively engaged in the profession. The  
 17587 Florida Chapter of the Society of Fire Protection Engineers and  
 17588 the Florida Fire Marshals and Inspectors Association are  
 17589 encouraged to recommend a list of candidates for consideration.

17590 (f) One general contractor certified to do business in  
 17591 this state and actively engaged in the profession. The  
 17592 Associated Builders and Contractors of Florida, the Florida  
 17593 Associated General Contractors Council, and the Union  
 17594 Contractors Association are encouraged to recommend a list of  
 17595 candidates for consideration.

17596 (g) One plumbing contractor licensed to do business in  
 17597 this state and actively engaged in the profession. The Florida  
 17598 Association of Plumbing, Heating, and Cooling Contractors is  
 17599 encouraged to recommend a list of candidates for consideration.

17600 (h) One roofing or sheet metal contractor certified to do  
 17601 business in this state and actively engaged in the profession.  
 17602 The Florida Roofing, Sheet Metal, and Air Conditioning  
 17603 Contractors Association and the Sheet Metal and Air Conditioning  
 17604 Contractors National Association are encouraged to recommend a  
 17605 list of candidates for consideration.

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17606 (i) One residential contractor licensed to do business in  
 17607 this state and actively engaged in the profession. The Florida  
 17608 Home Builders Association is encouraged to recommend a list of  
 17609 candidates for consideration.

17610 (j) Three members who are municipal or district codes  
 17611 enforcement officials, one of whom is also a fire official. The  
 17612 Building Officials Association of Florida and the Florida Fire  
 17613 Marshals and Inspectors Association are encouraged to recommend  
 17614 a list of candidates for consideration.

17615 (k) One member who represents the Department of Financial  
 17616 Services.

17617 (l) One member who is a county codes enforcement official.  
 17618 The Building Officials Association of Florida is encouraged to  
 17619 recommend a list of candidates for consideration.

17620 (m) One member of a Florida-based organization of persons  
 17621 with disabilities or a nationally chartered organization of  
 17622 persons with disabilities with chapters in this state.

17623 (n) One member of the manufactured buildings industry who  
 17624 is licensed to do business in this state and is actively engaged  
 17625 in the industry. The Florida Manufactured Housing Association is  
 17626 encouraged to recommend a list of candidates for consideration.

17627 (o) One mechanical or electrical engineer registered to  
 17628 practice in this state and actively engaged in the profession.  
 17629 The Florida Engineering Society is encouraged to recommend a  
 17630 list of candidates for consideration.

17631 (p) One member who is a representative of a municipality  
 17632 or a charter county. The Florida League of Cities and the  
 17633 Florida Association of Counties are encouraged to recommend a

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17634 list of candidates for consideration.

17635 (q) One member of the building products manufacturing  
 17636 industry who is authorized to do business in this state and is  
 17637 actively engaged in the industry. The Florida Building Material  
 17638 Association, the Florida Concrete and Products Association, and  
 17639 the Fenestration Manufacturers Association are encouraged to  
 17640 recommend a list of candidates for consideration.

17641 (r) One member who is a representative of the building  
 17642 owners and managers industry who is actively engaged in  
 17643 commercial building ownership or management. The Building Owners  
 17644 and Managers Association is encouraged to recommend a list of  
 17645 candidates for consideration.

17646 (s) One member who is a representative of the insurance  
 17647 industry. The Florida Insurance Council is encouraged to  
 17648 recommend a list of candidates for consideration.

17649 (t) One member who is a representative of public  
 17650 education.

17651 (u) One member who is a swimming pool contractor licensed  
 17652 to do business in this state and actively engaged in the  
 17653 profession. The Florida Swimming Pool Association and the United  
 17654 Pool and Spa Association are encouraged to recommend a list of  
 17655 candidates for consideration.

17656 (v) One member who is a representative of the green  
 17657 building industry and who is a third-party commission agent, a  
 17658 Florida board member of the United States Green Building Council  
 17659 or Green Building Initiative, or a LEED-accredited professional.

17660 (w) One member who shall be the chair.

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17662 Any person serving on the commission under paragraph (c) or  
 17663 paragraph (h) on October 1, 2003, and who has served less than  
 17664 two full terms is eligible for reappointment to the commission  
 17665 regardless of whether he or she meets the new qualification.

17666 Section 390. Subsections (2) and (5) of section 553.841,  
 17667 Florida Statutes, are amended to read:

17668 553.841 Building code compliance and mitigation program.—

17669 (2) The Department of Business and Professional Regulation  
 17670 ~~Community Affairs~~ shall administer a program, designated as the  
 17671 Florida Building Code Compliance and Mitigation Program, to  
 17672 develop, coordinate, and maintain education and outreach to  
 17673 persons required to comply with the Florida Building Code and  
 17674 ensure consistent education, training, and communication of the  
 17675 code's requirements, including, but not limited to, methods for  
 17676 mitigation of storm-related damage. The program shall also  
 17677 operate a clearinghouse through which design, construction, and  
 17678 building code enforcement licensees, suppliers, and consumers in  
 17679 this state may find others in order to exchange information  
 17680 relating to mitigation and facilitate repairs in the aftermath  
 17681 of a natural disaster.

17682 (5) Each biennium, upon receipt of funds by the Department  
 17683 of Business and Professional Regulation ~~Community Affairs~~ from  
 17684 the Construction Industry Licensing Board and the Electrical  
 17685 Contractors' Licensing Board provided under ss. 489.109(3) and  
 17686 489.509(3), the department shall determine the amount of funds  
 17687 available for the Florida Building Code Compliance and  
 17688 Mitigation Program.

17689 Section 391. Subsections (2) and (3) of section 553.896,



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17690 Florida Statutes, are amended to read:

17691 553.896 Mitigation grant program guideline.—

17692 (2) Beginning with grant funds approved after July 1,  
 17693 2005, the construction of new or retrofitted window or door  
 17694 coverings that is funded by a hazard-mitigation grant program or  
 17695 shelter-retrofit program must conform to design drawings that  
 17696 are signed, sealed, and inspected by a structural engineer who  
 17697 is registered in this state. Before the Division of Emergency  
 17698 Management ~~Department of Community Affairs~~ forwards payment to a  
 17699 recipient of the grant, an inspection report and attestation or  
 17700 a copy of the signed and sealed plans shall be provided to the  
 17701 department.

17702 (3) If the construction is funded by a hazard mitigation  
 17703 grant or shelter retrofit program, the Division of Emergency  
 17704 Management ~~Department of Community Affairs~~ shall advise the  
 17705 county, municipality, or other entity applying for the grant  
 17706 that the cost or price of the project is not the sole criterion  
 17707 for selecting a vendor.

17708 Section 392. Section 553.901, Florida Statutes, is amended  
 17709 to read:

17710 553.901 Purpose of thermal efficiency code.—The Department  
 17711 of Economic Opportunity ~~Community Affairs~~ shall prepare a  
 17712 thermal efficiency code to provide for a statewide uniform  
 17713 standard for energy efficiency in the thermal design and  
 17714 operation of all buildings statewide, consistent with energy  
 17715 conservation goals, and to best provide for public safety,  
 17716 health, and general welfare. The Florida Building Commission  
 17717 shall adopt the Florida Energy Efficiency Code for Building

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17718 Construction within the Florida Building Code, and shall modify,  
 17719 revise, update, and maintain the code to implement the  
 17720 provisions of this thermal efficiency code and amendments  
 17721 thereto, in accordance with the procedures of chapter 120. The  
 17722 department shall, at least triennially, determine the most cost-  
 17723 effective energy-saving equipment and techniques available and  
 17724 report its determinations to the commission, which shall update  
 17725 the code to incorporate such equipment and techniques. The  
 17726 proposed changes shall be made available for public review and  
 17727 comment no later than 6 months prior to code implementation. The  
 17728 term "cost-effective," for the purposes of this part, shall be  
 17729 construed to mean cost-effective to the consumer.

17730 Section 393. Section 553.9085, Florida Statutes, is  
 17731 amended to read:

17732 553.9085 Energy performance disclosure for residential  
 17733 buildings.—The energy performance level resulting from  
 17734 compliance with the provisions of this part, for each new  
 17735 residential building, shall be disclosed at the request of the  
 17736 prospective purchaser. In conjunction with the normal  
 17737 responsibilities and duties of this part, the local building  
 17738 official shall require that a complete and accurate energy  
 17739 performance level display card be completed and certified by the  
 17740 builder as accurate and correct before final approval of the  
 17741 building for occupancy. The energy performance level display  
 17742 card shall be included as an addendum to each sales contract.  
 17743 The display card shall be uniform statewide and developed by the  
 17744 Department of Economic Opportunity ~~Community Affairs~~. At a  
 17745 minimum, the display card shall list information indicating the

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17746 energy performance level of the dwelling unit resulting from  
 17747 compliance with the code, shall be signed by the builder, and  
 17748 shall list general information about the energy performance  
 17749 level and the code.

17750 Section 394. Section 553.954, Florida Statutes, is amended  
 17751 to read:

17752 553.954 Adoption of standards.—The Department of Economic  
 17753 Opportunity ~~Community Affairs~~ shall adopt, modify, revise,  
 17754 update, and maintain the Florida Energy Conservation Standards  
 17755 to implement the provisions of this part and amendments thereto  
 17756 in accordance with the procedures of chapter 120.

17757 Section 395. Subsection (6) of section 553.955, Florida  
 17758 Statutes, is amended to read:

17759 553.955 Definitions.—For purposes of this part:

17760 (6) "Department" means the Department of Economic  
 17761 Opportunity ~~Community Affairs~~.

17762 Section 396. Subsection (1) of section 553.973, Florida  
 17763 Statutes, is amended to read:

17764 553.973 Enforcement and penalties.—

17765 (1) The department ~~of Community Affairs~~ shall investigate  
 17766 any complaints received concerning violations of this part and  
 17767 shall report the results of its investigation to the Attorney  
 17768 General or state attorney. The Attorney General or state  
 17769 attorney may institute proceedings to enjoin any person found to  
 17770 be violating the provisions of this part.

17771 Section 397. Section 553.992, Florida Statutes, is amended  
 17772 to read:

17773 553.992 Adoption of rating system.—The Department of

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17774 Economic Opportunity ~~Community Affairs~~ shall adopt, update, and  
 17775 maintain a statewide uniform building energy-efficiency rating  
 17776 system to implement the provisions of this part and amendments  
 17777 thereto in accordance with the procedures of chapter 120 and  
 17778 shall, upon the request of any builder, designer, rater, or  
 17779 owner of a building, issue nonbinding interpretations,  
 17780 clarifications, and opinions concerning the application and use  
 17781 of the building energy rating system under rules that the  
 17782 department adopts in accordance with chapter 120.

17783 Section 398. Subsection (4) of section 553.995, Florida  
 17784 Statutes, is amended to read:

17785 553.995 Energy-efficiency ratings for buildings.—

17786 (4) The department shall develop a training and  
 17787 certification program to certify raters. In addition to the  
 17788 department, ratings may be conducted by any local government or  
 17789 private entity, provided that the appropriate persons have  
 17790 completed the necessary training and have been certified by the  
 17791 department. The Department of Management Services shall rate  
 17792 state-owned or state-leased buildings, provided that the  
 17793 appropriate persons have completed the necessary training and  
 17794 have been certified by the Department of Economic Opportunity  
 17795 ~~Community Affairs~~. A state agency which has building  
 17796 construction regulation authority may rate its own buildings and  
 17797 those it is responsible for, if the appropriate persons have  
 17798 completed the necessary training and have been certified by the  
 17799 Department of Economic Opportunity ~~Community Affairs~~. The  
 17800 Department of Economic Opportunity ~~Community Affairs~~ may charge  
 17801 a fee not to exceed the costs for the training and certification

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17802 of raters. The department shall by rule set the appropriate  
 17803 charges for raters to charge for energy ratings, not to exceed  
 17804 the actual costs.

17805 Section 399. Subsection (10) of section 570.71, Florida  
 17806 Statutes, is amended to read:

17807 570.71 Conservation easements and agreements.—

17808 (10) The department, in consultation with the Department  
 17809 of Environmental Protection, the water management districts, the  
 17810 Department of Economic Opportunity ~~Community Affairs~~, and the  
 17811 Florida Fish and Wildlife Conservation Commission, shall adopt  
 17812 rules that establish an application process, a process and  
 17813 criteria for setting priorities for use of funds consistent with  
 17814 the purposes specified in subsection (1) and giving preference  
 17815 to ranch and timber lands managed using sustainable practices,  
 17816 an appraisal process, and a process for title review and  
 17817 compliance and approval of the rules by the Board of Trustees of  
 17818 the Internal Improvement Trust Fund.

17819 Section 400. Subsection (2) of section 604.006, Florida  
 17820 Statutes, is amended to read:

17821 604.006 Mapping and monitoring of agricultural lands.—

17822 (2) The Department of Economic Opportunity ~~Community~~  
 17823 ~~Affairs~~ shall develop a program for mapping and monitoring the  
 17824 agricultural lands in the state. The department has the power to  
 17825 adopt rules necessary to carry out the purposes of this section,  
 17826 and it may contract with other agencies for the provision of  
 17827 necessary mapping and information services.

17828 Section 401. Paragraph (a) of subsection (4) of section  
 17829 624.5105, Florida Statutes, is amended to read:

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17830           624.5105 Community contribution tax credit; authorization;  
 17831 limitations; eligibility and application requirements;  
 17832 administration; definitions; expiration.—

17833           (4) ADMINISTRATION.—

17834           (a)1. The Department of Economic Opportunity ~~Office of~~  
 17835 ~~Tourism, Trade, and Economic Development~~ is authorized to adopt  
 17836 all rules necessary to administer this section, including rules  
 17837 for the approval or disapproval of proposals by insurers.

17838           2. The decision of the director shall be in writing, and,  
 17839 if approved, the proposal shall state the maximum credit  
 17840 allowable to the insurer. A copy of the decision shall be  
 17841 transmitted to the executive director of the Department of  
 17842 Revenue, who shall apply such credit to the tax liability of the  
 17843 insurer.

17844           3. The office shall monitor all projects periodically, in  
 17845 a manner consistent with available resources to ensure that  
 17846 resources are utilized in accordance with this section; however,  
 17847 each project shall be reviewed no less frequently than once  
 17848 every 2 years.

17849           4. The Department of Economic Opportunity ~~Office of~~  
 17850 ~~Tourism, Trade, and Economic Development~~ shall, in consultation  
 17851 with ~~the Department of Community Affairs,~~ the Florida Housing  
 17852 Finance Corporation, and the statewide and regional housing and  
 17853 financial intermediaries, market the availability of the  
 17854 community contribution tax credit program to community-based  
 17855 organizations.

17856           Section 402. Paragraph (b) of subsection (2) of section  
 17857 627.0628, Florida Statutes, is amended to read:

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17858 | 627.0628 Florida Commission on Hurricane Loss Projection  
 17859 | Methodology; public records exemption; public meetings  
 17860 | exemption.—

17861 | (2) COMMISSION CREATED.—

17862 | (b) The commission shall consist of the following 11  
 17863 | members:

17864 | 1. The insurance consumer advocate.

17865 | 2. The senior employee of the State Board of  
 17866 | Administration responsible for operations of the Florida  
 17867 | Hurricane Catastrophe Fund.

17868 | 3. The Executive Director of the Citizens Property  
 17869 | Insurance Corporation.

17870 | 4. The Director of the Division of Emergency Management ~~of~~  
 17871 | ~~the Department of Community Affairs.~~

17872 | 5. The actuary member of the Florida Hurricane Catastrophe  
 17873 | Fund Advisory Council.

17874 | 6. An employee of the office who is an actuary responsible  
 17875 | for property insurance rate filings and who is appointed by the  
 17876 | director of the office.

17877 | 7. Five members appointed by the Chief Financial Officer,  
 17878 | as follows:

17879 | a. An actuary who is employed full time by a property and  
 17880 | casualty insurer which was responsible for at least 1 percent of  
 17881 | the aggregate statewide direct written premium for homeowner's  
 17882 | insurance in the calendar year preceding the member's  
 17883 | appointment to the commission.

17884 | b. An expert in insurance finance who is a full-time  
 17885 | member of the faculty of the State University System and who has

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17886 a background in actuarial science.

17887 c. An expert in statistics who is a full-time member of  
 17888 the faculty of the State University System and who has a  
 17889 background in insurance.

17890 d. An expert in computer system design who is a full-time  
 17891 member of the faculty of the State University System.

17892 e. An expert in meteorology who is a full-time member of  
 17893 the faculty of the State University System and who specializes  
 17894 in hurricanes.

17895 Section 403. Paragraph (b) of subsection (1) and  
 17896 paragraphs (d) and (e) of subsection (8) of section 627.0629,  
 17897 Florida Statutes, are amended to read:

17898 627.0629 Residential property insurance; rate filings.—

17899 (1)

17900 (b) ~~By February 1, 2011, the Office of Insurance~~  
 17901 ~~Regulation, in consultation with the Department of Financial~~  
 17902 ~~Services and the Department of Community Affairs, shall develop~~  
 17903 ~~and make publicly available a proposed method for insurers to~~  
 17904 ~~establish discounts, credits, or other rate differentials for~~  
 17905 ~~hurricane mitigation measures which directly correlate to the~~  
 17906 ~~numerical rating assigned to a structure pursuant to the uniform~~  
 17907 ~~home grading scale adopted by the Financial Services Commission~~  
 17908 ~~pursuant to s. 215.55865, including any proposed changes to the~~  
 17909 ~~uniform home grading scale.~~ By October 1, 2011, the commission  
 17910 shall adopt rules requiring insurers to make rate filings for  
 17911 residential property insurance which revise insurers' discounts,  
 17912 credits, or other rate differentials for hurricane mitigation  
 17913 measures so that such rate differentials correlate directly to



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17914 the uniform home grading scale. The rules may include such  
 17915 changes to the uniform home grading scale as the commission  
 17916 determines are necessary, and may specify the minimum required  
 17917 discounts, credits, or other rate differentials. Such rate  
 17918 differentials must be consistent with generally accepted  
 17919 actuarial principles and wind-loss mitigation studies. The rules  
 17920 shall allow a period of at least 2 years after the effective  
 17921 date of the revised mitigation discounts, credits, or other rate  
 17922 differentials for a property owner to obtain an inspection or  
 17923 otherwise qualify for the revised credit, during which time the  
 17924 insurer shall continue to apply the mitigation credit that was  
 17925 applied immediately prior to the effective date of the revised  
 17926 credit. Discounts, credits, and other rate differentials  
 17927 established for rate filings under this paragraph shall  
 17928 supersede, after adoption, the discounts, credits, and other  
 17929 rate differentials included in rate filings under paragraph (a).

17930 (8) EVALUATION OF RESIDENTIAL PROPERTY STRUCTURAL  
 17931 SOUNDNESS.—

17932 (d) The Division of Emergency Management ~~Department of~~  
 17933 ~~Community Affairs~~ shall establish by rule standards to govern  
 17934 the quality of the evaluation, the quality of the  
 17935 recommendations for retrofitting, the eligibility of the persons  
 17936 conducting the evaluation, and the selection of applicants under  
 17937 the program. In establishing the rule, the Division of Emergency  
 17938 Management ~~Department of Community Affairs~~ shall consult with  
 17939 the advisory committee to minimize the possibility of fraud or  
 17940 abuse in the evaluation and retrofitting process, and to ensure  
 17941 that funds spent by homeowners acting on the recommendations

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17942 | achieve positive results.

17943 |       (e) The Citizens Property Insurance Corporation shall  
 17944 | identify areas of this state with the greatest wind risk to  
 17945 | residential properties and recommend annually to the Division of  
 17946 | Emergency Management ~~Department of Community Affairs~~ priority  
 17947 | target areas for such evaluations and inclusion with the  
 17948 | associated residential construction mitigation program.

17949 |       Section 404. Subsection (2) of section 720.403, Florida  
 17950 | Statutes, is amended to read:

17951 |       720.403 Preservation of residential communities; revival  
 17952 | of declaration of covenants.—

17953 |       (2) In order to preserve a residential community and the  
 17954 | associated infrastructure and common areas for the purposes  
 17955 | described in this section, the parcel owners in a community that  
 17956 | was previously subject to a declaration of covenants that has  
 17957 | ceased to govern one or more parcels in the community may revive  
 17958 | the declaration and the homeowners' association for the  
 17959 | community upon approval by the parcel owners to be governed  
 17960 | thereby as provided in this act, and upon approval of the  
 17961 | declaration and the other governing documents for the  
 17962 | association by the Department of Economic Opportunity ~~Community~~  
 17963 | ~~Affairs~~ in a manner consistent with this act.

17964 |       Section 405. Section 720.404, Florida Statutes, is amended  
 17965 | to read:

17966 |       720.404 Eligible residential communities; requirements for  
 17967 | revival of declaration.—Parcel owners in a community are  
 17968 | eligible to seek approval from the Department of Economic  
 17969 | Opportunity ~~Community Affairs~~ to revive a declaration of

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17970 covenants under this act if all of the following requirements  
 17971 are met:

17972 (1) All parcels to be governed by the revived declaration  
 17973 must have been once governed by a previous declaration that has  
 17974 ceased to govern some or all of the parcels in the community;

17975 (2) The revived declaration must be approved in the manner  
 17976 provided in s. 720.405(6); and

17977 (3) The revived declaration may not contain covenants that  
 17978 are more restrictive on the parcel owners than the covenants  
 17979 contained in the previous declaration, except that the  
 17980 declaration may:

17981 (a) Have an effective term of longer duration than the  
 17982 term of the previous declaration;

17983 (b) Omit restrictions contained in the previous  
 17984 declaration;

17985 (c) Govern fewer than all of the parcels governed by the  
 17986 previous declaration;

17987 (d) Provide for amendments to the declaration and other  
 17988 governing documents; and

17989 (e) Contain provisions required by this chapter for new  
 17990 declarations that were not contained in the previous  
 17991 declaration.

17992 Section 406. Subsection (1) of section 720.406, Florida  
 17993 Statutes, is amended to read:

17994 720.406 Department of Economic Opportunity ~~Community~~  
 17995 ~~Affairs~~; submission; review and determination.-

17996 (1) No later than 60 days after the date the proposed  
 17997 revived declaration and other governing documents are approved

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17998 | by the affected parcel owners, the organizing committee or its  
 17999 | designee must submit the proposed revived governing documents  
 18000 | and supporting materials to the Department of Economic  
 18001 | Opportunity Community Affairs to review and determine whether to  
 18002 | approve or disapprove of the proposal to preserve the  
 18003 | residential community. The submission to the department must  
 18004 | include:

18005 |         (a) The full text of the proposed revived declaration of  
 18006 | covenants and articles of incorporation and bylaws of the  
 18007 | homeowners' association;

18008 |         (b) A verified copy of the previous declaration of  
 18009 | covenants and other previous governing documents for the  
 18010 | community, including any amendments thereto;

18011 |         (c) The legal description of each parcel to be subject to  
 18012 | the revived declaration and other governing documents and a plat  
 18013 | or other graphic depiction of the affected properties in the  
 18014 | community;

18015 |         (d) A verified copy of the written consents of the  
 18016 | requisite number of the affected parcel owners approving the  
 18017 | revived declaration and other governing documents or, if  
 18018 | approval was obtained by a vote at a meeting of affected parcel  
 18019 | owners, verified copies of the notice of the meeting,  
 18020 | attendance, and voting results;

18021 |         (e) An affidavit by a current or former officer of the  
 18022 | association or by a member of the organizing committee verifying  
 18023 | that the requirements for the revived declaration set forth in  
 18024 | s. 720.404 have been satisfied; and

18025 |         (f) Such other documentation that the organizing committee

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18026 believes is supportive of the policy of preserving the  
 18027 residential community and operating, managing, and maintaining  
 18028 the infrastructure, aesthetic character, and common areas  
 18029 serving the residential community.

18030 Section 407. Subsection (4) of section 760.854, Florida  
 18031 Statutes, is amended to read:

18032 760.854 Center for Environmental Equity and Justice.—

18033 (4) The Center for Environmental Equity and Justice shall  
 18034 sponsor students to serve as interns at the Department of  
 18035 Health, the Department of Environmental Protection, the  
 18036 Department of Economic Opportunity ~~Community Affairs~~, and other  
 18037 relevant state agencies. The center may enter into a memorandum  
 18038 of understanding with these agencies to address environmental  
 18039 equity and justice issues.

18040 Section 408. Paragraph (d) of subsection (2) of section  
 18041 768.13, Florida Statutes, is amended to read:

18042 768.13 Good Samaritan Act; immunity from civil liability.—

18043 (2)

18044 (d) Any person whose acts or omissions are not otherwise  
 18045 covered by this section and who participates in emergency  
 18046 response activities under the direction of or in connection with  
 18047 a community emergency response team, local emergency management  
 18048 agencies, the Division of Emergency Management ~~of the Department~~  
 18049 ~~of Community Affairs~~, or the Federal Emergency Management Agency  
 18050 is not liable for any civil damages as a result of care,  
 18051 treatment, or services provided gratuitously in such capacity  
 18052 and resulting from any act or failure to act in such capacity in  
 18053 providing or arranging further care, treatment, or services, if

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18054 such person acts as a reasonably prudent person would have acted  
 18055 under the same or similar circumstances.

18056 Section 409. Subsection (7) of section 943.0311, Florida  
 18057 Statutes, is amended to read:

18058 943.0311 Chief of Domestic Security; duties of the  
 18059 department with respect to domestic security.-

18060 (7) As used in this section, the term "state agency"  
 18061 includes the Agency for Health Care Administration, ~~the Agency~~  
 18062 ~~for Workforce Innovation~~, the Department of Agriculture and  
 18063 Consumer Services, the Department of Business and Professional  
 18064 Regulation, the Department of Children and Family Services, the  
 18065 Department of Citrus, ~~the Department of Community Affairs~~, the  
 18066 Department of Corrections, the Department of Education, the  
 18067 Department of Elderly Affairs, the Division of Emergency  
 18068 Management, the Department of Environmental Protection, the  
 18069 Department of Financial Services, the Department of Health, the  
 18070 Department of Highway Safety and Motor Vehicles, the Department  
 18071 of Economic Opportunity, the Department of Juvenile Justice, the  
 18072 Department of Law Enforcement, the Department of Legal Affairs,  
 18073 the Department of Management Services, the Department of  
 18074 Military Affairs, the Department of Revenue, the Department of  
 18075 State, the Department of the Lottery, the Department of  
 18076 Transportation, the Department of Veterans' Affairs, the Fish  
 18077 and Wildlife Conservation Commission, the Parole Commission, the  
 18078 State Board of Administration, and the Executive Office of the  
 18079 Governor.

18080 Section 410. Paragraph (a) of subsection (1), paragraph  
 18081 (b) of subsection (2), and paragraphs (a) and (b) of subsection

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18082 (4) of section 943.0313, Florida Statutes, are amended to read:  
 18083 943.0313 Domestic Security Oversight Council.—The  
 18084 Legislature finds that there exists a need to provide executive  
 18085 direction and leadership with respect to terrorism prevention,  
 18086 preparation, protection, response, and recovery efforts by state  
 18087 and local agencies in this state. In recognition of this need,  
 18088 the Domestic Security Oversight Council is hereby created. The  
 18089 council shall serve as an advisory council pursuant to s.  
 18090 20.03(7) to provide guidance to the state's regional domestic  
 18091 security task forces and other domestic security working groups  
 18092 and to make recommendations to the Governor and the Legislature  
 18093 regarding the expenditure of funds and allocation of resources  
 18094 related to counter-terrorism and domestic security efforts.

18095 (1) MEMBERSHIP.—

18096 (a) The Domestic Security Oversight Council shall consist  
 18097 of the following voting members:

- 18098 1. The executive director of the Department of Law  
 18099 Enforcement.
- 18100 2. The director of the Division of Emergency Management  
 18101 ~~within the Department of Community Affairs.~~
- 18102 3. The Attorney General.
- 18103 4. The Commissioner of Agriculture.
- 18104 5. The State Surgeon General.
- 18105 6. The Commissioner of Education.
- 18106 7. The State Fire Marshal.
- 18107 8. The adjutant general of the Florida National Guard.
- 18108 9. The state chief information officer.
- 18109 10. Each sheriff or chief of police who serves as a co-

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18110 chair of a regional domestic security task force pursuant to s.  
18111 943.0312(1) (b) .

18112 11. Each of the department's special agents in charge who  
18113 serve as a co-chair of a regional domestic security task force.

18114 12. Two representatives of the Florida Fire Chiefs  
18115 Association.

18116 13. One representative of the Florida Police Chiefs  
18117 Association.

18118 14. One representative of the Florida Prosecuting  
18119 Attorneys Association.

18120 15. The chair of the Statewide Domestic Security  
18121 Intelligence Committee.

18122 16. One representative of the Florida Hospital  
18123 Association.

18124 17. One representative of the Emergency Medical Services  
18125 Advisory Council.

18126 18. One representative of the Florida Emergency  
18127 Preparedness Association.

18128 19. One representative of the Florida Seaport  
18129 Transportation and Economic Development Council.

18130 (2) ORGANIZATION.—

18131 (b) The executive director of the Department of Law  
18132 Enforcement shall serve as chair of the council, and the  
18133 director of the Division of Emergency Management ~~within the~~  
18134 ~~Department of Community Affairs~~ shall serve as vice chair of the  
18135 council. In the absence of the chair, the vice chair shall serve  
18136 as chair. In the absence of the vice chair, the chair may name  
18137 any member of the council to perform the duties of the chair if



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18138 such substitution does not extend beyond a defined meeting,  
 18139 duty, or period of time.

18140 (4) EXECUTIVE COMMITTEE.—

18141 (a) The council shall establish an executive committee  
 18142 consisting of the following members:

18143 1. The executive director of the Department of Law  
 18144 Enforcement.

18145 2. The director of the Division of Emergency Management  
 18146 ~~within the Department of Community Affairs.~~

18147 3. The Attorney General.

18148 4. The Commissioner of Agriculture.

18149 5. The State Surgeon General.

18150 6. The Commissioner of Education.

18151 7. The State Fire Marshal.

18152 (b) The executive director of the Department of Law  
 18153 Enforcement shall serve as the chair of the executive committee,  
 18154 and the director of the Division of Emergency Management ~~within~~  
 18155 ~~the Department of Community Affairs~~ shall serve as the vice  
 18156 chair of the executive committee.

18157 Section 411. Paragraph (g) of subsection (1) of section  
 18158 1004.46, Florida Statutes, is amended to read:

18159 1004.46 Multidisciplinary Center for Affordable Housing.—

18160 (1) The Multidisciplinary Center for Affordable Housing is  
 18161 established within the School of Building Construction of the  
 18162 College of Architecture of the University of Florida with the  
 18163 collaboration of other related disciplines such as agriculture,  
 18164 business administration, engineering, law, and medicine. The  
 18165 center shall work in conjunction with other state universities.

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18166 The Multidisciplinary Center for Affordable Housing shall:

18167 (g) Establish a research agenda and general work plan in  
 18168 cooperation with the Department of Economic Opportunity  
 18169 ~~Community Affairs~~, which is the state agency responsible for  
 18170 research and planning for affordable housing and for training  
 18171 and technical assistance for providers of affordable housing.

18172 Section 412. Paragraph (a) of subsection (1) of section  
 18173 1013.37, Florida Statutes, is amended to read:

18174 1013.37 State uniform building code for public educational  
 18175 facilities construction.—

18176 (1) UNIFORM BUILDING CODE.—A uniform statewide building  
 18177 code for the planning and construction of public educational and  
 18178 ancillary plants by district school boards and community college  
 18179 district boards of trustees shall be adopted by the Florida  
 18180 Building Commission within the Florida Building Code, pursuant  
 18181 to s. 553.73. Included in this code must be flood plain  
 18182 management criteria in compliance with the rules and regulations  
 18183 in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto  
 18184 which are adopted by the Federal Emergency Management Agency. It  
 18185 is also the responsibility of the department to develop, as a  
 18186 part of the uniform building code, standards relating to:

18187 (a) Prefabricated facilities or factory-built facilities  
 18188 that are designed to be portable, relocatable, demountable, or  
 18189 reconstructible; are used primarily as classrooms; and do not  
 18190 fall under the provisions of ss. 320.822–320.862. Such standards  
 18191 must permit boards to contract with the Department of Economic  
 18192 Opportunity ~~Community Affairs~~ for factory inspections by  
 18193 certified building code inspectors to certify conformance with

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18194 applicable law and rules. The standards must comply with the  
 18195 requirements of s. 1013.20 for relocatable facilities intended  
 18196 for long-term use as classroom space, and the relocatable  
 18197 facilities shall be designed subject to missile impact criteria  
 18198 of s. 423(24)(d)(1) of the Florida Building Code when located in  
 18199 the windborne debris region.

18200  
 18201 It is not a purpose of the Florida Building Code to inhibit the  
 18202 use of new materials or innovative techniques; nor may it  
 18203 specify or prohibit materials by brand names. The code must be  
 18204 flexible enough to cover all phases of construction so as to  
 18205 afford reasonable protection for the public safety, health, and  
 18206 general welfare. The department may secure the service of other  
 18207 state agencies or such other assistance as it finds desirable in  
 18208 recommending to the Florida Building Commission revisions to the  
 18209 code.

18210 Section 413. Subsections (1) and (2) of section 1013.372,  
 18211 Florida Statutes, are amended to read:

18212 1013.372 Education facilities as emergency shelters.—

18213 (1) The Department of Education shall, in consultation  
 18214 with boards and county and state emergency management offices,  
 18215 include within the standards to be developed under this  
 18216 subsection public shelter design criteria to be incorporated  
 18217 into the Florida Building Code. The new criteria must be  
 18218 designed to ensure that appropriate new educational facilities  
 18219 can serve as public shelters for emergency management purposes.  
 18220 A facility, or an appropriate area within a facility, for which  
 18221 a design contract is entered into after the effective date of

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18222 the inclusion of the public shelter criteria in the code must be  
 18223 built in compliance with the amended code unless the facility or  
 18224 a part of it is exempted from using the new shelter criteria due  
 18225 to its location, size, or other characteristics by the  
 18226 applicable board with the concurrence of the applicable local  
 18227 emergency management agency or the Division of Emergency  
 18228 Management ~~Department of Community Affairs~~. Any educational  
 18229 facility located or proposed to be located in an identified  
 18230 category 1, 2, or 3 evacuation zone is not subject to the  
 18231 requirements of this subsection. If the regional planning  
 18232 council region in which the county is located does not have a  
 18233 hurricane evacuation shelter deficit, as determined by the  
 18234 Division of Emergency Management ~~Department of Community~~  
 18235 ~~Affairs~~, educational facilities within the planning council  
 18236 region are not required to incorporate the public shelter  
 18237 criteria.

18238 (2) By January 31 of each even-numbered year, the Division  
 18239 of Emergency Management ~~Department of Community Affairs~~ shall  
 18240 prepare and submit a statewide emergency shelter plan to the  
 18241 Governor and the Cabinet for approval. The plan must identify  
 18242 the general location and square footage of existing shelters, by  
 18243 regional planning council region, and the general location and  
 18244 square footage of needed shelters, by regional planning council  
 18245 region, during the next 5 years. The plan must identify the  
 18246 types of public facilities that should be constructed to comply  
 18247 with emergency-shelter criteria and must recommend an  
 18248 appropriate and available source of funding for the additional  
 18249 cost of constructing emergency shelters within these public

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18250 facilities. After the approval of the plan, a board may not be  
 18251 required to build more emergency-shelter space than identified  
 18252 as needed in the plan, and decisions pertaining to exemptions  
 18253 pursuant to subsection (1) must be guided by the plan.

18254 Section 414. Subsection (4) of section 1013.74, Florida  
 18255 Statutes, is amended to read:

18256 1013.74 University authorization for fixed capital outlay  
 18257 projects.—

18258 (4) The university board of trustees shall, in  
 18259 consultation with local and state emergency management agencies,  
 18260 assess existing facilities to identify the extent to which each  
 18261 campus has public hurricane evacuation shelter space. The board  
 18262 shall submit to the Governor and the Legislature by August 1 of  
 18263 each year a 5-year capital improvements program that identifies  
 18264 new or retrofitted facilities that will incorporate enhanced  
 18265 hurricane resistance standards and that can be used as public  
 18266 hurricane evacuation shelters. Enhanced hurricane resistance  
 18267 standards include fixed passive protection for window and door  
 18268 applications to provide mitigation protection, security  
 18269 protection with egress, and energy efficiencies that meet  
 18270 standards required in the 130-mile-per-hour wind zone areas. The  
 18271 board must also submit proposed facility retrofit projects to  
 18272 the Division of Emergency Management ~~Department of Community~~  
 18273 ~~Affairs~~ for assessment and inclusion in the annual report  
 18274 prepared in accordance with s. 252.385(3). Until a regional  
 18275 planning council region in which a campus is located has  
 18276 sufficient public hurricane evacuation shelter space, any campus  
 18277 building for which a design contract is entered into subsequent

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18278 to July 1, 2001, and which has been identified by the board,  
 18279 with the concurrence of the local emergency management agency or  
 18280 the Division of Emergency Management ~~Department of Community~~  
 18281 ~~Affairs~~, to be appropriate for use as a public hurricane  
 18282 evacuation shelter, must be constructed in accordance with  
 18283 public shelter standards.

18284 Section 415. Section 163.2523, Florida Statutes, is  
 18285 repealed.

18286 Section 416. Section 380.285, Florida Statutes, is  
 18287 repealed.

18288 Section 417. Section 943.402, Florida Statutes, is  
 18289 repealed.

18290 Section 418. Section 20.50, Florida Statutes, is repealed.

18291 Section 419. Transfers from the Agency for Workforce  
 18292 Innovation.—

18293 (1) All powers, duties, functions, records, offices,  
 18294 personnel, associated administrative support positions,  
 18295 property, pending issues, and existing contracts, administrative  
 18296 authority, administrative rules, and unexpended balances of  
 18297 appropriations, allocations, and other funds relating to the  
 18298 following programs in the Agency for Workforce Innovation are  
 18299 transferred by a type two transfer, as defined in s. 20.06(2),  
 18300 Florida Statutes, as follows:

18301 (a) The Office of Early Learning is transferred to the  
 18302 Department of Economic Opportunity.

18303 (b) The Office of Unemployment Compensation Services is  
 18304 transferred to the Department of Economic Opportunity.

18305 (c) The Office of Workforce Services is transferred to the

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18306 Department of Economic Opportunity.  
 18307 (2) The following trust funds are transferred from the  
 18308 Agency for Workforce Innovation to the Department of Economic  
 18309 Opportunity:  
 18310 (a) The Administrative Trust Fund, FLAIR number 75-2-021.  
 18311 (b) The Employment Security Administration Trust Fund,  
 18312 FLAIR number 75-2-195.  
 18313 (c) The Special Employment Security Administration Trust  
 18314 Fund, FLAIR number 75-2-648.  
 18315 (d) The Unemployment Compensation Benefit Trust Fund,  
 18316 FLAIR number 75-2-765.  
 18317 (e) The Unemployment Compensation Clearing Trust Fund,  
 18318 FLAIR number 75-2-767.  
 18319 (f) The Revolving Trust Fund, FLAIR number 75-2-600.  
 18320 (g) The Welfare Transition Trust Fund, FLAIR number 75-2-  
 18321 401.  
 18322 (h) The Displaced Homemaker Trust Fund, FLAIR number 75-2-  
 18323 160.  
 18324 (i) The Child Care and Development Block Grant Trust Fund,  
 18325 FLAIR number 75-2-098.  
 18326 (3) Any binding contract or interagency agreement existing  
 18327 on or before October 1, 2011, between the Agency for Workforce  
 18328 Innovation, or an entity or agent of the agency, and any other  
 18329 agency, entity, or person shall continue as a binding contract  
 18330 or agreement for the remainder of the term of such contract or  
 18331 agreement with the successor department, agency, or entity  
 18332 responsible for the program, activity, or functions relative to  
 18333 the contract or agreement.

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18334           (4) All powers, duties, functions, records, offices,  
 18335 personnel, property, pending issues, and existing contracts,  
 18336 administrative authority, administrative rules, and unexpended  
 18337 balances of appropriations, allocations, and other funds  
 18338 relating to the Agency for Workforce Innovation and not  
 18339 specifically delineated for transfer within this section are  
 18340 transferred by a type two transfer to the Department of Economic  
 18341 Opportunity.

18342           Section 420. Subsection (3) of section 11.905, Florida  
 18343 Statutes, is amended to read:

18344           11.905 Schedule for reviewing state agencies and advisory  
 18345 committees.—The following state agencies, including their  
 18346 advisory committees, or the following advisory committees of  
 18347 agencies shall be reviewed according to the following schedule:

18348           (3) Reviewed by July 1, 2012:

18349           (a) Advisory committees for the Florida Community College  
 18350 System.

18351           (b) Advisory committees for the State University System.

18352           ~~(c) Agency for Workforce Innovation.~~

18353           (c)~~(d)~~ Department of Education.

18354           (d)~~(e)~~ Department of the Lottery.

18355  
 18356 Upon completion of this cycle, each agency shall again be  
 18357 subject to sunset review 10 years after its initial review.

18358           Section 421. Paragraph (b) of subsection (2) of section  
 18359 14.20195, Florida Statutes, is amended to read:

18360           14.20195 Suicide Prevention Coordinating Council;  
 18361 creation; membership; duties.—There is created within the



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18362 Statewide Office for Suicide Prevention a Suicide Prevention  
 18363 Coordinating Council. The council shall develop strategies for  
 18364 preventing suicide.

18365 (2) MEMBERSHIP.—The Suicide Prevention Coordinating  
 18366 Council shall consist of 28 voting members.

18367 (b) The following state officials or their designees shall  
 18368 serve on the coordinating council:

- 18369 1. The Secretary of Elderly Affairs.
- 18370 2. The State Surgeon General.
- 18371 3. The Commissioner of Education.
- 18372 4. The Secretary of Health Care Administration.
- 18373 5. The Secretary of Juvenile Justice.
- 18374 6. The Secretary of Corrections.
- 18375 7. The executive director of the Department of Law  
 18376 Enforcement.
- 18377 8. The executive director of the Department of Veterans'  
 18378 Affairs.
- 18379 9. The Secretary of Children and Family Services.
- 18380 10. The Commissioner of Economic Opportunity ~~director of~~  
 18381 ~~the Agency for Workforce Innovation.~~

18382 Section 422. Paragraph (j) of subsection (1) of section  
 18383 16.615, Florida Statutes, is amended to read:

18384 16.615 Council on the Social Status of Black Men and  
 18385 Boys.—

18386 (1) The Council on the Social Status of Black Men and Boys  
 18387 is established within the Department of Legal Affairs and shall  
 18388 consist of 19 members appointed as follows:

18389 (j) The chair of the advisory council of the Division of

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18390 Minority Business Development of Enterprise Florida, Inc.,  
 18391 ~~director of the Agency for Workforce Innovation~~ or his or her  
 18392 designee.

18393 Section 423. Section 20.505, Florida Statutes, is  
 18394 transferred, renumbered as section 20.605, Florida Statutes, and  
 18395 amended to read:

18396 20.605 ~~20.505~~ Administrative Trust Fund of the Department  
 18397 of Economic Opportunity ~~the Agency for Workforce Innovation.~~

18398 (1) The Administrative Trust Fund is created within the  
 18399 Department of Economic Opportunity ~~the Agency for Workforce~~  
 18400 ~~Innovation.~~

18401 (2) Funds shall be used for the purpose of supporting the  
 18402 administrative functions of the Department of Economic  
 18403 Opportunity ~~the agency~~ as required by law, pursuant to  
 18404 legislative appropriation or an approved amendment to the  
 18405 Department of Economic Opportunity's ~~the agency's~~ operating  
 18406 budget pursuant to the provisions of chapter 216.

18407 (3) Notwithstanding the provisions of s. 216.301 and  
 18408 pursuant to s. 216.351, any balance in the trust fund at the end  
 18409 of any fiscal year shall remain in the trust fund at the end of  
 18410 the year and shall be available for carrying out the purposes of  
 18411 the trust fund.

18412 Section 424. Paragraph (a) of subsection (8) and paragraph  
 18413 (a) of subsection (9) of section 39.001, Florida Statutes, are  
 18414 amended to read:

18415 39.001 Purposes and intent; personnel standards and  
 18416 screening.—

18417 (8) PLAN FOR COMPREHENSIVE APPROACH.—

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18418 (a) The office shall develop a state plan for the  
 18419 promotion of adoption, support of adoptive families, and  
 18420 prevention of abuse, abandonment, and neglect of children and  
 18421 shall submit the state plan to the Speaker of the House of  
 18422 Representatives, the President of the Senate, and the Governor  
 18423 no later than December 31, 2008. The Department of Children and  
 18424 Family Services, the Department of Corrections, the Department  
 18425 of Education, the Department of Health, the Department of  
 18426 Juvenile Justice, the Department of Law Enforcement, the Agency  
 18427 for Persons with Disabilities, and the Department of Economic  
 18428 Opportunity Agency ~~Agency for Workforce Innovation~~ shall participate  
 18429 and fully cooperate in the development of the state plan at both  
 18430 the state and local levels. Furthermore, appropriate local  
 18431 agencies and organizations shall be provided an opportunity to  
 18432 participate in the development of the state plan at the local  
 18433 level. Appropriate local groups and organizations shall include,  
 18434 but not be limited to, community mental health centers; guardian  
 18435 ad litem programs for children under the circuit court; the  
 18436 school boards of the local school districts; the Florida local  
 18437 advocacy councils; community-based care lead agencies; private  
 18438 or public organizations or programs with recognized expertise in  
 18439 working with child abuse prevention programs for children and  
 18440 families; private or public organizations or programs with  
 18441 recognized expertise in working with children who are sexually  
 18442 abused, physically abused, emotionally abused, abandoned, or  
 18443 neglected and with expertise in working with the families of  
 18444 such children; private or public programs or organizations with  
 18445 expertise in maternal and infant health care; multidisciplinary

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18446 child protection teams; child day care centers; law enforcement  
 18447 agencies; and the circuit courts, when guardian ad litem  
 18448 programs are not available in the local area. The state plan to  
 18449 be provided to the Legislature and the Governor shall include,  
 18450 as a minimum, the information required of the various groups in  
 18451 paragraph (b).

18452 (9) FUNDING AND SUBSEQUENT PLANS.—

18453 (a) All budget requests submitted by the office, the  
 18454 department, the Department of Health, the Department of  
 18455 Education, the Department of Juvenile Justice, the Department of  
 18456 Corrections, the Agency for Persons with Disabilities, ~~the~~  
 18457 ~~Agency for Workforce Innovation,~~ or any other agency to the  
 18458 Legislature for funding of efforts for the promotion of  
 18459 adoption, support of adoptive families, and prevention of child  
 18460 abuse, abandonment, and neglect shall be based on the state plan  
 18461 developed pursuant to this section.

18462 Section 425. Paragraph (a) of subsection (7) of section  
 18463 45.031, Florida Statutes, is amended to read:

18464 45.031 Judicial sales procedure.—In any sale of real or  
 18465 personal property under an order or judgment, the procedures  
 18466 provided in this section and ss. 45.0315-45.035 may be followed  
 18467 as an alternative to any other sale procedure if so ordered by  
 18468 the court.

18469 (7) DISBURSEMENTS OF PROCEEDS.—

18470 (a) On filing a certificate of title, the clerk shall  
 18471 disburse the proceeds of the sale in accordance with the order  
 18472 or final judgment and shall file a report of such disbursements  
 18473 and serve a copy of it on each party, and on the Department of

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18474 Revenue if the department was named as a defendant in the action  
 18475 or if the Department of Economic Opportunity or the former  
 18476 Agency for Workforce Innovation ~~or the former Department of~~  
 18477 ~~Labor and Employment Security~~ was named as a defendant while the  
 18478 Department of Revenue was providing unemployment tax collection  
 18479 services under contract with the Department of Economic  
 18480 Opportunity or the former Agency for Workforce Innovation  
 18481 through an interagency agreement pursuant to s. 443.1316.

18482 Section 426. Paragraph (a) of subsection (4) of section  
 18483 69.041, Florida Statutes, is amended to read:

18484 69.041 State named party; lien foreclosure, suit to quiet  
 18485 title.—

18486 (4) (a) The Department of Revenue has the right to  
 18487 participate in the disbursement of funds remaining in the  
 18488 registry of the court after distribution pursuant to s.  
 18489 45.031(7). The department shall participate in accordance with  
 18490 applicable procedures in any mortgage foreclosure action in  
 18491 which the department has a duly filed tax warrant, or interests  
 18492 under a lien arising from a judgment, order, or decree for  
 18493 support, as defined in s. 409.2554, or interest in an  
 18494 unemployment compensation tax lien under contract with the  
 18495 Department of Economic Opportunity ~~the Agency for Workforce~~  
 18496 ~~Innovation~~ through an interagency agreement pursuant to s.  
 18497 443.1316, against the subject property and with the same  
 18498 priority, regardless of whether a default against the  
 18499 department, the Department of Economic Opportunity, or the  
 18500 former Agency for Workforce Innovation, ~~or the former Department~~  
 18501 ~~of Labor and Employment Security~~ has been entered for failure to

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18502 file an answer or other responsive pleading.

18503 Section 427. Paragraph (d) of subsection (2) and  
 18504 subsection (5) of section 112.044, Florida Statutes, are amended  
 18505 to read:

18506 112.044 Public employers, employment agencies, labor  
 18507 organizations; discrimination based on age prohibited;  
 18508 exceptions; remedy.—

18509 (2) DEFINITIONS.—For the purpose of this act:

18510 ~~(d) "Department" means the Department of Labor and~~  
 18511 ~~Employment Security.~~

18512 (5) NOTICE TO BE POSTED.—Each employer, employment agency,  
 18513 and labor organization shall post and keep posted in conspicuous  
 18514 places upon its premises notices required by a notice to be  
 18515 ~~prepared or approved by the department setting forth such~~  
 18516 ~~information as the~~ United States Department of Labor and the  
 18517 United States Equal Employment Opportunity Commission ~~department~~  
 18518 ~~deems appropriate to effectuate the purposes of this act.~~

18519 Section 428. Subsection (3) of section 112.3135, Florida  
 18520 Statutes, is amended to read:

18521 112.3135 Restriction on employment of relatives.—

18522 (3) An agency may prescribe regulations authorizing the  
 18523 temporary employment, in the event of an emergency as defined in  
 18524 s. 252.34(3), of individuals whose employment would be otherwise  
 18525 prohibited by this section.

18526 Section 429. Subsection (10) of section 120.80, Florida  
 18527 Statutes, is amended to read:

18528 120.80 Exceptions and special requirements; agencies.—

18529 (10) THE DEPARTMENT OF ECONOMIC OPPORTUNITY ~~AGENCY FOR~~

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18530 ~~WORKFORCE INNOVATION.~~—

18531 (a) Notwithstanding s. 120.54, the rulemaking provisions  
18532 of this chapter do not apply to unemployment appeals referees.

18533 (b) Notwithstanding s. 120.54(5), the uniform rules of  
18534 procedure do not apply to appeal proceedings conducted under  
18535 chapter 443 by the Unemployment Appeals Commission, special  
18536 deputies, or unemployment appeals referees.

18537 (c) Notwithstanding s. 120.57(1)(a), hearings under  
18538 chapter 443 may not be conducted by an administrative law judge  
18539 assigned by the division, but instead shall be conducted by the  
18540 Unemployment Appeals Commission in unemployment compensation  
18541 appeals, unemployment appeals referees, and the Department of  
18542 Economic Opportunity ~~the Agency for Workforce Innovation~~ or its  
18543 special deputies under s. 443.141.

18544 Section 430. Paragraph (a) of subsection (1) of section  
18545 202.37, Florida Statutes, is amended to read:

18546 202.37 Special rules for administration of local  
18547 communications services tax.—

18548 (1)(a) Except as otherwise provided in this section, all  
18549 statutory provisions and administrative rules applicable to the  
18550 communications services tax imposed by s. 202.12 apply to any  
18551 local communications services tax imposed under s. 202.19, and  
18552 the department shall administer, collect, and enforce all taxes  
18553 imposed under s. 202.19, including interest and penalties  
18554 attributable thereto, in accordance with the same procedures  
18555 used in the administration, collection, and enforcement of the  
18556 communications services tax imposed by s. 202.12. Audits  
18557 performed by the department shall include a determination of the

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18558 dealer's compliance with the jurisdictional situsing of its  
 18559 customers' service addresses and a determination of whether the  
 18560 rate collected for the local tax pursuant to ss. 202.19 and  
 18561 202.20 is correct. The person or entity designated by a local  
 18562 government pursuant to s. 213.053(8) ~~(v)~~ may provide evidence to  
 18563 the department demonstrating a specific person's failure to  
 18564 fully or correctly report taxable communications services sales  
 18565 within the jurisdiction. The department may request additional  
 18566 information from the designee to assist in any review. The  
 18567 department shall inform the designee of what action, if any, the  
 18568 department intends to take regarding the person.

18569 Section 431. Paragraph (d) of subsection (1) of section  
 18570 212.096, Florida Statutes, is amended to read:

18571 212.096 Sales, rental, storage, use tax; enterprise zone  
 18572 jobs credit against sales tax.—

18573 (1) For the purposes of the credit provided in this  
 18574 section:

18575 (d) "Job" means a full-time position, as consistent with  
 18576 terms used by the Department of Economic Opportunity ~~the Agency~~  
 18577 ~~for Workforce Innovation~~ and the United States Department of  
 18578 Labor for purposes of unemployment compensation tax  
 18579 administration and employment estimation resulting directly from  
 18580 a business operation in this state. This term may not include a  
 18581 temporary construction job involved with the construction of  
 18582 facilities or any job that has previously been included in any  
 18583 application for tax credits under s. 220.181(1). The term also  
 18584 includes employment of an employee leased from an employee  
 18585 leasing company licensed under chapter 468 if such employee has



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18586 | been continuously leased to the employer for an average of at  
 18587 | least 36 hours per week for more than 6 months.

18588 |  
 18589 | A person shall be deemed to be employed if the person performs  
 18590 | duties in connection with the operations of the business on a  
 18591 | regular, full-time basis, provided the person is performing such  
 18592 | duties for an average of at least 36 hours per week each month.  
 18593 | The person must be performing such duties at a business site  
 18594 | located in the enterprise zone.

18595 |         Section 432. Paragraphs (l) through (s) of subsection (8)  
 18596 | of section 213.053, Florida Statutes, as amended by chapter  
 18597 | 2010-280, Laws of Florida, are redesignated as paragraphs (k)  
 18598 | through (r), respectively, paragraphs (u) and (v) of that  
 18599 | subsection are redesignated as paragraphs (s) and (t),  
 18600 | respectively, paragraphs (x) through (aa) of that subsection are  
 18601 | redesignated as paragraphs (u) through (x), respectively,  
 18602 | paragraph (cc) of that subsection is redesignated as paragraph  
 18603 | (y), and subsection (4), paragraph (a) of subsection (7),  
 18604 | present paragraphs (k), (t), (w), and (bb) of subsection (8),  
 18605 | and subsections (19), (20), and (21) of that section are  
 18606 | amended, to read:

18607 |         213.053 Confidentiality and information sharing.—  
 18608 |         (4) The department, while providing unemployment tax  
 18609 | collection services under contract with the Department of  
 18610 | Economic Opportunity ~~the Agency for Workforce Innovation~~ through  
 18611 | an interagency agreement pursuant to s. 443.1316, may release  
 18612 | unemployment tax rate information to the agent of an employer,  
 18613 | which agent provides payroll services for more than 100 ~~500~~

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18614 employers, pursuant to the terms of a memorandum of  
 18615 understanding. The memorandum of understanding must state that  
 18616 the agent affirms, subject to the criminal penalties contained  
 18617 in ss. 443.171 and 443.1715, that the agent will retain the  
 18618 confidentiality of the information, that the agent has in effect  
 18619 a power of attorney from the employer which permits the agent to  
 18620 obtain unemployment tax rate information, and that the agent  
 18621 shall provide the department with a copy of the employer's power  
 18622 of attorney upon request.

18623 (7) (a) Any information received by the Department of  
 18624 Revenue in connection with the administration of taxes,  
 18625 including, but not limited to, information contained in returns,  
 18626 reports, accounts, or declarations filed by persons subject to  
 18627 tax, shall be made available to the following in performance of  
 18628 their official duties:

- 18629 1. The Auditor General or his or her authorized agent;
- 18630 2. The director of the Office of Program Policy Analysis  
 18631 and Government Accountability or his or her authorized agent;
- 18632 3. The Chief Financial Officer or his or her authorized  
 18633 agent;
- 18634 4. The Director of the Office of Insurance Regulation of  
 18635 the Financial Services Commission or his or her authorized  
 18636 agent;
- 18637 5. A property appraiser or tax collector or their  
 18638 authorized agents pursuant to s. 195.084(1); ~~or~~
- 18639 6. Designated employees of the Department of Education  
 18640 solely for determination of each school district's price level  
 18641 index pursuant to s. 1011.62(2); and

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18642 7. The Commissioner of Economic Opportunity or his or her  
 18643 authorized agent.

18644 (8) Notwithstanding any other provision of this section,  
 18645 the department may provide:

18646 ~~(k)1. Payment information relative to chapters 199, 201,~~  
 18647 ~~202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and~~  
 18648 ~~Economic Development, or its employees or agents that are~~  
 18649 ~~identified in writing by the office to the department, in the~~  
 18650 ~~administration of the tax refund program for qualified defense~~  
 18651 ~~contractors and space flight business contractors authorized by~~  
 18652 ~~s. 288.1045 and the tax refund program for qualified target~~  
 18653 ~~industry businesses authorized by s. 288.106.~~

18654 ~~2. Information relative to tax credits taken by a business~~  
 18655 ~~under s. 220.191 and exemptions or tax refunds received by a~~  
 18656 ~~business under s. 212.08(5)(j) to the Office of Tourism, Trade,~~  
 18657 ~~and Economic Development, or its employees or agents that are~~  
 18658 ~~identified in writing by to the department, in the~~  
 18659 ~~administration and evaluation of the capital investment tax~~  
 18660 ~~credit program authorized in s. 220.191 and the semiconductor,~~  
 18661 ~~defense, and space tax exemption program authorized in s.~~  
 18662 ~~212.08(5)(j).~~

18663 ~~3. Information relative to tax credits taken by a taxpayer~~  
 18664 ~~pursuant to the tax credit programs created in ss. 193.017;~~  
 18665 ~~212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;~~  
 18666 ~~212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;~~  
 18667 ~~220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;~~  
 18668 ~~290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;~~  
 18669 ~~550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to~~

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18670 ~~the Office of Tourism, Trade, and Economic Development, or its~~  
 18671 ~~employees or agents that are identified in writing by the office~~  
 18672 ~~to the department, for use in the administration or evaluation~~  
 18673 ~~of such programs.~~

18674  
 18675 ~~Disclosure of information under this subsection shall be~~  
 18676 ~~pursuant to a written agreement between the executive director~~  
 18677 ~~and the agency. Such agencies, governmental or nongovernmental,~~  
 18678 ~~shall be bound by the same requirements of confidentiality as~~  
 18679 ~~the Department of Revenue. Breach of confidentiality is a~~  
 18680 ~~misdemeanor of the first degree, punishable as provided by s.~~  
 18681 ~~775.082 or s. 775.083.~~

18682 ~~(t) Information relative to the tax exemptions under ss.~~  
 18683 ~~212.031, 212.06, and 212.08 for those persons qualified under s.~~  
 18684 ~~288.1258 to the Office of Film and Entertainment. The Department~~  
 18685 ~~of Revenue shall provide the Office of Film and Entertainment~~  
 18686 ~~with information in the aggregate.~~

18687 ~~(w) Tax registration information to the Agency for~~  
 18688 ~~Workforce Innovation for use in the conduct of its official~~  
 18689 ~~duties, which information may not be redisclosed by the Agency~~  
 18690 ~~for Workforce Innovation.~~

18691 ~~(bb) Information relative to tax credits taken under s.~~  
 18692 ~~288.1254 to the Office of Film and Entertainment and the Office~~  
 18693 ~~of Tourism, Trade, and Economic Development.~~

18694  
 18695 Disclosure of information under this subsection shall be  
 18696 pursuant to a written agreement between the executive director  
 18697 and the agency. Such agencies, governmental or nongovernmental,

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18698 shall be bound by the same requirements of confidentiality as  
 18699 the Department of Revenue. Breach of confidentiality is a  
 18700 misdemeanor of the first degree, punishable as provided by s.  
 18701 775.082 or s. 775.083.

18702 ~~(19) The department may disclose information relative to~~  
 18703 ~~tax credits taken by a taxpayer pursuant to s. 288.9916 to the~~  
 18704 ~~Office of Tourism, Trade, and Economic Development or its~~  
 18705 ~~employees or agents. Such employees must be identified in~~  
 18706 ~~writing by the office to the department. All information~~  
 18707 ~~dislosed under this subsection is subject to the same~~  
 18708 ~~requirements of confidentiality and the same penalties for~~  
 18709 ~~violation of the requirements as the department.~~

18710 (19)~~(20)~~(a) The department may publish a list of taxpayers  
 18711 against whom the department has filed a warrant, notice of lien,  
 18712 or judgment lien certificate. The list may include the name and  
 18713 address of each taxpayer; the amounts and types of delinquent  
 18714 taxes, fees, or surcharges, penalties, or interest; and the  
 18715 employer identification number or other taxpayer identification  
 18716 number.

18717 (b) The department shall update the list at least monthly  
 18718 to reflect payments for resolution of deficiencies and to  
 18719 otherwise add or remove taxpayers from the list.

18720 (c) The department may adopt rules to administer this  
 18721 subsection.

18722 (20)~~(21)~~ The department may disclose information relating  
 18723 to taxpayers against whom the department has filed a warrant,  
 18724 notice of lien, or judgment lien certificate. Such information  
 18725 includes the name and address of the taxpayer, the actions

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18726 taken, the amounts and types of liabilities, and the amount of  
 18727 any collections made.

18728 Section 433. Paragraph (b) of subsection (8) of section  
 18729 216.136, Florida Statutes, is amended to read:

18730 216.136 Consensus estimating conferences; duties and  
 18731 principals.—

18732 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

18733 (b) The Department of Economic Opportunity ~~Agency for~~  
 18734 ~~Workforce Innovation~~ shall provide information on needs and  
 18735 waiting lists for school readiness programs, and information on  
 18736 the needs for the Voluntary Prekindergarten Education Program,  
 18737 as requested by the Early Learning Programs Estimating  
 18738 Conference or individual conference principals in a timely  
 18739 manner.

18740 Section 434. Paragraph (a) of subsection (6) of section  
 18741 216.292, Florida Statutes, is amended to read:

18742 216.292 Appropriations nontransferable; exceptions.—

18743 (6) The Chief Financial Officer shall transfer from any  
 18744 available funds of an agency or the judicial branch the  
 18745 following amounts and shall report all such transfers and the  
 18746 reasons therefor to the legislative appropriations committees  
 18747 and the Executive Office of the Governor:

18748 (a) The amount due to the Unemployment Compensation Trust  
 18749 Fund which is more than 90 days delinquent on reimbursements due  
 18750 to the Unemployment Compensation Trust Fund. The amount  
 18751 transferred shall be that certified by the Department of Revenue  
 18752 as the state agency providing unemployment tax collection  
 18753 services under an interagency agreement ~~contract~~ with the

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18754 Department of Economic Opportunity ~~Agency for Workforce~~  
 18755 ~~Innovation through an interagency agreement~~ pursuant to s.  
 18756 443.1316.

18757 Section 435. Subsection (1) of section 216.231, Florida  
 18758 Statutes, is amended to read:

18759 216.231 Release of certain classified appropriations.—

18760 (1) (a) Any appropriation to the Executive Office of the  
 18761 Governor which is classified as an "emergency," as defined in s.  
 18762 252.34~~(3)~~, may be released only with the approval of the  
 18763 Governor. The state agency, or the judicial branch, desiring the  
 18764 use of the emergency appropriation shall submit to the Executive  
 18765 Office of the Governor an application ~~therefor~~ in writing  
 18766 setting forth the facts from which the alleged need arises. The  
 18767 Executive Office of the Governor shall, at a public hearing,  
 18768 review such application promptly and approve or disapprove the  
 18769 applications as the circumstances may warrant. All actions of  
 18770 the Executive Office of the Governor shall be reported to the  
 18771 legislative appropriations committees, and the committees may  
 18772 advise the Executive Office of the Governor relative to the  
 18773 release of such funds.

18774 (b) The release of appropriated funds classified as  
 18775 "emergency" shall be approved only when an act or circumstance  
 18776 caused by an act of God, civil disturbance, natural disaster, or  
 18777 other circumstance of an emergency nature threatens, endangers,  
 18778 or damages the property, safety, health, or welfare of the state  
 18779 or its residents ~~citizens~~, which condition has not been provided  
 18780 for in appropriation acts of the Legislature. Funds allocated  
 18781 for this purpose may be used to pay overtime pay to personnel of

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18782 agencies called upon to perform extra duty because of any civil  
 18783 disturbance or other emergency as defined in s. 252.34(3) and to  
 18784 provide the required state match for federal grants under the  
 18785 federal Disaster Relief Act.

18786 Section 436. Paragraph (ff) of subsection (1) of section  
 18787 220.03, Florida Statutes, is amended to read:

18788 220.03 Definitions.—

18789 (1) SPECIFIC TERMS.—When used in this code, and when not  
 18790 otherwise distinctly expressed or manifestly incompatible with  
 18791 the intent thereof, the following terms shall have the following  
 18792 meanings:

18793 (ff) "Job" means a full-time position, as consistent with  
 18794 terms used by the Department of Economic Opportunity ~~the Agency~~  
 18795 ~~for Workforce Innovation~~ and the United States Department of  
 18796 Labor for purposes of unemployment compensation tax  
 18797 administration and employment estimation resulting directly from  
 18798 business operations in this state. The term may not include a  
 18799 temporary construction job involved with the construction of  
 18800 facilities or any job that has previously been included in any  
 18801 application for tax credits under s. 212.096. The term also  
 18802 includes employment of an employee leased from an employee  
 18803 leasing company licensed under chapter 468 if the employee has  
 18804 been continuously leased to the employer for an average of at  
 18805 least 36 hours per week for more than 6 months.

18806 Section 437. Subsection (2) of section 222.15, Florida  
 18807 Statutes, is amended to read:

18808 222.15 Wages or unemployment compensation payments due  
 18809 deceased employee may be paid spouse or certain relatives.—



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18810 (2) It is also lawful for the Department of Economic  
 18811 Opportunity ~~the Agency for Workforce Innovation~~, in case of  
 18812 death of any unemployed individual, to pay to those persons  
 18813 referred to in subsection (1) any unemployment compensation  
 18814 payments that may be due to the individual at the time of his or  
 18815 her death.

18816 Section 438. Subsections (3) and (4) of section 250.06,  
 18817 Florida Statutes, are amended to read:

18818 250.06 Commander in chief.—

18819 (3) The Governor may, in order to preserve the public  
 18820 peace, execute the laws of the state, suppress insurrection,  
 18821 repel invasion, respond to an emergency as defined in s.  
 18822 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling  
 18823 of all or any portion of the militia of this state ~~Florida~~ into  
 18824 the services of the United States, may increase the Florida  
 18825 National Guard and organize it in accordance with rules and  
 18826 regulations governing the Armed Forces of the United States.  
 18827 Such organization and increase may be pursuant to or in advance  
 18828 of any call made by the President of the United States. If the  
 18829 Florida National Guard is activated into service of the United  
 18830 States, another organization may not be designated as the  
 18831 Florida National Guard.

18832 (4) The Governor may, in order to preserve the public  
 18833 peace, execute the laws of the state, enhance domestic security,  
 18834 respond to terrorist threats or attacks, respond to an emergency  
 18835 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or  
 18836 respond to any need for emergency aid to civil authorities as  
 18837 specified in s. 250.28, order into state active duty all or any

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18838 part of the militia which he or she deems proper.

18839 Section 439. Paragraph (b) of subsection (1) of section  
18840 255.099, Florida Statutes, is amended to read:

18841 255.099 Preference to state residents.—

18842 (1) Each contract for construction that is funded by state  
18843 funds must contain a provision requiring the contractor to give  
18844 preference to the employment of state residents in the  
18845 performance of the work on the project if state residents have  
18846 substantially equal qualifications to those of nonresidents. A  
18847 contract for construction funded by local funds may contain such  
18848 a provision.

18849 (b) A contractor required to employ state residents must  
18850 contact the Department of Economic Opportunity ~~the Agency for~~  
18851 ~~Workforce Innovation~~ to post the contractor's employment needs  
18852 in the state's job bank system.

18853 Section 440. Section 287.09431, Florida Statutes, is  
18854 amended to read:

18855 287.09431 Statewide and interlocal agreement on  
18856 certification of business concerns for the status of minority  
18857 business enterprise.—The statewide and interlocal agreement on  
18858 certification of business concerns for the status of minority  
18859 business enterprise is hereby enacted and entered into with all  
18860 jurisdictions or organizations legally joining therein. If,  
18861 within 2 years from the date that the certification core  
18862 criteria are approved by the Department of Management Services  
18863 ~~Department of Labor and Employment Security~~, the agreement  
18864 included herein is not executed by a majority of county and  
18865 municipal governing bodies that administer a minority business

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18866 assistance program on the effective date of this act, then the  
 18867 Legislature shall review this agreement. It is the intent of the  
 18868 Legislature that if the agreement is not executed by a majority  
 18869 of the requisite governing bodies, then a statewide uniform  
 18870 certification process should be adopted, and that said agreement  
 18871 should be repealed and replaced by a mandatory state government  
 18872 certification process.

18874 ARTICLE I

18875  
 18876 PURPOSE, FINDINGS, AND POLICY.—

18877 (1) The parties to this agreement, desiring by common  
 18878 action to establish a uniform certification process in order to  
 18879 reduce the multiplicity of applications by business concerns to  
 18880 state and local governmental programs for minority business  
 18881 assistance, declare that it is the policy of each of them, on  
 18882 the basis of cooperation with one another, to remedy social and  
 18883 economic disadvantage suffered by certain groups, resulting in  
 18884 their being historically underutilized in ownership and control  
 18885 of commercial enterprises. Thus, the parties seek to address  
 18886 this history by increasing the participation of the identified  
 18887 groups in opportunities afforded by government procurement.

18888 (2) The parties find that the State of Florida presently  
 18889 certifies firms for participation in the minority business  
 18890 assistance programs of the state. The parties find further that  
 18891 some counties, municipalities, school boards, special districts,  
 18892 and other divisions of local government require a separate, yet  
 18893 similar, and in most cases redundant certification in order for

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18894 businesses to participate in the programs sponsored by each  
 18895 government entity.

18896 (3) The parties find further that this redundant  
 18897 certification has proven to be unduly burdensome to the  
 18898 minority-owned firms intended to benefit from the underlying  
 18899 purchasing incentives.

18900 (4) The parties agree that:

18901 (a) They will facilitate integrity, stability, and  
 18902 cooperation in the statewide and interlocal certification  
 18903 process, and in other elements of programs established to assist  
 18904 minority-owned businesses.

18905 (b) They shall cooperate with agencies, organizations, and  
 18906 associations interested in certification and other elements of  
 18907 minority business assistance.

18908 (c) It is the purpose of this agreement to provide for a  
 18909 uniform process whereby the status of a business concern may be  
 18910 determined in a singular review of the business information for  
 18911 these purposes, in order to eliminate any undue expense, delay,  
 18912 or confusion to the minority-owned businesses in seeking to  
 18913 participate in the minority business assistance programs of  
 18914 state and local jurisdictions.

18915

18916 ARTICLE II

18917

18918 DEFINITIONS.—As used in this agreement and contracts made  
 18919 pursuant to it, unless the context clearly requires otherwise:

18920 (1) "Awarding organization" means any political  
 18921 subdivision or organization authorized by law, ordinance, or

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18922 agreement to enter into contracts and for which the governing  
 18923 body has entered into this agreement.

18924 (2) "Department" means the Department of Management  
 18925 Services ~~Department of Labor and Employment Security~~.

18926 (3) "Minority" means a person who is a lawful, permanent  
 18927 resident of the state, having origins in one of the minority  
 18928 groups as described and adopted by the Department of Management  
 18929 Services ~~Department of Labor and Employment Security~~, hereby  
 18930 incorporated by reference.

18931 (4) "Minority business enterprise" means any small  
 18932 business concern as defined in subsection (6) that meets all of  
 18933 the criteria described and adopted by the Department of  
 18934 Management Services ~~Department of Labor and Employment Security~~,  
 18935 hereby incorporated by reference.

18936 (5) "Participating state or local organization" means any  
 18937 political subdivision of the state or organization designated by  
 18938 such that elects to participate in the certification process  
 18939 pursuant to this agreement, which has been approved according to  
 18940 s. 287.0943(3) and has legally entered into this agreement.

18941 (6) "Small business concern" means an independently owned  
 18942 and operated business concern which is of a size and type as  
 18943 described and adopted by vote related to this agreement of the  
 18944 commission, hereby incorporated by reference.

18945

18946 ARTICLE III

18947

18948 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

18949 (1) All awarding organizations shall accept a

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18950 certification granted by any participating organization which  
18951 has been approved according to s. 287.0943(3) and has entered  
18952 into this agreement, as valid status of minority business  
18953 enterprise.

18954 (2) A participating organization shall certify a business  
18955 concern that meets the definition of minority business  
18956 enterprise in this agreement, in accordance with the duly  
18957 adopted eligibility criteria.

18958 (3) All participating organizations shall issue notice of  
18959 certification decisions granting or denying certification to all  
18960 other participating organizations within 14 days of the  
18961 decision. Such notice may be made through electronic media.

18962 (4) No certification will be granted without an onsite  
18963 visit to verify ownership and control of the prospective  
18964 minority business enterprise, unless verification can be  
18965 accomplished by other methods of adequate verification or  
18966 assessment of ownership and control.

18967 (5) The certification of a minority business enterprise  
18968 pursuant to the terms of this agreement shall not be suspended,  
18969 revoked, or otherwise impaired except on any grounds which would  
18970 be sufficient for revocation or suspension of a certification in  
18971 the jurisdiction of the participating organization.

18972 (6) The certification determination of a party may be  
18973 challenged by any other participating organization by the  
18974 issuance of a timely written notice by the challenging  
18975 organization to the certifying organization's determination  
18976 within 10 days of receiving notice of the certification  
18977 decision, stating the grounds therefor.

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18978 (7) The sole accepted grounds for challenge shall be the  
 18979 failure of the certifying organization to adhere to the adopted  
 18980 criteria or the certifying organization's rules or procedures,  
 18981 or the perpetuation of a misrepresentation or fraud by the firm.

18982 (8) The certifying organization shall reexamine its  
 18983 certification determination and submit written notice to the  
 18984 applicant and the challenging organization of its findings  
 18985 within 30 days after the receipt of the notice of challenge.

18986 (9) If the certification determination is affirmed, the  
 18987 challenging agency may subsequently submit timely written notice  
 18988 to the firm of its intent to revoke certification of the firm.

18989

18990 ARTICLE IV

18991

18992 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement  
 18993 shall be construed to repeal or otherwise modify any ordinance,  
 18994 law, or regulation of a party relating to the existing minority  
 18995 business assistance provisions and procedures by which minority  
 18996 business enterprises participate therein.

18997

18998 ARTICLE V

18999

19000 TERM.—The term of the agreement shall be 5 years, after  
 19001 which it may be reexecuted by the parties.

19002

19003 ARTICLE VI

19004

19005 AGREEMENT EVALUATION.—The designated state and local

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19006 officials may meet from time to time as a group to evaluate  
 19007 progress under the agreement, to formulate recommendations for  
 19008 changes, or to propose a new agreement.

19009

19010 ARTICLE VII

19011

19012 OTHER ARRANGEMENTS.—Nothing in this agreement shall be  
 19013 construed to prevent or inhibit other arrangements or practices  
 19014 of any party in order to comply with federal law.

19015

19016 ARTICLE VIII

19017

19018 EFFECT AND WITHDRAWAL.—

19019 (1) This agreement shall become effective when properly  
 19020 executed by a legal representative of the participating  
 19021 organization, when enacted into the law of the state and after  
 19022 an ordinance or other legislation is enacted into law by the  
 19023 governing body of each participating organization. Thereafter it  
 19024 shall become effective as to any participating organization upon  
 19025 the enactment of this agreement by the governing body of that  
 19026 organization.

19027 (2) Any party may withdraw from this agreement by enacting  
 19028 legislation repealing the same, but no such withdrawal shall  
 19029 take effect until one year after the governing body of the  
 19030 withdrawing party has given notice in writing of the withdrawal  
 19031 to the other parties.

19032 (3) No withdrawal shall relieve the withdrawing party of  
 19033 any obligations imposed upon it by law.



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ARTICLE IX

FINANCIAL RESPONSIBILITY.—

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

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

ARTICLE X

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

ARTICLE XI

19062 CONSTRUCTION AND SEVERABILITY.—This agreement shall be  
 19063 liberally construed so as to effectuate the purposes thereof.  
 19064 The provisions of this agreement shall be severable and if any  
 19065 phrase, clause, sentence, or provision of this agreement is  
 19066 declared to be contrary to the State Constitution or the United  
 19067 States Constitution, or the application thereof to any  
 19068 government, agency, person, or circumstance is held invalid, the  
 19069 validity of the remainder of this agreement and the  
 19070 applicability thereof to any government, agency, person, or  
 19071 circumstance shall not be affected thereby. If this agreement  
 19072 shall be held contrary to the State Constitution, the agreement  
 19073 shall remain in full force and effect as to all severable  
 19074 matters.

19075 Section 441. Paragraphs (h) and (o) of subsection (4) of  
 19076 section 287.09451, Florida Statutes, are amended to read:

19077 287.09451 Office of Supplier Diversity; powers, duties,  
 19078 and functions.—

19079 (4) The Office of Supplier Diversity shall have the  
 19080 following powers, duties, and functions:

19081 (h) To develop procedures to investigate complaints  
 19082 against minority business enterprises or contractors alleged to  
 19083 violate any provision related to this section or s. 287.0943,  
 19084 that may include visits to worksites or business premises, and  
 19085 to refer all information on businesses suspected of  
 19086 misrepresenting minority status to the Department of Management  
 19087 Services for investigation. When an investigation is completed  
 19088 and there is reason to believe that a violation has occurred,  
 19089 ~~the Department of Labor and Employment Security shall refer the~~

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19090 matter shall be referred to the office of the Attorney General,  
 19091 Department of Legal Affairs, for prosecution.

19092 (o)1. To establish a system to record and measure the use  
 19093 of certified minority business enterprises in state contracting.  
 19094 This system shall maintain information and statistics on  
 19095 certified minority business enterprise participation, awards,  
 19096 dollar volume of expenditures and agency goals, and other  
 19097 appropriate types of information to analyze progress in the  
 19098 access of certified minority business enterprises to state  
 19099 contracts and to monitor agency compliance with this section.  
 19100 Such reporting must include, but is not limited to, the  
 19101 identification of all subcontracts in state contracting by  
 19102 dollar amount and by number of subcontracts and the  
 19103 identification of the utilization of certified minority business  
 19104 enterprises as prime contractors and subcontractors by dollar  
 19105 amounts of contracts and subcontracts, number of contracts and  
 19106 subcontracts, minority status, industry, and any conditions or  
 19107 circumstances that significantly affected the performance of  
 19108 subcontractors. Agencies shall report their compliance with the  
 19109 requirements of this reporting system at least annually and at  
 19110 the request of the office. All agencies shall cooperate with the  
 19111 office in establishing this reporting system. Except in  
 19112 construction contracting, all agencies shall review contracts  
 19113 costing in excess of CATEGORY FOUR as defined in s. 287.017 to  
 19114 determine if such contracts could be divided into smaller  
 19115 contracts to be separately solicited and awarded, and shall,  
 19116 when economical, offer such smaller contracts to encourage  
 19117 minority participation.

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19118           2. To report agency compliance with ~~the provisions of~~  
 19119 subparagraph 1. for the preceding fiscal year to the Governor  
 19120 and Cabinet, the President of the Senate, and the Speaker of the  
 19121 House of Representatives, ~~and the secretary of the Department of~~  
 19122 ~~Labor and Employment Security~~ on or before February 1 of each  
 19123 year. The report must contain, at a minimum, the following:  
 19124           a. Total expenditures of each agency by industry.  
 19125           b. The dollar amount and percentage of contracts awarded  
 19126 to certified minority business enterprises by each state agency.  
 19127           c. The dollar amount and percentage of contracts awarded  
 19128 indirectly to certified minority business enterprises as  
 19129 subcontractors by each state agency.  
 19130           d. The total dollar amount and percentage of contracts  
 19131 awarded to certified minority business enterprises, whether  
 19132 directly or indirectly, as subcontractors.  
 19133           e. A statement and assessment of good faith efforts taken  
 19134 by each state agency.  
 19135           f. A status report of agency compliance with subsection  
 19136 (6), as determined by the Minority Business Enterprise Office.  
 19137           Section 442. Subsections (2), (4), and (5) of section  
 19138 331.369, Florida Statutes, are transferred, renumbered as  
 19139 section 445.061, Florida Statutes, and amended to read:  
 19140           445.061 ~~331.369~~ Space Industry Workforce Initiative.—  
 19141           (1) ~~(2)~~ Workforce Florida, Inc., ~~The Workforce Development~~  
 19142 ~~Board of Enterprise Florida, Inc.,~~ or its successor entity,  
 19143 shall coordinate development of a Space Industry Workforce  
 19144 Initiative in partnership with Space Florida, public and private  
 19145 universities, community colleges, and other training providers

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19146 approved by the board. The purpose of the initiative is to use  
 19147 or revise existing programs and to develop innovative new  
 19148 programs to address the workforce needs of the aerospace  
 19149 industry.

19150 (2)(4) Workforce Florida, Inc., ~~The Workforce Development~~  
 19151 ~~Board of Enterprise Florida, Inc.,~~ or its successor entity, with  
 19152 the assistance of Enterprise Florida, Inc., and Space Florida,  
 19153 shall convene representatives from the aerospace industry to  
 19154 identify the priority training and education needs of the  
 19155 industry and to appoint a team to design programs to meet the  
 19156 priority needs.

19157 (3)(5) Workforce Florida, Inc., ~~The Workforce Development~~  
 19158 ~~Board of Enterprise Florida, Inc.,~~ or its successor entity, as  
 19159 part of its statutorily prescribed annual report to the  
 19160 Legislature, shall provide recommendations for policies,  
 19161 programs, and funding to enhance the workforce needs of the  
 19162 aerospace industry.

19163 Section 443. Subsection (6) of section 381.0086, Florida  
 19164 Statutes, is amended to read:

19165 381.0086 Rules; variances; penalties.—

19166 (6) For the purposes of filing an interstate clearance  
 19167 order with the Department of Economic Opportunity ~~the Agency for~~  
 19168 ~~Workforce Innovation,~~ if the housing is covered by 20 C.F.R.  
 19169 part 654, subpart E, no permanent structural variance referred  
 19170 to in subsection (2) is allowed.

19171 Section 444. Paragraph (b) of subsection (1) and  
 19172 subsection (2) of section 383.14, Florida Statutes, are amended  
 19173 to read:

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19174           383.14 Screening for metabolic disorders, other hereditary  
19175 and congenital disorders, and environmental risk factors.—

19176           (1) SCREENING REQUIREMENTS.—To help ensure access to the  
19177 maternal and child health care system, the Department of Health  
19178 shall promote the screening of all newborns born in Florida for  
19179 metabolic, hereditary, and congenital disorders known to result  
19180 in significant impairment of health or intellect, as screening  
19181 programs accepted by current medical practice become available  
19182 and practical in the judgment of the department. The department  
19183 shall also promote the identification and screening of all  
19184 newborns in this state and their families for environmental risk  
19185 factors such as low income, poor education, maternal and family  
19186 stress, emotional instability, substance abuse, and other high-  
19187 risk conditions associated with increased risk of infant  
19188 mortality and morbidity to provide early intervention,  
19189 remediation, and prevention services, including, but not limited  
19190 to, parent support and training programs, home visitation, and  
19191 case management. Identification, perinatal screening, and  
19192 intervention efforts shall begin prior to and immediately  
19193 following the birth of the child by the attending health care  
19194 provider. Such efforts shall be conducted in hospitals,  
19195 perinatal centers, county health departments, school health  
19196 programs that provide prenatal care, and birthing centers, and  
19197 reported to the Office of Vital Statistics.

19198           (b) Postnatal screening.—A risk factor analysis using the  
19199 department's designated risk assessment instrument shall also be  
19200 conducted as part of the medical screening process upon the  
19201 birth of a child and submitted to the department's Office of

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19202 Vital Statistics for recording and other purposes provided for  
 19203 in this chapter. The department's screening process for risk  
 19204 assessment shall include a scoring mechanism and procedures that  
 19205 establish thresholds for notification, further assessment,  
 19206 referral, and eligibility for services by professionals or  
 19207 paraprofessionals consistent with the level of risk. Procedures  
 19208 for developing and using the screening instrument, notification,  
 19209 referral, and care coordination services, reporting  
 19210 requirements, management information, and maintenance of a  
 19211 computer-driven registry in the Office of Vital Statistics which  
 19212 ensures privacy safeguards must be consistent with the  
 19213 provisions and plans established under chapter 411, Pub. L. No.  
 19214 99-457, and this chapter. Procedures established for reporting  
 19215 information and maintaining a confidential registry must include  
 19216 a mechanism for a centralized information depository at the  
 19217 state and county levels. The department shall coordinate with  
 19218 existing risk assessment systems and information registries. The  
 19219 department must ensure, to the maximum extent possible, that the  
 19220 screening information registry is integrated with the  
 19221 department's automated data systems, including the Florida On-  
 19222 line Recipient Integrated Data Access (FLORIDA) system. Tests  
 19223 and screenings must be performed by the State Public Health  
 19224 Laboratory, in coordination with Children's Medical Services, at  
 19225 such times and in such manner as is prescribed by the department  
 19226 after consultation with the Genetics and Newborn Infant  
 19227 Screening Advisory Council ~~and the Agency for Workforce~~  
 19228 ~~Innovation.~~

19229 (2) RULES.—After consultation with the Genetics and

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19230 Newborn Screening Advisory Council, the department shall adopt  
 19231 and enforce rules requiring that every newborn in this state  
 19232 shall, prior to becoming 1 week of age, be subjected to a test  
 19233 for phenylketonuria and, at the appropriate age, be tested for  
 19234 such other metabolic diseases and hereditary or congenital  
 19235 disorders as the department may deem necessary from time to  
 19236 time. ~~After consultation with the Agency for Workforce~~  
 19237 ~~Innovation,~~ The department shall also adopt and enforce rules  
 19238 requiring every newborn in this state to be screened for  
 19239 environmental risk factors that place children and their  
 19240 families at risk for increased morbidity, mortality, and other  
 19241 negative outcomes. The department shall adopt such additional  
 19242 rules as are found necessary for the administration of this  
 19243 section and s. 383.145, including rules providing definitions of  
 19244 terms, rules relating to the methods used and time or times for  
 19245 testing as accepted medical practice indicates, rules relating  
 19246 to charging and collecting fees for the administration of the  
 19247 newborn screening program authorized by this section, rules for  
 19248 processing requests and releasing test and screening results,  
 19249 and rules requiring mandatory reporting of the results of tests  
 19250 and screenings for these conditions to the department.

19251 Section 445. Paragraph (b) of subsection (3) of section  
 19252 402.281, Florida Statutes, is amended to read:

19253 402.281 Gold Seal Quality Care program.—

19254 (3)

19255 (b) In approving accrediting associations, the department  
 19256 shall consult with the Department of Education, the Department  
 19257 of Economic Opportunity ~~Agency for Workforce Innovation~~, the



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19258 Florida Head Start Directors Association, the Florida  
 19259 Association of Child Care Management, the Florida Family Day  
 19260 Care Association, the Florida Children's Forum, the Early  
 19261 Childhood Association of Florida, the Child Development  
 19262 Education Alliance, providers receiving exemptions under s.  
 19263 402.316, and parents.

19264 Section 446. Subsection (6) of section 402.45, Florida  
 19265 Statutes, is amended to read:

19266 402.45 Community resource mother or father program.—

19267 (6) Individuals under contract to provide community  
 19268 resource mother or father services shall participate in  
 19269 preservice and ongoing training as determined by the Department  
 19270 of Health in consultation with the Department of Economic  
 19271 Opportunity Agency for Workforce Innovation. A community  
 19272 resource mother or father shall not be assigned a client  
 19273 caseload until all preservice training requirements are  
 19274 completed.

19275 Section 447. Subsection (4) of section 402.56, Florida  
 19276 Statutes, is amended to read:

19277 402.56 Children's cabinet; organization; responsibilities;  
 19278 annual report.—

19279 (4) MEMBERS.—The cabinet shall consist of 15 members  
 19280 including the Governor and the following persons:

- 19281 (a)1. The Secretary of Children and Family Services;
- 19282 2. The Secretary of Juvenile Justice;
- 19283 3. The director of the Agency for Persons with
- 19284 Disabilities;

19285 4. The Commissioner of Economic Opportunity ~~director of~~

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- 19286 ~~the Agency for Workforce Innovation;~~  
 19287 5. The State Surgeon General;  
 19288 6. The Secretary of Health Care Administration;  
 19289 7. The Commissioner of Education;  
 19290 8. The director of the Statewide Guardian Ad Litem Office;  
 19291 9. The director of the Office of Child Abuse Prevention;  
 19292 and  
 19293 10. Five members representing children and youth advocacy  
 19294 organizations, who are not service providers and who are  
 19295 appointed by the Governor.

19296 (b) The President of the Senate, the Speaker of the House  
 19297 of Representatives, the Chief Justice of the Supreme Court, the  
 19298 Attorney General, and the Chief Financial Officer, or their  
 19299 appointed designees, shall serve as ex officio members of the  
 19300 cabinet.

19301 (c) The Governor or the Governor's designee shall serve as  
 19302 the chair of the cabinet.

19303 (d) Nongovernmental members of the cabinet shall serve  
 19304 without compensation, but are entitled to receive per diem and  
 19305 travel expenses in accordance with s. 112.061 while in  
 19306 performance of their duties.

19307 Section 448. Paragraph (m) of subsection (5) of section  
 19308 403.7032, Florida Statutes, is amended to read:

19309 403.7032 Recycling.—

19310 (5) The Department of Environmental Protection shall  
 19311 create the Recycling Business Assistance Center by December 1,  
 19312 2010. In carrying out its duties under this subsection, the  
 19313 department shall consult with state agency personnel appointed

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19314 to serve as economic development liaisons under s. 288.021 and  
 19315 seek technical assistance from Enterprise Florida, Inc., to  
 19316 ensure the Recycling Business Assistance Center is positioned to  
 19317 succeed. The purpose of the center shall be to serve as the  
 19318 mechanism for coordination among state agencies and the private  
 19319 sector in order to coordinate policy and overall strategic  
 19320 planning for developing new markets and expanding and enhancing  
 19321 existing markets for recyclable materials in this state, other  
 19322 states, and foreign countries. The duties of the center must  
 19323 include, at a minimum:

19324 (m) Coordinating with the Department of Economic  
 19325 Opportunity ~~the Agency for Workforce Innovation~~ and its partners  
 19326 to provide job placement and job training services to job  
 19327 seekers through the state's workforce services programs.

19328 Section 449. Paragraph (a) of subsection (3) of section  
 19329 409.017, Florida Statutes, is amended to read:

19330 409.017 Revenue Maximization Act; legislative intent;  
 19331 revenue maximization program.—

19332 (3) REVENUE MAXIMIZATION PROGRAM.—

19333 (a) For purposes of this section, the term "agency" means  
 19334 any state agency or department that is involved in providing  
 19335 health, social, or human services, including, but not limited  
 19336 to, the Agency for Health Care Administration, the Department of  
 19337 Economic Opportunity ~~Agency for Workforce Innovation~~, the  
 19338 Department of Children and Family Services, the Department of  
 19339 Elderly Affairs, the Department of Juvenile Justice, the  
 19340 Department of Education, and the State Board of Education.

19341 Section 450. Paragraph (c) of subsection (7) of section

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19342 409.1451, Florida Statutes, is amended to read:

19343 409.1451 Independent living transition services.—

19344 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The  
 19345 Secretary of Children and Family Services shall establish the  
 19346 Independent Living Services Advisory Council for the purpose of  
 19347 reviewing and making recommendations concerning the  
 19348 implementation and operation of the independent living  
 19349 transition services. This advisory council shall continue to  
 19350 function as specified in this subsection until the Legislature  
 19351 determines that the advisory council can no longer provide a  
 19352 valuable contribution to the department's efforts to achieve the  
 19353 goals of the independent living transition services.

19354 (c) Members of the advisory council shall be appointed by  
 19355 the secretary of the department. The membership of the advisory  
 19356 council must include, at a minimum, representatives from the  
 19357 headquarters and district offices of the Department of Children  
 19358 and Family Services, community-based care lead agencies, the  
 19359 Department of Economic Opportunity ~~the Agency for Workforce~~  
 19360 ~~Innovation~~, the Department of Education, the Agency for Health  
 19361 Care Administration, the State Youth Advisory Board, Workforce  
 19362 Florida, Inc., the Statewide Guardian Ad Litem Office, foster  
 19363 parents, recipients of Road-to-Independence Program funding, and  
 19364 advocates for foster children. The secretary shall determine the  
 19365 length of the term to be served by each member appointed to the  
 19366 advisory council, which may not exceed 4 years.

19367 Section 451. Subsection (4) of section 409.942, Florida  
 19368 Statutes, is amended to read:

19369 409.942 Electronic benefit transfer program.—

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19370           ~~(4) Workforce Florida, Inc., through the Agency for~~  
 19371 ~~Workforce Innovation, shall establish an electronic benefit~~  
 19372 ~~transfer program for the use and management of education,~~  
 19373 ~~training, child care, transportation, and other program benefits~~  
 19374 ~~under its direction. The workforce electronic benefit transfer~~  
 19375 ~~program shall fulfill all federal and state requirements for~~  
 19376 ~~Individual Training Accounts, Retention Incentive Training~~  
 19377 ~~Accounts, Individual Development Accounts, and Individual~~  
 19378 ~~Services Accounts. The workforce electronic benefit transfer~~  
 19379 ~~program shall be designed to enable an individual who receives~~  
 19380 ~~an electronic benefit transfer card under subsection (1) to use~~  
 19381 ~~that card for purposes of benefits provided under the workforce~~  
 19382 ~~development system as well. The Department of Children and~~  
 19383 ~~Family Services shall assist Workforce Florida, Inc., in~~  
 19384 ~~developing an electronic benefit transfer program for the~~  
 19385 ~~workforce development system that is fully compatible with the~~  
 19386 ~~department's electronic benefit transfer program. The agency~~  
 19387 ~~shall reimburse the department for all costs incurred in~~  
 19388 ~~providing such assistance and shall pay all costs for the~~  
 19389 ~~development of the workforce electronic benefit transfer~~  
 19390 ~~program.~~

19391           Section 452. Paragraph (d) of subsection (2), subsection  
 19392 (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5),  
 19393 paragraph (e) of subsection (7), subsection (8), and paragraphs  
 19394 (b), (c), (d), and (e) of subsection (9) of section 411.01,  
 19395 Florida Statutes, are amended to read:

19396           411.01 School readiness programs; early learning  
 19397 coalitions.-

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19398 (2) LEGISLATIVE INTENT.—

19399 (d) It is the intent of the Legislature that the  
 19400 administrative staff for school readiness programs be kept to  
 19401 the minimum necessary to administer the duties of the Department  
 19402 of Economic Opportunity Agency for Workforce Innovation and  
 19403 early learning coalitions. The Department of Economic  
 19404 Opportunity Agency for Workforce Innovation shall adopt system  
 19405 support services at the state level to build a comprehensive  
 19406 early learning system. Each early learning coalition shall  
 19407 implement and maintain direct enhancement services at the local  
 19408 level, as approved in its school readiness plan by the  
 19409 Department of Economic Opportunity Agency for Workforce  
 19410 Innovation, and ensure access to such services in all 67  
 19411 counties.

19412 (4) DEPARTMENT OF ECONOMIC OPPORTUNITY AGENCY FOR  
 19413 WORKFORCE INNOVATION.—

19414 (a) The Department of Economic Opportunity Agency for  
 19415 Workforce Innovation shall administer school readiness programs  
 19416 at the state level and shall coordinate with the early learning  
 19417 coalitions in providing school readiness services on a full-day,  
 19418 full-year, full-choice basis to the extent possible in order to  
 19419 enable parents to work and be financially self-sufficient.

19420 (b) The Department of Economic Opportunity Agency for  
 19421 Workforce Innovation shall:

19422 1. Coordinate the birth-to-kindergarten services for  
 19423 children who are eligible under subsection (6) and the  
 19424 programmatic, administrative, and fiscal standards under this  
 19425 section for all public providers of school readiness programs.

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19426           2. Focus on improving the educational quality of all  
 19427 program providers participating in publicly funded school  
 19428 readiness programs.

19429           (c) The Governor shall designate the Department of  
 19430 Economic Opportunity Agency ~~for Workforce Innovation~~ as the lead  
 19431 agency for administration of the federal Child Care and  
 19432 Development Fund, 45 C.F.R. parts 98 and 99, and the department  
 19433 ~~agency~~ shall comply with the lead agency responsibilities under  
 19434 federal law.

19435           (d) The Department of Economic Opportunity ~~Agency for~~  
 19436 ~~Workforce Innovation~~ shall:

19437           1. Be responsible for the prudent use of all public and  
 19438 private funds in accordance with all legal and contractual  
 19439 requirements.

19440           2. Provide final approval and every 2 years review early  
 19441 learning coalitions and school readiness plans.

19442           3. Establish a unified approach to the state's efforts  
 19443 toward enhancement of school readiness. In support of this  
 19444 effort, the Department of Economic Opportunity ~~Agency for~~  
 19445 ~~Workforce Innovation~~ shall adopt specific system support  
 19446 services that address the state's school readiness programs. An  
 19447 early learning coalition shall amend its school readiness plan  
 19448 to conform to the specific system support services adopted by  
 19449 the Department of Economic Opportunity ~~Agency for Workforce~~  
 19450 ~~Innovation~~. System support services shall include, but are not  
 19451 limited to:

- 19452           a. Child care resource and referral services;
- 19453           b. Warm-Line services;

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- 19454 c. Eligibility determinations;  
 19455 d. Child performance standards;  
 19456 e. Child screening and assessment;  
 19457 f. Developmentally appropriate curricula;  
 19458 g. Health and safety requirements;  
 19459 h. Statewide data system requirements; and  
 19460 i. Rating and improvement systems.
- 19461 4. Safeguard the effective use of federal, state, local,  
 19462 and private resources to achieve the highest possible level of  
 19463 school readiness for the children in this state.
- 19464 5. Adopt a rule establishing criteria for the expenditure  
 19465 of funds designated for the purpose of funding activities to  
 19466 improve the quality of child care within the state in accordance  
 19467 with s. 658G of the federal Child Care and Development Block  
 19468 Grant Act.
- 19469 6. Provide technical assistance to early learning  
 19470 coalitions in a manner determined by the Department of Economic  
 19471 Opportunity Agency for Workforce Innovation based upon  
 19472 information obtained by the department agency from various  
 19473 sources, including, but not limited to, public input, government  
 19474 reports, private interest group reports, department agency  
 19475 monitoring visits, and coalition requests for service.
- 19476 7. In cooperation with the Department of Education and  
 19477 early learning coalitions, coordinate with the Child Care  
 19478 Services Program Office of the Department of Children and Family  
 19479 Services to minimize duplicating interagency activities, health  
 19480 and safety monitoring, and acquiring and composing data  
 19481 pertaining to child care training and credentialing.



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19482           8. Develop and adopt performance standards and outcome  
 19483 measures for school readiness programs. The performance  
 19484 standards must address the age-appropriate progress of children  
 19485 in the development of school readiness skills. The performance  
 19486 standards for children from birth to 5 years of age in school  
 19487 readiness programs must be integrated with the performance  
 19488 standards adopted by the Department of Education for children in  
 19489 the Voluntary Prekindergarten Education Program under s.  
 19490 1002.67.

19491           9. Adopt a standard contract that must be used by the  
 19492 coalitions when contracting with school readiness providers.

19493           (e) The Department of Economic Opportunity ~~Agency for~~  
 19494 ~~Workforce Innovation~~ may adopt rules under ss. 120.536(1) and  
 19495 120.54 to administer the provisions of law conferring duties  
 19496 upon the department ~~agency~~, including, but not limited to, rules  
 19497 governing the administration of system support services of  
 19498 school readiness programs, the collection of data, the approval  
 19499 of early learning coalitions and school readiness plans, the  
 19500 provision of a method whereby an early learning coalition may  
 19501 serve two or more counties, the award of incentives to early  
 19502 learning coalitions, child performance standards, child outcome  
 19503 measures, the issuance of waivers, and the implementation of the  
 19504 state's Child Care and Development Fund Plan as approved by the  
 19505 federal Administration for Children and Families.

19506           (f) The Department of Economic Opportunity ~~Agency for~~  
 19507 ~~Workforce Innovation~~ shall have all powers necessary to  
 19508 administer this section, including, but not limited to, the  
 19509 power to receive and accept grants, loans, or advances of funds

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19510 from any public or private agency and to receive and accept from  
 19511 any source contributions of money, property, labor, or any other  
 19512 thing of value, to be held, used, and applied for purposes of  
 19513 this section.

19514 (g) Except as provided by law, the Department of Economic  
 19515 Opportunity Agency for Workforce Innovation may not impose  
 19516 requirements on a child care or early childhood education  
 19517 provider that does not deliver services under the school  
 19518 readiness programs or receive state or federal funds under this  
 19519 section.

19520 (h) The Department of Economic Opportunity Agency for  
 19521 Workforce Innovation shall have a budget for school readiness  
 19522 programs, which shall be financed through an annual  
 19523 appropriation made for purposes of this section in the General  
 19524 Appropriations Act.

19525 (i) The Department of Economic Opportunity Agency for  
 19526 Workforce Innovation shall coordinate the efforts toward school  
 19527 readiness in this state and provide independent policy analyses,  
 19528 data analyses, and recommendations to the Governor, the State  
 19529 Board of Education, and the Legislature.

19530 (j) The Department of Economic Opportunity Agency for  
 19531 Workforce Innovation shall require that school readiness  
 19532 programs, at a minimum, enhance the age-appropriate progress of  
 19533 each child in attaining the performance standards adopted under  
 19534 subparagraph (d)8. and in the development of the following  
 19535 school readiness skills:

- 19536 1. Compliance with rules, limitations, and routines.
- 19537 2. Ability to perform tasks.

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- 19538 | 3. Interactions with adults.
- 19539 | 4. Interactions with peers.
- 19540 | 5. Ability to cope with challenges.
- 19541 | 6. Self-help skills.
- 19542 | 7. Ability to express the child's needs.
- 19543 | 8. Verbal communication skills.
- 19544 | 9. Problem-solving skills.
- 19545 | 10. Following of verbal directions.
- 19546 | 11. Demonstration of curiosity, persistence, and
- 19547 | exploratory behavior.
- 19548 | 12. Interest in books and other printed materials.
- 19549 | 13. Paying attention to stories.
- 19550 | 14. Participation in art and music activities.
- 19551 | 15. Ability to identify colors, geometric shapes, letters
- 19552 | of the alphabet, numbers, and spatial and temporal
- 19553 | relationships.
- 19554 |
- 19555 | Within 30 days after enrollment in the school readiness program,
- 19556 | the early learning coalition must ensure that the program
- 19557 | provider obtains information regarding the child's
- 19558 | immunizations, physical development, and other health
- 19559 | requirements as necessary, including appropriate vision and
- 19560 | hearing screening and examinations. For a program provider
- 19561 | licensed by the Department of Children and Family Services, the
- 19562 | provider's compliance with s. 402.305(9), as verified pursuant
- 19563 | to s. 402.311, shall satisfy this requirement.
- 19564 | (k) The Department of Economic Opportunity ~~Agency for~~
- 19565 | ~~Workforce Innovation~~ shall conduct studies and planning

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19566 activities related to the overall improvement and effectiveness  
 19567 of the outcome measures adopted by the department ~~agency~~ for  
 19568 school readiness programs and the specific system support  
 19569 services to address the state's school readiness programs  
 19570 adopted by the Department of Economic Opportunity ~~Agency for~~  
 19571 ~~Workforce Innovation~~ in accordance with subparagraph (d)3.

19572 (l) The Department of Economic Opportunity ~~Agency for~~  
 19573 ~~Workforce Innovation~~ shall monitor and evaluate the performance  
 19574 of each early learning coalition in administering the school  
 19575 readiness program, implementing the coalition's school readiness  
 19576 plan, and administering the Voluntary Prekindergarten Education  
 19577 Program. These monitoring and performance evaluations must  
 19578 include, at a minimum, onsite monitoring of each coalition's  
 19579 finances, management, operations, and programs.

19580 (m) The Department of Economic Opportunity ~~Agency for~~  
 19581 ~~Workforce Innovation~~ shall submit an annual report of its  
 19582 activities conducted under this section to the Governor, the  
 19583 President of the Senate, the Speaker of the House of  
 19584 Representatives, and the minority leaders of both houses of the  
 19585 Legislature. In addition, the Department of Economic  
 19586 Opportunity's ~~Agency for Workforce Innovation's~~ reports and  
 19587 recommendations shall be made available to the Florida Early  
 19588 Learning Advisory Council and other appropriate state agencies  
 19589 and entities. The annual report must provide an analysis of  
 19590 school readiness activities across the state, including the  
 19591 number of children who were served in the programs.

19592 (n) The Department of Economic Opportunity ~~Agency for~~  
 19593 ~~Workforce Innovation~~ shall work with the early learning

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19594 coalitions to ensure availability of training and support for  
 19595 parental involvement in children's early education and to  
 19596 provide family literacy activities and services.

19597 (5) CREATION OF EARLY LEARNING COALITIONS.—

19598 (a) Early learning coalitions.—

19599 1. Each early learning coalition shall maintain direct  
 19600 enhancement services at the local level and ensure access to  
 19601 such services in all 67 counties.

19602 2. The Department of Economic Opportunity ~~Agency for~~  
 19603 ~~Workforce Innovation~~ shall establish the minimum number of  
 19604 children to be served by each early learning coalition through  
 19605 the coalition's school readiness program. The Department of  
 19606 Economic Opportunity ~~Agency for Workforce Innovation~~ may only  
 19607 approve school readiness plans in accordance with this minimum  
 19608 number. The minimum number must be uniform for every early  
 19609 learning coalition and must:

19610 a. Permit 31 or fewer coalitions to be established; and

19611 b. Require each coalition to serve at least 2,000 children  
 19612 based upon the average number of all children served per month  
 19613 through the coalition's school readiness program during the  
 19614 previous 12 months.

19615 3. If an early learning coalition would serve fewer  
 19616 children than the minimum number established under subparagraph  
 19617 2., the coalition must merge with another county to form a  
 19618 multicounty coalition. The Department of Economic Opportunity  
 19619 ~~Agency for Workforce Innovation~~ shall adopt procedures for  
 19620 merging early learning coalitions, including procedures for the  
 19621 consolidation of merging coalitions, and for the early

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19622 termination of the terms of coalition members which are  
 19623 necessary to accomplish the mergers. However, the Department of  
 19624 Economic Opportunity Agency ~~for Workforce Innovation~~ shall grant  
 19625 a waiver to an early learning coalition to serve fewer children  
 19626 than the minimum number established under subparagraph 2., if:

19627 a. The Department of Economic Opportunity Agency ~~for~~  
 19628 ~~Workforce Innovation~~ has determined during the most recent  
 19629 review of the coalition's school readiness plan, or through  
 19630 monitoring and performance evaluations conducted under paragraph  
 19631 (4)(1), that the coalition has substantially implemented its  
 19632 plan;

19633 b. The coalition demonstrates to the Department of  
 19634 Economic Opportunity Agency ~~for Workforce Innovation~~ the  
 19635 coalition's ability to effectively and efficiently implement the  
 19636 Voluntary Prekindergarten Education Program; and

19637 c. The coalition demonstrates to the Department of  
 19638 Economic Opportunity Agency ~~for Workforce Innovation~~ that the  
 19639 coalition can perform its duties in accordance with law.

19640  
 19641 If an early learning coalition fails or refuses to merge as  
 19642 required by this subparagraph, the Department of Economic  
 19643 Opportunity Agency ~~for Workforce Innovation~~ may dissolve the  
 19644 coalition and temporarily contract with a qualified entity to  
 19645 continue school readiness and prekindergarten services in the  
 19646 coalition's county or multicounty region until the department  
 19647 ~~agency~~ reestablishes the coalition and a new school readiness  
 19648 plan is approved by the department ~~agency~~.

19649 4. Each early learning coalition shall be composed of at

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19650 | least 15 members but not more than 30 members. The Department of  
 19651 | Economic Opportunity ~~Agency for Workforce Innovation~~ shall adopt  
 19652 | standards establishing within this range the minimum and maximum  
 19653 | number of members that may be appointed to an early learning  
 19654 | coalition and procedures for identifying which members have  
 19655 | voting privileges under subparagraph 6. These standards must  
 19656 | include variations for a coalition serving a multicounty region.  
 19657 | Each early learning coalition must comply with these standards.

19658 |         5. The Governor shall appoint the chair and two other  
 19659 | members of each early learning coalition, who must each meet the  
 19660 | same qualifications as private sector business members appointed  
 19661 | by the coalition under subparagraph 7.

19662 |         6. Each early learning coalition must include the  
 19663 | following member positions; however, in a multicounty coalition,  
 19664 | each ex officio member position may be filled by multiple  
 19665 | nonvoting members but no more than one voting member shall be  
 19666 | seated per member position. If an early learning coalition has  
 19667 | more than one member representing the same entity, only one of  
 19668 | such members may serve as a voting member:

19669 |             a. A Department of Children and Family Services circuit  
 19670 | administrator or his or her designee who is authorized to make  
 19671 | decisions on behalf of the department.

19672 |             b. A district superintendent of schools or his or her  
 19673 | designee who is authorized to make decisions on behalf of the  
 19674 | district.

19675 |             c. A regional workforce board executive director or his or  
 19676 | her designee.

19677 |             d. A county health department director or his or her

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19678 | designee.

19679 |       e. A children's services council or juvenile welfare board

19680 | chair or executive director, if applicable.

19681 |       f. An agency head of a local licensing agency as defined

19682 | in s. 402.302, where applicable.

19683 |       g. A president of a community college or his or her

19684 | designee.

19685 |       h. One member appointed by a board of county commissioners

19686 | or the governing board of a municipality.

19687 |       i. A central agency administrator, where applicable.

19688 |       j. A Head Start director.

19689 |       k. A representative of private for-profit child care

19690 | providers, including private for-profit family day care homes.

19691 |       l. A representative of faith-based child care providers.

19692 |       m. A representative of programs for children with

19693 | disabilities under the federal Individuals with Disabilities

19694 | Education Act.

19695 |       7. Including the members appointed by the Governor under

19696 | subparagraph 5., more than one-third of the members of each

19697 | early learning coalition must be private sector business members

19698 | who do not have, and none of whose relatives as defined in s.

19699 | 112.3143 has, a substantial financial interest in the design or

19700 | delivery of the Voluntary Prekindergarten Education Program

19701 | created under part V of chapter 1002 or the coalition's school

19702 | readiness program. To meet this requirement an early learning

19703 | coalition must appoint additional members. The Department of

19704 | Economic Opportunity ~~Agency for Workforce Innovation~~ shall

19705 | establish criteria for appointing private sector business



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19706 members. These criteria must include standards for determining  
 19707 whether a member or relative has a substantial financial  
 19708 interest in the design or delivery of the Voluntary  
 19709 Prekindergarten Education Program or the coalition's school  
 19710 readiness program.

19711 8. A majority of the voting membership of an early  
 19712 learning coalition constitutes a quorum required to conduct the  
 19713 business of the coalition. An early learning coalition board may  
 19714 use any method of telecommunications to conduct meetings,  
 19715 including establishing a quorum through telecommunications,  
 19716 provided that the public is given proper notice of a  
 19717 telecommunications meeting and reasonable access to observe and,  
 19718 when appropriate, participate.

19719 9. A voting member of an early learning coalition may not  
 19720 appoint a designee to act in his or her place, except as  
 19721 otherwise provided in this paragraph. A voting member may send a  
 19722 representative to coalition meetings, but that representative  
 19723 does not have voting privileges. When a district administrator  
 19724 for the Department of Children and Family Services appoints a  
 19725 designee to an early learning coalition, the designee is the  
 19726 voting member of the coalition, and any individual attending in  
 19727 the designee's place, including the district administrator, does  
 19728 not have voting privileges.

19729 10. Each member of an early learning coalition is subject  
 19730 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
 19731 112.3143(3)(a), each voting member is a local public officer who  
 19732 must abstain from voting when a voting conflict exists.

19733 11. For purposes of tort liability, each member or

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19734 | employee of an early learning coalition shall be governed by s.  
 19735 | 768.28.

19736 |         12. An early learning coalition serving a multicounty  
 19737 | region must include representation from each county.

19738 |         13. Each early learning coalition shall establish terms  
 19739 | for all appointed members of the coalition. The terms must be  
 19740 | staggered and must be a uniform length that does not exceed 4  
 19741 | years per term. Coalition chairs shall be appointed for 4 years  
 19742 | in conjunction with their membership on the Early Learning  
 19743 | Advisory Council under s. 20.052. Appointed members may serve a  
 19744 | maximum of two consecutive terms. When a vacancy occurs in an  
 19745 | appointed position, the coalition must advertise the vacancy.

19746 |         (c) Program expectations.—

19747 |             1. The school readiness program must meet the following  
 19748 | expectations:

19749 |                 a. The program must, at a minimum, enhance the age-  
 19750 | appropriate progress of each child in attaining the performance  
 19751 | standards and outcome measures adopted by the Department of  
 19752 | Economic Opportunity Agency for Workforce Innovation.

19753 |                 b. The program must provide extended-day and extended-year  
 19754 | services to the maximum extent possible without compromising the  
 19755 | quality of the program to meet the needs of parents who work.

19756 |                 c. The program must provide a coordinated professional  
 19757 | development system that supports the achievement and maintenance  
 19758 | of core competencies by school readiness instructors in helping  
 19759 | children attain the performance standards and outcome measures  
 19760 | adopted by the Department of Economic Opportunity Agency for  
 19761 | Workforce Innovation.

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19762 d. There must be expanded access to community services and  
 19763 resources for families to help achieve economic self-  
 19764 sufficiency.

19765 e. There must be a single point of entry and unified  
 19766 waiting list. As used in this sub-subparagraph, the term "single  
 19767 point of entry" means an integrated information system that  
 19768 allows a parent to enroll his or her child in the school  
 19769 readiness program at various locations throughout a county, that  
 19770 may allow a parent to enroll his or her child by telephone or  
 19771 through an Internet website, and that uses a unified waiting  
 19772 list to track eligible children waiting for enrollment in the  
 19773 school readiness program. The Department of Economic Opportunity  
 19774 ~~Agency for Workforce Innovation~~ shall establish through  
 19775 technology a single statewide information system that each  
 19776 coalition must use for the purposes of managing the single point  
 19777 of entry, tracking children's progress, coordinating services  
 19778 among stakeholders, determining eligibility, tracking child  
 19779 attendance, and streamlining administrative processes for  
 19780 providers and early learning coalitions.

19781 f. The Department of Economic Opportunity ~~Agency for~~  
 19782 ~~Workforce Innovation~~ must consider the access of eligible  
 19783 children to the school readiness program, as demonstrated in  
 19784 part by waiting lists, before approving a proposed increase in  
 19785 payment rates submitted by an early learning coalition. In  
 19786 addition, early learning coalitions shall use school readiness  
 19787 funds made available due to enrollment shifts from school  
 19788 readiness programs to the Voluntary Prekindergarten Education  
 19789 Program for increasing the number of children served in school

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19790 | readiness programs before increasing payment rates.

19791 |       g. The program must meet all state licensing guidelines,  
19792 | where applicable.

19793 |       h. The program must ensure that minimum standards for  
19794 | child discipline practices are age-appropriate. Such standards  
19795 | must provide that children not be subjected to discipline that  
19796 | is severe, humiliating, or frightening or discipline that is  
19797 | associated with food, rest, or toileting. Spanking or any other  
19798 | form of physical punishment is prohibited.

19799 |       2. Each early learning coalition must implement a  
19800 | comprehensive program of school readiness services in accordance  
19801 | with the rules adopted by the department ~~agency~~ which enhance  
19802 | the cognitive, social, and physical development of children to  
19803 | achieve the performance standards and outcome measures. At a  
19804 | minimum, these programs must contain the following system  
19805 | support service elements:

19806 |       a. Developmentally appropriate curriculum designed to  
19807 | enhance the age-appropriate progress of children in attaining  
19808 | the performance standards adopted by the Department of Economic  
19809 | Opportunity ~~Agency for Workforce Innovation~~ under subparagraph  
19810 | (4) (d) 8.

19811 |       b. A character development program to develop basic  
19812 | values.

19813 |       c. An age-appropriate screening of each child's  
19814 | development.

19815 |       d. An age-appropriate assessment administered to children  
19816 | when they enter a program and an age-appropriate assessment  
19817 | administered to children when they leave the program.

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19818 e. An appropriate staff-to-children ratio, pursuant to s.  
 19819 402.305(4) or s. 402.302(7) or (8), as applicable, and as  
 19820 verified pursuant to s. 402.311.

19821 f. A healthy and safe environment pursuant to s.  
 19822 401.305(5), (6), and (7), as applicable, and as verified  
 19823 pursuant to s. 402.311.

19824 g. A resource and referral network established under s.  
 19825 411.0101 to assist parents in making an informed choice and a  
 19826 regional Warm-Line under s. 411.01015.

19827  
 19828 The Department of Economic Opportunity ~~Agency for Workforce~~  
 19829 ~~Innovation~~, the Department of Education, and early learning  
 19830 coalitions shall coordinate with the Child Care Services Program  
 19831 Office of the Department of Children and Family Services to  
 19832 minimize duplicating interagency activities pertaining to  
 19833 acquiring and composing data for child care training and  
 19834 credentialing.

19835 (d) Implementation.—

19836 1. An early learning coalition may not implement the  
 19837 school readiness program until the coalition's school readiness  
 19838 plan is approved by the Department of Economic Opportunity  
 19839 ~~Agency for Workforce Innovation~~.

19840 2. Each early learning coalition shall coordinate with one  
 19841 another to implement a comprehensive program of school readiness  
 19842 services which enhances the cognitive, social, physical, and  
 19843 moral character of the children to achieve the performance  
 19844 standards and outcome measures and which helps families achieve  
 19845 economic self-sufficiency. Such program must contain, at a

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19846 | minimum, the following elements:

19847 |       a. Implement the school readiness program to meet the  
 19848 | requirements of this section and the system support services,  
 19849 | performance standards, and outcome measures adopted by the  
 19850 | Department of Economic Opportunity Agency for Workforce  
 19851 | Innovation.

19852 |       b. Demonstrate how the program will ensure that each  
 19853 | child from birth through 5 years of age in a publicly funded  
 19854 | school readiness program receives scheduled activities and  
 19855 | instruction designed to enhance the age-appropriate progress of  
 19856 | the children in attaining the performance standards adopted by  
 19857 | the department ~~agency~~ under subparagraph (4)(d)8.

19858 |       c. Ensure that the coalition has solicited and considered  
 19859 | comments regarding the proposed school readiness plan from the  
 19860 | local community.

19861 |  
 19862 | Before implementing the school readiness program, the early  
 19863 | learning coalition must submit the plan to the department ~~agency~~  
 19864 | for approval. The department ~~agency~~ may approve the plan, reject  
 19865 | the plan, or approve the plan with conditions. The department  
 19866 | ~~agency~~ shall review school readiness plans at least every 2  
 19867 | years.

19868 |       3. If the Department of Economic Opportunity Agency for  
 19869 | Workforce Innovation determines during the review of school  
 19870 | readiness plans, or through monitoring and performance  
 19871 | evaluations conducted under paragraph (4)(1), that an early  
 19872 | learning coalition has not substantially implemented its plan,  
 19873 | has not substantially met the performance standards and outcome

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19874 | measures adopted by the department ~~agency~~, or has not  
 19875 | effectively administered the school readiness program or  
 19876 | Voluntary Prekindergarten Education Program, the department  
 19877 | ~~agency~~ may dissolve the coalition and temporarily contract with  
 19878 | a qualified entity to continue school readiness and  
 19879 | prekindergarten services in the coalition's county or  
 19880 | multicounty region until the department ~~agency~~ reestablishes the  
 19881 | coalition and a new school readiness plan is approved in  
 19882 | accordance with the rules adopted by the department ~~agency~~.

19883 |       4. The Department of Economic Opportunity ~~Agency for~~  
 19884 | ~~Workforce Innovation~~ shall adopt rules establishing criteria for  
 19885 | the approval of school readiness plans. The criteria must be  
 19886 | consistent with the system support services, performance  
 19887 | standards, and outcome measures adopted by the department ~~agency~~  
 19888 | and must require each approved plan to include the following  
 19889 | minimum standards for the school readiness program:

19890 |       a. A community plan that addresses the needs of all  
 19891 | children and providers within the coalition's county or  
 19892 | multicounty region.

19893 |       b. A sliding fee scale establishing a copayment for  
 19894 | parents based upon their ability to pay, which is the same for  
 19895 | all program providers.

19896 |       c. A choice of settings and locations in licensed,  
 19897 | registered, religious-exempt, or school-based programs to be  
 19898 | provided to parents.

19899 |       d. Specific eligibility priorities for children in  
 19900 | accordance with subsection (6).

19901 |       e. Performance standards and outcome measures adopted by

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19902 | the department ~~agency~~.

19903 |       f. Payment rates adopted by the early learning coalitions  
 19904 | and approved by the department ~~agency~~. Payment rates may not  
 19905 | have the effect of limiting parental choice or creating  
 19906 | standards or levels of services that have not been expressly  
 19907 | established by the Legislature, unless the creation of such  
 19908 | standards or levels of service, which must be uniform throughout  
 19909 | the state, has been approved by the Federal Government and  
 19910 | result in the state being eligible to receive additional federal  
 19911 | funds available for early learning on a statewide basis.

19912 |       g. Direct enhancement services for families and children.  
 19913 | System support and direct enhancement services shall be in  
 19914 | addition to payments for the placement of children in school  
 19915 | readiness programs. Direct enhancement services for families may  
 19916 | include parent training and involvement activities and  
 19917 | strategies to meet the needs of unique populations and local  
 19918 | eligibility priorities. Enhancement services for children may  
 19919 | include provider supports and professional development approved  
 19920 | in the plan by the Department of Economic Opportunity ~~Agency for~~  
 19921 | ~~Workforce Innovation~~.

19922 |       h. The business organization of the early learning  
 19923 | coalition, which must include the coalition's articles of  
 19924 | incorporation and bylaws if the coalition is organized as a  
 19925 | corporation. If the coalition is not organized as a corporation  
 19926 | or other business entity, the plan must include the contract  
 19927 | with a fiscal agent. An early learning coalition may contract  
 19928 | with other coalitions to achieve efficiency in multicounty  
 19929 | services, and these contracts may be part of the coalition's



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19930 school readiness plan.

19931 i. The implementation of locally developed quality  
 19932 programs in accordance with the requirements adopted by the  
 19933 department ~~agency~~ under subparagraph (4) (d)5.

19934  
 19935 The Department of Economic Opportunity ~~Agency for Workforce~~  
 19936 ~~Innovation~~ may request the Governor to apply for a waiver to  
 19937 allow the coalition to administer the Head Start Program to  
 19938 accomplish the purposes of the school readiness program.

19939 5. Persons with an early childhood teaching certificate  
 19940 may provide support and supervision to other staff in the school  
 19941 readiness program.

19942 6. An early learning coalition may not implement its  
 19943 school readiness plan until it submits the plan to and receives  
 19944 approval from the Department of Economic Opportunity ~~Agency for~~  
 19945 ~~Workforce Innovation~~. Once the plan is approved, the plan and  
 19946 the services provided under the plan shall be controlled by the  
 19947 early learning coalition. The plan shall be reviewed and revised  
 19948 as necessary, but at least biennially. An early learning  
 19949 coalition may not implement the revisions until the coalition  
 19950 submits the revised plan to and receives approval from the  
 19951 department ~~agency~~. If the department ~~agency~~ rejects a revised  
 19952 plan, the coalition must continue to operate under its prior  
 19953 approved plan.

19954 7. Section 125.901(2)(a)3. does not apply to school  
 19955 readiness programs. The Department of Economic Opportunity  
 19956 ~~Agency for Workforce Innovation~~ may apply to the Governor and  
 19957 Cabinet for a waiver of, and the Governor and Cabinet may waive,

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19958 any of the provisions of ss. 411.223 and 1003.54, if the waiver  
 19959 is necessary for implementation of school readiness programs.

19960 8. Two or more early learning coalitions may join for  
 19961 purposes of planning and implementing a school readiness  
 19962 program.

19963 (e) Requests for proposals; payment schedule.—

19964 1. Each early learning coalition must comply with the  
 19965 procurement and expenditure procedures adopted by the Department  
 19966 of Economic Opportunity ~~Agency for Workforce Innovation~~,  
 19967 including, but not limited to, applying the procurement and  
 19968 expenditure procedures required by federal law for the  
 19969 expenditure of federal funds.

19970 2. Each early learning coalition shall adopt a payment  
 19971 schedule that encompasses all programs funded under this  
 19972 section. The payment schedule must take into consideration the  
 19973 prevailing market rate, must include the projected number of  
 19974 children to be served, and must be submitted for approval by the  
 19975 Department of Economic Opportunity ~~Agency for Workforce~~  
 19976 ~~Innovation~~. Informal child care arrangements shall be reimbursed  
 19977 at not more than 50 percent of the rate adopted for a family day  
 19978 care home.

19979 (f) Evaluation and annual report.—Each early learning  
 19980 coalition shall conduct an evaluation of its implementation of  
 19981 the school readiness program, including system support services,  
 19982 performance standards, and outcome measures, and shall provide  
 19983 an annual report and fiscal statement to the Department of  
 19984 Economic Opportunity ~~Agency for Workforce Innovation~~. This  
 19985 report must also include an evaluation of the effectiveness of

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19986 | its direct enhancement services and conform to the content and  
 19987 | format specifications adopted by the Department of Economic  
 19988 | Opportunity Agency for Workforce Innovation. The Department of  
 19989 | Economic Opportunity Agency for Workforce Innovation must  
 19990 | include an analysis of the early learning coalitions' reports in  
 19991 | the department's agency's annual report.

19992 | (7) PARENTAL CHOICE.—

19993 | (e) The office of the Chief Financial Officer shall  
 19994 | establish an electronic transfer system for the disbursement of  
 19995 | funds in accordance with this subsection. Each early learning  
 19996 | coalition shall fully implement the electronic funds transfer  
 19997 | system within 2 years after approval of the coalition's school  
 19998 | readiness plan, unless a waiver is obtained from the Department  
 19999 | of Economic Opportunity Agency for Workforce Innovation.

20000 | (8) STANDARDS; OUTCOME MEASURES.—A program provider  
 20001 | participating in the school readiness program must meet the  
 20002 | performance standards and outcome measures adopted by the  
 20003 | Department of Economic Opportunity Agency for Workforce  
 20004 | Innovation.

20005 | (9) FUNDING; SCHOOL READINESS PROGRAM.—

20006 | (b)1. The Department of Economic Opportunity Agency for  
 20007 | Workforce Innovation shall administer school readiness funds,  
 20008 | plans, and policies and shall prepare and submit a unified  
 20009 | budget request for the school readiness system in accordance  
 20010 | with chapter 216.

20011 | 2. All instructions to early learning coalitions for  
 20012 | administering this section shall emanate from the Department of  
 20013 | Economic Opportunity Agency for Workforce Innovation in

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20014 accordance with the policies of the Legislature.

20015 (c) The Department of Economic Opportunity ~~Agency for~~  
 20016 ~~Workforce Innovation~~, subject to legislative notice and review  
 20017 under s. 216.177, shall establish a formula for the allocation  
 20018 of all state and federal school readiness funds provided for  
 20019 children participating in the school readiness program, whether  
 20020 served by a public or private provider, based upon equity for  
 20021 each county. The allocation formula must be submitted to the  
 20022 Governor, the chair of the Senate Ways and Means Committee or  
 20023 its successor, and the chair of the House of Representatives  
 20024 Fiscal Council or its successor no later than January 1 of each  
 20025 year. If the Legislature specifies changes to the allocation  
 20026 formula, the Department of Economic Opportunity ~~Agency for~~  
 20027 ~~Workforce Innovation~~ shall allocate funds as specified in the  
 20028 General Appropriations Act.

20029 (d) All state, federal, and required local maintenance-of-  
 20030 effort or matching funds provided to an early learning coalition  
 20031 for purposes of this section shall be used for implementation of  
 20032 its approved school readiness plan, including the hiring of  
 20033 staff to effectively operate the coalition's school readiness  
 20034 program. As part of plan approval and periodic plan review, the  
 20035 Department of Economic Opportunity ~~Agency for Workforce~~  
 20036 ~~Innovation~~ shall require that administrative costs be kept to  
 20037 the minimum necessary for efficient and effective administration  
 20038 of the school readiness plan, but total administrative  
 20039 expenditures must not exceed 5 percent unless specifically  
 20040 waived by the Department of Economic Opportunity ~~Agency for~~  
 20041 ~~Workforce Innovation~~. The Department of Economic Opportunity

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20042 ~~Agency for Workforce Innovation~~ shall annually report to the  
 20043 Legislature any problems relating to administrative costs.

20044 (e) The Department of Economic Opportunity ~~Agency for~~  
 20045 ~~Workforce Innovation~~ shall annually distribute, to a maximum  
 20046 extent practicable, all eligible funds provided under this  
 20047 section as block grants to the early learning coalitions in  
 20048 accordance with the terms and conditions specified by the  
 20049 department ~~agency~~.

20050 Section 453. Subsections (1) and (2), paragraph (a) of  
 20051 subsection (3), and subsection (4) of section 411.0101, Florida  
 20052 Statutes, are amended to read:

20053 411.0101 Child care and early childhood resource and  
 20054 referral.—

20055 (1) As a part of the school readiness programs, the  
 20056 Department of Economic Opportunity ~~Agency for Workforce~~  
 20057 ~~Innovation~~ shall establish a statewide child care resource and  
 20058 referral network that is unbiased and provides referrals to  
 20059 families for child care. Preference shall be given to using the  
 20060 already established early learning coalitions as the child care  
 20061 resource and referral agencies. If an early learning coalition  
 20062 cannot comply with the requirements to offer the resource  
 20063 information component or does not want to offer that service,  
 20064 the early learning coalition shall select the resource and  
 20065 referral agency for its county or multicounty region based upon  
 20066 a request for proposal pursuant to s. 411.01(5)(e)1.

20067 (2) At least one child care resource and referral agency  
 20068 must be established in each early learning coalition's county or  
 20069 multicounty region. The Department of Economic Opportunity

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20070 ~~Agency for Workforce Innovation~~ shall adopt rules regarding  
 20071 accessibility of child care resource and referral services  
 20072 offered through child care resource and referral agencies in  
 20073 each county or multicounty region which include, at a minimum,  
 20074 required hours of operation, methods by which parents may  
 20075 request services, and child care resource and referral staff  
 20076 training requirements.

20077 (3) Child care resource and referral agencies shall  
 20078 provide the following services:

20079 (a) Identification of existing public and private child  
 20080 care and early childhood education services, including child  
 20081 care services by public and private employers, and the  
 20082 development of a resource file of those services through the  
 20083 single statewide information system developed by the Department  
 20084 of Economic Opportunity ~~Agency for Workforce Innovation~~ under s.  
 20085 411.01(5)(c)1.e. These services may include family day care,  
 20086 public and private child care programs, the Voluntary  
 20087 Prekindergarten Education Program, Head Start, the school  
 20088 readiness program, special education programs for  
 20089 prekindergarten children with disabilities, services for  
 20090 children with developmental disabilities, full-time and part-  
 20091 time programs, before-school and after-school programs, vacation  
 20092 care programs, parent education, the Temporary Cash Assistance  
 20093 Program, and related family support services. The resource file  
 20094 shall include, but not be limited to:

- 20095 1. Type of program.
- 20096 2. Hours of service.
- 20097 3. Ages of children served.

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20098 | 4. Number of children served.

20099 | 5. Significant program information.

20100 | 6. Fees and eligibility for services.

20101 | 7. Availability of transportation.

20102 | (4) The Department of Economic Opportunity Agency ~~for~~

20103 | ~~Workforce Innovation~~ shall adopt any rules necessary for the

20104 | implementation and administration of this section.

20105 | Section 454. Subsections (2), (6), and (7) of section

20106 | 411.01013, Florida Statutes, are amended to read:

20107 | 411.01013 Prevailing market rate schedule.—

20108 | (2) The Department of Economic Opportunity Agency ~~for~~

20109 | ~~Workforce Innovation~~ shall establish procedures for the adoption

20110 | of a prevailing market rate schedule. The schedule must include,

20111 | at a minimum, county-by-county rates:

20112 | (a) At the prevailing market rate, plus the maximum rate,

20113 | for child care providers that hold a Gold Seal Quality Care

20114 | designation under s. 402.281.

20115 | (b) At the prevailing market rate for child care providers

20116 | that do not hold a Gold Seal Quality Care designation.

20117 | (6) The Department of Economic Opportunity Agency ~~for~~

20118 | ~~Workforce Innovation~~ may contract with one or more qualified

20119 | entities to administer this section and provide support and

20120 | technical assistance for child care providers.

20121 | (7) The Department of Economic Opportunity Agency ~~for~~

20122 | ~~Workforce Innovation~~ may adopt rules pursuant to ss. 120.536(1)

20123 | and 120.54 for establishing procedures for the collection of

20124 | child care providers' market rate, the calculation of a

20125 | reasonable frequency distribution of the market rate, and the

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20126 publication of a prevailing market rate schedule.

20127 Section 455. Subsection (1) of section 411.01014, Florida  
20128 Statutes, is amended to read:

20129 411.01014 School readiness transportation services.—

20130 (1) The Department of Economic Opportunity Agency ~~for~~  
20131 ~~Workforce Innovation~~, pursuant to chapter 427, may authorize an  
20132 early learning coalition to establish school readiness  
20133 transportation services for children at risk of abuse or neglect  
20134 participating in the school readiness program. The early  
20135 learning coalitions may contract for the provision of  
20136 transportation services as required by this section.

20137 Section 456. Subsections (1), (3), and (4) of section  
20138 411.01015, Florida Statutes, are amended to read:

20139 411.01015 Consultation to child care centers and family  
20140 day care homes regarding health, developmental, disability, and  
20141 special needs issues.—

20142 (1) Contingent upon specific appropriations, the  
20143 Department of Economic Opportunity Agency ~~for Workforce~~  
20144 ~~Innovation~~ shall administer a statewide toll-free Warm-Line for  
20145 the purpose of providing assistance and consultation to child  
20146 care centers and family day care homes regarding health,  
20147 developmental, disability, and special needs issues of the  
20148 children they are serving, particularly children with  
20149 disabilities and other special needs.

20150 (3) The Department of Economic Opportunity Agency ~~for~~  
20151 ~~Workforce Innovation~~ shall annually inform child care centers  
20152 and family day care homes of the availability of this service  
20153 through the child care resource and referral network under s.



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20154 411.0101.

20155 (4) Contingent upon specific appropriations, the  
 20156 Department of Economic Opportunity ~~Agency for Workforce~~  
 20157 ~~Innovation~~ shall expand, or contract for the expansion of, the  
 20158 Warm-Line to maintain at least one Warm-Line site in each early  
 20159 learning coalition service area.

20160 Section 457. Paragraphs (4), (5), and (6) of section  
 20161 411.0102, Florida Statutes, are amended to read:

20162 411.0102 Child Care Executive Partnership Act; findings  
 20163 and intent; grant; limitation; rules.—

20164 (4) The Child Care Executive Partnership, staffed by the  
 20165 Department of Economic Opportunity ~~Agency for Workforce~~  
 20166 ~~Innovation~~, shall consist of a representative of the Executive  
 20167 Office of the Governor and nine members of the corporate or  
 20168 child care community, appointed by the Governor.

20169 (a) Members shall serve for a period of 4 years, except  
 20170 that the representative of the Executive Office of the Governor  
 20171 shall serve at the pleasure of the Governor.

20172 (b) The Child Care Executive Partnership shall be chaired  
 20173 by a member chosen by a majority vote and shall meet at least  
 20174 quarterly and at other times upon the call of the chair. The  
 20175 Child Care Executive Partnership may use any method of  
 20176 telecommunications to conduct meetings, including establishing a  
 20177 quorum through telecommunications, only if the public is given  
 20178 proper notice of a telecommunications meeting and reasonable  
 20179 access to observe and, when appropriate, participate.

20180 (c) Members shall serve without compensation, but may be  
 20181 reimbursed for per diem and travel expenses in accordance with

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20182 s. 112.061.

20183 (d) The Child Care Executive Partnership shall have all  
 20184 the powers and authority, not explicitly prohibited by statute,  
 20185 necessary to carry out and effectuate the purposes of this  
 20186 section, as well as the functions, duties, and responsibilities  
 20187 of the partnership, including, but not limited to, the  
 20188 following:

20189 1. Assisting in the formulation and coordination of the  
 20190 state's child care policy.

20191 2. Adopting an official seal.

20192 3. Soliciting, accepting, receiving, investing, and  
 20193 expending funds from public or private sources.

20194 4. Contracting with public or private entities as  
 20195 necessary.

20196 5. Approving an annual budget.

20197 6. Carrying forward any unexpended state appropriations  
 20198 into succeeding fiscal years.

20199 7. Providing a report to the Governor, the Speaker of the  
 20200 House of Representatives, and the President of the Senate, on or  
 20201 before December 1 of each year.

20202 (5) (a) The Legislature shall annually determine the amount  
 20203 of state or federal low-income child care moneys which shall be  
 20204 used to create Child Care Executive Partnership Program child  
 20205 care purchasing pools in counties chosen by the Child Care  
 20206 Executive Partnership, provided that at least two of the  
 20207 counties have populations of no more than 300,000. The  
 20208 Legislature shall annually review the effectiveness of the child  
 20209 care purchasing pool program and reevaluate the percentage of

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20210 additional state or federal funds, if any, that can be used for  
 20211 the program's expansion.

20212 (b) To ensure a seamless service delivery and ease of  
 20213 access for families, an early learning coalition or the  
 20214 Department of Economic Opportunity Agency for Workforce  
 20215 ~~Innovation~~ shall administer the child care purchasing pool  
 20216 funds.

20217 (c) The Department of Economic Opportunity Agency for  
 20218 ~~Workforce Innovation~~, in conjunction with the Child Care  
 20219 Executive Partnership, shall develop procedures for disbursement  
 20220 of funds through the child care purchasing pools. In order to be  
 20221 considered for funding, an early learning coalition or the  
 20222 Department of Economic Opportunity Agency for Workforce  
 20223 ~~Innovation~~ must commit to:

20224 1. Matching the state purchasing pool funds on a dollar-  
 20225 for-dollar basis; and

20226 2. Expending only those public funds which are matched by  
 20227 employers, local government, and other matching contributors who  
 20228 contribute to the purchasing pool. Parents shall also pay a fee,  
 20229 which may not be less than the amount identified in the early  
 20230 learning coalition's school readiness program sliding fee scale.

20231 (d) Each early learning coalition shall establish a  
 20232 community child care task force for each child care purchasing  
 20233 pool. The task force must be composed of employers, parents,  
 20234 private child care providers, and one representative from the  
 20235 local children's services council, if one exists in the area of  
 20236 the purchasing pool. The early learning coalition is expected to  
 20237 recruit the task force members from existing child care

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20238 councils, commissions, or task forces already operating in the  
 20239 area of a purchasing pool. A majority of the task force shall  
 20240 consist of employers.

20241 (e) Each participating early learning coalition board  
 20242 shall develop a plan for the use of child care purchasing pool  
 20243 funds. The plan must show how many children will be served by  
 20244 the purchasing pool, how many will be new to receiving child  
 20245 care services, and how the early learning coalition intends to  
 20246 attract new employers and their employees to the program.

20247 (6) The Department of Economic Opportunity Agency ~~for~~  
 20248 ~~Workforce Innovation~~ shall adopt any rules necessary for the  
 20249 implementation and administration of this section.

20250 Section 458. Subsections (2) and (3) of section 411.0103,  
 20251 Florida Statutes, are amended to read:

20252 411.0103 Teacher Education and Compensation Helps (TEACH)  
 20253 scholarship program.—

20254 (2) The Department of Economic Opportunity Agency ~~for~~  
 20255 ~~Workforce Innovation~~ may contract for the administration of the  
 20256 Teacher Education and Compensation Helps (TEACH) scholarship  
 20257 program, which provides educational scholarships to caregivers  
 20258 and administrators of early childhood programs, family day care  
 20259 homes, and large family child care homes.

20260 (3) The department ~~agency~~ shall adopt rules under ss.  
 20261 120.536(1) and 120.54 as necessary to administer this section.

20262 Section 459. Subsections (1) and (3) of section 411.0104,  
 20263 Florida Statutes, are amended to read:

20264 411.0104 Early Head Start collaboration grants.—

20265 (1) Contingent upon specific appropriations, the

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20266 Department of Economic Opportunity ~~Agency for Workforce~~  
 20267 ~~Innovation~~ shall establish a program to award collaboration  
 20268 grants to assist local agencies in securing Early Head Start  
 20269 programs through Early Head Start program federal grants. The  
 20270 collaboration grants shall provide the required matching funds  
 20271 for public and private nonprofit agencies that have been  
 20272 approved for Early Head Start program federal grants.

20273 (3) The Department of Economic Opportunity ~~Agency for~~  
 20274 ~~Workforce Innovation~~ may adopt rules under ss. 120.536(1) and  
 20275 120.54 as necessary for the award of collaboration grants to  
 20276 competing agencies and the administration of the collaboration  
 20277 grants program under this section.

20278 Section 460. Section 411.0105, Florida Statutes, is  
 20279 amended to read:

20280 411.0105 Early Learning Opportunities Act and Even Start  
 20281 Family Literacy Programs; lead agency.—For purposes of  
 20282 administration of the Early Learning Opportunities Act and the  
 20283 Even Start Family Literacy Programs, pursuant to Pub. L. No.  
 20284 106-554, the Department of Economic Opportunity ~~Agency for~~  
 20285 ~~Workforce Innovation~~ is designated as the lead agency and must  
 20286 comply with lead agency responsibilities pursuant to federal  
 20287 law.

20288 Section 461. Section 411.0106, Florida Statutes, is  
 20289 amended to read:

20290 411.0106 Infants and toddlers in state-funded education  
 20291 and care programs; brain development activities.—Each state-  
 20292 funded education and care program for children from birth to 5  
 20293 years of age must provide activities to foster brain development

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20294 in infants and toddlers. A program must provide an environment  
 20295 that helps children attain the performance standards adopted by  
 20296 the Department of Economic Opportunity ~~Agency for Workforce~~  
 20297 ~~Innovation~~ under s. 411.01(4)(d)8. and must be rich in language  
 20298 and music and filled with objects of various colors, shapes,  
 20299 textures, and sizes to stimulate visual, tactile, auditory, and  
 20300 linguistic senses in the children and must include classical  
 20301 music and at least 30 minutes of reading to the children each  
 20302 day. A program may be offered through an existing early  
 20303 childhood program such as Healthy Start, the Title I program,  
 20304 the school readiness program, the Head Start program, or a  
 20305 private child care program. A program must provide training for  
 20306 the infants' and toddlers' parents including direct dialogue and  
 20307 interaction between teachers and parents demonstrating the  
 20308 urgency of brain development in the first year of a child's  
 20309 life. Family day care centers are encouraged, but not required,  
 20310 to comply with this section.

20311 Section 462. Subsection (1) and paragraph (g) of  
 20312 subsection (3) of section 411.011, Florida Statutes, are amended  
 20313 to read:

20314 411.011 Records of children in school readiness programs.—

20315 (1) The individual records of children enrolled in school  
 20316 readiness programs provided under s. 411.01, held by an early  
 20317 learning coalition or the Department of Economic Opportunity  
 20318 ~~Agency for Workforce Innovation~~, are confidential and exempt  
 20319 from s. 119.07(1) and s. 24(a), Art. I of the State  
 20320 Constitution. For purposes of this section, records include  
 20321 assessment data, health data, records of teacher observations,

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20322 and personal identifying information.

20323 (3) School readiness records may be released to:

20324 (g) Parties to an interagency agreement among early  
 20325 learning coalitions, local governmental agencies, providers of  
 20326 school readiness programs, state agencies, and the Department of  
 20327 Economic Opportunity Agency for Workforce Innovation for the  
 20328 purpose of implementing the school readiness program.

20329  
 20330 Agencies, organizations, or individuals that receive school  
 20331 readiness records in order to carry out their official functions  
 20332 must protect the data in a manner that does not permit the  
 20333 personal identification of a child enrolled in a school  
 20334 readiness program and his or her parents by persons other than  
 20335 those authorized to receive the records.

20336 Section 463. Paragraph (e) of subsection (2) of section  
 20337 411.226, Florida Statutes, is amended to read:

20338 411.226 Learning Gateway.—

20339 (2) LEARNING GATEWAY STEERING COMMITTEE.—

20340 (e) To support and facilitate system improvements, the  
 20341 steering committee must consult with representatives from the  
 20342 Department of Education, the Department of Health, the  
 20343 Department of Economic Opportunity Agency for Workforce  
 20344 ~~Innovation~~, the Department of Children and Family Services, the  
 20345 Agency for Health Care Administration, the Department of  
 20346 Juvenile Justice, and the Department of Corrections and with the  
 20347 director of the Learning Development and Evaluation Center of  
 20348 Florida Agricultural and Mechanical University.

20349 Section 464. Paragraph (d) of subsection (1), paragraph

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20350 (a) of subsection (2), and paragraph (c) of subsection (3) of  
 20351 section 411.227, Florida Statutes, are amended to read:

20352 411.227 Components of the Learning Gateway.—The Learning  
 20353 Gateway system consists of the following components:

20354 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED  
 20355 ACCESS.—

20356 (d) In collaboration with other local resources, the  
 20357 demonstration projects shall develop public awareness strategies  
 20358 to disseminate information about developmental milestones,  
 20359 precursors of learning problems and other developmental delays,  
 20360 and the service system that is available. The information should  
 20361 target parents of children from birth through age 9 and should  
 20362 be distributed to parents, health care providers, and caregivers  
 20363 of children from birth through age 9. A variety of media should  
 20364 be used as appropriate, such as print, television, radio, and a  
 20365 community-based Internet website, as well as opportunities such  
 20366 as those presented by parent visits to physicians for well-child  
 20367 checkups. The Learning Gateway Steering Committee shall provide  
 20368 technical assistance to the local demonstration projects in  
 20369 developing and distributing educational materials and  
 20370 information.

20371 1. Public awareness strategies targeting parents of  
 20372 children from birth through age 5 shall be designed to provide  
 20373 information to public and private preschool programs, child care  
 20374 providers, pediatricians, parents, and local businesses and  
 20375 organizations. These strategies should include information on  
 20376 the school readiness performance standards adopted by the  
 20377 Department of Economic Opportunity ~~Agency for Workforce~~



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20378 ~~Innovation.~~

20379           2. Public awareness strategies targeting parents of  
 20380 children from ages 6 through 9 must be designed to disseminate  
 20381 training materials and brochures to parents and public and  
 20382 private school personnel, and must be coordinated with the local  
 20383 school board and the appropriate school advisory committees in  
 20384 the demonstration projects. The materials should contain  
 20385 information on state and district proficiency levels for grades  
 20386 K-3.

20387           (2) SCREENING AND DEVELOPMENTAL MONITORING.—

20388           (a) In coordination with the Department of Economic  
 20389 Opportunity Agency for Workforce Innovation, the Department of  
 20390 Education, and the Florida Pediatric Society, and using  
 20391 information learned from the local demonstration projects, the  
 20392 Learning Gateway Steering Committee shall establish guidelines  
 20393 for screening children from birth through age 9. The guidelines  
 20394 should incorporate recent research on the indicators most likely  
 20395 to predict early learning problems, mild developmental delays,  
 20396 child-specific precursors of school failure, and other related  
 20397 developmental indicators in the domains of cognition;  
 20398 communication; attention; perception; behavior; and social,  
 20399 emotional, sensory, and motor functioning.

20400           (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

20401           (c) The steering committee, in cooperation with the  
 20402 Department of Children and Family Services, the Department of  
 20403 Education, and the Department of Economic Opportunity Agency for  
 20404 Workforce Innovation, shall identify the elements of an  
 20405 effective research-based curriculum for early care and education

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20406 | programs.

20407 |       Section 465. Section 414.24, Florida Statutes, is amended  
20408 | to read:

20409 |       414.24 Integrated welfare reform and child welfare  
20410 | services.—The department shall develop integrated service  
20411 | delivery strategies to better meet the needs of families subject  
20412 | to work activity requirements who are involved in the child  
20413 | welfare system or are at high risk of involvement in the child  
20414 | welfare system. To the extent that resources are available, the  
20415 | department and the Department of Economic Opportunity ~~the~~  
20416 | ~~Department of Labor and Employment Security~~ shall provide funds  
20417 | to one or more service districts to promote development of  
20418 | integrated, nonduplicative case management within the  
20419 | department, the Department of Economic Opportunity ~~the~~  
20420 | ~~Department of Labor and Employment Security~~, other participating  
20421 | government agencies, and community partners. Alternative  
20422 | delivery systems shall be encouraged which include well-defined,  
20423 | pertinent outcome measures. Other factors to be considered shall  
20424 | include innovation regarding training, enhancement of existing  
20425 | resources, and increased private sector and business sector  
20426 | participation.

20427 |       Section 466. Subsection (1) of section 414.295, Florida  
20428 | Statutes, is amended to read:

20429 |       414.295 Temporary cash assistance programs; public records  
20430 | exemption.—

20431 |       (1) Personal identifying information of a temporary cash  
20432 | assistance program participant, a participant's family, or a  
20433 | participant's family or household member, except for information

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20434 identifying a parent who does not live in the same home as the  
 20435 child, held by the department, the Department of Economic  
 20436 Opportunity ~~the Agency for Workforce Innovation~~, Workforce  
 20437 Florida, Inc., the Department of Health, the Department of  
 20438 Revenue, the Department of Education, or a regional workforce  
 20439 board or local committee created pursuant to s. 445.007 is  
 20440 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 20441 of the State Constitution. Such confidential and exempt  
 20442 information may be released for purposes directly connected  
 20443 with:

20444 (a) The administration of the temporary assistance for  
 20445 needy families plan under Title IV-A of the Social Security Act,  
 20446 as amended, by the department, the Department of Economic  
 20447 Opportunity ~~the Agency for Workforce Innovation~~, Workforce  
 20448 Florida, Inc., the Department of Military Affairs, the  
 20449 Department of Health, the Department of Revenue, the Department  
 20450 of Education, a regional workforce board or local committee  
 20451 created pursuant to s. 445.007, or a school district.

20452 (b) The administration of the state's plan or program  
 20453 approved under Title IV-B, Title IV-D, or Title IV-E of the  
 20454 Social Security Act, as amended, or under Title I, Title X,  
 20455 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the  
 20456 Social Security Act, as amended.

20457 (c) Any investigation, prosecution, or any criminal,  
 20458 civil, or administrative proceeding conducted in connection with  
 20459 the administration of any of the plans or programs specified in  
 20460 paragraph (a) or paragraph (b) by a federal, state, or local  
 20461 governmental entity, upon request by that entity, when such

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20462 request is made pursuant to the proper exercise of that entity's  
 20463 duties and responsibilities.

20464 (d) The administration of any other state, federal, or  
 20465 federally assisted program that provides assistance or services  
 20466 on the basis of need, in cash or in kind, directly to a  
 20467 participant.

20468 (e) Any audit or similar activity, such as a review of  
 20469 expenditure reports or financial review, conducted in connection  
 20470 with the administration of any of the plans or programs  
 20471 specified in paragraph (a) or paragraph (b) by a governmental  
 20472 entity authorized by law to conduct such audit or activity.

20473 (f) The administration of the unemployment compensation  
 20474 program.

20475 (g) The reporting to the appropriate agency or official of  
 20476 information about known or suspected instances of physical or  
 20477 mental injury, sexual abuse or exploitation, or negligent  
 20478 treatment or maltreatment of a child or elderly person receiving  
 20479 assistance, if circumstances indicate that the health or welfare  
 20480 of the child or elderly person is threatened.

20481 (h) The administration of services to elderly persons  
 20482 under ss. 430.601-430.606.

20483 Section 467. Subsections (1) and (3) of section 414.411,  
 20484 Florida Statutes, are amended to read:

20485 414.411 Public assistance fraud.—

20486 (1) The Department of Financial Services shall investigate  
 20487 all public assistance provided to residents of the state or  
 20488 provided to others by the state. In the course of such  
 20489 investigation the department shall examine all records,

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20490 including electronic benefits transfer records and make inquiry  
 20491 of all persons who may have knowledge as to any irregularity  
 20492 incidental to the disbursement of public moneys, food  
 20493 assistance, or other items or benefits authorizations to  
 20494 recipients. All public assistance recipients, as a condition  
 20495 precedent to qualification for public assistance under chapter  
 20496 409, chapter 411, or this chapter, must first give in writing,  
 20497 to the Agency for Health Care Administration, the Department of  
 20498 Health, the Department of Economic Opportunity ~~the Agency for~~  
 20499 ~~Workforce Innovation~~, and the Department of Children and Family  
 20500 Services, as appropriate, and to the Department of Financial  
 20501 Services, consent to make inquiry of past or present employers  
 20502 and records, financial or otherwise.

20503 (3) The results of such investigation shall be reported by  
 20504 the Department of Financial Services to the appropriate  
 20505 legislative committees, the Agency for Health Care  
 20506 Administration, the Department of Health, the Department of  
 20507 Economic Opportunity ~~the Agency for Workforce Innovation~~, and  
 20508 the Department of Children and Family Services, and to such  
 20509 others as the department may determine.

20510 Section 468. Paragraph (g) of subsection (1) of section  
 20511 427.012, Florida Statutes, is amended to read:

20512 427.012 The Commission for the Transportation  
 20513 Disadvantaged.—There is created the Commission for the  
 20514 Transportation Disadvantaged in the Department of  
 20515 Transportation.

20516 (1) The commission shall consist of seven members, all of  
 20517 whom shall be appointed by the Governor, in accordance with the

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20518 requirements of s. 20.052.

20519 (g) The Secretary of Transportation, the Secretary of  
 20520 Children and Family Services, the Commissioner of Economic  
 20521 Opportunity ~~director of Workforce Innovation~~, the executive  
 20522 director of the Department of Veterans' Affairs, the Secretary  
 20523 of Elderly Affairs, the Secretary of Health Care Administration,  
 20524 the director of the Agency for Persons with Disabilities, and a  
 20525 county manager or administrator who is appointed by the  
 20526 Governor, or a senior management level representative of each,  
 20527 shall serve as ex officio, nonvoting advisors to the commission.

20528 Section 469. Paragraph (b) of subsection (2) of section  
 20529 429.907, Florida Statutes, is amended to read:

20530 429.907 License requirement; fee; exemption; display.—

20531 (2)

20532 (b) If ~~In the event~~ a licensed center becomes wholly or  
 20533 substantially unusable due to a disaster ~~as defined in s.~~  
 20534 ~~252.34(1)~~ or due to an emergency as those terms are defined in  
 20535 s. 252.34~~(3)~~:

20536 1. The licensee may continue to operate under its current  
 20537 license in ~~a premise or~~ premises separate from that authorized  
 20538 under the license if the licensee has:

20539 a. Specified the location of the ~~premise or~~ premises in  
 20540 its comprehensive emergency management plan submitted to and  
 20541 approved by the applicable county emergency management  
 20542 authority; and

20543 b. Notified the agency and the county emergency management  
 20544 authority within 24 hours of operating in the separate ~~premise~~  
 20545 ~~or~~ premises.

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20546           2. The licensee shall operate the separate ~~premise or~~  
 20547 premises only while the licensed center's original location is  
 20548 substantially unusable and for up to ~~no longer than~~ 180 days.  
 20549 The agency may extend use of the alternate ~~premise or~~ premises  
 20550 beyond the initial 180 days. The agency may also review the  
 20551 operation of the disaster ~~premise or~~ premises quarterly.

20552           Section 470. Subsection (2) of section 440.12, Florida  
 20553 Statutes, is amended to read:

20554           440.12 Time for commencement and limits on weekly rate of  
 20555 compensation.—

20556           (2) Compensation for disability resulting from injuries  
 20557 which occur after December 31, 1974, shall not be less than \$20  
 20558 per week. However, if the employee's wages at the time of injury  
 20559 are less than \$20 per week, he or she shall receive his or her  
 20560 full weekly wages. If the employee's wages at the time of the  
 20561 injury exceed \$20 per week, compensation shall not exceed an  
 20562 amount per week which is:

20563           (a) Equal to 100 percent of the statewide average weekly  
 20564 wage, determined as hereinafter provided for the year in which  
 20565 the injury occurred; however, the increase to 100 percent from  
 20566 66 2/3 percent of the statewide average weekly wage shall apply  
 20567 only to injuries occurring on or after August 1, 1979; and

20568           (b) Adjusted to the nearest dollar.

20569  
 20570 For the purpose of this subsection, the "statewide average  
 20571 weekly wage" means the average weekly wage paid by employers  
 20572 subject to the Florida Unemployment Compensation Law as reported  
 20573 to the Department of Economic Opportunity ~~the Agency for~~

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20574 ~~Workforce Innovation~~ for the four calendar quarters ending each  
 20575 June 30, which average weekly wage shall be determined by the  
 20576 Department of Economic Opportunity ~~the Agency for Workforce~~  
 20577 ~~Innovation~~ on or before November 30 of each year and shall be  
 20578 used in determining the maximum weekly compensation rate with  
 20579 respect to injuries occurring in the calendar year immediately  
 20580 following. The statewide average weekly wage determined by the  
 20581 Department of Economic Opportunity ~~the Agency for Workforce~~  
 20582 ~~Innovation~~ shall be reported annually to the Legislature.

20583 Section 471. Paragraph (c) of subsection (9) of section  
 20584 440.15, Florida Statutes, is amended to read:

20585 440.15 Compensation for disability.—Compensation for  
 20586 disability shall be paid to the employee, subject to the limits  
 20587 provided in s. 440.12(2), as follows:

20588 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND  
 20589 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

20590 (c) Disability compensation benefits payable for any week,  
 20591 including those benefits provided by paragraph (1)(f), may not  
 20592 be reduced pursuant to this subsection until the Social Security  
 20593 Administration determines the amount otherwise payable to the  
 20594 employee under 42 U.S.C. ss. 402 and 423 and the employee has  
 20595 begun receiving such social security benefit payments. The  
 20596 employee shall, upon demand by the department, the employer, or  
 20597 the carrier, authorize the Social Security Administration to  
 20598 release disability information relating to her or him and  
 20599 authorize the Department of Economic Opportunity ~~the Agency for~~  
 20600 ~~Workforce Innovation~~ to release unemployment compensation  
 20601 information relating to her or him, in accordance with rules to



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20602 | be adopted by the department prescribing the procedure and  
 20603 | manner for requesting the authorization and for compliance by  
 20604 | the employee. The department or the employer or carrier may not  
 20605 | make any payment of benefits for total disability or those  
 20606 | additional benefits provided by paragraph (1)(f) for any period  
 20607 | during which the employee willfully fails or refuses to  
 20608 | authorize the release of information in the manner and within  
 20609 | the time prescribed by such rules. The authority for release of  
 20610 | disability information granted by an employee under this  
 20611 | paragraph is effective for a period not to exceed 12 months and  
 20612 | such authority may be renewed, as the department prescribes by  
 20613 | rule.

20614 |         Section 472. Subsections (4) and (7) of section 440.381,  
 20615 | Florida Statutes, are amended to read:

20616 |             440.381 Application for coverage; reporting payroll;  
 20617 | payroll audit procedures; penalties.-

20618 |         (4) Each employer must submit a copy of the quarterly  
 20619 | earnings ~~earning~~ report required by chapter 443 at the end of  
 20620 | each quarter to the carrier and submit self-audits supported by  
 20621 | the quarterly earnings reports required by chapter 443 and the  
 20622 | rules adopted by the Department of Economic Opportunity ~~the~~  
 20623 | ~~Agency for Workforce Innovation~~ or by the Department of Revenue  
 20624 | as the state agency providing unemployment tax collection  
 20625 | services under an interagency agreement ~~contract~~ with the  
 20626 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 20627 | ~~Innovation through an interagency agreement~~ pursuant to s.  
 20628 | 443.1316. The reports must include a sworn statement by an  
 20629 | officer or principal of the employer attesting to the accuracy

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20630 of the information contained in the report.

20631 (7) If an employee suffering a compensable injury was not

20632 reported as earning wages on the last quarterly earnings report

20633 filed with the Department of Economic Opportunity ~~the Agency for~~

20634 ~~Workforce Innovation~~ or the Department of Revenue as the state

20635 agency providing unemployment tax collection services under an

20636 interagency agreement ~~contract~~ with the Department of Economic

20637 Opportunity ~~the Agency for Workforce Innovation through an~~

20638 ~~interagency agreement~~ pursuant to s. 443.1316 before the

20639 accident, the employer shall indemnify the carrier for all

20640 workers' compensation benefits paid to or on behalf of the

20641 employee unless the employer establishes that the employee was

20642 hired after the filing of the quarterly report, in which case

20643 the employer and employee shall attest to the fact that the

20644 employee was employed by the employer at the time of the injury.

20645 Failure of the employer to indemnify the insurer within 21 days

20646 after demand by the insurer is grounds for the insurer to

20647 immediately cancel coverage. Any action for indemnification

20648 brought by the carrier is cognizable in the circuit court having

20649 jurisdiction where the employer or carrier resides or transacts

20650 business. The insurer is entitled to a reasonable attorney's fee

20651 if it recovers any portion of the benefits paid in the action.

20652 Section 473. Subsections (1), (4), and (5) of section

20653 443.012, Florida Statutes, are amended to read:

20654 443.012 Unemployment Appeals Commission.—

20655 (1) There is created within the Department of Economic

20656 Opportunity ~~Agency for Workforce Innovation~~ an Unemployment

20657 Appeals Commission. The commission is composed of a chair and

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20658 | two other members appointed by the Governor, subject to  
 20659 | confirmation by the Senate. Only one appointee may be a  
 20660 | representative of employers, as demonstrated by his or her  
 20661 | previous vocation, employment, or affiliation; and only one  
 20662 | appointee may be a representative of employees, as demonstrated  
 20663 | by his or her previous vocation, employment, or affiliation.

20664 |         (a) The chair shall devote his or her entire time to  
 20665 | commission duties and is responsible for the administrative  
 20666 | functions of the commission.

20667 |         (b) The chair has authority to appoint a general counsel  
 20668 | and other personnel to carry out the duties and responsibilities  
 20669 | of the commission.

20670 |         (c) The chair must have the qualifications required by law  
 20671 | for a judge of the circuit court and may not engage in any other  
 20672 | business vocation or employment. Notwithstanding any other law,  
 20673 | the chair shall be paid a salary equal to that paid under state  
 20674 | law to a judge of the circuit court.

20675 |         (d) The remaining members shall be paid a stipend of \$100  
 20676 | for each day they are engaged in the work of the commission. The  
 20677 | chair and other members are entitled to be reimbursed for travel  
 20678 | expenses, as provided in s. 112.061.

20679 |         (e) The total salary and travel expenses of each member of  
 20680 | the commission shall be paid from the Employment Security  
 20681 | Administration Trust Fund.

20682 |         (4) The property, personnel, and appropriations relating  
 20683 | to the specified authority, powers, duties, and responsibilities  
 20684 | of the commission shall be provided to the commission by the  
 20685 | Department of Economic Opportunity ~~the Agency for Workforce~~

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20686 ~~Innovation.~~

20687 (5) The commission is not subject to control, supervision,  
 20688 or direction by the Department of Economic Opportunity ~~the~~  
 20689 ~~Agency for Workforce Innovation~~ in performing its powers or  
 20690 duties under this chapter.

20691 Section 474. Subsections (16) through (40) of section  
 20692 443.036, Florida Statutes, are renumbered as subsections (17)  
 20693 through (41), respectively, present subsections (9), (18), (41),  
 20694 (43), and (45) are amended, and a new subsection (16) is added  
 20695 to that section, to read:

20696 443.036 Definitions.—As used in this chapter, the term:

20697 (9) "Benefit year" means, for an individual, the 1-year  
 20698 period beginning with the first day of the first week for which  
 20699 the individual first files a valid claim for benefits and,  
 20700 thereafter, the 1-year period beginning with the first day of  
 20701 the first week for which the individual next files a valid claim  
 20702 for benefits after the termination of his or her last preceding  
 20703 benefit year. Each claim for benefits made in accordance with s.  
 20704 443.151(2) is a valid claim under this subsection if the  
 20705 individual was paid wages for insured work in accordance with s.  
 20706 443.091(1)(g) and is unemployed as defined in subsection (43) at  
 20707 the time of filing the claim. However, the department ~~Agency for~~  
 20708 ~~Workforce Innovation~~ may adopt rules providing for the  
 20709 establishment of a uniform benefit year for all workers in one  
 20710 or more groups or classes of service or within a particular  
 20711 industry if the department ~~agency~~ determines, after notice to  
 20712 the industry and to the workers in the industry and an  
 20713 opportunity to be heard in the matter, that those groups or

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20714 classes of workers in a particular industry periodically  
 20715 experience unemployment resulting from layoffs or shutdowns for  
 20716 limited periods of time.

20717 (16) "Department" means the Department of Economic  
 20718 Opportunity.

20719 (19)~~(18)~~ "Employee leasing company" means an employing  
 20720 unit that has a valid and active license under chapter 468 and  
 20721 that maintains the records required by s. 443.171(5) and, in  
 20722 addition, is responsible for producing quarterly reports  
 20723 concerning the clients of the employee leasing company and the  
 20724 internal staff of the employee leasing company. As used in this  
 20725 subsection, the term "client" means a party who has contracted  
 20726 with an employee leasing company to provide a worker, or  
 20727 workers, to perform services for the client. Leased employees  
 20728 include employees subsequently placed on the payroll of the  
 20729 employee leasing company on behalf of the client. An employee  
 20730 leasing company must notify the Department of Revenue ~~tax~~  
 20731 ~~collection service provider~~ within 30 days after the initiation  
 20732 or termination of the company's relationship with any client  
 20733 company under chapter 468.

20734 ~~(41) "Tax collection service provider" or "service~~  
 20735 ~~provider" means the state agency providing unemployment tax~~  
 20736 ~~collection services under contract with the Agency for Workforce~~  
 20737 ~~Innovation through an interagency agreement pursuant to s.~~  
 20738 ~~443.1316.~~

20739 (43) "Unemployment" means:

20740 (a) An individual is "totally unemployed" in any week  
 20741 during which he or she does not perform any services and for

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20742 | which earned income is not payable to him or her. An individual  
 20743 | is "partially unemployed" in any week of less than full-time  
 20744 | work if the earned income payable to him or her for that week is  
 20745 | less than his or her weekly benefit amount. The department ~~The~~  
 20746 | ~~Agency for Workforce Innovation~~ may adopt rules prescribing  
 20747 | distinctions in the procedures for unemployed individuals based  
 20748 | on total unemployment, part-time unemployment, partial  
 20749 | unemployment of individuals attached to their regular jobs, and  
 20750 | other forms of short-time work.

20751 | (b) An individual's week of unemployment commences only  
 20752 | after his or her registration with the department ~~the Agency for~~  
 20753 | ~~Workforce Innovation~~ as required in s. 443.091, except as the  
 20754 | department ~~agency~~ may otherwise prescribe by rule.

20755 | (45) "Week" means a period of 7 consecutive days as  
 20756 | defined in the rules of the department ~~the Agency for Workforce~~  
 20757 | ~~Innovation~~. The department ~~the Agency for Workforce Innovation~~  
 20758 | may by rule prescribe that a week is deemed to be "in,"  
 20759 | "within," or "during" the benefit year that contains the greater  
 20760 | part of the week.

20761 | Section 475. Subsections (2) and (3) of section 443.041,  
 20762 | Florida Statutes, are amended to read:

20763 | 443.041 Waiver of rights; fees; privileged  
 20764 | communications.—

20765 | (2) FEES.—

20766 | (a) Except as otherwise provided in this chapter, an  
 20767 | individual claiming benefits may not be charged fees of any kind  
 20768 | in any proceeding under this chapter by the commission or the  
 20769 | Department of Economic Opportunity ~~the Agency for Workforce~~

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20770 ~~Innovation~~, or their representatives, or by any court or any  
 20771 officer of the court. An individual claiming benefits in any  
 20772 proceeding before the commission or the Department of Economic  
 20773 Opportunity ~~the Agency for Workforce Innovation~~, or  
 20774 representatives of either, or a court may be represented by  
 20775 counsel or an authorized representative, but the counsel or  
 20776 representative may not charge or receive for those services more  
 20777 than an amount approved by the commission, the Department of  
 20778 Economic Opportunity ~~the Agency for Workforce Innovation~~, or the  
 20779 court.

20780 (b) An attorney at law representing a claimant for  
 20781 benefits in any district court of appeal of this state or in the  
 20782 Supreme Court of Florida is entitled to counsel fees payable by  
 20783 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 20784 ~~Innovation~~ as set by the court if the petition for review or  
 20785 appeal is initiated by the claimant and results in a decision  
 20786 awarding more benefits than provided in the decision from which  
 20787 appeal was taken. The amount of the fee may not exceed 50  
 20788 percent of the total amount of regular benefits permitted under  
 20789 s. 443.111(5) (a) during the benefit year.

20790 (c) The Department of Economic Opportunity ~~The Agency for~~  
 20791 ~~Workforce Innovation~~ shall pay attorneys' fees awarded under  
 20792 this section from the Employment Security Administration Trust  
 20793 Fund as part of the costs of administration of this chapter and  
 20794 may pay these fees directly to the attorney for the claimant in  
 20795 a lump sum. The Department of Economic Opportunity ~~The Agency~~  
 20796 ~~for Workforce Innovation~~ or the commission may not pay any other  
 20797 fees or costs in connection with an appeal.

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20798 (d) Any person, firm, or corporation who or which seeks or  
 20799 receives any remuneration or gratuity for any services rendered  
 20800 on behalf of a claimant, except as allowed by this section and  
 20801 in an amount approved by the Department of Economic Opportunity  
 20802 ~~the Agency for Workforce Innovation~~, the commission, or a court,  
 20803 commits a misdemeanor of the second degree, punishable as  
 20804 provided in s. 775.082 or s. 775.083.

20805 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,  
 20806 communications, or any other matters, either oral or written,  
 20807 between an employer and an employee or between the department  
 20808 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~its~~  
 20809 ~~tax collection service provider~~ and any of their agents,  
 20810 representatives, or employees which are written, sent,  
 20811 delivered, or made in connection with this chapter, are  
 20812 privileged and may not be the subject matter or basis for any  
 20813 suit for slander or libel in any court of the state.

20814 Section 476. Subsection (3) of section 443.051, Florida  
 20815 Statutes, is amended to read:

20816 443.051 Benefits not alienable; exception, child support  
 20817 intercept.—

20818 (3) EXCEPTION, SUPPORT INTERCEPT.—

20819 (a) The Department of Revenue shall, at least biweekly,  
 20820 provide the Department of Economic Opportunity ~~the Agency for~~  
 20821 ~~Workforce Innovation~~ with a magnetic tape or other electronic  
 20822 data file disclosing the individuals who owe support obligations  
 20823 and the amount of any legally required deductions.

20824 (b) For support obligations established on or after July  
 20825 1, 2006, and for support obligations established before July 1,



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20826 | 2006, when the support order does not address the withholding of  
 20827 | unemployment compensation, the Department of Economic  
 20828 | Opportunity ~~the Agency for Workforce Innovation~~ shall deduct and  
 20829 | withhold 40 percent of the unemployment compensation otherwise  
 20830 | payable to an individual disclosed under paragraph (a). If  
 20831 | delinquencies, arrearages, or retroactive support are owed and  
 20832 | repayment has not been ordered, the unpaid amounts are included  
 20833 | in the support obligation and are subject to withholding. If the  
 20834 | amount deducted exceeds the support obligation, the Department  
 20835 | of Revenue shall promptly refund the amount of the excess  
 20836 | deduction to the obligor. For support obligations in effect  
 20837 | before July 1, 2006, if the support order addresses the  
 20838 | withholding of unemployment compensation, the Department of  
 20839 | Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
 20840 | deduct and withhold the amount ordered by the court or  
 20841 | administrative agency that issued the support order as disclosed  
 20842 | by the Department of Revenue.

20843 |         (c) The Department of Economic Opportunity ~~the Agency for~~  
 20844 | ~~Workforce Innovation~~ shall pay any amount deducted and withheld  
 20845 | under paragraph (b) to the Department of Revenue.

20846 |         (d) Any amount deducted and withheld under this subsection  
 20847 | shall for all purposes be treated as if it were paid to the  
 20848 | individual as unemployment compensation and paid by the  
 20849 | individual to the Department of Revenue for support obligations.

20850 |         (e) The Department of Revenue shall reimburse the  
 20851 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 20852 | ~~Innovation~~ for the administrative costs incurred by the  
 20853 | Department of Economic Opportunity ~~the agency~~ under this

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20854 subsection which are attributable to support obligations being  
 20855 enforced by the department.

20856 Section 477. Subsections (3) and (4), paragraph (b) of  
 20857 subsection (5), and subsections (6) and (8) of section 443.071,  
 20858 Florida Statutes, are amended to read:

20859 443.071 Penalties.—

20860 (3) Any employing unit or any officer or agent of any  
 20861 employing unit or any other person who fails to furnish any  
 20862 reports required under this chapter or to produce or permit the  
 20863 inspection of or copying of records as required under this  
 20864 chapter, who fails or refuses, within 6 months after written  
 20865 demand by the department ~~the Agency for Workforce Innovation~~ or  
 20866 the Department of Revenue ~~its tax collection service provider~~,  
 20867 to keep and maintain the payroll records required by this  
 20868 chapter or by rule of the department ~~the Agency for Workforce~~  
 20869 ~~Innovation~~ or the Department of Revenue ~~state agency providing~~  
 20870 ~~tax collection services~~, or who willfully fails or refuses to  
 20871 make any contribution, reimbursement, or other payment required  
 20872 from an employer under this chapter commits a misdemeanor of the  
 20873 second degree, punishable as provided in s. 775.082 or s.  
 20874 775.083.

20875 (4) Any person who establishes a fictitious employing unit  
 20876 by submitting to the department ~~the Agency for Workforce~~  
 20877 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 20878 ~~service provider~~ fraudulent employing unit records or tax or  
 20879 wage reports by the introduction of fraudulent records into a  
 20880 computer system, the intentional or deliberate alteration or  
 20881 destruction of computerized information or files, or the theft

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20882 of financial instruments, data, and other assets, for the  
 20883 purpose of enabling herself or himself or any other person to  
 20884 receive benefits under this chapter to which such person is not  
 20885 entitled, commits a felony of the third degree, punishable as  
 20886 provided in s. 775.082, s. 775.083, or s. 775.084.

20887 (5) In any prosecution or action under this section, the  
 20888 entry into evidence of the signature of a person on a document,  
 20889 letter, or other writing constitutes prima facie evidence of the  
 20890 person's identity if the following conditions exist:

20891 (b) The signature of the person is witnessed by an agent  
 20892 or employee of the department ~~the Agency for Workforce~~  
 20893 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 20894 ~~service provider~~ at the time the document, letter, or other  
 20895 writing is filed.

20896 (6) The entry into evidence of an application for  
 20897 unemployment benefits initiated by the use of the Internet  
 20898 claims program or the interactive voice response system  
 20899 telephone claims program of the department ~~the Agency for~~  
 20900 ~~Workforce Innovation~~ constitutes prima facie evidence of the  
 20901 establishment of a personal benefit account by or for an  
 20902 individual if the following information is provided: the  
 20903 applicant's name, residence address, date of birth, social  
 20904 security number, and present or former place of work.

20905 (8) All records relating to investigations of unemployment  
 20906 compensation fraud in the custody of the department ~~the Agency~~  
 20907 ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 20908 ~~collection service provider~~ are available for examination by the  
 20909 Department of Law Enforcement, the state attorneys, or the

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20910 Office of the Statewide Prosecutor in the prosecution of  
 20911 offenses under s. 817.568 or in proceedings brought under this  
 20912 chapter.

20913 Section 478. Subsections (1) and (4) of section 443.091,  
 20914 Florida Statutes, are amended to read:

20915 443.091 Benefit eligibility conditions.—

20916 (1) An unemployed individual is eligible to receive  
 20917 benefits for any week only if the department ~~the Agency for~~  
 20918 ~~Workforce Innovation~~ finds that:

20919 (a) She or he has made a claim for benefits for that week  
 20920 in accordance with the rules adopted by the department ~~the~~  
 20921 ~~Agency for Workforce Innovation~~.

20922 (b) She or he has registered with the department ~~the~~  
 20923 ~~agency~~ for work and subsequently reports to the one-stop career  
 20924 center as directed by the regional workforce board for  
 20925 reemployment services. This requirement does not apply to  
 20926 persons who are:

- 20927 1. Non-Florida residents;
- 20928 2. On a temporary layoff, ~~as defined in s. 443.036(42);~~
- 20929 3. Union members who customarily obtain employment through  
 20930 a union hiring hall; or
- 20931 4. Claiming benefits under an approved short-time  
 20932 compensation plan as provided in s. 443.1116.

20933 (c) To make continued claims for benefits, she or he is  
 20934 reporting to the Department of Economic Opportunity ~~the agency~~  
 20935 in accordance with its rules. These rules may not conflict with  
 20936 s. 443.111(1)(b), including the requirement that each claimant  
 20937 continue to report regardless of any pending appeal relating to

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20938 | her or his eligibility or disqualification for benefits.  
 20939 |       (d) She or he is able to work and is available for work.  
 20940 | In order to assess eligibility for a claimed week of  
 20941 | unemployment, the Department of Economic Opportunity ~~the agency~~  
 20942 | shall develop criteria to determine a claimant's ability to work  
 20943 | and availability for work. However:  
 20944 |       1. Notwithstanding any other provision of this paragraph  
 20945 | or paragraphs (b) and (e), an otherwise eligible individual may  
 20946 | not be denied benefits for any week because she or he is in  
 20947 | training with the approval of the Department of Economic  
 20948 | Opportunity ~~the agency~~, or by reason of s. 443.101(2) relating  
 20949 | to failure to apply for, or refusal to accept, suitable work.  
 20950 | Training may be approved by the Department of Economic  
 20951 | Opportunity ~~the agency~~ in accordance with criteria prescribed by  
 20952 | rule. A claimant's eligibility during approved training is  
 20953 | contingent upon satisfying eligibility conditions prescribed by  
 20954 | rule.  
 20955 |       2. Notwithstanding any other provision of this chapter, an  
 20956 | otherwise eligible individual who is in training approved under  
 20957 | s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
 20958 | determined ineligible or disqualified for benefits due to her or  
 20959 | his enrollment in such training or because of leaving work that  
 20960 | is not suitable employment to enter such training. As used in  
 20961 | this subparagraph, the term "suitable employment" means work of  
 20962 | a substantially equal or higher skill level than the worker's  
 20963 | past adversely affected employment, as defined for purposes of  
 20964 | the Trade Act of 1974, as amended, the wages for which are at  
 20965 | least 80 percent of the worker's average weekly wage as

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20966 determined for purposes of the Trade Act of 1974, as amended.

20967 3. Notwithstanding any other provision of this section, an  
 20968 otherwise eligible individual may not be denied benefits for any  
 20969 week because she or he is before any state or federal court  
 20970 pursuant to a lawfully issued summons to appear for jury duty.

20971 (e) She or he participates in reemployment services, such  
 20972 as job search assistance services, whenever the individual has  
 20973 been determined, by a profiling system established by the rules  
 20974 of the Department of Economic Opportunity ~~agency rule~~, to be  
 20975 likely to exhaust regular benefits and to be in need of  
 20976 reemployment services.

20977 (f) She or he has been unemployed for a waiting period of  
 20978 1 week. A week may not be counted as a week of unemployment  
 20979 under this subsection:

20980 1. Unless it occurs within the benefit year that includes  
 20981 the week for which she or he claims payment of benefits.

20982 2. If benefits have been paid for that week.

20983 3. Unless the individual was eligible for benefits for  
 20984 that week as provided in this section and s. 443.101, except for  
 20985 the requirements of this subsection and of s. 443.101(5).

20986 (g) She or he has been paid wages for insured work equal  
 20987 to 1.5 times her or his high quarter wages during her or his  
 20988 base period, except that an unemployed individual is not  
 20989 eligible to receive benefits if the base period wages are less  
 20990 than \$3,400.

20991 (h) She or he submitted to the Department of Economic  
 20992 Opportunity ~~the agency~~ a valid social security number assigned  
 20993 to her or him. The Department of Economic Opportunity ~~The agency~~

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20994 may verify the social security number with the United States  
 20995 Social Security Administration and may deny benefits if the  
 20996 Department of Economic Opportunity ~~the agency~~ is unable to  
 20997 verify the individual's social security number, the social  
 20998 security number is invalid, or the social security number is not  
 20999 assigned to the individual.

21000 (4) In the event of national emergency, in the course of  
 21001 which the Federal Emergency Unemployment Payment Plan is, at the  
 21002 request of the Governor, invoked for all or any part of the  
 21003 state, the emergency plan shall supersede the procedures  
 21004 prescribed by this chapter, and by rules adopted under this  
 21005 chapter, and the Department of Economic Opportunity ~~the Agency~~  
 21006 ~~for Workforce Innovation~~ shall act as the Florida agency for the  
 21007 United States Department of Labor in the administration of the  
 21008 plan.

21009 Section 479. Subsections (1), (2), (4), (6), (7), and (9)  
 21010 of section 443.101, Florida Statutes, are amended to read:

21011 443.101 Disqualification for benefits.—An individual shall  
 21012 be disqualified for benefits:

21013 (1) (a) For the week in which he or she has voluntarily  
 21014 left work without good cause attributable to his or her  
 21015 employing unit or in which the individual has been discharged by  
 21016 the employing unit for misconduct connected with his or her  
 21017 work, based on a finding by the Department of Economic  
 21018 Opportunity ~~the Agency for Workforce Innovation~~. As used in this  
 21019 paragraph, the term "work" means any work, whether full-time,  
 21020 part-time, or temporary.

21021 1. Disqualification for voluntarily quitting continues for

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21022 the full period of unemployment next ensuing after the  
 21023 individual has left his or her full-time, part-time, or  
 21024 temporary work voluntarily without good cause and until the  
 21025 individual has earned income equal to or in excess of 17 times  
 21026 his or her weekly benefit amount. As used in this subsection,  
 21027 the term "good cause" includes only that cause attributable to  
 21028 the employing unit or which consists of the individual's illness  
 21029 or disability requiring separation from his or her work. Any  
 21030 other disqualification may not be imposed. An individual is not  
 21031 disqualified under this subsection for voluntarily leaving  
 21032 temporary work to return immediately when called to work by the  
 21033 permanent employing unit that temporarily terminated his or her  
 21034 work within the previous 6 calendar months. An individual is not  
 21035 disqualified under this subsection for voluntarily leaving work  
 21036 to relocate as a result of his or her military-connected  
 21037 spouse's permanent change of station orders, activation orders,  
 21038 or unit deployment orders.

21039 2. Disqualification for being discharged for misconduct  
 21040 connected with his or her work continues for the full period of  
 21041 unemployment next ensuing after having been discharged and until  
 21042 the individual is reemployed and has earned income of at least  
 21043 17 times his or her weekly benefit amount and for not more than  
 21044 52 weeks that immediately follow that week, as determined by the  
 21045 Department of Economic Opportunity ~~the agency~~ in each case  
 21046 according to the circumstances in each case or the seriousness  
 21047 of the misconduct, under the Department of Economic  
 21048 Opportunity's ~~the agency's~~ rules adopted for determinations of  
 21049 disqualification for benefits for misconduct.



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21050           3. If an individual has provided notification to the  
 21051     employing unit of his or her intent to voluntarily leave work  
 21052     and the employing unit discharges the individual for reasons  
 21053     other than misconduct before the date the voluntary quit was to  
 21054     take effect, the individual, if otherwise entitled, shall  
 21055     receive benefits from the date of the employer's discharge until  
 21056     the effective date of his or her voluntary quit.

21057           4. If an individual is notified by the employing unit of  
 21058     the employer's intent to discharge the individual for reasons  
 21059     other than misconduct and the individual quits without good  
 21060     cause, as defined in this section, before the date the discharge  
 21061     was to take effect, the claimant is ineligible for benefits  
 21062     pursuant to s. 443.091(1)(d) for failing to be available for  
 21063     work for the week or weeks of unemployment occurring before the  
 21064     effective date of the discharge.

21065           (b) For any week with respect to which the Department of  
 21066     Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
 21067     that his or her unemployment is due to a suspension for  
 21068     misconduct connected with the individual's work.

21069           (c) For any week with respect to which the Department of  
 21070     Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
 21071     that his or her unemployment is due to a leave of absence, if  
 21072     the leave was voluntarily initiated by the individual.

21073           (d) For any week with respect to which the Department of  
 21074     Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
 21075     that his or her unemployment is due to a discharge for  
 21076     misconduct connected with the individual's work, consisting of  
 21077     drug use, as evidenced by a positive, confirmed drug test.

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21078           (2) If the Department of Economic Opportunity ~~the Agency~~  
 21079 ~~for Workforce Innovation~~ finds that the individual has failed  
 21080 without good cause to apply for available suitable work when  
 21081 directed by the Department of Economic Opportunity ~~the agency~~ or  
 21082 the one-stop career center, to accept suitable work when offered  
 21083 to him or her, or to return to the individual's customary self-  
 21084 employment when directed by the Department of Economic  
 21085 Opportunity ~~the agency~~, the disqualification continues for the  
 21086 full period of unemployment next ensuing after he or she failed  
 21087 without good cause to apply for available suitable work, to  
 21088 accept suitable work, or to return to his or her customary self-  
 21089 employment, under this subsection, and until the individual has  
 21090 earned income at least 17 times his or her weekly benefit  
 21091 amount. The Department of Economic Opportunity ~~The Agency for~~  
 21092 ~~Workforce Innovation~~ shall by rule adopt criteria for  
 21093 determining the "suitability of work," as used in this section.  
 21094 The Department of Economic Opportunity ~~The Agency for Workforce~~  
 21095 ~~Innovation~~ in developing these rules shall consider the duration  
 21096 of a claimant's unemployment in determining the suitability of  
 21097 work and the suitability of proposed rates of compensation for  
 21098 available work. Further, after an individual has received 25  
 21099 weeks of benefits in a single year, suitable work is a job that  
 21100 pays the minimum wage and is 120 percent or more of the weekly  
 21101 benefit amount the individual is drawing.

21102           (a) In determining whether or not any work is suitable for  
 21103 an individual, the Department of Economic Opportunity ~~the Agency~~  
 21104 ~~for Workforce Innovation~~ shall consider the degree of risk  
 21105 involved to his or her health, safety, and morals; his or her

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21106 physical fitness and prior training; the individual's experience  
 21107 and prior earnings; his or her length of unemployment and  
 21108 prospects for securing local work in his or her customary  
 21109 occupation; and the distance of the available work from his or  
 21110 her residence.

21111 (b) Notwithstanding any other provisions of this chapter,  
 21112 work is not deemed suitable and benefits may not be denied under  
 21113 this chapter to any otherwise eligible individual for refusing  
 21114 to accept new work under any of the following conditions:

21115 1. If the position offered is vacant due directly to a  
 21116 strike, lockout, or other labor dispute.

21117 2. If the wages, hours, or other conditions of the work  
 21118 offered are substantially less favorable to the individual than  
 21119 those prevailing for similar work in the locality.

21120 3. If as a condition of being employed, the individual  
 21121 would be required to join a company union or to resign from or  
 21122 refrain from joining any bona fide labor organization.

21123 (c) If the Department of Economic Opportunity ~~the Agency~~  
 21124 ~~for Workforce Innovation~~ finds that an individual was rejected  
 21125 for offered employment as the direct result of a positive,  
 21126 confirmed drug test required as a condition of employment, the  
 21127 individual is disqualified for refusing to accept an offer of  
 21128 suitable work.

21129 (4) For any week with respect to which the Department of  
 21130 Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
 21131 that his or her total or partial unemployment is due to a labor  
 21132 dispute in active progress which exists at the factory,  
 21133 establishment, or other premises at which he or she is or was

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21134 last employed; except that this subsection does not apply if it  
 21135 is shown to the satisfaction of the Department of Economic  
 21136 Opportunity ~~the Agency for Workforce Innovation~~ that:

21137 (a)1. He or she is not participating in, financing, or  
 21138 directly interested in the labor dispute that is in active  
 21139 progress; however, the payment of regular union dues may not be  
 21140 construed as financing a labor dispute within the meaning of  
 21141 this section; and

21142 2. He or she does not belong to a grade or class of  
 21143 workers of which immediately before the commencement of the  
 21144 labor dispute there were members employed at the premises at  
 21145 which the labor dispute occurs any of whom are participating in,  
 21146 financing, or directly interested in the dispute; if in any case  
 21147 separate branches of work are commonly conducted as separate  
 21148 businesses in separate premises, or are conducted in separate  
 21149 departments of the same premises, each department, for the  
 21150 purpose of this subsection, is deemed to be a separate factory,  
 21151 establishment, or other premise.

21152 (b) His or her total or partial unemployment results from  
 21153 a lockout by his or her employer. As used in this section, the  
 21154 term "lockout" means a situation in which employees have not  
 21155 gone on strike, nor have employees notified the employer of a  
 21156 date certain for a strike, but in which employees have been  
 21157 denied entry to the factory, establishment, or other premises of  
 21158 employment by the employer. However, benefits are not payable  
 21159 under this paragraph if the lockout action was taken in response  
 21160 to threats, actions, or other indications of impending damage to  
 21161 property and equipment or possible physical violence by

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21162 employees or in response to actual damage or violence or a  
 21163 substantial reduction in production instigated or perpetrated by  
 21164 employees.

21165 (6) For a period not to exceed 1 year from the date of the  
 21166 discovery by the Department of Economic Opportunity ~~the Agency~~  
 21167 ~~for Workforce Innovation~~ of the making of any false or  
 21168 fraudulent representation for the purpose of obtaining benefits  
 21169 contrary to this chapter, constituting a violation under s.  
 21170 443.071. This disqualification may be appealed in the same  
 21171 manner as any other disqualification imposed under this section.  
 21172 A conviction by any court of competent jurisdiction in this  
 21173 state of the offense prohibited or punished by s. 443.071 is  
 21174 conclusive upon the appeals referee and the commission of the  
 21175 making of the false or fraudulent representation for which  
 21176 disqualification is imposed under this section.

21177 (7) If the Department of Economic Opportunity ~~the Agency~~  
 21178 ~~for Workforce Innovation~~ finds that the individual is an alien,  
 21179 unless the alien is an individual who has been lawfully admitted  
 21180 for permanent residence or otherwise is permanently residing in  
 21181 the United States under color of law, including an alien who is  
 21182 lawfully present in the United States as a result of the  
 21183 application of s. 203(a)(7) or s. 212(d)(5) of the Immigration  
 21184 and Nationality Act, if any modifications to s. 3304(a)(14) of  
 21185 the Federal Unemployment Tax Act, as provided by Pub. L. No. 94-  
 21186 566, which specify other conditions or other effective dates  
 21187 than those stated under federal law for the denial of benefits  
 21188 based on services performed by aliens, and which modifications  
 21189 are required to be implemented under state law as a condition

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21190 for full tax credit against the tax imposed by the Federal  
 21191 Unemployment Tax Act, are deemed applicable under this section,  
 21192 if:

21193 (a) Any data or information required of individuals  
 21194 applying for benefits to determine whether benefits are not  
 21195 payable to them because of their alien status is uniformly  
 21196 required from all applicants for benefits; and

21197 (b) In the case of an individual whose application for  
 21198 benefits would otherwise be approved, a determination that  
 21199 benefits to such individual are not payable because of his or  
 21200 her alien status may not be made except by a preponderance of  
 21201 the evidence.

21202  
 21203 If the Department of Economic Opportunity ~~the Agency for~~  
 21204 ~~Workforce Innovation~~ finds that the individual has refused  
 21205 without good cause an offer of resettlement or relocation, which  
 21206 offer provides for suitable employment for the individual  
 21207 notwithstanding the distance of relocation, resettlement, or  
 21208 employment from the current location of the individual in this  
 21209 state, this disqualification continues for the week in which the  
 21210 failure occurred and for not more than 17 weeks immediately  
 21211 after that week, or a reduction by not more than 5 weeks from  
 21212 the duration of benefits, as determined by the Department of  
 21213 Economic Opportunity ~~the Agency for Workforce Innovation~~ in each  
 21214 case.

21215 (9) If the individual was terminated from his or her work  
 21216 for violation of any criminal law punishable by imprisonment, or  
 21217 for any dishonest act, in connection with his or her work, as

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21218 follows:

21219 (a) If the Department of Economic Opportunity ~~the Agency~~  
 21220 ~~for Workforce Innovation~~ or the Unemployment Appeals Commission  
 21221 finds that the individual was terminated from his or her work  
 21222 for violation of any criminal law punishable by imprisonment in  
 21223 connection with his or her work, and the individual was found  
 21224 guilty of the offense, made an admission of guilt in a court of  
 21225 law, or entered a plea of no contest, the individual is not  
 21226 entitled to unemployment benefits for up to 52 weeks, under  
 21227 rules adopted by the Department of Economic Opportunity ~~the~~  
 21228 ~~Agency for Workforce Innovation~~, and until he or she has earned  
 21229 income of at least 17 times his or her weekly benefit amount.  
 21230 If, before an adjudication of guilt, an admission of guilt, or a  
 21231 plea of no contest, the employer shows the Department of  
 21232 Economic Opportunity ~~the Agency for Workforce Innovation~~ that  
 21233 the arrest was due to a crime against the employer or the  
 21234 employer's business and, after considering all the evidence, the  
 21235 Department of Economic Opportunity ~~the Agency for Workforce~~  
 21236 ~~Innovation~~ finds misconduct in connection with the individual's  
 21237 work, the individual is not entitled to unemployment benefits.

21238 (b) If the Department of Economic Opportunity ~~the Agency~~  
 21239 ~~for Workforce Innovation~~ or the Unemployment Appeals Commission  
 21240 finds that the individual was terminated from work for any  
 21241 dishonest act in connection with his or her work, the individual  
 21242 is not entitled to unemployment benefits for up to 52 weeks,  
 21243 under rules adopted by the Department of Economic Opportunity  
 21244 ~~the Agency for Workforce Innovation~~, and until he or she has  
 21245 earned income of at least 17 times his or her weekly benefit

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21246 amount. In addition, if the employer terminates an individual as  
 21247 a result of a dishonest act in connection with his or her work  
 21248 and the Department of Economic Opportunity ~~the Agency for~~  
 21249 ~~Workforce Innovation~~ finds misconduct in connection with his or  
 21250 her work, the individual is not entitled to unemployment  
 21251 benefits.

21252  
 21253 With respect to an individual disqualified for benefits, the  
 21254 account of the terminating employer, if the employer is in the  
 21255 base period, is noncharged at the time the disqualification is  
 21256 imposed.

21257 Section 480. Subsection (1) of section 443.111, Florida  
 21258 Statutes, is amended to read:

21259 443.111 Payment of benefits.—

21260 (1) MANNER OF PAYMENT.—Benefits are payable from the fund  
 21261 in accordance with rules adopted by the Department of Economic  
 21262 Opportunity ~~the Agency for Workforce Innovation~~, subject to the  
 21263 following requirements:

21264 (a) Benefits are payable by mail or electronically.  
 21265 ~~Notwithstanding s. 409.942(4),~~ The Department of Economic  
 21266 Opportunity ~~the agency~~ may develop a system for the payment of  
 21267 benefits by electronic funds transfer, including, but not  
 21268 limited to, debit cards, electronic payment cards, or any other  
 21269 means of electronic payment that the Department of Economic  
 21270 Opportunity ~~the agency~~ deems to be commercially viable or cost-  
 21271 effective. Commodities or services related to the development of  
 21272 such a system shall be procured by competitive solicitation,  
 21273 unless they are purchased from a state term contract pursuant to



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21274 s. 287.056. The Department of Economic Opportunity ~~The agency~~  
 21275 shall adopt rules necessary to administer the system.

21276 (b) Each claimant must report in the manner prescribed by  
 21277 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 21278 ~~Innovation~~ to certify for benefits that are paid and must  
 21279 continue to report at least biweekly to receive unemployment  
 21280 benefits and to attest to the fact that she or he is able and  
 21281 available for work, has not refused suitable work, is seeking  
 21282 work, and, if she or he has worked, to report earnings from that  
 21283 work. Each claimant must continue to report regardless of any  
 21284 appeal or pending appeal relating to her or his eligibility or  
 21285 disqualification for benefits.

21286 Section 481. Subsections (1) and (5) of section 443.1113,  
 21287 Florida Statutes, are amended to read:

21288 443.1113 Unemployment Compensation Claims and Benefits  
 21289 Information System.—

21290 (1) To the extent that funds are appropriated for each  
 21291 phase of the Unemployment Compensation Claims and Benefits  
 21292 Information System by the Legislature, the Department of  
 21293 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
 21294 replace and enhance the functionality provided in the following  
 21295 systems with an integrated Internet-based system that is known  
 21296 as the "Unemployment Compensation Claims and Benefits  
 21297 Information System":

- 21298 (a) Claims and benefit mainframe system.
- 21299 (b) Florida unemployment Internet direct.
- 21300 (c) Florida continued claim Internet directory.
- 21301 (d) Call center interactive voice response system.

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- 21302 (e) Benefit overpayment screening system.
- 21303 (f) Internet and Intranet appeals system.
- 21304 (5) The Department of Economic Opportunity ~~The Agency for~~  
 21305 ~~Workforce Innovation~~ shall implement the following project  
 21306 governance structure until such time as the project is  
 21307 completed, suspended, or terminated:
- 21308 (a) The project sponsor for the Unemployment Compensation  
 21309 Claims and Benefits Information System project is the  
 21310 Commissioner of Economic Opportunity ~~executive director of the~~  
 21311 ~~Agency for Workforce Innovation~~.
- 21312 (b) The project shall be governed by an executive steering  
 21313 committee composed of the following voting members or their  
 21314 designees:
- 21315 1. The Commissioner of Economic Opportunity ~~executive~~  
 21316 ~~director of the Agency for Workforce Innovation~~.
- 21317 2. The executive director of the Department of Revenue.
- 21318 3. The director of the Division of Workforce Services  
 21319 within the Department of Economic Opportunity ~~Office of~~  
 21320 ~~Unemployment Compensation within the Agency for Workforce~~  
 21321 ~~Innovation~~.
- 21322 4. The program director of the General Tax Administration  
 21323 Program Office within the Department of Revenue.
- 21324 5. The chief information officer of the Department of  
 21325 Economic Opportunity ~~the Agency for Workforce Innovation~~.
- 21326 (c) The executive steering committee has the overall  
 21327 responsibility for ensuring that the project meets its primary  
 21328 objectives and is specifically responsible for:
- 21329 1. Providing management direction and support to the

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21330 project management team.

21331 2. Assessing the project's alignment with the strategic  
 21332 goals of the Department of Economic Opportunity ~~the Agency for~~  
 21333 ~~Workforce Innovation~~ for administering the unemployment  
 21334 compensation program.

21335 3. Reviewing and approving or disapproving any changes to  
 21336 the project's scope, schedule, and costs.

21337 4. Reviewing, approving or disapproving, and determining  
 21338 whether to proceed with any major project deliverables.

21339 5. Recommending suspension or termination of the project  
 21340 to the Governor, the President of the Senate, and the Speaker of  
 21341 the House of Representatives if it determines that the primary  
 21342 objectives cannot be achieved.

21343 (d) The project management team shall work under the  
 21344 direction of the executive steering committee and shall be  
 21345 minimally comprised of senior managers and stakeholders from the  
 21346 Department of Economic Opportunity ~~the Agency for Workforce~~  
 21347 ~~Innovation~~ and the Department of Revenue. The project management  
 21348 team is responsible for:

21349 1. Providing daily planning, management, and oversight of  
 21350 the project.

21351 2. Submitting an operational work plan and providing  
 21352 quarterly updates to that plan to the executive steering  
 21353 committee. The plan must specify project milestones,  
 21354 deliverables, and expenditures.

21355 3. Submitting written monthly project status reports to  
 21356 the executive steering committee which include:

21357 a. Planned versus actual project costs;

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21358           b. An assessment of the status of major milestones and  
21359 deliverables;

21360           c. Identification of any issues requiring resolution, the  
21361 proposed resolution for these issues, and information regarding  
21362 the status of the resolution;

21363           d. Identification of risks that must be managed; and

21364           e. Identification of and recommendations regarding  
21365 necessary changes in the project's scope, schedule, or costs.  
21366 All recommendations must be reviewed by project stakeholders  
21367 before submission to the executive steering committee in order  
21368 to ensure that the recommendations meet required acceptance  
21369 criteria.

21370           Section 482. Paragraph (d) of subsection (1), subsection  
21371 (2), paragraphs (a) and (c) of subsection (3), and subsection  
21372 (6) of section 443.1115, Florida Statutes, are amended to read:  
21373           443.1115 Extended benefits.—

21374           (1) DEFINITIONS.—As used in this section, the term:

21375           (d) "Rate of insured unemployment" means the percentage  
21376 derived by dividing the average weekly number of individuals  
21377 filing claims for regular compensation in this state, excluding  
21378 extended-benefit claimants for weeks of unemployment with  
21379 respect to the most recent 13-consecutive-week period, as  
21380 determined by the Department of Economic Opportunity ~~the Agency~~  
21381 ~~for Workforce Innovation~~ on the basis of its reports to the  
21382 United States Secretary of Labor, by the average monthly  
21383 employment covered under this chapter for the first four of the  
21384 most recent six completed calendar quarters ending before the  
21385 end of that 13-week period.

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21386 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,  
 21387 EXTENDED BENEFITS.—Except when the result is inconsistent with  
 21388 the other provisions of this section and as provided in the  
 21389 rules of the Department of Economic Opportunity ~~the Agency for~~  
 21390 ~~Workforce Innovation~~, the provisions of this chapter applying to  
 21391 claims for, or the payment of, regular benefits apply to claims  
 21392 for, and the payment of, extended benefits. These extended  
 21393 benefits are charged to the employment records of employers to  
 21394 the extent that the share of those extended benefits paid from  
 21395 this state's Unemployment Compensation Trust Fund is not  
 21396 eligible to be reimbursed from federal sources.

21397 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

21398 (a) An individual is eligible to receive extended benefits  
 21399 for any week of unemployment in her or his eligibility period  
 21400 only if the Department of Economic Opportunity ~~the Agency for~~  
 21401 ~~Workforce Innovation~~ finds that, for that week:

21402 1. She or he is an exhaustee as defined in subsection (1).

21403 2. She or he satisfies the requirements of this chapter  
 21404 for the receipt of regular benefits applicable to individuals  
 21405 claiming extended benefits, including not being subject to  
 21406 disqualification from the receipt of benefits. An individual  
 21407 disqualified from receiving regular benefits may not receive  
 21408 extended benefits after the disqualification period terminates  
 21409 if he or she was disqualified for voluntarily leaving work,  
 21410 being discharged from work for misconduct, or refusing suitable  
 21411 work. However, if the disqualification period for regular  
 21412 benefits terminates because the individual received the required  
 21413 amount of remuneration for services rendered as a common-law

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21414 employee, she or he may receive extended benefits.

21415 3. The individual was paid wages for insured work for the  
 21416 applicable benefit year equal to 1.5 times the high quarter  
 21417 earnings during the base period.

21418 (c)1. An individual is disqualified from receiving  
 21419 extended benefits if the Department of Economic Opportunity ~~the~~  
 21420 ~~Agency for Workforce Innovation~~ finds that, during any week of  
 21421 unemployment in her or his eligibility period:

21422 a. She or he failed to apply for suitable work or, if  
 21423 offered, failed to accept suitable work, unless the individual  
 21424 can furnish to the Department of Economic Opportunity ~~the agency~~  
 21425 satisfactory evidence that her or his prospects for obtaining  
 21426 work in her or his customary occupation within a reasonably  
 21427 short period are good. If this evidence is deemed satisfactory  
 21428 for this purpose, the determination of whether any work is  
 21429 suitable for the individual shall be made in accordance with the  
 21430 definition of suitable work in s. 443.101(2). This  
 21431 disqualification begins with the week the failure occurred and  
 21432 continues until she or he is employed for at least 4 weeks and  
 21433 receives earned income of at least 17 times her or his weekly  
 21434 benefit amount.

21435 b. She or he failed to furnish tangible evidence that she  
 21436 or he actively engaged in a systematic and sustained effort to  
 21437 find work. This disqualification begins with the week the  
 21438 failure occurred and continues until she or he is employed for  
 21439 at least 4 weeks and receives earned income of at least 4 times  
 21440 her or his weekly benefit amount.

21441 2. Except as otherwise provided in sub-subparagraph 1.a.,

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21442 as used in this paragraph, the term "suitable work" means any  
 21443 work within the individual's capabilities to perform, if:

21444 a. The gross average weekly remuneration payable for the  
 21445 work exceeds the sum of the individual's weekly benefit amount  
 21446 plus the amount, if any, of supplemental unemployment benefits,  
 21447 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of  
 21448 1954, as amended, payable to the individual for that week;

21449 b. The wages payable for the work equal the higher of the  
 21450 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards  
 21451 Act of 1938, without regard to any exemption, or the state or  
 21452 local minimum wage; and

21453 c. The work otherwise meets the definition of suitable  
 21454 work in s. 443.101(2) to the extent that the criteria for  
 21455 suitability are not inconsistent with this paragraph.

21456 (6) COMPUTATIONS.—The Department of Economic Opportunity  
 21457 ~~The Agency for Workforce Innovation~~ shall perform the  
 21458 computations required under paragraph (1)(d) in accordance with  
 21459 regulations of the United States Secretary of Labor.

21460 Section 483. Subsection (2) and paragraphs (a) and (b) of  
 21461 subsection (5) of section 443.1116, Florida Statutes, are  
 21462 amended to read:

21463 443.1116 Short-time compensation.—

21464 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer  
 21465 wishing to participate in the short-time compensation program  
 21466 must submit a signed, written, short-time plan to the Department  
 21467 of Economic Opportunity ~~the director of the Agency for Workforce~~  
 21468 ~~Innovation~~ for approval. The commissioner ~~director~~ or his or her  
 21469 designee shall approve the plan if:

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21470 (a) The plan applies to and identifies each specific  
 21471 affected unit;

21472 (b) The individuals in the affected unit are identified by  
 21473 name and social security number;

21474 (c) The normal weekly hours of work for individuals in the  
 21475 affected unit are reduced by at least 10 percent and by not more  
 21476 than 40 percent;

21477 (d) The plan includes a certified statement by the  
 21478 employer that the aggregate reduction in work hours is in lieu  
 21479 of temporary layoffs that would affect at least 10 percent of  
 21480 the employees in the affected unit and that would have resulted  
 21481 in an equivalent reduction in work hours;

21482 (e) The plan applies to at least 10 percent of the  
 21483 employees in the affected unit;

21484 (f) The plan is approved in writing by the collective  
 21485 bargaining agent for each collective bargaining agreement  
 21486 covering any individual in the affected unit;

21487 (g) The plan does not serve as a subsidy to seasonal  
 21488 employers during the off-season or as a subsidy to employers who  
 21489 traditionally use part-time employees; and

21490 (h) The plan certifies the manner in which the employer  
 21491 will treat fringe benefits of the individuals in the affected  
 21492 unit if the hours of the individuals are reduced to less than  
 21493 their normal weekly hours of work. As used in this paragraph,  
 21494 the term "fringe benefits" includes, but is not limited to,  
 21495 health insurance, retirement benefits under defined benefit  
 21496 pension plans as defined in subsection 35 of s. 1002 of the  
 21497 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid



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21498 vacation and holidays, and sick leave.

21499 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION  
21500 BENEFITS.—

21501 (a) Except as provided in this subsection, an individual  
21502 is eligible to receive short-time compensation benefits for any  
21503 week only if she or he complies with this chapter and the  
21504 Department of Economic Opportunity ~~the Agency for Workforce~~  
21505 ~~Innovation~~ finds that:

21506 1. The individual is employed as a member of an affected  
21507 unit in an approved plan that was approved before the week and  
21508 is in effect for the week;

21509 2. The individual is able to work and is available for  
21510 additional hours of work or for full-time work with the short-  
21511 time employer; and

21512 3. The normal weekly hours of work of the individual are  
21513 reduced by at least 10 percent but not by more than 40 percent,  
21514 with a corresponding reduction in wages.

21515 (b) The Department of Economic Opportunity ~~The Agency for~~  
21516 ~~Workforce Innovation~~ may not deny short-time compensation  
21517 benefits to an individual who is otherwise eligible for these  
21518 benefits for any week by reason of the application of any  
21519 provision of this chapter relating to availability for work,  
21520 active search for work, or refusal to apply for or accept work  
21521 from other than the short-time compensation employer of that  
21522 individual.

21523 Section 484. Subsection (3) of section 443.1215, Florida  
21524 Statutes, is amended to read:

21525 443.1215 Employers.—

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21526 (3) An employing unit that fails to keep the records of  
 21527 employment required by this chapter and by the rules of the  
 21528 Department of Economic Opportunity ~~the Agency for Workforce~~  
 21529 ~~Innovation~~ and the Department of Revenue ~~the state agency~~  
 21530 ~~providing unemployment tax collection services~~ is presumed to be  
 21531 an employer liable for the payment of contributions under this  
 21532 chapter, regardless of the number of individuals employed by the  
 21533 employing unit. However, the Department of Revenue ~~tax~~  
 21534 ~~collection service provider~~ shall make written demand that the  
 21535 employing unit keep and maintain required payroll records. The  
 21536 demand must be made at least 6 months before assessing  
 21537 contributions against an employing unit determined to be an  
 21538 employer that is subject to this chapter solely by reason of  
 21539 this subsection.

21540 Section 485. Paragraphs (a) and (d) of subsection (1),  
 21541 subsection (12), and paragraphs (f) and (p) of subsection (13)  
 21542 of section 443.1216, Florida Statutes, are amended to read:

21543 443.1216 Employment.—Employment, as defined in s. 443.036,  
 21544 is subject to this chapter under the following conditions:

21545 (1) (a) The employment subject to this chapter includes a  
 21546 service performed, including a service performed in interstate  
 21547 commerce, by:

21548 1. An officer of a corporation.

21549 2. An individual who, under the usual common-law rules  
 21550 applicable in determining the employer-employee relationship, is  
 21551 an employee. However, whenever a client, as defined in s.  
 21552 443.036~~(18)~~, which would otherwise be designated as an employing  
 21553 unit has contracted with an employee leasing company to supply

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21554 | it with workers, those workers are considered employees of the  
 21555 | employee leasing company. An employee leasing company may lease  
 21556 | corporate officers of the client to the client and other workers  
 21557 | to the client, except as prohibited by regulations of the  
 21558 | Internal Revenue Service. Employees of an employee leasing  
 21559 | company must be reported under the employee leasing company's  
 21560 | tax identification number and contribution rate for work  
 21561 | performed for the employee leasing company.

21562 |       a. In addition to any other report required to be filed by  
 21563 | law, an employee leasing company shall submit a report to the  
 21564 | Labor Market Statistics Center within the Department of Economic  
 21565 | Opportunity ~~the Agency for Workforce Innovation~~ which includes  
 21566 | each client establishment and each establishment of the employee  
 21567 | leasing company, or as otherwise directed by the Department of  
 21568 | Economic Opportunity ~~the agency~~. The report must include the  
 21569 | following information for each establishment:

- 21570 |           (I) The trade or establishment name;
- 21571 |           (II) The former unemployment compensation account number,  
 21572 | if available;
- 21573 |           (III) The former federal employer's identification number  
 21574 | (FEIN), if available;
- 21575 |           (IV) The industry code recognized and published by the  
 21576 | United States Office of Management and Budget, if available;
- 21577 |           (V) A description of the client's primary business  
 21578 | activity in order to verify or assign an industry code;
- 21579 |           (VI) The address of the physical location;
- 21580 |           (VII) The number of full-time and part-time employees who  
 21581 | worked during, or received pay that was subject to unemployment

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21582 compensation taxes for, the pay period including the 12th of the  
 21583 month for each month of the quarter;

21584 (VIII) The total wages subject to unemployment  
 21585 compensation taxes paid during the calendar quarter;

21586 (IX) An internal identification code to uniquely identify  
 21587 each establishment of each client;

21588 (X) The month and year that the client entered into the  
 21589 contract for services; and

21590 (XI) The month and year that the client terminated the  
 21591 contract for services.

21592 b. The report shall be submitted electronically or in a  
 21593 manner otherwise prescribed by the Department of Economic  
 21594 Opportunity ~~the Agency for Workforce Innovation~~ in the format  
 21595 specified by the Bureau of Labor Statistics of the United States  
 21596 Department of Labor for its Multiple Worksite Report for  
 21597 Professional Employer Organizations. The report must be provided  
 21598 quarterly to the Labor Market Statistics Center within the  
 21599 Department of Economic Opportunity ~~the Agency for Workforce~~  
 21600 ~~Innovation~~, or as otherwise directed by the Department of  
 21601 Economic Opportunity ~~the agency~~, and must be filed by the last  
 21602 day of the month immediately following the end of the calendar  
 21603 quarter. The information required in sub-sub-subparagraphs a.(X)  
 21604 and (XI) need be provided only in the quarter in which the  
 21605 contract to which it relates was entered into or terminated. The  
 21606 sum of the employment data and the sum of the wage data in this  
 21607 report must match the employment and wages reported in the  
 21608 unemployment compensation quarterly tax and wage report. A  
 21609 report is not required for any calendar quarter preceding the

21610 third calendar quarter of 2010.

21611 c. The Department of Economic Opportunity ~~The Agency for~~  
 21612 ~~Workforce Innovation~~ shall adopt rules as necessary to  
 21613 administer this subparagraph, and may administer, collect,  
 21614 enforce, and waive the penalty imposed by s. 443.141(1)(b) for  
 21615 the report required by this subparagraph.

21616 d. For the purposes of this subparagraph, the term  
 21617 "establishment" means any location where business is conducted  
 21618 or where services or industrial operations are performed.

21619 3. An individual other than an individual who is an  
 21620 employee under subparagraph 1. or subparagraph 2., who performs  
 21621 services for remuneration for any person:

21622 a. As an agent-driver or commission-driver engaged in  
 21623 distributing meat products, vegetable products, fruit products,  
 21624 bakery products, beverages other than milk, or laundry or  
 21625 drycleaning services for his or her principal.

21626 b. As a traveling or city salesperson engaged on a full-  
 21627 time basis in the solicitation on behalf of, and the  
 21628 transmission to, his or her principal of orders from  
 21629 wholesalers, retailers, contractors, or operators of hotels,  
 21630 restaurants, or other similar establishments for merchandise for  
 21631 resale or supplies for use in their business operations. This  
 21632 sub-subparagraph does not apply to an agent-driver or a  
 21633 commission-driver and does not apply to sideline sales  
 21634 activities performed on behalf of a person other than the  
 21635 salesperson's principal.

21636 4. The services described in subparagraph 3. are  
 21637 employment subject to this chapter only if:

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21638 a. The contract of service contemplates that substantially  
 21639 all of the services are to be performed personally by the  
 21640 individual;

21641 b. The individual does not have a substantial investment  
 21642 in facilities used in connection with the services, other than  
 21643 facilities used for transportation; and

21644 c. The services are not in the nature of a single  
 21645 transaction that is not part of a continuing relationship with  
 21646 the person for whom the services are performed.

21647 (d) If two or more related corporations concurrently  
 21648 employ the same individual and compensate the individual through  
 21649 a common paymaster, each related corporation is considered to  
 21650 have paid wages to the individual only in the amounts actually  
 21651 disbursed by that corporation to the individual and is not  
 21652 considered to have paid the wages actually disbursed to the  
 21653 individual by another of the related corporations. The  
 21654 Department of Economic Opportunity ~~The Agency for Workforce~~  
 21655 ~~Innovation~~ and the Department of Revenue ~~the state agency~~  
 21656 ~~providing unemployment tax collection services~~ may adopt rules  
 21657 necessary to administer this paragraph.

21658 1. As used in this paragraph, the term "common paymaster"  
 21659 means a member of a group of related corporations that disburses  
 21660 wages to concurrent employees on behalf of the related  
 21661 corporations and that is responsible for keeping payroll records  
 21662 for those concurrent employees. A common paymaster is not  
 21663 required to disburse wages to all the employees of the related  
 21664 corporations; however, this subparagraph does not apply to wages  
 21665 of concurrent employees which are not disbursed through a common

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21666 paymaster. A common paymaster must pay concurrently employed  
21667 individuals under this subparagraph by one combined paycheck.

21668 2. As used in this paragraph, the term "concurrent  
21669 employment" means the existence of simultaneous employment  
21670 relationships between an individual and related corporations.  
21671 Those relationships require the performance of services by the  
21672 employee for the benefit of the related corporations, including  
21673 the common paymaster, in exchange for wages that, if deductible  
21674 for the purposes of federal income tax, are deductible by the  
21675 related corporations.

21676 3. Corporations are considered related corporations for an  
21677 entire calendar quarter if they satisfy any one of the following  
21678 tests at any time during the calendar quarter:

21679 a. The corporations are members of a "controlled group of  
21680 corporations" as defined in s. 1563 of the Internal Revenue Code  
21681 of 1986 or would be members if s. 1563(a)(4) and (b) did not  
21682 apply.

21683 b. In the case of a corporation that does not issue stock,  
21684 at least 50 percent of the members of the board of directors or  
21685 other governing body of one corporation are members of the board  
21686 of directors or other governing body of the other corporation or  
21687 the holders of at least 50 percent of the voting power to select  
21688 those members are concurrently the holders of at least 50  
21689 percent of the voting power to select those members of the other  
21690 corporation.

21691 c. At least 50 percent of the officers of one corporation  
21692 are concurrently officers of the other corporation.

21693 d. At least 30 percent of the employees of one corporation

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21694 are concurrently employees of the other corporation.

21695 4. The common paymaster must report to the Department of  
 21696 Revenue ~~tax collection service provider~~, as part of the  
 21697 unemployment compensation quarterly tax and wage report, the  
 21698 state unemployment compensation account number and name of each  
 21699 related corporation for which concurrent employees are being  
 21700 reported. Failure to timely report this information shall result  
 21701 in the related corporations being denied common paymaster status  
 21702 for that calendar quarter.

21703 5. The common paymaster also has the primary  
 21704 responsibility for remitting contributions due under this  
 21705 chapter for the wages it disburses as the common paymaster. The  
 21706 common paymaster must compute these contributions as though it  
 21707 were the sole employer of the concurrently employed individuals.  
 21708 If a common paymaster fails to timely remit these contributions  
 21709 or reports, in whole or in part, the common paymaster remains  
 21710 liable for the full amount of the unpaid portion of these  
 21711 contributions. In addition, each of the other related  
 21712 corporations using the common paymaster is jointly and severally  
 21713 liable for its appropriate share of these contributions. Each  
 21714 related corporation's share equals the greater of:

21715 a. The liability of the common paymaster under this  
 21716 chapter, after taking into account any contributions made.

21717 b. The liability under this chapter which, notwithstanding  
 21718 this section, would have existed for the wages from the other  
 21719 related corporations, reduced by an allocable portion of any  
 21720 contributions previously paid by the common paymaster for those  
 21721 wages.



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21722 (12) The employment subject to this chapter includes  
 21723 services covered by a reciprocal arrangement under s. 443.221  
 21724 between the Department of Economic Opportunity ~~the Agency for~~  
 21725 ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 21726 ~~collection service provider~~ and the agency charged with the  
 21727 administration of another state unemployment compensation law or  
 21728 a federal unemployment compensation law, under which all  
 21729 services performed by an individual for an employing unit are  
 21730 deemed to be performed entirely within this state, if the  
 21731 Department of Economic Opportunity ~~the Agency for Workforce~~  
 21732 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 21733 ~~service provider~~ approved an election of the employing unit in  
 21734 which all of the services performed by the individual during the  
 21735 period covered by the election are deemed to be insured work.

21736 (13) The following are exempt from coverage under this  
 21737 chapter:

21738 (f) Service performed in the employ of a public employer  
 21739 as defined in s. 443.036, except as provided in subsection (2),  
 21740 and service performed in the employ of an instrumentality of a  
 21741 public employer as described in s. 443.036(36) ~~(35)~~ (b) or (c), to  
 21742 the extent that the instrumentality is immune under the United  
 21743 States Constitution from the tax imposed by s. 3301 of the  
 21744 Internal Revenue Code for that service.

21745 (p) Service covered by an arrangement between the  
 21746 Department of Economic Opportunity ~~the Agency for Workforce~~  
 21747 ~~Innovation~~, or the Department of Revenue ~~its tax collection~~  
 21748 ~~service provider~~, and the agency charged with the administration  
 21749 of another state or federal unemployment compensation law under

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21750 | which all services performed by an individual for an employing  
 21751 | unit during the period covered by the employing unit's duly  
 21752 | approved election is deemed to be performed entirely within the  
 21753 | other agency's state or under the federal law.

21754 |       Section 486. Subsection (1) of section 443.1217, Florida  
 21755 | Statutes, is amended to read:

21756 |           443.1217 Wages.—

21757 |       (1) The wages subject to this chapter include all  
 21758 | remuneration for employment, including commissions, bonuses,  
 21759 | back pay awards, and the cash value of all remuneration paid in  
 21760 | any medium other than cash. The reasonable cash value of  
 21761 | remuneration in any medium other than cash must be estimated and  
 21762 | determined in accordance with rules adopted by the Department of  
 21763 | Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 21764 | Department of Revenue ~~state agency providing tax collection~~  
 21765 | ~~services~~. The wages subject to this chapter include tips or  
 21766 | gratuities received while performing services that constitute  
 21767 | employment and are included in a written statement furnished to  
 21768 | the employer under s. 6053(a) of the Internal Revenue Code of  
 21769 | 1954. As used in this section only, the term "employment"  
 21770 | includes services constituting employment under any employment  
 21771 | security law of another state or of the Federal Government.

21772 |       Section 487. Subsection (1) and paragraphs (a), (g), and  
 21773 | (i) of subsection (3) of section 443.131, Florida Statutes, are  
 21774 | amended to read:

21775 |           443.131 Contributions.—

21776 |       (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are  
 21777 | payable by each employer for each calendar quarter he or she is

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21778 | subject to this chapter for wages paid during each calendar  
 21779 | quarter for employment. Contributions are due and payable by  
 21780 | each employer to the Department of Revenue ~~tax collection~~  
 21781 | ~~service provider~~, in accordance with the rules adopted by the  
 21782 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 21783 | ~~Innovation~~ or the Department of Revenue ~~state agency providing~~  
 21784 | ~~tax collection services~~. This subsection does not prohibit the  
 21785 | Department of Revenue ~~tax collection service provider~~ from  
 21786 | allowing, at the request of the employer, employers of employees  
 21787 | performing domestic services, as defined in s. 443.1216(6), to  
 21788 | pay contributions or report wages at intervals other than  
 21789 | quarterly when the nonquarterly payment or reporting assists the  
 21790 | Department of Revenue ~~service provider~~ and when nonquarterly  
 21791 | payment and reporting is authorized under federal law. Employers  
 21792 | of employees performing domestic services may report wages and  
 21793 | pay contributions annually, with a due date of January 1 and a  
 21794 | delinquency date of February 1. To qualify for this election,  
 21795 | the employer must employ only employees performing domestic  
 21796 | services, be eligible for a variation from the standard rate  
 21797 | computed under subsection (3), apply to this program no later  
 21798 | than December 1 of the preceding calendar year, and agree to  
 21799 | provide the Department of Economic Opportunity ~~the Agency for~~  
 21800 | ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 21801 | ~~collection service provider~~ with any special reports that are  
 21802 | requested, including copies of all federal employment tax forms.  
 21803 | An employer who fails to timely furnish any wage information  
 21804 | required by the Department of Economic Opportunity ~~the Agency~~  
 21805 | ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~

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21806 ~~collection service provider~~ loses the privilege to participate  
21807 in this program, effective the calendar quarter immediately  
21808 after the calendar quarter the failure occurred. The employer  
21809 may reapply for annual reporting when a complete calendar year  
21810 elapses after the employer's disqualification if the employer  
21811 timely furnished any requested wage information during the  
21812 period in which annual reporting was denied. An employer may not  
21813 deduct contributions, interests, penalties, fines, or fees  
21814 required under this chapter from any part of the wages of his or  
21815 her employees. A fractional part of a cent less than one-half  
21816 cent shall be disregarded from the payment of contributions, but  
21817 a fractional part of at least one-half cent shall be increased  
21818 to 1 cent.

21819 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
21820 EXPERIENCE.—

21821 (a) Employment records.—The regular and short-time  
21822 compensation benefits paid to an eligible individual shall be  
21823 charged to the employment record of each employer who paid the  
21824 individual wages of at least \$100 during the individual's base  
21825 period in proportion to the total wages paid by all employers  
21826 who paid the individual wages during the individual's base  
21827 period. Benefits may not be charged to the employment record of  
21828 an employer who furnishes part-time work to an individual who,  
21829 because of loss of employment with one or more other employers,  
21830 is eligible for partial benefits while being furnished part-time  
21831 work by the employer on substantially the same basis and in  
21832 substantially the same amount as the individual's employment  
21833 during his or her base period, regardless of whether this part-

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21834 time work is simultaneous or successive to the individual's lost  
 21835 employment. Further, as provided in s. 443.151(3), benefits may  
 21836 not be charged to the employment record of an employer who  
 21837 furnishes the Department of Economic Opportunity ~~the Agency for~~  
 21838 ~~Workforce Innovation~~ with notice, as prescribed in agency rules  
 21839 of the Department of Economic Opportunity, that any of the  
 21840 following apply:

21841 1. If an individual leaves his or her work without good  
 21842 cause attributable to the employer or is discharged by the  
 21843 employer for misconduct connected with his or her work, benefits  
 21844 subsequently paid to the individual based on wages paid by the  
 21845 employer before the separation may not be charged to the  
 21846 employment record of the employer.

21847 2. If an individual is discharged by the employer for  
 21848 unsatisfactory performance during an initial employment  
 21849 probationary period, benefits subsequently paid to the  
 21850 individual based on wages paid during the probationary period by  
 21851 the employer before the separation may not be charged to the  
 21852 employer's employment record. As used in this subparagraph, the  
 21853 term "initial employment probationary period" means an  
 21854 established probationary plan that applies to all employees or a  
 21855 specific group of employees and that does not exceed 90 calendar  
 21856 days following the first day a new employee begins work. The  
 21857 employee must be informed of the probationary period within the  
 21858 first 7 days of work. The employer must demonstrate by  
 21859 conclusive evidence that the individual was separated because of  
 21860 unsatisfactory work performance and not because of lack of work  
 21861 due to temporary, seasonal, casual, or other similar employment

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21862 that is not of a regular, permanent, and year-round nature.

21863 3. Benefits subsequently paid to an individual after his  
 21864 or her refusal without good cause to accept suitable work from  
 21865 an employer may not be charged to the employment record of the  
 21866 employer if any part of those benefits are based on wages paid  
 21867 by the employer before the individual's refusal to accept  
 21868 suitable work. As used in this subparagraph, the term "good  
 21869 cause" does not include distance to employment caused by a  
 21870 change of residence by the individual. The Department of  
 21871 Economic Opportunity ~~The Agency for Workforce Innovation~~ shall  
 21872 adopt rules prescribing for the payment of all benefits whether  
 21873 this subparagraph applies regardless of whether a  
 21874 disqualification under s. 443.101 applies to the claim.

21875 4. If an individual is separated from work as a direct  
 21876 result of a natural disaster declared under the Robert T.  
 21877 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.  
 21878 ss. 5121 et seq., benefits subsequently paid to the individual  
 21879 based on wages paid by the employer before the separation may  
 21880 not be charged to the employment record of the employer.

21881 (g) Transfer of unemployment experience upon transfer or  
 21882 acquisition of a business.—Notwithstanding any other provision  
 21883 of law, upon transfer or acquisition of a business, the  
 21884 following conditions apply to the assignment of rates and to  
 21885 transfers of unemployment experience:

21886 1.a. If an employer transfers its trade or business, or a  
 21887 portion thereof, to another employer and, at the time of the  
 21888 transfer, there is any common ownership, management, or control  
 21889 of the two employers, the unemployment experience attributable

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21890 | to the transferred trade or business shall be transferred to the  
 21891 | employer to whom the business is so transferred. The rates of  
 21892 | both employers shall be recalculated and made effective as of  
 21893 | the beginning of the calendar quarter immediately following the  
 21894 | date of the transfer of the trade or business unless the  
 21895 | transfer occurred on the first day of a calendar quarter, in  
 21896 | which case the rate shall be recalculated as of that date.

21897 |       b. If, following a transfer of experience under sub-  
 21898 | subparagraph a., the Department of Economic Opportunity ~~the~~  
 21899 | ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~tax~~  
 21900 | ~~collection service provider~~ determines that a substantial  
 21901 | purpose of the transfer of trade or business was to obtain a  
 21902 | reduced liability for contributions, the experience rating  
 21903 | account of the employers involved shall be combined into a  
 21904 | single account and a single rate assigned to the account.

21905 |       2. Whenever a person who is not an employer under this  
 21906 | chapter at the time it acquires the trade or business of an  
 21907 | employer, the unemployment experience of the acquired business  
 21908 | shall not be transferred to the person if the Department of  
 21909 | Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 21910 | Department of Revenue ~~tax collection service provider~~ finds that  
 21911 | such person acquired the business solely or primarily for the  
 21912 | purpose of obtaining a lower rate of contributions. Instead,  
 21913 | such person shall be assigned the new employer rate under  
 21914 | paragraph (2) (a). In determining whether the business was  
 21915 | acquired solely or primarily for the purpose of obtaining a  
 21916 | lower rate of contributions, the Department of Revenue ~~tax~~  
 21917 | ~~collection service provider~~ shall consider, but not be limited

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21918 to, the following factors:

21919 a. Whether the person continued the business enterprise of  
21920 the acquired business;

21921 b. How long such business enterprise was continued; or

21922 c. Whether a substantial number of new employees was hired  
21923 for performance of duties unrelated to the business activity  
21924 conducted before the acquisition.

21925 3. If a person knowingly violates or attempts to violate  
21926 subparagraph 1. or subparagraph 2. or any other provision of  
21927 this chapter related to determining the assignment of a  
21928 contribution rate, or if a person knowingly advises another  
21929 person to violate the law, the person shall be subject to the  
21930 following penalties:

21931 a. If the person is an employer, the employer shall be  
21932 assigned the highest rate assignable under this chapter for the  
21933 rate year during which such violation or attempted violation  
21934 occurred and for the 3 rate years immediately following this  
21935 rate year. However, if the person's business is already at the  
21936 highest rate for any year, or if the amount of increase in the  
21937 person's rate would be less than 2 percent for such year, then a  
21938 penalty rate of contribution of 2 percent of taxable wages shall  
21939 be imposed for such year and the following 3 rate years.

21940 b. If the person is not an employer, such person shall be  
21941 subject to a civil money penalty of not more than \$5,000. The  
21942 procedures for the assessment of a penalty shall be in  
21943 accordance with the procedures set forth in s. 443.141(2), and  
21944 the provisions of s. 443.141(3) shall apply to the collection of  
21945 the penalty. Any such penalty shall be deposited in the penalty



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21946 and interest account established under s. 443.211(2).

21947 4. For purposes of this paragraph, the term:

21948 a. "Knowingly" means having actual knowledge of or acting

21949 with deliberate ignorance or reckless disregard for the

21950 prohibition involved.

21951 b. "Violates or attempts to violate" includes, but is not

21952 limited to, intent to evade, misrepresent, or willfully

21953 nondisclose.

21954 5. In addition to the penalty imposed by subparagraph 3.,

21955 any person who violates this paragraph commits a felony of the

21956 third degree, punishable as provided in s. 775.082, s. 775.083,

21957 or s. 775.084.

21958 6. The Department of Economic Opportunity ~~The Agency for~~

21959 ~~Workforce Innovation~~ and the Department of Revenue ~~tax~~

21960 ~~collection service provider~~ shall establish procedures to

21961 identify the transfer or acquisition of a business for the

21962 purposes of this paragraph and shall adopt any rules necessary

21963 to administer this paragraph.

21964 7. For purposes of this paragraph:

21965 a. "Person" has the meaning given to the term by s.

21966 7701(a)(1) of the Internal Revenue Code of 1986.

21967 b. "Trade or business" shall include the employer's

21968 workforce.

21969 8. This paragraph shall be interpreted and applied in such

21970 a manner as to meet the minimum requirements contained in any

21971 guidance or regulations issued by the United States Department

21972 of Labor.

21973 (i) Notice of determinations of contribution rates;

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21974 | redeterminations.—The Department of Revenue ~~state agency~~  
 21975 | ~~providing tax collection services:~~

21976 |       1. Shall promptly notify each employer of his or her  
 21977 | contribution rate as determined for any calendar year under this  
 21978 | section. The determination is conclusive and binding on the  
 21979 | employer unless within 20 days after mailing the notice of  
 21980 | determination to the employer's last known address, or, in the  
 21981 | absence of mailing, within 20 days after delivery of the notice,  
 21982 | the employer files an application for review and redetermination  
 21983 | setting forth the grounds for review. An employer may not, in  
 21984 | any proceeding involving his or her contribution rate or  
 21985 | liability for contributions, contest the chargeability to his or  
 21986 | her employment record of any benefits paid in accordance with a  
 21987 | determination, redetermination, or decision under s. 443.151,  
 21988 | except on the ground that the benefits charged were not based on  
 21989 | services performed in employment for him or her and then only if  
 21990 | the employer was not a party to the determination,  
 21991 | redetermination, or decision, or to any other proceeding under  
 21992 | this chapter, in which the character of those services was  
 21993 | determined.

21994 |       2. Shall, upon discovery of an error in computation,  
 21995 | reconsider any prior determination or redetermination of a  
 21996 | contribution rate after the 20-day period has expired and issue  
 21997 | a revised notice of contribution rate as redetermined. A  
 21998 | redetermination is subject to review, and is conclusive and  
 21999 | binding if review is not sought, in the same manner as review of  
 22000 | a determination under subparagraph 1. A reconsideration may not  
 22001 | be made after March 31 of the calendar year immediately after

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22002 | the calendar year for which the contribution rate is applicable,  
 22003 | and interest may not accrue on any additional contributions  
 22004 | found to be due until 30 days after the employer is mailed  
 22005 | notice of his or her revised contribution rate.

22006 |         3. May adopt rules providing for periodic notification to  
 22007 | employers of benefits paid and charged to their employment  
 22008 | records or of the status of those employment records. A  
 22009 | notification, unless an application for redetermination is filed  
 22010 | in the manner and within the time limits prescribed by the  
 22011 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 22012 | ~~Innovation~~, is conclusive and binding on the employer under this  
 22013 | chapter. The redetermination, and the Department of Economic  
 22014 | Opportunity's ~~the Agency for Workforce Innovation's~~ finding of  
 22015 | fact in connection with the redetermination, may be introduced  
 22016 | in any subsequent administrative or judicial proceeding  
 22017 | involving the determination of the contribution rate of an  
 22018 | employer for any calendar year. A redetermination becomes final  
 22019 | in the same manner provided in this subsection for findings of  
 22020 | fact made by the Department of Economic Opportunity ~~the Agency~~  
 22021 | ~~for Workforce Innovation~~ in proceedings to redetermine the  
 22022 | contribution rate of an employer. Pending a redetermination or  
 22023 | an administrative or judicial proceeding, the employer must file  
 22024 | reports and pay contributions in accordance with this section.

22025 |         Section 488. Paragraph (d) of subsection (2) and paragraph  
 22026 | (d) of subsection (3) of section 443.1312, Florida Statutes, are  
 22027 | amended to read:

22028 |         443.1312 Reimbursements; nonprofit organizations.—Benefits  
 22029 | paid to employees of nonprofit organizations shall be financed

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22030 | in accordance with this section.

22031 |       (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF  
 22032 | REIMBURSEMENT.—A nonprofit organization that is, or becomes,  
 22033 | subject to this chapter under s. 443.1215(1)(c) or s.  
 22034 | 443.121(3)(a) must pay contributions under s. 443.131 unless it  
 22035 | elects, in accordance with this subsection, to reimburse the  
 22036 | Unemployment Compensation Trust Fund for all of the regular  
 22037 | benefits, short-time compensation benefits, and one-half of the  
 22038 | extended benefits paid, which are attributable to service in the  
 22039 | employ of the nonprofit organization, to individuals for weeks  
 22040 | of unemployment which begin during the effective period of the  
 22041 | election.

22042 |       (d) In accordance with rules adopted by the Department of  
 22043 | Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 22044 | Department of Revenue ~~the state agency providing unemployment~~  
 22045 | ~~tax collection services~~, the Department of Revenue ~~the tax~~  
 22046 | ~~collection service provider~~ shall notify each nonprofit  
 22047 | organization of any determination of the organization's status  
 22048 | as an employer, the effective date of any election the  
 22049 | organization makes, and the effective date of any termination of  
 22050 | the election. Each determination is subject to reconsideration,  
 22051 | appeal, and review under s. 443.141(2)(c).

22052 |       (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of  
 22053 | contributions must be paid in accordance with this subsection.

22054 |       (d) The amount due, as specified in any bill from the  
 22055 | Department of Revenue ~~tax collection service provider~~, is  
 22056 | conclusive, and the nonprofit organization is liable for payment  
 22057 | of that amount unless, within 20 days after the bill is mailed

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22058 to the organization's last known address or otherwise delivered  
 22059 to the organization, the organization files an application for  
 22060 redetermination by the Department of Economic Opportunity ~~the~~  
 22061 ~~Agency for Workforce Innovation~~, setting forth the grounds for  
 22062 the application. The Department of Economic Opportunity ~~The~~  
 22063 ~~Agency for Workforce Innovation~~ shall promptly review and  
 22064 reconsider the amount due, as specified in the bill, and shall  
 22065 issue a redetermination in each case in which an application for  
 22066 redetermination is filed. The redetermination is conclusive and  
 22067 the nonprofit organization is liable for payment of the amount  
 22068 due, as specified in the redetermination, unless, within 20 days  
 22069 after the redetermination is mailed to the organization's last  
 22070 known address or otherwise delivered to the organization, the  
 22071 organization files a protest, setting forth the grounds for the  
 22072 appeal. Proceedings on the protest shall be conducted in  
 22073 accordance with s. 443.141(2).

22074 Section 489. Paragraph (b) of subsection (1) of section  
 22075 443.1313, Florida Statutes, is amended to read:

22076 443.1313 Public employers; reimbursements; election to pay  
 22077 contributions.—Benefits paid to employees of a public employer,  
 22078 as defined in s. 443.036, based on service described in s.  
 22079 443.1216(2) shall be financed in accordance with this section.

22080 (1) PAYMENT OF REIMBURSEMENTS.—

22081 (b) If a state agency is more than 120 days delinquent on  
 22082 reimbursements due to the Unemployment Compensation Trust Fund,  
 22083 the Department of Revenue ~~tax collection service provider~~ shall  
 22084 certify to the Chief Financial Officer the amount due and the  
 22085 Chief Financial Officer shall transfer the amount due to the

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22086 Unemployment Compensation Trust Fund from the funds of the  
 22087 agency which legally may be used for that purpose. If a public  
 22088 employer other than a state agency is more than 120 days  
 22089 delinquent on reimbursements due to the Unemployment  
 22090 Compensation Trust Fund, upon request by the Department of  
 22091 Revenue ~~tax collection service provider~~ after a hearing, the  
 22092 Department of Revenue or the Department of Financial Services,  
 22093 as applicable, shall deduct the amount owed by the public  
 22094 employer from any funds to be distributed by the applicable  
 22095 department to the public employer for further distribution to  
 22096 the trust fund in accordance with this chapter. If an employer  
 22097 for whom the municipal or county tax collector collects taxes  
 22098 fails to make the reimbursements to the Unemployment  
 22099 Compensation Trust Fund required by this chapter, the tax  
 22100 collector after a hearing, at the request of the Department of  
 22101 Revenue ~~the tax collection service provider~~ and upon receipt of  
 22102 a certificate showing the amount owed by the employer, shall  
 22103 deduct the certified amount from any taxes collected for the  
 22104 employer and remit that amount to the Department of Revenue ~~tax~~  
 22105 ~~collection service provider~~ for further distribution to the  
 22106 trust fund in accordance with this chapter. This paragraph does  
 22107 not apply to amounts owed by a political subdivision of the  
 22108 state for benefits erroneously paid in which the claimant must  
 22109 repay to the Department of Economic Opportunity ~~the Agency for~~  
 22110 ~~Workforce Innovation~~ under s. 443.151(6) (a) or (b) any sum as  
 22111 benefits received.

22112 Section 490. Paragraphs (b) and (c) of subsection (4) and  
 22113 subsection (7) of section 443.1315, Florida Statutes, are

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22114 amended to read:

22115 443.1315 Treatment of Indian tribes.—

22116 (4)

22117 (b)1. Services performed for an Indian tribe or tribal  
 22118 unit that fails to make required reimbursements, including  
 22119 assessments of interest and penalty, after all collection  
 22120 activities deemed necessary by the Department of Revenue ~~tax~~  
 22121 ~~collection service provider~~, subject to approval by the  
 22122 Department of Economic Opportunity ~~the Agency for Workforce~~  
 22123 ~~Innovation~~, are exhausted may not be treated as employment for  
 22124 purposes of paragraph (1) (b) .

22125 2. The Department of Revenue ~~tax collection service~~  
 22126 ~~provider~~ may determine that any Indian tribe that loses coverage  
 22127 under subparagraph 1. may have services performed for the tribe  
 22128 subsequently included as employment for purposes of paragraph  
 22129 (1) (b) if all contributions, reimbursements, penalties, and  
 22130 interest are paid.

22131 (c) The Department of Economic Opportunity ~~The Agency for~~  
 22132 ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 22133 ~~collection service provider~~ shall immediately notify the United  
 22134 States Internal Revenue Service and the United States Department  
 22135 of Labor when an Indian tribe fails to make reimbursements  
 22136 required under this section, including assessments of interest  
 22137 and penalty, within 90 days after a final notice of delinquency.

22138 (7) The Department of Economic Opportunity ~~The Agency for~~  
 22139 ~~Workforce Innovation~~ and the Department of Revenue ~~the state~~  
 22140 ~~agency providing unemployment tax collection services~~ shall  
 22141 adopt rules necessary to administer this section.

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22142 Section 491. Section 443.1316, Florida Statutes, is  
 22143 amended to read:

22144 443.1316 Unemployment tax collection services; interagency  
 22145 agreement.—

22146 (1) The department ~~The Agency for Workforce Innovation~~  
 22147 shall contract with the Department of Revenue, through an  
 22148 interagency agreement, to perform the duties assigned to the  
 22149 Department of Revenue ~~of the tax collection service provider~~ and  
 22150 provide other unemployment tax collection services under this  
 22151 chapter. Under the interagency agreement, the Department of  
 22152 Revenue ~~tax collection service provider~~ may only implement:

22153 (a) The provisions of this chapter conferring duties upon  
 22154 the Department of Revenue ~~tax collection service provider~~.

22155 (b) The provisions of law conferring duties upon the  
 22156 Department of Economic Opportunity ~~the Agency for Workforce~~  
 22157 ~~Innovation~~ which are specifically delegated to the Department of  
 22158 Revenue through ~~tax collection service provider in the~~  
 22159 interagency agreement.

22160 (2) (a) The Department of Revenue is considered to be  
 22161 administering a revenue law of this state when it ~~the department~~  
 22162 implements this chapter, or otherwise provides unemployment tax  
 22163 collection services, under contract with the Department of  
 22164 Economic Opportunity ~~the Agency for Workforce Innovation~~ through  
 22165 the interagency agreement.

22166 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);  
 22167 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;  
 22168 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;  
 22169 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;



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22170 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and  
 22171 213.757 apply to the collection of unemployment contributions  
 22172 and reimbursements by the Department of Revenue unless  
 22173 prohibited by federal law.

22174 Section 492. Section 443.1317, Florida Statutes, is  
 22175 amended to read:

22176 443.1317 Rulemaking authority; enforcement of rules.—

22177 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY ~~AGENCY FOR~~  
 22178 ~~WORKFORCE INNOVATION.~~—

22179 (a) Except as otherwise provided in s. 443.012, the  
 22180 Department of Economic Opportunity ~~the Agency for Workforce~~  
 22181 ~~Innovation~~ has ultimate authority over the administration of the  
 22182 Unemployment Compensation Program.

22183 (b) The Department of Economic Opportunity ~~The Agency for~~  
 22184 ~~Workforce Innovation~~ may adopt rules under ss. 120.536(1) and  
 22185 120.54 to administer the provisions of this chapter conferring  
 22186 duties upon either the Department of Economic Opportunity ~~the~~  
 22187 ~~agency~~ or the Department of Revenue ~~its tax collection service~~  
 22188 ~~provider.~~

22189 (2) DEPARTMENT OF REVENUE ~~TAX COLLECTION SERVICE~~  
 22190 ~~PROVIDER.~~—The Department of Revenue as the state agency  
 22191 providing unemployment tax collection services under an  
 22192 interagency agreement with the Department of Economic  
 22193 Opportunity ~~contract with the Agency for Workforce Innovation~~  
 22194 ~~through an interagency agreement~~ pursuant to s. 443.1316 may  
 22195 adopt rules under ss. 120.536(1) and 120.54, subject to approval  
 22196 by the Department of Economic Opportunity ~~the Agency for~~  
 22197 ~~Workforce Innovation~~, to administer the provisions of law

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22198 described in s. 443.1316(1) (a) and (b) which are within this  
 22199 chapter. These rules must not conflict with the rules adopted by  
 22200 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 22201 ~~Innovation~~ or with the interagency agreement.

22202 (3) ENFORCEMENT OF RULES.—The Department of Economic  
 22203 Opportunity ~~Agency for Workforce Innovation~~ may enforce any rule  
 22204 adopted by the Department of Revenue ~~state agency providing~~  
 22205 ~~unemployment tax collection services~~ to administer this chapter.  
 22206 The Department of Revenue ~~tax collection service provider~~ may  
 22207 enforce any rule adopted by the Department of Economic  
 22208 Opportunity ~~the Agency for Workforce Innovation~~ to administer  
 22209 the provisions of law described in s. 443.1316(1) (a) and (b).

22210 Section 493. Paragraphs (b), (c), and (f) of subsection  
 22211 (1), subsection (2), paragraphs (f) and (g) of subsection (3),  
 22212 and paragraph (c) of subsection (4) of section 443.141, Florida  
 22213 Statutes, are amended to read:

22214 443.141 Collection of contributions and reimbursements.—

22215 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,  
 22216 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

22217 (b) Penalty for delinquent, erroneous, incomplete, or  
 22218 insufficient reports.—

22219 1. An employing unit that fails to file any report  
 22220 required by the Department of Economic Opportunity ~~the Agency~~  
 22221 ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 22222 ~~collection service provider~~, in accordance with rules for  
 22223 administering this chapter, shall pay to the Department of  
 22224 Revenue ~~service provider~~ for each delinquent report the sum of  
 22225 \$25 for each 30 days or fraction thereof that the employing unit

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22226 is delinquent, unless the Department of Economic Opportunity  
 22227 ~~agency~~ or the Department of Revenue ~~its service provider,~~  
 22228 whichever required the report, finds that the employing unit has  
 22229 good reason for failing to file the report. The Department of  
 22230 Economic Opportunity ~~The agency~~ or the Department of Revenue ~~its~~  
 22231 ~~service provider~~ may assess penalties only through the date of  
 22232 the issuance of the final assessment notice. However, additional  
 22233 penalties accrue if the delinquent report is subsequently filed.

22234 2.a. An employing unit that files an erroneous,  
 22235 incomplete, or insufficient report with the Department of  
 22236 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 22237 Department of Revenue ~~its tax collection service provider~~ shall  
 22238 pay a penalty. The amount of the penalty is \$50 or 10 percent of  
 22239 any tax due, whichever is greater, but no more than \$300 per  
 22240 report. The penalty shall be added to any tax, penalty, or  
 22241 interest otherwise due.

22242 b. The Department of Economic Opportunity ~~The agency~~ or  
 22243 the Department of Revenue ~~its tax collection service provider~~  
 22244 shall waive the penalty if the employing unit files an accurate,  
 22245 complete, and sufficient report within 30 days after a penalty  
 22246 notice is issued to the employing unit. The penalty may not be  
 22247 waived pursuant to this subparagraph more than one time during a  
 22248 12-month period.

22249 c. As used in this subsection, the term "erroneous,  
 22250 incomplete, or insufficient report" means a report so lacking in  
 22251 information, completeness, or arrangement that the report cannot  
 22252 be readily understood, verified, or reviewed. Such reports  
 22253 include, but are not limited to, reports having missing wage or

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22254 employee information, missing or incorrect social security  
 22255 numbers, or illegible entries; reports submitted in a format  
 22256 that is not approved by the Department of Economic Opportunity  
 22257 ~~the agency or the Department of Revenue its tax collection~~  
 22258 ~~service provider~~; and reports showing gross wages that do not  
 22259 equal the total of the wages of each employee. However, the term  
 22260 does not include a report that merely contains inaccurate data  
 22261 that was supplied to the employer by the employee, if the  
 22262 employer was unaware of the inaccuracy.

22263 3. Penalties imposed pursuant to this paragraph shall be  
 22264 deposited in the Special Employment Security Administration  
 22265 Trust Fund.

22266 4. The penalty and interest for a delinquent, erroneous,  
 22267 incomplete, or insufficient report may be waived if the penalty  
 22268 or interest is inequitable. The provisions of s. 213.24(1) apply  
 22269 to any penalty or interest that is imposed under this section.

22270 (c) Application of partial payments.—If a delinquency  
 22271 exists in the employment record of an employer not in  
 22272 bankruptcy, a partial payment less than the total delinquency  
 22273 amount shall be applied to the employment record as the payor  
 22274 directs. In the absence of specific direction, the partial  
 22275 payment shall be applied to the payor's employment record as  
 22276 prescribed in the rules of the Department of Economic  
 22277 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 22278 Department of Revenue ~~state agency providing tax collection~~  
 22279 ~~services~~.

22280 (f) Adoption of rules.—The Department of Economic  
 22281 Opportunity ~~The Agency for Workforce Innovation~~ and the

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22282 Department of Revenue ~~the state agency providing unemployment~~  
 22283 ~~tax collection services~~ may adopt rules to administer this  
 22284 subsection.

22285 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

22286 (a) Failure to make reports and pay contributions.—If an  
 22287 employing unit determined by the Department of Revenue ~~tax~~  
 22288 ~~collection service provider~~ to be an employer subject to this  
 22289 chapter fails to make and file any report as and when required  
 22290 by this chapter or by any rule of the Department of Economic  
 22291 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 22292 Department of Revenue ~~state agency providing tax collection~~  
 22293 ~~services~~, for the purpose of determining the amount of  
 22294 contributions due by the employer under this chapter, or if any  
 22295 filed report is found by the Department of Revenue ~~service~~  
 22296 ~~provider~~ to be incorrect or insufficient, and the employer,  
 22297 after being notified in writing by the Department of Revenue  
 22298 ~~service provider~~ to file the report, or a corrected or  
 22299 sufficient report, as applicable, fails to file the report  
 22300 within 15 days after the date of the mailing of the notice, the  
 22301 Department of Revenue ~~tax collection service provider~~ may:

22302 1. Determine the amount of contributions due from the  
 22303 employer based on the information readily available to it, which  
 22304 determination is deemed to be prima facie correct;

22305 2. Assess the employer the amount of contributions  
 22306 determined to be due; and

22307 3. Immediately notify the employer by mail of the  
 22308 determination and assessment including penalties as provided in  
 22309 this chapter, if any, added and assessed, and demand payment

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22310 together with interest on the amount of contributions from the  
 22311 date that amount was due and payable.

22312 (b) Hearings.—The determination and assessment are final  
 22313 15 days after the date the assessment is mailed unless the  
 22314 employer files with the Department of Revenue ~~tax collection~~  
 22315 ~~service provider~~ within the 15 days a written protest and  
 22316 petition for hearing specifying the objections thereto. The  
 22317 Department of Revenue ~~tax collection service provider~~ shall  
 22318 promptly review each petition and may reconsider its  
 22319 determination and assessment in order to resolve the  
 22320 petitioner's objections. The Department of Revenue ~~tax~~  
 22321 ~~collection service provider~~ shall forward each petition  
 22322 remaining unresolved to the Department of Economic Opportunity  
 22323 ~~the Agency for Workforce Innovation~~ for a hearing on the  
 22324 objections. Upon receipt of a petition, the Department of  
 22325 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
 22326 schedule a hearing and notify the petitioner of the time and  
 22327 place of the hearing. The Department of Economic Opportunity ~~The~~  
 22328 ~~Agency for Workforce Innovation~~ may appoint special deputies to  
 22329 conduct hearings and to submit their findings together with a  
 22330 transcript of the proceedings before them and their  
 22331 recommendations to the Department of Economic Opportunity ~~the~~  
 22332 ~~agency~~ for its final order. Special deputies are subject to the  
 22333 prohibition against ex parte communications in s. 120.66. At any  
 22334 hearing conducted by the Department of Economic Opportunity ~~the~~  
 22335 ~~Agency for Workforce Innovation~~ or its special deputy, evidence  
 22336 may be offered to support the determination and assessment or to  
 22337 prove it is incorrect. In order to prevail, however, the

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22338 petitioner must either prove that the determination and  
 22339 assessment are incorrect or file full and complete corrected  
 22340 reports. Evidence may also be submitted at the hearing to rebut  
 22341 the determination by the Department of Revenue ~~tax collection~~  
 22342 ~~service provider~~ that the petitioner is an employer under this  
 22343 chapter. Upon evidence taken before it or upon the transcript  
 22344 submitted to it with the findings and recommendation of its  
 22345 special deputy, the Department of Economic Opportunity ~~the~~  
 22346 ~~Agency for Workforce Innovation~~ shall either set aside the  
 22347 Department of Revenue's ~~tax collection service provider's~~  
 22348 determination that the petitioner is an employer under this  
 22349 chapter or reaffirm the determination. The amounts assessed  
 22350 under the final order, together with interest and penalties,  
 22351 must be paid within 15 days after notice of the final order is  
 22352 mailed to the employer, unless judicial review is instituted in  
 22353 a case of status determination. Amounts due when the status of  
 22354 the employer is in dispute are payable within 15 days after the  
 22355 entry of an order by the court affirming the determination.  
 22356 However, any determination that an employing unit is not an  
 22357 employer under this chapter does not affect the benefit rights  
 22358 of any individual as determined by an appeals referee or the  
 22359 commission unless:

- 22360 1. The individual is made a party to the proceedings  
 22361 before the special deputy; or
- 22362 2. The decision of the appeals referee or the commission  
 22363 has not become final or the employing unit and the Department of  
 22364 Economic Opportunity ~~the Agency for Workforce Innovation~~ were  
 22365 not made parties to the proceedings before the appeals referee

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22366 or the commission.

22367 (c) Appeals.—The Department of Economic Opportunity ~~The~~  
 22368 ~~Agency for Workforce Innovation~~ and the Department of Revenue  
 22369 ~~the state agency providing unemployment tax collection services~~  
 22370 shall adopt rules prescribing the procedures for an employing  
 22371 unit determined to be an employer to file an appeal and be  
 22372 afforded an opportunity for a hearing on the determination.  
 22373 Pending a hearing, the employing unit must file reports and pay  
 22374 contributions in accordance with s. 443.131.

22375 (3) COLLECTION PROCEEDINGS.—

22376 (f) Reproductions.—In any proceedings in any court under  
 22377 this chapter, reproductions of the original records of the  
 22378 Department of Economic Opportunity ~~the Agency for Workforce~~  
 22379 ~~Innovation~~, the Department of Revenue ~~its tax collection service~~  
 22380 ~~provider~~, the former Agency for Workforce Innovation, the former  
 22381 Department of Labor and Employment Security, or the commission,  
 22382 including, but not limited to, photocopies or microfilm, are  
 22383 primary evidence in lieu of the original records or of the  
 22384 documents that were transcribed into those records.

22385 (g) Jeopardy assessment and warrant.—If the Department of  
 22386 Revenue ~~tax collection service provider~~ reasonably believes that  
 22387 the collection of contributions or reimbursements from an  
 22388 employer will be jeopardized by delay, the Department of Revenue  
 22389 ~~service provider~~ may assess the contributions or reimbursements  
 22390 immediately, together with interest or penalties when due,  
 22391 regardless of whether the contributions or reimbursements  
 22392 accrued are due, and may immediately issue a notice of lien and  
 22393 jeopardy warrant upon which proceedings may be conducted as



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22394 provided in this section for notice of lien and warrant of the  
 22395 Department of Revenue ~~service provider~~. Within 15 days after  
 22396 mailing the notice of lien by registered mail, the employer may  
 22397 protest the issuance of the lien in the same manner provided in  
 22398 paragraph (2) (a). The protest does not operate as a supersedeas  
 22399 or stay of enforcement unless the employer files with the  
 22400 sheriff seeking to enforce the warrant a good and sufficient  
 22401 surety bond in twice the amount demanded by the notice of lien  
 22402 or warrant. The bond must be conditioned upon payment of the  
 22403 amount subsequently found to be due from the employer to the  
 22404 Department of Revenue ~~tax collection service provider~~ in the  
 22405 final order of the Department of Economic Opportunity ~~the Agency~~  
 22406 ~~for Workforce Innovation~~ upon protest of assessment. The  
 22407 jeopardy warrant and notice of lien are satisfied in the manner  
 22408 provided in this section upon payment of the amount finally  
 22409 determined to be due from the employer. If enforcement of the  
 22410 jeopardy warrant is not superseded as provided in this section,  
 22411 the employer is entitled to a refund from the fund of all  
 22412 amounts paid as contributions or reimbursements in excess of the  
 22413 amount finally determined to be due by the employer upon  
 22414 application being made as provided in this chapter.

22415 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF  
 22416 CONTRIBUTIONS AND REIMBURSEMENTS.—

22417 (c) Any agent or employee designated by the Department of  
 22418 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 22419 Department of Revenue ~~its tax collection service provider~~ may  
 22420 administer an oath to any person for any return or report  
 22421 required by this chapter or by the rules of the Department of

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22422 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 22423 Department of Revenue ~~the state agency providing unemployment~~  
 22424 ~~tax collection services,~~ and an oath made before the Department  
 22425 of Economic Opportunity ~~the agency~~ or the Department of Revenue  
 22426 ~~its service provider~~ or any authorized agent or employee has the  
 22427 same effect as an oath made before any judicial officer or  
 22428 notary public of the state.

22429 Section 494. Section 443.151, Florida Statutes, is amended  
 22430 to read:

22431 443.151 Procedure concerning claims.—

22432 (1) POSTING OF INFORMATION.—

22433 (a) Each employer must post and maintain in places readily  
 22434 accessible to individuals in her or his employ printed  
 22435 statements concerning benefit rights, claims for benefits, and  
 22436 other matters relating to the administration of this chapter as  
 22437 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 22438 ~~Innovation~~ may by rule prescribe. Each employer must supply to  
 22439 individuals copies of printed statements or other materials  
 22440 relating to claims for benefits as directed by the ~~agency's~~  
 22441 rules of the Department of Economic Opportunity. The Department  
 22442 of Economic Opportunity ~~The Agency for Workforce Innovation~~  
 22443 shall supply these printed statements and other materials to  
 22444 each employer without cost to the employer.

22445 (b)1. The Department of Economic Opportunity ~~The Agency~~  
 22446 ~~for Workforce Innovation~~ shall advise each individual filing a  
 22447 new claim for unemployment compensation, at the time of filing  
 22448 the claim, that:

22449 a. Unemployment compensation is subject to federal income

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22450 tax.

22451 b. Requirements exist pertaining to estimated tax

22452 payments.

22453 c. The individual may elect to have federal income tax

22454 deducted and withheld from the individual's payment of

22455 unemployment compensation at the amount specified in the federal

22456 Internal Revenue Code.

22457 d. The individual is not permitted to change a previously

22458 elected withholding status more than twice per calendar year.

22459 2. Amounts deducted and withheld from unemployment

22460 compensation must remain in the Unemployment Compensation Trust

22461 Fund until transferred to the federal taxing authority as

22462 payment of income tax.

22463 3. The Department of Economic Opportunity ~~The Agency for~~

22464 ~~Workforce Innovation~~ shall follow all procedures specified by

22465 the United States Department of Labor and the federal Internal

22466 Revenue Service pertaining to the deducting and withholding of

22467 income tax.

22468 4. If more than one authorized request for deduction and

22469 withholding is made, amounts must be deducted and withheld in

22470 accordance with the following priorities:

22471 a. Unemployment overpayments have first priority;

22472 b. Child support payments have second priority; and

22473 c. Withholding under this subsection has third priority.

22474 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF

22475 CLAIMANTS AND EMPLOYERS.—

22476 (a) In general.—Claims for benefits must be made in

22477 accordance with the rules adopted by the Department of Economic

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22478 Opportunity ~~the Agency for Workforce Innovation~~. The Department  
 22479 of Economic Opportunity ~~The agency~~ must notify claimants and  
 22480 employers regarding monetary and nonmonetary determinations of  
 22481 eligibility. Investigations of issues raised in connection with  
 22482 a claimant which may affect a claimant's eligibility for  
 22483 benefits or charges to an employer's employment record shall be  
 22484 conducted by the Department of Economic Opportunity ~~the agency~~  
 22485 through written, telephonic, or electronic means as prescribed  
 22486 by rule.

22487 (b) Process.—When the Unemployment Compensation Claims and  
 22488 Benefits Information System described in s. 443.1113 is fully  
 22489 operational, the process for filing claims must incorporate the  
 22490 process for registering for work with the workforce information  
 22491 systems established pursuant to s. 445.011. A claim for benefits  
 22492 may not be processed until the work registration requirement is  
 22493 satisfied. The Department of Economic Opportunity ~~The Agency for~~  
 22494 ~~Workforce Innovation~~ may adopt rules as necessary to administer  
 22495 the work registration requirement set forth in this paragraph.

22496 (3) DETERMINATION OF ELIGIBILITY.—

22497 (a) Notices of claim.—The Department of Economic  
 22498 Opportunity ~~The Agency for Workforce Innovation~~ shall promptly  
 22499 provide a notice of claim to the claimant's most recent  
 22500 employing unit and all employers whose employment records are  
 22501 liable for benefits under the monetary determination. The  
 22502 employer must respond to the notice of claim within 20 days  
 22503 after the mailing date of the notice, or in lieu of mailing,  
 22504 within 20 days after the delivery of the notice. If a  
 22505 contributing employer fails to timely respond to the notice of

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22506 claim, the employer's account may not be relieved of benefit  
 22507 charges as provided in s. 443.131(3) (a), notwithstanding  
 22508 paragraph (5) (b). The Department of Economic Opportunity ~~The~~  
 22509 ~~agency~~ may adopt rules as necessary to implement the processes  
 22510 described in this paragraph relating to notices of claim.

22511 (b) Monetary determinations.—In addition to the notice of  
 22512 claim, the Department of Economic Opportunity ~~the agency~~ shall  
 22513 also promptly provide an initial monetary determination to the  
 22514 claimant and each base period employer whose account is subject  
 22515 to being charged for its respective share of benefits on the  
 22516 claim. The monetary determination must include a statement of  
 22517 whether and in what amount the claimant is entitled to benefits,  
 22518 and, in the event of a denial, must state the reasons for the  
 22519 denial. A monetary determination for the first week of a benefit  
 22520 year must also include a statement of whether the claimant was  
 22521 paid the wages required under s. 443.091(1) (g) and, if so, the  
 22522 first day of the benefit year, the claimant's weekly benefit  
 22523 amount, and the maximum total amount of benefits payable to the  
 22524 claimant for a benefit year. The monetary determination is final  
 22525 unless within 20 days after the mailing of the notices to the  
 22526 parties' last known addresses, or in lieu of mailing, within 20  
 22527 days after the delivery of the notices, an appeal or written  
 22528 request for reconsideration is filed by the claimant or other  
 22529 party entitled to notice. The Department of Economic Opportunity  
 22530 ~~The agency~~ may adopt rules as necessary to implement the  
 22531 processes described in this paragraph relating to notices of  
 22532 monetary determinations and the appeals or reconsideration  
 22533 requests filed in response to such notices.

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22534 (c) Nonmonetary determinations.—If the Department of  
 22535 Economic Opportunity ~~the agency~~ receives information that may  
 22536 result in a denial of benefits, the Department of Economic  
 22537 Opportunity ~~the agency~~ must complete an investigation of the  
 22538 claim required by subsection (2) and provide notice of a  
 22539 nonmonetary determination to the claimant and the employer from  
 22540 whom the claimant's reason for separation affects his or her  
 22541 entitlement to benefits. The determination must state the reason  
 22542 for the determination and whether the unemployment tax account  
 22543 of the contributing employer is charged for benefits paid on the  
 22544 claim. The nonmonetary determination is final unless within 20  
 22545 days after the mailing of the notices to the parties' last known  
 22546 addresses, or in lieu of mailing, within 20 days after the  
 22547 delivery of the notices, an appeal or written request for  
 22548 reconsideration is filed by the claimant or other party entitled  
 22549 to notice. The Department of Economic Opportunity ~~The agency~~ may  
 22550 adopt rules as necessary to implement the processes described in  
 22551 this paragraph relating to notices of nonmonetary determination  
 22552 and the appeals or reconsideration requests filed in response to  
 22553 such notices, and may adopt rules prescribing the manner and  
 22554 procedure by which employers within the base period of a  
 22555 claimant become entitled to notice of nonmonetary determination.

22556 (d) Determinations in labor dispute cases.—Whenever any  
 22557 claim involves a labor dispute described in s. 443.101(4), the  
 22558 Department of Economic Opportunity ~~the Agency for Workforce~~  
 22559 ~~Innovation~~ shall promptly assign the claim to a special examiner  
 22560 who shall make a determination on the issues involving  
 22561 unemployment due to the labor dispute. The special examiner

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22562 shall make the determination after an investigation, as  
 22563 necessary. The claimant or another party entitled to notice of  
 22564 the determination may appeal a determination under subsection  
 22565 (4).

22566 (e) Redeterminations.—

22567 1. The Department of Economic Opportunity ~~The Agency for~~  
 22568 ~~Workforce Innovation~~ may reconsider a determination if it finds  
 22569 an error or if new evidence or information pertinent to the  
 22570 determination is discovered after a prior determination or  
 22571 redetermination. A redetermination may not be made more than 1  
 22572 year after the last day of the benefit year unless the  
 22573 disqualification for making a false or fraudulent representation  
 22574 under s. 443.101(6) is applicable, in which case the  
 22575 redetermination may be made within 2 years after the false or  
 22576 fraudulent representation. The Department of Economic  
 22577 Opportunity ~~The agency~~ must promptly give notice of  
 22578 redetermination to the claimant and to any employers entitled to  
 22579 notice in the manner prescribed in this section for the notice  
 22580 of an initial determination.

22581 2. If the amount of benefits is increased by the  
 22582 redetermination, an appeal of the redetermination based solely  
 22583 on the increase may be filed as provided in subsection (4). If  
 22584 the amount of benefits is decreased by the redetermination, the  
 22585 redetermination may be appealed by the claimant if a subsequent  
 22586 claim for benefits is affected in amount or duration by the  
 22587 redetermination. If the final decision on the determination or  
 22588 redetermination to be reconsidered was made by an appeals  
 22589 referee, the commission, or a court, the Department of Economic

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22590 Opportunity ~~the Agency for Workforce Innovation~~ may apply for a  
 22591 revised decision from the body or court that made the final  
 22592 decision.

22593 3. If an appeal of an original determination is pending  
 22594 when a redetermination is issued, the appeal unless withdrawn is  
 22595 treated as an appeal from the redetermination.

22596 (4) APPEALS.—

22597 (a) Appeals referees.—The Department of Economic  
 22598 Opportunity ~~The Agency for Workforce Innovation~~ shall appoint  
 22599 one or more impartial salaried appeals referees in accordance  
 22600 with s. 443.171(3) to hear and decide appealed claims. A person  
 22601 may not participate on behalf of the Department of Economic  
 22602 Opportunity ~~the Agency for Workforce Innovation~~ as an appeals  
 22603 referee in any case in which she or he is an interested party.  
 22604 The Department of Economic Opportunity ~~The Agency for Workforce~~  
 22605 ~~Innovation~~ may designate alternates to serve in the absence or  
 22606 disqualification of any appeals referee on a temporary basis.  
 22607 These alternates must have the same qualifications required of  
 22608 appeals referees. The Department of Economic Opportunity ~~The~~  
 22609 ~~Agency for Workforce Innovation~~ shall provide the commission and  
 22610 the appeals referees with proper facilities and assistance for  
 22611 the execution of their functions.

22612 (b) Filing and hearing.—

22613 1. The claimant or any other party entitled to notice of a  
 22614 determination may appeal an adverse determination to an appeals  
 22615 referee within 20 days after the date of mailing of the notice  
 22616 to her or his last known address or, if the notice is not  
 22617 mailed, within 20 days after the date of delivery of the notice.



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22618           2. Unless the appeal is untimely or withdrawn or review is  
 22619 initiated by the commission, the appeals referee, after mailing  
 22620 all parties and attorneys of record a notice of hearing at least  
 22621 10 days before the date of hearing, notwithstanding the 14-day  
 22622 notice requirement in s. 120.569(2)(b), may only affirm, modify,  
 22623 or reverse the determination. An appeal may not be withdrawn  
 22624 without the permission of the appeals referee.

22625           3. However, when an appeal appears to have been filed  
 22626 after the permissible time limit, the Office of Appeals may  
 22627 issue an order to show cause to the appellant, requiring the  
 22628 appellant to show why the appeal should not be dismissed as  
 22629 untimely. If the appellant does not, within 15 days after the  
 22630 mailing date of the order to show cause, provide written  
 22631 evidence of timely filing or good cause for failure to appeal  
 22632 timely, the appeal shall be dismissed.

22633           4. When an appeal involves a question of whether services  
 22634 were performed by a claimant in employment or for an employer,  
 22635 the referee must give special notice of the question and of the  
 22636 pendency of the appeal to the employing unit and to the  
 22637 Department of Economic Opportunity ~~the Agency for Workforce~~  
 22638 ~~Innovation~~, both of which become parties to the proceeding.

22639           5. The parties must be notified promptly of the referee's  
 22640 decision. The referee's decision is final unless further review  
 22641 is initiated under paragraph (c) within 20 days after the date  
 22642 of mailing notice of the decision to the party's last known  
 22643 address or, in lieu of mailing, within 20 days after the  
 22644 delivery of the notice.

22645           (c) Review by commission.—The commission may, on its own

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22646 motion, within the time limit in paragraph (b), initiate a  
 22647 review of the decision of an appeals referee. The commission may  
 22648 also allow the Department of Economic Opportunity ~~the Agency for~~  
 22649 ~~Workforce Innovation~~ or any adversely affected party entitled to  
 22650 notice of the decision to appeal the decision by filing an  
 22651 application within the time limit in paragraph (b). An adversely  
 22652 affected party has the right to appeal the decision if the  
 22653 Department of Economic Opportunity's ~~the Agency for Workforce~~  
 22654 ~~Innovation's~~ determination is not affirmed by the appeals  
 22655 referee. The commission may affirm, modify, or reverse the  
 22656 findings and conclusions of the appeals referee based on  
 22657 evidence previously submitted in the case or based on additional  
 22658 evidence taken at the direction of the commission. The  
 22659 commission may assume jurisdiction of or transfer to another  
 22660 appeals referee the proceedings on any claim pending before an  
 22661 appeals referee. Any proceeding in which the commission assumes  
 22662 jurisdiction before completion must be heard by the commission  
 22663 in accordance with the requirement of this subsection for  
 22664 proceedings before an appeals referee. When the commission  
 22665 denies an application to hear an appeal of an appeals referee's  
 22666 decision, the decision of the appeals referee is the decision of  
 22667 the commission for purposes of this paragraph and is subject to  
 22668 judicial review within the same time and manner as decisions of  
 22669 the commission, except that the time for initiating review runs  
 22670 from the date of notice of the commission's order denying the  
 22671 application to hear an appeal.

22672 (d) Procedure.—The manner that appealed claims are  
 22673 presented must comply with the commission's rules. Witnesses

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22674 subpoenaed under this section are allowed fees at the rate  
 22675 established by s. 92.142, and fees of witnesses subpoenaed on  
 22676 behalf of the Department of Economic Opportunity ~~the Agency for~~  
 22677 ~~Workforce Innovation~~ or any claimant are deemed part of the  
 22678 expense of administering this chapter.

22679 (e) Judicial review.—Orders of the commission entered  
 22680 under paragraph (c) are subject to review only by notice of  
 22681 appeal in the district court of appeal in the appellate district  
 22682 in which the issues involved were decided by an appeals referee.  
 22683 Notwithstanding chapter 120, the commission is a party  
 22684 respondent to every such proceeding. The Department of Economic  
 22685 Opportunity ~~The Agency for Workforce Innovation~~ may initiate  
 22686 judicial review of orders in the same manner and to the same  
 22687 extent as any other party.

22688 (5) PAYMENT OF BENEFITS.—

22689 (a) The Department of Economic Opportunity ~~The Agency for~~  
 22690 ~~Workforce Innovation~~ shall promptly pay benefits in accordance  
 22691 with a determination or redetermination regardless of any appeal  
 22692 or pending appeal. Before payment of benefits to the claimant,  
 22693 however, each employer who is liable for reimbursements in lieu  
 22694 of contributions for payment of the benefits must be notified,  
 22695 at the address on file with the Department of Economic  
 22696 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 22697 Department of Revenue ~~its tax collection service provider~~, of  
 22698 the initial determination of the claim and must be given 10 days  
 22699 to respond.

22700 (b) The Department of Economic Opportunity ~~The Agency for~~  
 22701 ~~Workforce Innovation~~ shall promptly pay benefits, regardless of

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22702 whether a determination is under appeal if the determination  
 22703 allowing benefits is affirmed in any amount by an appeals  
 22704 referee or is affirmed by the commission, or if a decision of an  
 22705 appeals referee allowing benefits is affirmed in any amount by  
 22706 the commission. In these instances, a court may not issue an  
 22707 injunction, supersedeas, stay, or other writ or process  
 22708 suspending payment of benefits. A contributing employer that  
 22709 responded to the notice of claim within the time limit provided  
 22710 in subsection (3) may not, however, be charged with benefits  
 22711 paid under an erroneous determination if the decision is  
 22712 ultimately reversed. Benefits are not paid for any subsequent  
 22713 weeks of unemployment involved in a reversal.

22714 (c) The provisions of paragraph (b) relating to charging  
 22715 an employer liable for contributions do not apply to reimbursing  
 22716 employers.

22717 (6) RECOVERY AND RECOUPMENT.—

22718 (a) Any person who, by reason of her or his fraud,  
 22719 receives benefits under this chapter to which she or he is not  
 22720 entitled is liable for repaying those benefits to the Department  
 22721 of Economic Opportunity ~~the Agency for Workforce Innovation~~ on  
 22722 behalf of the trust fund or, in the ~~agency's~~ discretion of the  
 22723 Department of Economic Opportunity, to have those benefits  
 22724 deducted from future benefits payable to her or him under this  
 22725 chapter. To enforce this paragraph, the Department of Economic  
 22726 Opportunity ~~the agency~~ must find the existence of fraud through  
 22727 a redetermination or decision under this section within 2 years  
 22728 after the fraud was committed. Any recovery or recoupment of  
 22729 benefits must be effected within 5 years after the

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22730 redetermination or decision.

22731 (b) Any person who, by reason other than her or his fraud,  
 22732 receives benefits under this chapter to which, under a  
 22733 redetermination or decision pursuant to this section, she or he  
 22734 is not entitled, is liable for repaying those benefits to the  
 22735 Department of Economic Opportunity ~~the Agency for Workforce~~  
 22736 ~~Innovation~~ on behalf of the trust fund or, in the ~~agency's~~  
 22737 discretion of the Department of Economic Opportunity, to have  
 22738 those benefits deducted from any future benefits payable to her  
 22739 or him under this chapter. Any recovery or recoupment of  
 22740 benefits must be effected within 3 years after the  
 22741 redetermination or decision.

22742 (c) Any person who, by reason other than fraud, receives  
 22743 benefits under this chapter to which she or he is not entitled  
 22744 as a result of an employer's failure to respond to a claim  
 22745 within the timeframe provided in subsection (3) is not liable  
 22746 for repaying those benefits to the Department of Economic  
 22747 Opportunity ~~the Agency for Workforce Innovation~~ on behalf of the  
 22748 trust fund or to have those benefits deducted from any future  
 22749 benefits payable to her or him under this chapter.

22750 (d) Recoupment from future benefits is not permitted if  
 22751 the benefits are received by any person without fault on the  
 22752 person's part and recoupment would defeat the purpose of this  
 22753 chapter or would be inequitable and against good conscience.

22754 (e) The Department of Economic Opportunity ~~The Agency for~~  
 22755 ~~Workforce Innovation~~ shall collect the repayment of benefits  
 22756 without interest by the deduction of benefits through a  
 22757 redetermination or by a civil action.

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22758 (f) Notwithstanding any other provision of this chapter,  
 22759 any person who is determined by this state, a cooperating state  
 22760 agency, the United States Secretary of Labor, or a court to have  
 22761 received any payments under the Trade Act of 1974, as amended,  
 22762 to which the person was not entitled shall have those payments  
 22763 deducted from any regular benefits, as defined in s.  
 22764 443.1115(1)(e), payable to her or him under this chapter. Each  
 22765 such deduction may not exceed 50 percent of the amount otherwise  
 22766 payable. The payments deducted shall be remitted to the agency  
 22767 that issued the payments under the Trade Act of 1974, as  
 22768 amended, for return to the United States Treasury. Except for  
 22769 overpayments determined by a court, a deduction may not be made  
 22770 under this paragraph until a determination by the state agency  
 22771 or the United States Secretary of Labor is final.

22772 (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any  
 22773 administrative proceeding conducted under this chapter, an  
 22774 employer or a claimant has the right, at his or her own expense,  
 22775 to be represented by counsel or by an authorized representative.  
 22776 Notwithstanding s. 120.62(2), the authorized representative need  
 22777 not be a qualified representative.

22778 (8) BILINGUAL REQUIREMENTS.—

22779 (a) The Department of Economic Opportunity ~~The Agency for~~  
 22780 ~~Workforce Innovation~~ shall provide printed bilingual  
 22781 instructional and educational materials in the appropriate  
 22782 language in those counties in which 5 percent or more of the  
 22783 households in the county are classified as a single-language  
 22784 minority.

22785 (b) The Department of Economic Opportunity ~~The Agency for~~

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22786 ~~Workforce Innovation~~ shall ensure that one-stop career centers  
 22787 and appeals offices located in counties subject to the  
 22788 requirements of paragraph (c) prominently post notices in the  
 22789 appropriate languages and that translators are available in  
 22790 those centers and offices.

22791 (c) As used in this subsection, the term "single-language  
 22792 minority" means households that speak the same non-English  
 22793 language and that do not contain an adult fluent in English. The  
 22794 Department of Economic Opportunity ~~The Agency for Workforce~~  
 22795 ~~Innovation~~ shall develop estimates of the percentages of single-  
 22796 language minority households for each county by using data from  
 22797 the United States Bureau of the Census.

22798 Section 495. Subsection (1), paragraphs (a) and (c) of  
 22799 subsection (3), and subsection (4) of section 443.163, Florida  
 22800 Statutes, are amended to read:

22801 443.163 Electronic reporting and remitting of  
 22802 contributions and reimbursements.—

22803 (1) An employer may file any report and remit any  
 22804 contributions or reimbursements required under this chapter by  
 22805 electronic means. The Department of Economic Opportunity ~~The~~  
 22806 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~the~~  
 22807 ~~state agency providing unemployment tax collection services~~  
 22808 shall adopt rules prescribing the format and instructions  
 22809 necessary for electronically filing reports and remitting  
 22810 contributions and reimbursements to ensure a full collection of  
 22811 contributions and reimbursements due. The acceptable method of  
 22812 transfer, the method, form, and content of the electronic means,  
 22813 and the method, if any, by which the employer will be provided

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22814 with an acknowledgment shall be prescribed by the Department of  
 22815 Economic Opportunity ~~the Agency for Workforce Innovation or the~~  
 22816 Department of Revenue ~~its tax collection service provider.~~

22817 However, any employer who employed 10 or more employees in any  
 22818 quarter during the preceding state fiscal year must file the  
 22819 Employers Quarterly Reports (UCT-6) for the current calendar  
 22820 year and remit the contributions and reimbursements due by  
 22821 electronic means approved by the Department of Revenue ~~tax~~  
 22822 ~~collection service provider.~~ A person who prepared and reported  
 22823 for 100 or more employers in any quarter during the preceding  
 22824 state fiscal year must file the Employers Quarterly Reports  
 22825 (UCT-6) for each calendar quarter in the current calendar year,  
 22826 beginning with reports due for the second calendar quarter of  
 22827 2003, by electronic means approved by the Department of Revenue  
 22828 ~~tax collection service provider.~~

22829 (3) The Department of Revenue ~~tax collection service~~  
 22830 ~~provider~~ may waive the requirement to file an Employers  
 22831 Quarterly Report (UCT-6) by electronic means for employers that  
 22832 are unable to comply despite good faith efforts or due to  
 22833 circumstances beyond the employer's reasonable control.

22834 (a) As prescribed by the Department of Economic  
 22835 Opportunity ~~the Agency for Workforce Innovation or the~~  
 22836 Department of Revenue ~~its tax collection service provider,~~  
 22837 grounds for approving the waiver include, but are not limited  
 22838 to, circumstances in which the employer does not:

- 22839 1. Currently file information or data electronically with
- 22840 any business or government agency; or
- 22841 2. Have a compatible computer that meets or exceeds the



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22842 standards prescribed by the Department of Economic Opportunity  
 22843 ~~the Agency for Workforce Innovation~~ or the Department of Revenue  
 22844 ~~its tax collection service provider.~~

22845 (c) The Department of Economic Opportunity ~~The Agency for~~  
 22846 ~~Workforce Innovation~~ or the Department of Revenue ~~the state~~  
 22847 ~~agency providing unemployment tax collection services~~ may  
 22848 establish by rule the length of time a waiver is valid and may  
 22849 determine whether subsequent waivers will be authorized, based  
 22850 on this subsection.

22851 (4) As used in this section, the term "electronic means"  
 22852 includes, but is not limited to, electronic data interchange;  
 22853 electronic funds transfer; and use of the Internet, telephone,  
 22854 or other technology specified by the Department of Economic  
 22855 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 22856 Department of Revenue ~~its tax collection service provider.~~

22857 Section 496. Section 443.171, Florida Statutes, is amended  
 22858 to read:

22859 443.171 The Department of Economic Opportunity ~~Agency for~~  
 22860 ~~Workforce Innovation~~ and commission; powers and duties; records  
 22861 and reports; proceedings; state-federal cooperation.-

22862 (1) POWERS AND DUTIES.-The Department of Economic  
 22863 Opportunity ~~The Agency for Workforce Innovation~~ shall administer  
 22864 this chapter. The Department of Economic Opportunity ~~The agency~~  
 22865 may employ those persons, make expenditures, require reports,  
 22866 conduct investigations, and take other action necessary or  
 22867 suitable to administer this chapter. The Department of Economic  
 22868 Opportunity ~~The Agency for Workforce Innovation~~ shall annually  
 22869 submit information to Workforce Florida, Inc., covering the

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22870 administration and operation of this chapter during the  
 22871 preceding calendar year for inclusion in the strategic plan  
 22872 under s. 445.006 and may make recommendations for amendment to  
 22873 this chapter.

22874 (2) PUBLICATION OF ACTS AND RULES.—The Department of  
 22875 Economic Opportunity ~~The Agency for Workforce Innovation~~ shall  
 22876 cause to be printed and distributed to the public, or otherwise  
 22877 distributed to the public through the Internet or similar  
 22878 electronic means, the text of this chapter and of the rules for  
 22879 administering this chapter adopted by the Department of Economic  
 22880 Opportunity ~~the agency~~ or the Department of Revenue ~~the state~~  
 22881 ~~agency providing unemployment tax collection services~~ and any  
 22882 other matter relevant and suitable. The Department of Economic  
 22883 Opportunity ~~The Agency for Workforce Innovation~~ shall furnish  
 22884 this information to any person upon request. However, any  
 22885 pamphlet, rules, circulars, or reports required by this chapter  
 22886 may not contain any matter except the actual data necessary to  
 22887 complete them or the actual language of the rule, together with  
 22888 the proper notices.

22889 (3) PERSONNEL.—Subject to chapter 110 and the other  
 22890 provisions of this chapter, the Department of Economic  
 22891 Opportunity ~~the Agency for Workforce Innovation~~ may appoint, set  
 22892 the compensation of, and prescribe the duties and powers of  
 22893 employees, accountants, attorneys, experts, and other persons as  
 22894 necessary for the performance of the ~~agency's~~ duties of the  
 22895 Department of Economic Opportunity under this chapter. The  
 22896 Department of Economic Opportunity ~~The Agency for Workforce~~  
 22897 ~~Innovation~~ may delegate to any person its power and authority

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22898 | under this chapter as necessary for the effective administration  
 22899 | of this chapter and may bond any person handling moneys or  
 22900 | signing checks under this chapter. The cost of these bonds must  
 22901 | be paid from the Employment Security Administration Trust Fund.

22902 |       (4) EMPLOYMENT STABILIZATION.—The Department of Economic  
 22903 | Opportunity ~~The Agency for Workforce Innovation~~, under the  
 22904 | direction of Workforce Florida, Inc., shall take all appropriate  
 22905 | steps to reduce and prevent unemployment; to encourage and  
 22906 | assist in the adoption of practical methods of career training,  
 22907 | retraining, and career guidance; to investigate, recommend,  
 22908 | advise, and assist in the establishment and operation, by  
 22909 | municipalities, counties, school districts, and the state, of  
 22910 | reserves for public works to be used in times of business  
 22911 | depression and unemployment; to promote the reemployment of the  
 22912 | unemployed workers throughout the state in every other way that  
 22913 | may be feasible; to refer any claimant entitled to extended  
 22914 | benefits to suitable work which meets the criteria of this  
 22915 | chapter; and, to these ends, to carry on and publish the results  
 22916 | of investigations and research studies.

22917 |       (5) RECORDS AND REPORTS.—Each employing unit shall keep  
 22918 | true and accurate work records, containing the information  
 22919 | required by the Department of Economic Opportunity ~~the Agency~~  
 22920 | ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 22921 | ~~collection service provider~~. These records must be open to  
 22922 | inspection and are subject to being copied by the Department of  
 22923 | Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 22924 | Department of Revenue ~~its tax collection service provider~~ at any  
 22925 | reasonable time and as often as necessary. The Department of

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22926 Economic Opportunity ~~The Agency for Workforce Innovation~~ or the  
 22927 Department of Revenue ~~its tax collection service provider~~ may  
 22928 require from any employing unit any sworn or unsworn reports,  
 22929 for persons employed by the employing unit, necessary for the  
 22930 effective administration of this chapter. However, a state or  
 22931 local governmental agency performing intelligence or  
 22932 counterintelligence functions need not report an employee if the  
 22933 head of that agency determines that reporting the employee could  
 22934 endanger the safety of the employee or compromise an ongoing  
 22935 investigation or intelligence mission. Information revealing the  
 22936 employing unit's or individual's identity obtained from the  
 22937 employing unit or from any individual through the administration  
 22938 of this chapter, is, except to the extent necessary for the  
 22939 proper presentation of a claim or upon written authorization of  
 22940 the claimant who has a workers' compensation claim pending,  
 22941 confidential and exempt from s. 119.07(1). This confidential  
 22942 information is available only to public employees in the  
 22943 performance of their public duties. Any claimant, or the  
 22944 claimant's legal representative, at a hearing before an appeals  
 22945 referee or the commission must be supplied with information from  
 22946 these records to the extent necessary for the proper  
 22947 presentation of her or his claim. Any employee or member of the  
 22948 commission, any employee of the Department of Economic  
 22949 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 22950 Department of Revenue ~~its tax collection service provider~~, or  
 22951 any other person receiving confidential information who violates  
 22952 this subsection commits a misdemeanor of the second degree,  
 22953 punishable as provided in s. 775.082 or s. 775.083. However, the

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22954 Department of Economic Opportunity ~~the Agency for Workforce~~  
 22955 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 22956 ~~service provider~~ may furnish to any employer copies of any  
 22957 report previously submitted by that employer, upon the request  
 22958 of the employer. The Department of Economic Opportunity ~~The~~  
 22959 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~its~~  
 22960 ~~tax collection service provider~~ may charge a reasonable fee for  
 22961 copies of reports, which may not exceed the actual reasonable  
 22962 cost of the preparation of the copies as prescribed by rules  
 22963 adopted by the Department of Economic Opportunity ~~the Agency for~~  
 22964 ~~Workforce Innovation~~ or the Department of Revenue ~~state agency~~  
 22965 ~~providing tax collection services~~. Fees received by the  
 22966 Department of Economic Opportunity ~~the Agency for Workforce~~  
 22967 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 22968 ~~service provider~~ for copies furnished under this subsection must  
 22969 be deposited in the Employment Security Administration Trust  
 22970 Fund.

22971 (6) OATHS AND WITNESSES.—In the discharge of the duties  
 22972 imposed by this chapter, the Department of Economic Opportunity  
 22973 ~~the Agency for Workforce Innovation~~, the Department of Revenue  
 22974 ~~its tax collection service provider~~, the members of the  
 22975 commission, and any authorized representative of any of these  
 22976 entities may administer oaths and affirmations, take  
 22977 depositions, certify to official acts, and issue subpoenas to  
 22978 compel the attendance of witnesses and the production of books,  
 22979 papers, correspondence, memoranda, and other records deemed  
 22980 necessary as evidence in connection with the administration of  
 22981 this chapter.

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22982 (7) SUBPOENAS.—If a person refuses to obey a subpoena  
 22983 issued to that person, any court of this state within the  
 22984 jurisdiction of which the inquiry is carried on, or within the  
 22985 jurisdiction of which the person is found, resides, or transacts  
 22986 business, upon application by the Department of Economic  
 22987 Opportunity ~~the Agency for Workforce Innovation,~~ the Department  
 22988 of Revenue ~~its tax collection service provider,~~ the commission,  
 22989 or any authorized representative of any of these entities has  
 22990 jurisdiction to order the person to appear before the entity to  
 22991 produce evidence or give testimony on the matter under  
 22992 investigation or in question. Failure to obey the order of the  
 22993 court may be punished by the court as contempt. Any person who  
 22994 fails or refuses without just cause to appear or testify; to  
 22995 answer any lawful inquiry; or to produce books, papers,  
 22996 correspondence, memoranda, and other records within her or his  
 22997 control as commanded in a subpoena of the Department of Economic  
 22998 Opportunity ~~the Agency for Workforce Innovation,~~ the Department  
 22999 of Revenue ~~its tax collection service provider,~~ the commission,  
 23000 or any authorized representative of any of these entities  
 23001 commits a misdemeanor of the second degree, punishable as  
 23002 provided in s. 775.082 or s. 775.083. Each day that a violation  
 23003 continues is a separate offense.

23004 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not  
 23005 excused from appearing or testifying, or from producing books,  
 23006 papers, correspondence, memoranda, or other records, before the  
 23007 Department of Economic Opportunity ~~the Agency for Workforce~~  
 23008 Innovation, the Department of Revenue ~~its tax collection service~~  
 23009 ~~provider,~~ the commission, or any authorized representative of

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23010 any of these entities or as commanded in a subpoena of any of  
 23011 these entities in any proceeding before the Department of  
 23012 Economic Opportunity ~~the Agency for Workforce Innovation~~, the  
 23013 commission, an appeals referee, or a special deputy on the  
 23014 ground that the testimony or evidence, documentary or otherwise,  
 23015 required of the person may incriminate her or him or subject her  
 23016 or him to a penalty or forfeiture. That person may not be  
 23017 prosecuted or subjected to any penalty or forfeiture for or on  
 23018 account of any transaction, matter, or thing concerning which  
 23019 she or he is compelled, after having claimed her or his  
 23020 privilege against self-incrimination, to testify or produce  
 23021 evidence, documentary or otherwise, except that the person  
 23022 testifying is not exempt from prosecution and punishment for  
 23023 perjury committed while testifying.

23024 (9) STATE-FEDERAL COOPERATION.—

23025 (a)1. In the administration of this chapter, the  
 23026 Department of Economic Opportunity ~~the Agency for Workforce~~  
 23027 ~~Innovation~~ and the Department of Revenue ~~its tax collection~~  
 23028 ~~service provider~~ shall cooperate with the United States  
 23029 Department of Labor to the fullest extent consistent with this  
 23030 chapter and shall take those actions, through the adoption of  
 23031 appropriate rules, administrative methods, and standards,  
 23032 necessary to secure for this state all advantages available  
 23033 under the provisions of federal law relating to unemployment  
 23034 compensation.

23035 2. In the administration of the provisions in s. 443.1115,  
 23036 which are enacted to conform with the Federal-State Extended  
 23037 Unemployment Compensation Act of 1970, the Department of

23038 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
 23039 take those actions necessary to ensure that those provisions are  
 23040 interpreted and applied to meet the requirements of the federal  
 23041 act as interpreted by the United States Department of Labor and  
 23042 to secure for this state the full reimbursement of the federal  
 23043 share of extended benefits paid under this chapter which is  
 23044 reimbursable under the federal act.

23045 3. The Department of Economic Opportunity ~~The Agency for~~  
 23046 ~~Workforce Innovation~~ and the Department of Revenue ~~its tax~~  
 23047 ~~collection service provider~~ shall comply with the regulations of  
 23048 the United States Department of Labor relating to the receipt or  
 23049 expenditure by this state of funds granted under federal law;  
 23050 shall submit the reports in the form and containing the  
 23051 information the United States Department of Labor requires; and  
 23052 shall comply with directions of the United States Department of  
 23053 Labor necessary to assure the correctness and verification of  
 23054 these reports.

23055 (b) The Department of Economic Opportunity ~~The Agency for~~  
 23056 ~~Workforce Innovation~~ and the Department of Revenue ~~its tax~~  
 23057 ~~collection service provider~~ may cooperate with every agency of  
 23058 the United States charged with administration of any  
 23059 unemployment insurance law.

23060 (c) The Department of Economic Opportunity ~~The Agency for~~  
 23061 ~~Workforce Innovation~~ and the Department of Revenue ~~its tax~~  
 23062 ~~collection service provider~~ shall cooperate with the agencies of  
 23063 other states, and shall make every proper effort within their  
 23064 means, to oppose and prevent any further action leading to the  
 23065 complete or substantial federalization of state unemployment



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23066 compensation funds or state employment security programs. The  
 23067 Department of Economic Opportunity ~~The Agency for Workforce~~  
 23068 ~~Innovation~~ and the Department of Revenue ~~its tax collection~~  
 23069 ~~service provider~~ may make, and may cooperate with other  
 23070 appropriate agencies in making, studies as to the practicability  
 23071 and probable cost of possible new state-administered social  
 23072 security programs and the relative desirability of state, rather  
 23073 than federal, action in that field of study.

23074 Section 497. Subsections (1) and (2) of section 443.1715,  
 23075 Florida Statutes, are amended to read:

23076 443.1715 Disclosure of information; confidentiality.—

23077 (1) RECORDS AND REPORTS.—Information revealing an  
 23078 employing unit's or individual's identity obtained from the  
 23079 employing unit or any individual under the administration of  
 23080 this chapter, and any determination revealing that information,  
 23081 except to the extent necessary for the proper presentation of a  
 23082 claim or upon written authorization of the claimant who has a  
 23083 workers' compensation claim pending or is receiving compensation  
 23084 benefits, is confidential and exempt from s. 119.07(1) and s.  
 23085 24(a), Art. I of the State Constitution. This confidential  
 23086 information may be released only to public employees in the  
 23087 performance of their public duties. Except as otherwise provided  
 23088 by law, public employees receiving this confidential information  
 23089 must maintain the confidentiality of the information. Any  
 23090 claimant, or the claimant's legal representative, at a hearing  
 23091 before an appeals referee or the commission is entitled to  
 23092 information from these records to the extent necessary for the  
 23093 proper presentation of her or his claim. A person receiving

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23094 confidential information who violates this subsection commits a  
 23095 misdemeanor of the second degree, punishable as provided in s.  
 23096 775.082 or s. 775.083. The Department of Economic Opportunity  
 23097 ~~The Agency for Workforce Innovation~~ or the Department of Revenue  
 23098 ~~its tax collection service provider~~ may, however, furnish to any  
 23099 employer copies of any report submitted by that employer upon  
 23100 the request of the employer and may furnish to any claimant  
 23101 copies of any report submitted by that claimant upon the request  
 23102 of the claimant. The Department of Economic Opportunity ~~The~~  
 23103 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~its~~  
 23104 ~~tax collection service provider~~ may charge a reasonable fee for  
 23105 copies of these reports as prescribed by rule, which may not  
 23106 exceed the actual reasonable cost of the preparation of the  
 23107 copies. Fees received for copies under this subsection must be  
 23108 deposited in the Employment Security Administration Trust Fund.

23109 (2) DISCLOSURE OF INFORMATION.—

23110 (a) Subject to restrictions the Department of Economic  
 23111 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 23112 Department of Revenue ~~the state agency providing unemployment~~  
 23113 ~~tax collection services~~ adopts by rule, information declared  
 23114 confidential under this section is available to any agency of  
 23115 this or any other state, or any federal agency, charged with the  
 23116 administration of any unemployment compensation law or the  
 23117 maintenance of the one-stop delivery system, or the Bureau of  
 23118 Internal Revenue of the United States Department of the  
 23119 Treasury, ~~the Governor's Office of Tourism, Trade, and Economic~~  
 23120 ~~Development,~~ or the Florida Department of Revenue. Information  
 23121 obtained in connection with the administration of the one-stop

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23122 delivery system may be made available to persons or agencies for  
 23123 purposes appropriate to the operation of a public employment  
 23124 service or a job-preparatory or career education or training  
 23125 program. The Department of Economic Opportunity ~~The Agency for~~  
 23126 ~~Workforce Innovation~~ shall, on a quarterly basis, furnish the  
 23127 National Directory of New Hires with information concerning the  
 23128 wages and unemployment benefits paid to individuals, by the  
 23129 dates, in the format, and containing the information specified  
 23130 in the regulations of the United States Secretary of Health and  
 23131 Human Services. Upon request, the Department of Economic  
 23132 Opportunity ~~the Agency for Workforce Innovation~~ shall furnish  
 23133 any agency of the United States charged with the administration  
 23134 of public works or assistance through public employment, and may  
 23135 furnish to any state agency similarly charged, the name,  
 23136 address, ordinary occupation, and employment status of each  
 23137 recipient of benefits and the recipient's rights to further  
 23138 benefits under this chapter. Except as otherwise provided by  
 23139 law, the receiving agency must retain the confidentiality of  
 23140 this information as provided in this section. The Department of  
 23141 Revenue ~~tax collection service provider~~ may request the  
 23142 Comptroller of the Currency of the United States to examine the  
 23143 correctness of any return or report of any national banking  
 23144 association rendered under this chapter and may in connection  
 23145 with that request transmit any report or return for examination  
 23146 to the Comptroller of the Currency of the United States as  
 23147 provided in s. 3305(c) of the federal Internal Revenue Code.  
 23148 (b) The employer or the employer's workers' compensation  
 23149 carrier against whom a claim for benefits under chapter 440 has

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23150 | been made, or a representative of either, may request from the  
 23151 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 23152 | ~~Innovation~~ records of wages of the employee reported to the  
 23153 | Department of Economic Opportunity ~~the agency~~ by any employer  
 23154 | for the quarter that includes the date of the accident that is  
 23155 | the subject of such claim and for subsequent quarters.

23156 | 1. The request must be made with the authorization or  
 23157 | consent of the employee or any employer who paid wages to the  
 23158 | employee after the date of the accident.

23159 | 2. The employer or carrier shall make the request on a  
 23160 | form prescribed by rule for such purpose by the Department of  
 23161 | Economic Opportunity ~~the agency~~. Such form shall contain a  
 23162 | certification by the requesting party that it is a party  
 23163 | entitled to the information requested.

23164 | 3. The Department of Economic Opportunity ~~The agency~~ shall  
 23165 | provide the most current information readily available within 15  
 23166 | days after receiving the request.

23167 | Section 498. Section 443.181, Florida Statutes, is amended  
 23168 | to read:

23169 | 443.181 Public employment service.—

23170 | (1) The one-stop delivery system established under s.  
 23171 | 445.009 is this state's public employment service as part of the  
 23172 | national system of public employment offices under 29 U.S.C. s.

23173 | 49. The Department of Economic Opportunity ~~The Agency for~~  
 23174 | ~~Workforce Innovation~~, under policy direction from Workforce  
 23175 | Florida, Inc., shall cooperate with any official or agency of  
 23176 | the United States having power or duties under 29 U.S.C. ss. 49-  
 23177 | 491-1 and shall perform those duties necessary to secure to this

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23178 | state the funds provided under federal law for the promotion and  
 23179 | maintenance of the state's public employment service. In  
 23180 | accordance with 29 U.S.C. s. 49c, this state accepts 29 U.S.C.  
 23181 | ss. 49-491-1. The Department of Economic Opportunity ~~The Agency~~  
 23182 | ~~for Workforce Innovation~~ is designated the state agency  
 23183 | responsible for cooperating with the United States Secretary of  
 23184 | Labor under 29 U.S.C. s. 49c. The Department of Economic  
 23185 | Opportunity ~~The Agency for Workforce Innovation~~ shall appoint  
 23186 | sufficient employees to administer this section. The Department  
 23187 | of Economic Opportunity ~~The Agency for Workforce Innovation~~ may  
 23188 | cooperate with or enter into agreements with the Railroad  
 23189 | Retirement Board for the establishment, maintenance, and use of  
 23190 | one-stop career centers.

23191 |         (2) All funds received by this state under 29 U.S.C. ss.  
 23192 | 49-491-1 must be paid into the Employment Security  
 23193 | Administration Trust Fund, and these funds are available to the  
 23194 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 23195 | ~~Innovation~~ for expenditure as provided by this chapter or by  
 23196 | federal law. For the purpose of establishing and maintaining  
 23197 | one-stop career centers, the Department of Economic Opportunity  
 23198 | ~~the Agency for Workforce Innovation~~ may enter into agreements  
 23199 | with the Railroad Retirement Board or any other agency of the  
 23200 | United States charged with the administration of an unemployment  
 23201 | compensation law, with any political subdivision of this state,  
 23202 | or with any private, nonprofit organization. As a part of any  
 23203 | such agreement, the Department of Economic Opportunity ~~the~~  
 23204 | ~~Agency for Workforce Innovation~~ may accept moneys, services, or  
 23205 | quarters as a contribution to the Employment Security

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23206 Administration Trust Fund.

23207 Section 499. Subsections (1) through (4) of section

23208 443.191, Florida Statutes, are amended to read:

23209 443.191 Unemployment Compensation Trust Fund;

23210 establishment and control.—

23211 (1) There is established, as a separate trust fund apart

23212 from all other public funds of this state, an Unemployment

23213 Compensation Trust Fund, which shall be administered by the

23214 Department of Economic Opportunity ~~the Agency for Workforce~~

23215 ~~Innovation~~ exclusively for the purposes of this chapter. The

23216 fund shall consist of:

23217 (a) All contributions and reimbursements collected under

23218 this chapter;

23219 (b) Interest earned on any moneys in the fund;

23220 (c) Any property or securities acquired through the use of

23221 moneys belonging to the fund;

23222 (d) All earnings of these properties or securities;

23223 (e) All money credited to this state's account in the

23224 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.

23225 1103; and

23226 (f) Advances on the amount in the federal Unemployment

23227 Compensation Trust Fund credited to the state under 42 U.S.C. s.

23228 1321, as requested by the Governor or the Governor's designee.

23229

23230 Except as otherwise provided in s. 443.1313(4), all moneys in

23231 the fund shall be mingled and undivided.

23232 (2) The Chief Financial Officer shall serve ~~is the~~ ex

23233 officio as treasurer and custodian of the fund and shall

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23234 administer the fund in accordance with the directions of the  
 23235 Department of Economic Opportunity ~~the Agency for Workforce~~  
 23236 ~~Innovation~~. All payments from the fund must be approved by the  
 23237 Department of Economic Opportunity ~~the Agency for Workforce~~  
 23238 ~~Innovation~~ or by an authorized agent. The Chief Financial  
 23239 Officer shall maintain within the fund three separate accounts:

- 23240 (a) A clearing account;
- 23241 (b) An Unemployment Compensation Trust Fund account; and
- 23242 (c) A benefit account.

23243  
 23244 All moneys payable to the fund, including moneys received from  
 23245 the United States as reimbursement for extended benefits paid by  
 23246 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 23247 ~~Innovation~~, must be forwarded to the Chief Financial Officer,  
 23248 who shall immediately deposit them in the clearing account.  
 23249 Refunds payable under s. 443.141 may be paid from the clearing  
 23250 account. After clearance, all other moneys in the clearing  
 23251 account must be immediately deposited with the Secretary of the  
 23252 Treasury of the United States to the credit of this state's  
 23253 account in the federal Unemployment Compensation Trust Fund  
 23254 notwithstanding any state law relating to the deposit,  
 23255 administration, release, or disbursement of moneys in the  
 23256 possession or custody of this state. The benefit account  
 23257 consists of all moneys requisitioned from this state's account  
 23258 in the federal Unemployment Compensation Trust Fund. Except as  
 23259 otherwise provided by law, moneys in the clearing and benefit  
 23260 accounts may be deposited by the Chief Financial Officer, under  
 23261 the direction of the Department of Economic Opportunity ~~the~~

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23262 ~~Agency for Workforce Innovation~~, in any bank or public  
 23263 depository in which general funds of the state are deposited,  
 23264 but a public deposit insurance charge or premium may not be paid  
 23265 out of the fund. If any warrant issued against the clearing  
 23266 account or the benefit account is not presented for payment  
 23267 within 1 year after issuance, the Chief Financial Officer must  
 23268 cancel the warrant and credit without restriction the amount of  
 23269 the warrant to the account upon which it is drawn. When the  
 23270 payee or person entitled to a canceled warrant requests payment  
 23271 of the warrant, the Chief Financial Officer, upon direction of  
 23272 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 23273 ~~Innovation~~, must issue a new warrant, payable from the account  
 23274 against which the canceled warrant was drawn.

23275 (3) Moneys may only be requisitioned from the state's  
 23276 account in the federal Unemployment Compensation Trust Fund  
 23277 solely for the payment of benefits and extended benefits and for  
 23278 payment in accordance with rules prescribed by the Department of  
 23279 Economic Opportunity ~~the Agency for Workforce Innovation~~, or for  
 23280 the repayment of advances made pursuant to 42 U.S.C. s. 1321, as  
 23281 authorized by the Governor or the Governor's designee, except  
 23282 that money credited to this state's account under 42 U.S.C. s.  
 23283 1103 may only be used exclusively as provided in subsection (5).  
 23284 The Department of Economic Opportunity ~~The Agency for Workforce~~  
 23285 ~~Innovation~~, through the Chief Financial Officer, shall  
 23286 requisition from the federal Unemployment Compensation Trust  
 23287 Fund amounts, not exceeding the amounts credited to this state's  
 23288 account in the fund, as necessary for the payment of benefits  
 23289 and extended benefits for a reasonable future period. Upon



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23290 receipt of these amounts, the Chief Financial Officer shall  
 23291 deposit the moneys in the benefit account in the State Treasury  
 23292 and warrants for the payment of benefits and extended benefits  
 23293 shall be drawn upon the order of the Department of Economic  
 23294 Opportunity ~~the Agency for Workforce Innovation~~ against the  
 23295 account. All warrants for benefits and extended benefits are  
 23296 payable directly to the ultimate beneficiary. Expenditures of  
 23297 these moneys in the benefit account and refunds from the  
 23298 clearing account are not subject to any law requiring specific  
 23299 appropriations or other formal release by state officers of  
 23300 money in their custody. All warrants issued for the payment of  
 23301 benefits and refunds must bear the signature of the Chief  
 23302 Financial Officer. Any balance of moneys requisitioned from this  
 23303 state's account in the federal Unemployment Compensation Trust  
 23304 Fund which remains unclaimed or unpaid in the benefit account  
 23305 after the period for which the moneys were requisitioned shall  
 23306 be deducted from estimates for, and may be used for the payment  
 23307 of, benefits and extended benefits during succeeding periods,  
 23308 or, in the discretion of the Department of Economic Opportunity  
 23309 ~~the Agency for Workforce Innovation~~, shall be redeposited with  
 23310 the Secretary of the Treasury of the United States, to the  
 23311 credit of this state's account in the federal Unemployment  
 23312 Compensation Trust Fund, as provided in subsection (2).

23313 (4) Subsections (1), (2), and (3), to the extent they  
 23314 relate to the federal Unemployment Compensation Trust Fund,  
 23315 apply only while the fund continues to exist and while the  
 23316 Secretary of the Treasury of the United States continues to  
 23317 maintain for this state a separate account of all funds

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23318 deposited by this state for the payment of benefits, together  
 23319 with this state's proportionate share of the earnings of the  
 23320 federal Unemployment Compensation Trust Fund, from which no  
 23321 other state is permitted to make withdrawals. If the federal  
 23322 Unemployment Compensation Trust Fund ceases to exist, or the  
 23323 separate account is no longer maintained, all moneys,  
 23324 properties, or securities belonging to this state's account in  
 23325 the federal Unemployment Compensation Trust Fund must be  
 23326 transferred to the treasurer of the Unemployment Compensation  
 23327 Trust Fund, who must hold, invest, transfer, sell, deposit, and  
 23328 release those moneys, properties, or securities in a manner  
 23329 approved by the Department of Economic Opportunity ~~the Agency~~  
 23330 ~~for Workforce Innovation~~ in accordance with this chapter. These  
 23331 moneys must, however, be invested in the following readily  
 23332 marketable classes of securities: bonds or other interest-  
 23333 bearing obligations of the United States or of the state.  
 23334 Further, the investment must at all times be made in a manner  
 23335 that allows all the assets of the fund to always be readily  
 23336 convertible into cash when needed for the payment of benefits.  
 23337 The treasurer may only dispose of securities or other properties  
 23338 belonging to the Unemployment Compensation Trust Fund under the  
 23339 direction of the Department of Economic Opportunity ~~the Agency~~  
 23340 ~~for Workforce Innovation~~.

23341 Section 500. Section 443.211, Florida Statutes, is amended  
 23342 to read:

23343 443.211 Employment Security Administration Trust Fund;  
 23344 appropriation; reimbursement.—

23345 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There

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23346 is created in the State Treasury the "Employment Security  
 23347 Administration Trust Fund." All moneys deposited into this fund  
 23348 remain continuously available to the Department of Economic  
 23349 Opportunity ~~the Agency for Workforce Innovation~~ for expenditure  
 23350 in accordance with this chapter and do not revert at any time  
 23351 and may not be transferred to any other fund. All moneys in this  
 23352 fund which are received from the Federal Government or any  
 23353 federal agency or which are appropriated by this state under ss.  
 23354 443.171 and 443.181, except money received under s.  
 23355 443.191(5)(c), must be expended solely for the purposes and in  
 23356 the amounts found necessary by the authorized cooperating  
 23357 federal agencies for the proper and efficient administration of  
 23358 this chapter. The fund consists of: all moneys appropriated by  
 23359 this state; all moneys received from the United States or any  
 23360 federal agency; all moneys received from any other source for  
 23361 the administration of this chapter; any funds collected for  
 23362 enhanced, specialized, or value-added labor market information  
 23363 services; any moneys received from any agency of the United  
 23364 States or any other state as compensation for services or  
 23365 facilities supplied to that agency; any amounts received from  
 23366 any surety bond or insurance policy or from other sources for  
 23367 losses sustained by the Employment Security Administration Trust  
 23368 Fund or by reason of damage to equipment or supplies purchased  
 23369 from moneys in the fund; and any proceeds from the sale or  
 23370 disposition of such equipment or supplies. All money  
 23371 requisitioned and deposited in this fund under s. 443.191(5)(c)  
 23372 remains part of the Unemployment Compensation Trust Fund and  
 23373 must be used only in accordance with s. 443.191(5). All moneys

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23374 in this fund must be deposited, administered, and disbursed in  
 23375 the same manner and under the same conditions and requirements  
 23376 as provided by law for other trust funds in the State Treasury.  
 23377 These moneys must be secured by the depository in which they are  
 23378 held to the same extent and in the same manner as required by  
 23379 the general depository law of the state, and collateral pledged  
 23380 must be maintained in a separate custody account. All payments  
 23381 from the Employment Security Administration Trust Fund must be  
 23382 approved by the Department of Economic Opportunity ~~the Agency~~  
 23383 ~~for Workforce Innovation~~ or by an authorized agent and must be  
 23384 made by the Chief Financial Officer. Any balances in this fund  
 23385 do not revert at any time and must remain continuously available  
 23386 to the Department of Economic Opportunity ~~the Agency for~~  
 23387 ~~Workforce Innovation~~ for expenditure consistent with this  
 23388 chapter.

23389 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST  
 23390 FUND.—There is created in the State Treasury the "Special  
 23391 Employment Security Administration Trust Fund," into which shall  
 23392 be deposited or transferred all interest on contributions and  
 23393 reimbursements, penalties, and fines or fees collected under  
 23394 this chapter. Interest on contributions and reimbursements,  
 23395 penalties, and fines or fees deposited during any calendar  
 23396 quarter in the clearing account in the Unemployment Compensation  
 23397 Trust Fund shall, as soon as practicable after the close of that  
 23398 calendar quarter and upon certification of the Department of  
 23399 Economic Opportunity ~~the Agency for Workforce Innovation~~, be  
 23400 transferred to the Special Employment Security Administration  
 23401 Trust Fund. The amount certified by the Department of Economic

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23402 Opportunity ~~the Agency for Workforce Innovation~~ as required  
 23403 under this chapter to pay refunds of interest on contributions  
 23404 and reimbursements, penalties, and fines or fees collected and  
 23405 erroneously deposited into the clearing account in the  
 23406 Unemployment Compensation Trust Fund shall, however, be withheld  
 23407 from this transfer. The interest and penalties certified for  
 23408 transfer are deemed as being erroneously deposited in the  
 23409 clearing account, and their transfer to the Special Employment  
 23410 Security Administration Trust Fund is deemed to be a refund of  
 23411 the erroneous deposits. All moneys in this fund shall be  
 23412 deposited, administered, and disbursed in the same manner and  
 23413 under the same requirements as provided by law for other trust  
 23414 funds in the State Treasury. These moneys may not be expended or  
 23415 be available for expenditure in any manner that would permit  
 23416 their substitution for, or permit a corresponding reduction in,  
 23417 federal funds that would, in the absence of these moneys, be  
 23418 available to finance expenditures for the administration of this  
 23419 chapter. This section does not prevent these moneys from being  
 23420 used as a revolving fund to cover lawful expenditures for which  
 23421 federal funds are requested but not yet received, subject to the  
 23422 charging of the expenditures against the funds when received.  
 23423 The moneys in this fund, with the approval of the Executive  
 23424 Office of the Governor, shall be used by the Department of  
 23425 Economic Opportunity ~~the Agency for Workforce Innovation~~ for  
 23426 paying administrative costs that are not chargeable against  
 23427 funds obtained from federal sources. All moneys in the Special  
 23428 Employment Security Administration Trust Fund shall be  
 23429 continuously available to the Department of Economic Opportunity

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23430 ~~the Agency for Workforce Innovation~~ for expenditure in  
 23431 accordance with this chapter and do not revert at any time. All  
 23432 payments from the Special Employment Security Administration  
 23433 Trust Fund must be approved by the Department of Economic  
 23434 Opportunity ~~the Agency for Workforce Innovation~~ or by an  
 23435 authorized agent and shall be made by the Chief Financial  
 23436 Officer. The moneys in this fund are available to replace, as  
 23437 contemplated by subsection (3), expenditures from the Employment  
 23438 Security Administration Trust Fund which the United States  
 23439 Secretary of Labor, or other authorized federal agency or  
 23440 authority, finds are lost or improperly expended because of any  
 23441 action or contingency. The Chief Financial Officer is liable on  
 23442 her or his official bond for the faithful performance of her or  
 23443 his duties in connection with the Special Employment Security  
 23444 Administration Trust Fund.

23445 (3) REIMBURSEMENT OF FUND.—If any moneys received from the  
 23446 United States Secretary of Labor under 42 U.S.C. ss. 501-504,  
 23447 any unencumbered balances in the Employment Security  
 23448 Administration Trust Fund, any moneys granted to this state  
 23449 under the Wagner-Peyser Act, or any moneys made available by  
 23450 this state or its political subdivisions and matched by the  
 23451 moneys granted to this state under the Wagner-Peyser Act, are  
 23452 after reasonable notice and opportunity for hearing, found by  
 23453 the United States Secretary of Labor, because of any action or  
 23454 contingency, to be lost or expended for purposes other than, or  
 23455 in amounts in excess of, those allowed by the United States  
 23456 Secretary of Labor for the administration of this chapter, these  
 23457 moneys shall be replaced by moneys appropriated for that purpose

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23458 | from the General Revenue Fund to the Employment Security  
 23459 | Administration Trust Fund for expenditure as provided in  
 23460 | subsection (1). Upon receipt of notice of such a finding by the  
 23461 | United States Secretary of Labor, the Department of Economic  
 23462 | Opportunity ~~the Agency for Workforce Innovation~~ shall promptly  
 23463 | report the amount required for replacement to the Governor. The  
 23464 | Governor shall, at the earliest opportunity, submit to the  
 23465 | Legislature a request for the appropriation of the replacement  
 23466 | funds.

23467 | (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its  
 23468 | duties under s. 443.181, the Department of Economic Opportunity  
 23469 | ~~the Agency for Workforce Innovation~~ is responsible for the  
 23470 | deposit, requisition, expenditure, approval of payment,  
 23471 | reimbursement, and reporting in regard to the trust funds  
 23472 | established by this section.

23473 | Section 501. Section 443.221, Florida Statutes, is amended  
 23474 | to read:

23475 | 443.221 Reciprocal arrangements.—

23476 | (1) (a) The Department of Economic Opportunity ~~The Agency~~  
 23477 | ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 23478 | ~~collection service provider~~ may enter into reciprocal  
 23479 | arrangements with other states or with the Federal Government,  
 23480 | or both, for considering services performed by an individual for  
 23481 | a single employing unit for which services are performed by the  
 23482 | individual in more than one state as services performed entirely  
 23483 | within any one of the states:

23484 | 1. In which any part of the individual's service is  
 23485 | performed;

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23486 2. In which the individual has her or his residence; or

23487 3. In which the employing unit maintains a place of  
 23488 business.

23489 (b) For services to be considered as performed within a  
 23490 state under a reciprocal agreement, the employing unit must have  
 23491 an election in effect for those services, which is approved by  
 23492 the agency charged with the administration of such state's  
 23493 unemployment compensation law, under which all the services  
 23494 performed by the individual for the employing unit are deemed to  
 23495 be performed entirely within that state.

23496 (c) The Department of Economic Opportunity ~~The Agency for~~  
 23497 ~~Workforce Innovation~~ shall participate in any arrangements for  
 23498 the payment of compensation on the basis of combining an  
 23499 individual's wages and employment covered under this chapter  
 23500 with her or his wages and employment covered under the  
 23501 unemployment compensation laws of other states, which are  
 23502 approved by the United States Secretary of Labor, in  
 23503 consultation with the state unemployment compensation agencies,  
 23504 as reasonably calculated to assure the prompt and full payment  
 23505 of compensation in those situations and which include provisions  
 23506 for:

23507 1. Applying the base period of a single state law to a  
 23508 claim involving the combining of an individual's wages and  
 23509 employment covered under two or more state unemployment  
 23510 compensation laws; and

23511 2. Avoiding the duplicate use of wages and employment  
 23512 because of the combination.

23513 (d) Contributions or reimbursements due under this chapter



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23514 with respect to wages for insured work are, for the purposes of  
 23515 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid  
 23516 to the fund as of the date payment was made as contributions or  
 23517 reimbursements therefor under another state or federal  
 23518 unemployment compensation law, but an arrangement may not be  
 23519 entered into unless it contains provisions for reimbursement to  
 23520 the fund of the contributions or reimbursements and the actual  
 23521 earnings thereon as the Department of Economic Opportunity ~~the~~  
 23522 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~its~~  
 23523 ~~tax collection service provider~~ finds are fair and reasonable as  
 23524 to all affected interests.

23525 (2) The Department of Economic Opportunity ~~The Agency for~~  
 23526 ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 23527 ~~collection service provider~~ may make to other state or federal  
 23528 agencies and receive from these other state or federal agencies  
 23529 reimbursements from or to the fund, in accordance with  
 23530 arrangements entered into under subsection (1).

23531 (3) The Department of Economic Opportunity ~~The Agency for~~  
 23532 ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 23533 ~~collection service provider~~ may enter into reciprocal  
 23534 arrangements with other states or the Federal Government, or  
 23535 both, for exchanging services, determining and enforcing payment  
 23536 obligations, and making available facilities and information.  
 23537 The Department of Economic Opportunity ~~The Agency for Workforce~~  
 23538 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 23539 ~~service provider~~ may conduct investigations, secure and transmit  
 23540 information, make available services and facilities, and  
 23541 exercise other powers provided under this chapter to facilitate

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23542 the administration of any unemployment compensation or public  
 23543 employment service law and, in a similar manner, accept and use  
 23544 information, services, and facilities made available to this  
 23545 state by the agency charged with the administration of any other  
 23546 unemployment compensation or public employment service law.

23547 (4) To the extent permissible under federal law, the  
 23548 Department of Economic Opportunity ~~the Agency for Workforce~~  
 23549 ~~Innovation~~ may enter into or cooperate in arrangements whereby  
 23550 facilities and services provided under this chapter and  
 23551 facilities and services provided under the unemployment  
 23552 compensation law of any foreign government may be used for the  
 23553 taking of claims and the payment of benefits under the  
 23554 employment security law of the state or under a similar law of  
 23555 that government.

23556 Section 502. Section 445.002, Florida Statutes, is amended  
 23557 to read:

23558 445.002 Definitions.—As used in this chapter, the term:

23559 (1) "Department" means the Department of Economic  
 23560 Opportunity.

23561 ~~(1) "Agency" means the Agency for Workforce Innovation.~~

23562 (2) "Services and one-time payments" or "services," when  
 23563 used in reference to individuals who are not receiving temporary  
 23564 cash assistance, means nonrecurrent, short-term benefits  
 23565 designed to deal with a specific crisis situation or episode of  
 23566 need and other services; work subsidies; supportive services  
 23567 such as child care and transportation; services such as  
 23568 counseling, case management, peer support, and child care  
 23569 information and referral; transitional services, job retention,

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23570 | job advancement, and other employment-related services;  
 23571 | nonmedical treatment for substance abuse or mental health  
 23572 | problems; teen pregnancy prevention; two-parent family support,  
 23573 | including noncustodial parent employment; court-ordered  
 23574 | supervised visitation, and responsible fatherhood services; and  
 23575 | any other services that are reasonably calculated to further the  
 23576 | purposes of the welfare transition program. Such terms do not  
 23577 | include assistance as defined in federal regulations at 45  
 23578 | C.F.R. s. 260.31(a).

23579 |         (3) "Welfare transition services" means those workforce  
 23580 | services provided to current or former recipients of temporary  
 23581 | cash assistance under chapter 414.

23582 |         Section 503. Paragraphs (a) and (b) of subsection (3) of  
 23583 | section 445.003, Florida Statutes, are amended to read:

23584 |             445.003 Implementation of the federal Workforce Investment  
 23585 | Act of 1998.—

23586 |             (3) FUNDING.—

23587 |             (a) Title I, Workforce Investment Act of 1998 funds;  
 23588 | Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended  
 23589 | based on the 5-year plan of Workforce Florida, Inc. The plan  
 23590 | shall outline and direct the method used to administer and  
 23591 | coordinate various funds and programs that are operated by  
 23592 | various agencies. The following provisions shall also apply to  
 23593 | these funds:

23594 |             1. At least 50 percent of the Title I funds for Adults and  
 23595 | Dislocated Workers that are passed through to regional workforce  
 23596 | boards shall be allocated to Individual Training Accounts unless  
 23597 | a regional workforce board obtains a waiver from Workforce

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23598 Florida, Inc. Tuition and fees qualify as an Individual Training  
 23599 Account expenditure, as do other programs developed by regional  
 23600 workforce boards in compliance with policies of Workforce  
 23601 Florida, Inc.

23602         2. Fifteen percent of Title I funding shall be retained at  
 23603 the state level and shall be dedicated to state administration  
 23604 and used to design, develop, induce, and fund innovative  
 23605 Individual Training Account pilots, demonstrations, and  
 23606 programs. Of such funds retained at the state level, \$2 million  
 23607 shall be reserved for the Incumbent Worker Training Program,  
 23608 created under subparagraph 3. Eligible state administration  
 23609 costs include the costs of: funding for the board and staff of  
 23610 Workforce Florida, Inc.; operating fiscal, compliance, and  
 23611 management accountability systems through Workforce Florida,  
 23612 Inc.; conducting evaluation and research on workforce  
 23613 development activities; and providing technical and capacity  
 23614 building assistance to regions at the direction of Workforce  
 23615 Florida, Inc. Notwithstanding s. 445.004, such administrative  
 23616 costs shall not exceed 25 percent of these funds. An amount not  
 23617 to exceed 75 percent of these funds shall be allocated to  
 23618 Individual Training Accounts and other workforce development  
 23619 strategies for other training designed and tailored by Workforce  
 23620 Florida, Inc., including, but not limited to, programs for  
 23621 incumbent workers, displaced homemakers, nontraditional  
 23622 employment, and enterprise zones. Workforce Florida, Inc., shall  
 23623 design, adopt, and fund Individual Training Accounts for  
 23624 distressed urban and rural communities.

23625         3. The Incumbent Worker Training Program is created for

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23626 | the purpose of providing grant funding for continuing education  
 23627 | and training of incumbent employees at existing Florida  
 23628 | businesses. The program will provide reimbursement grants to  
 23629 | businesses that pay for preapproved, direct, training-related  
 23630 | costs.

23631 |       a. The Incumbent Worker Training Program shall ~~will~~ be  
 23632 | administered by Workforce Florida, Inc. Workforce Florida, Inc.,  
 23633 | at its discretion, may contract with a private business  
 23634 | organization to serve as grant administrator.

23635 |       b. To be eligible for the program's grant funding, a  
 23636 | business must be ~~have been~~ in operation in the state ~~Florida~~ for  
 23637 | at least a minimum of 1 year ~~before~~ ~~prior to~~ the application for  
 23638 | grant funding; have at least one full-time employee; demonstrate  
 23639 | financial viability; and be current on all state tax  
 23640 | obligations. Priority for funding shall be given to businesses  
 23641 | with 25 employees or fewer, businesses in rural areas,  
 23642 | businesses in distressed inner-city areas, businesses in a  
 23643 | qualified targeted industry, businesses whose grant proposals  
 23644 | represent a significant upgrade in employee skills, or  
 23645 | businesses whose grant proposals represent a significant layoff  
 23646 | avoidance strategy.

23647 |       c. All costs reimbursed by the program must be preapproved  
 23648 | by Workforce Florida, Inc., or the grant administrator. The  
 23649 | program may ~~will~~ not reimburse businesses for trainee wages, the  
 23650 | purchase of capital equipment, or the purchase of any item or  
 23651 | service that may possibly be used outside the training project.  
 23652 | A business approved for a grant may be reimbursed for  
 23653 | preapproved, direct, training-related costs including tuition;

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23654 fees; books and training materials; and overhead or indirect  
 23655 costs not to exceed 5 percent of the grant amount.

23656 d. A business that is selected to receive grant funding  
 23657 must provide a matching contribution to the training project,  
 23658 including, but not limited to, wages paid to trainees or the  
 23659 purchase of capital equipment used in the training project; must  
 23660 sign an agreement with Workforce Florida, Inc., or the grant  
 23661 administrator to complete the training project as proposed in  
 23662 the application; must keep accurate records of the project's  
 23663 implementation process; and must submit monthly or quarterly  
 23664 reimbursement requests with required documentation.

23665 e. All Incumbent Worker Training Program grant projects  
 23666 shall be performance-based with specific measurable performance  
 23667 outcomes, including completion of the training project and job  
 23668 retention. Workforce Florida, Inc., or the grant administrator  
 23669 shall withhold the final payment to the grantee until a final  
 23670 grant report is submitted and all performance criteria specified  
 23671 in the grant contract have been achieved.

23672 f. Workforce Florida, Inc., may establish guidelines  
 23673 necessary to implement the Incumbent Worker Training Program.

23674 g. No more than 10 percent of the Incumbent Worker  
 23675 Training Program's total appropriation may be used for overhead  
 23676 or indirect purposes.

23677 4. At least 50 percent of Rapid Response funding shall be  
 23678 dedicated to Intensive Services Accounts and Individual Training  
 23679 Accounts for dislocated workers and incumbent workers who are at  
 23680 risk of dislocation. Workforce Florida, Inc., shall also  
 23681 maintain an Emergency Preparedness Fund from Rapid Response

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23682 funds which will immediately issue Intensive Service Accounts  
 23683 and Individual Training Accounts as well as other federally  
 23684 authorized assistance to eligible victims of natural or other  
 23685 disasters. At the direction of the Governor, for events that  
 23686 qualify under federal law, these Rapid Response funds shall be  
 23687 released to regional workforce boards for immediate use. Funding  
 23688 shall also be dedicated to maintain a unit at the state level to  
 23689 respond to Rapid Response emergencies around the state, to work  
 23690 with state emergency management officials, and to work with  
 23691 regional workforce boards. All Rapid Response funds must be  
 23692 expended based on a plan developed by Workforce Florida, Inc.,  
 23693 and approved by the Governor.

23694 (b) The administrative entity for Title I, Workforce  
 23695 Investment Act of 1998 funds, and Rapid Response activities,  
 23696 shall be the department ~~the Agency for Workforce Innovation,~~  
 23697 which shall provide direction to regional workforce boards  
 23698 regarding Title I programs and Rapid Response activities  
 23699 pursuant to the direction of Workforce Florida, Inc.

23700 Section 504. Subsection (1), paragraph (a) of subsection  
 23701 (3), and paragraphs (b), (c), (d), (e), and (g) of subsection  
 23702 (5) of section 445.004, Florida Statutes, are amended to read:

23703 445.004 Workforce Florida, Inc.; creation; purpose;  
 23704 membership; duties and powers.—

23705 (1) There is created a not-for-profit corporation, to be  
 23706 known as "Workforce Florida, Inc.," which shall be registered,  
 23707 incorporated, organized, and operated in compliance with chapter  
 23708 617, and which shall not be a unit or entity of state government  
 23709 and shall be exempt from chapters 120 and 287. Workforce

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23710 Florida, Inc., shall apply the procurement and expenditure  
 23711 procedures required by federal law for the expenditure of  
 23712 federal funds. Workforce Florida, Inc., shall be  
 23713 administratively housed within the department ~~the Agency for~~  
 23714 ~~Workforce Innovation~~; however, Workforce Florida, Inc., shall  
 23715 not be subject to control, supervision, or direction by the  
 23716 department ~~the Agency for Workforce Innovation~~ in any manner.  
 23717 The Legislature determines, however, that public policy dictates  
 23718 that Workforce Florida, Inc., operate in the most open and  
 23719 accessible manner consistent with its public purpose. To this  
 23720 end, the Legislature specifically declares that Workforce  
 23721 Florida, Inc., its board, councils, and any advisory committees  
 23722 or similar groups created by Workforce Florida, Inc., are  
 23723 subject to the provisions of chapter 119 relating to public  
 23724 records, and those provisions of chapter 286 relating to public  
 23725 meetings.

23726 (3) (a) Workforce Florida, Inc., shall be governed by a  
 23727 board of directors, the number of directors to be determined by  
 23728 the Governor, whose membership and appointment must be  
 23729 consistent with Pub. L. No. 105-220, Title I, s. 111(b), ~~and~~  
 23730 ~~contain one member representing the licensed nonpublic~~  
 23731 ~~postsecondary educational institutions authorized as individual~~  
 23732 ~~training account providers, one member from the staffing service~~  
 23733 ~~industry, at least one member who is a current or former~~  
 23734 ~~recipient of welfare transition services as defined in s.~~  
 23735 ~~445.002(3) or workforce services as provided in s. 445.009(1),~~  
 23736 ~~and five representatives of organized labor who shall be~~  
 23737 ~~appointed by the Governor.~~ Members described in Pub. L. No. 105-



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23738 220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members.  
 23739 The importance of minority, gender, and geographic  
 23740 representation shall be considered when making appointments to  
 23741 the board. The Governor, when in attendance, shall preside at  
 23742 all meetings of the board of directors.

23743 (5) Workforce Florida, Inc., shall have all the powers and  
 23744 authority, not explicitly prohibited by statute, necessary or  
 23745 convenient to carry out and effectuate the purposes as  
 23746 determined by statute, Pub. L. No. 105-220, and the Governor, as  
 23747 well as its functions, duties, and responsibilities, including,  
 23748 but not limited to, the following:

23749 (b) Providing oversight and policy direction to ensure  
 23750 that the following programs are administered by the department  
 23751 ~~the Agency for Workforce Innovation~~ in compliance with approved  
 23752 plans and under contract with Workforce Florida, Inc.:

23753 1. Programs authorized under Title I of the Workforce  
 23754 Investment Act of 1998, Pub. L. No. 105-220, with the exception  
 23755 of programs funded directly by the United States Department of  
 23756 Labor under Title I, s. 167.

23757 2. Programs authorized under the Wagner-Peyser Act of  
 23758 1933, as amended, 29 U.S.C. ss. 49 et seq.

23759 3. Activities authorized under Title II of the Trade Act  
 23760 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade  
 23761 Adjustment Assistance Program.

23762 4. Activities authorized under 38 U.S.C., chapter 41,  
 23763 including job counseling, training, and placement for veterans.

23764 5. Employment and training activities carried out under  
 23765 funds awarded to this state by the United States Department of

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23766 Housing and Urban Development.

23767         6. Welfare transition services funded by the Temporary  
 23768 Assistance for Needy Families Program, created under the  
 23769 Personal Responsibility and Work Opportunity Reconciliation Act  
 23770 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
 23771 of the Social Security Act, as amended.

23772         7. Displaced homemaker programs, provided under s. 446.50.

23773         8. The Florida Bonding Program, provided under Pub. L. No.  
 23774 97-300, s. 164(a)(1).

23775         9. The Food Assistance Employment and Training Program,  
 23776 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.  
 23777 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;  
 23778 and the Hunger Prevention Act, Pub. L. No. 100-435.

23779         10. The Quick-Response Training Program, as provided under  
 23780 s. 288.047 ~~ss. 288.046-288.047~~. ~~Matching funds and in-kind~~  
 23781 ~~contributions that are provided by clients of the Quick-Response~~  
 23782 ~~Training Program shall count toward the requirements of s.~~  
 23783 ~~288.90151(5)(d), pertaining to the return on investment from~~  
 23784 ~~activities of Enterprise Florida, Inc.~~

23785         11. The Work Opportunity Tax Credit, provided under the  
 23786 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,  
 23787 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

23788         12. Offender placement services, provided under ss.  
 23789 944.707-944.708.

23790         (c) The department ~~The agency~~ may adopt rules necessary to  
 23791 administer the provisions of this chapter which relate to  
 23792 implementing and administering the programs listed in paragraph  
 23793 (b) as well as rules related to eligible training providers and

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23794 auditing and monitoring subrecipients of the workforce system  
 23795 grant funds.

23796 (d) Contracting with public and private entities as  
 23797 necessary to further the directives of this section. All  
 23798 contracts executed by Workforce Florida, Inc., must include  
 23799 specific performance expectations and deliverables. All  
 23800 Workforce Florida, Inc., contracts, including those solicited,  
 23801 managed, or paid by the department ~~the Agency for Workforce~~  
 23802 ~~Innovation~~ pursuant to s. 20.60(5)(c), ~~20.50(2)~~ are exempt from  
 23803 s. 112.061, but shall be governed by subsection (1).

23804 (e) Notifying the Governor, the President of the Senate,  
 23805 and the Speaker of the House of Representatives of noncompliance  
 23806 by the department ~~the Agency for Workforce Innovation~~ or other  
 23807 agencies or obstruction of the board's efforts by the department  
 23808 or such agencies. Upon such notification, the Executive Office  
 23809 of the Governor shall assist the department or agencies to bring  
 23810 them into compliance with board objectives.

23811 (g) Establish a dispute resolution process for all  
 23812 memoranda of understanding or other contracts or agreements  
 23813 entered into between the department ~~the agency~~ and regional  
 23814 workforce boards.

23815 Section 505. Subsection (1) of section 445.007, Florida  
 23816 Statutes, is amended to read:

23817 445.007 Regional workforce boards.—

23818 (1) One regional workforce board shall be appointed in  
 23819 each designated service delivery area and shall serve as the  
 23820 local workforce investment board pursuant to Pub. L. No. 105-  
 23821 220. The membership of the board shall be consistent with Pub.

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23822 L. No. 105-220, Title I, s. 117(b), ~~and contain one~~  
 23823 ~~representative from a nonpublic postsecondary educational~~  
 23824 ~~institution that is an authorized individual training account~~  
 23825 ~~provider within the region and confers certificates and~~  
 23826 ~~diplomas, one representative from a nonpublic postsecondary~~  
 23827 ~~educational institution that is an authorized individual~~  
 23828 ~~training account provider within the region and confers degrees,~~  
 23829 ~~and three representatives of organized labor.~~ The board shall  
 23830 include one nonvoting representative from a military  
 23831 installation if a military installation is located within the  
 23832 region and the appropriate military command or organization  
 23833 authorizes such representation. It is the intent of the  
 23834 Legislature that membership of a regional workforce board  
 23835 include persons who are current or former recipients of welfare  
 23836 transition assistance as defined in s. 445.002(3) or workforce  
 23837 services as provided in s. 445.009(1) or that such persons be  
 23838 included as ex officio members of the board or of committees  
 23839 organized by the board. The importance of minority and gender  
 23840 representation shall be considered when making appointments to  
 23841 the board. The board, its committees, subcommittees, and  
 23842 subdivisions, and other units of the workforce system, including  
 23843 units that may consist in whole or in part of local governmental  
 23844 units, may use any method of telecommunications to conduct  
 23845 meetings, including establishing a quorum through  
 23846 telecommunications, provided that the public is given proper  
 23847 notice of the telecommunications meeting and reasonable access  
 23848 to observe and, when appropriate, participate. Regional  
 23849 workforce boards are subject to chapters 119 and 286 and s. 24,

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23850 Art. I of the State Constitution. If the regional workforce  
 23851 board enters into a contract with an organization or individual  
 23852 represented on the board of directors, the contract must be  
 23853 approved by a two-thirds vote of the ~~entire~~ board, a quorum  
 23854 having been established, and the board member who could benefit  
 23855 financially from the transaction must abstain from voting on the  
 23856 contract. A board member must disclose any such conflict in a  
 23857 manner that is consistent with the procedures outlined in s.  
 23858 112.3143.

23859 Section 506. Subsections (3) and (9) of section 445.009,  
 23860 Florida Statutes, are amended to read:

23861 445.009 One-stop delivery system.—

23862 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards  
 23863 shall enter into a memorandum of understanding with the  
 23864 department ~~the Agency for Workforce Innovation~~ for the delivery  
 23865 of employment services authorized by the federal Wagner-Peyser  
 23866 Act. This memorandum of understanding must be performance based.

23867 (a) Unless otherwise required by federal law, at least 90  
 23868 percent of the Wagner-Peyser funding must go into direct  
 23869 customer service costs.

23870 (b) Employment services must be provided through the one-  
 23871 stop delivery system, under the guidance of one-stop delivery  
 23872 system operators. One-stop delivery system operators shall have  
 23873 overall authority for directing the staff of the workforce  
 23874 system. Personnel matters shall remain under the ultimate  
 23875 authority of the department ~~the Agency for Workforce Innovation~~.  
 23876 However, the one-stop delivery system operator shall submit to  
 23877 the department ~~the agency~~ information concerning the job

23878 performance of ~~agency~~ employees of the department who deliver  
 23879 employment services. The department ~~The agency~~ shall consider  
 23880 any such information submitted by the one-stop delivery system  
 23881 operator in conducting performance appraisals of the employees.

23882 (c) The department ~~The agency~~ shall retain fiscal  
 23883 responsibility and accountability for the administration of  
 23884 funds allocated to the state under the Wagner-Peyser Act. An  
 23885 ~~agency~~ employee of the department who is providing services  
 23886 authorized under the Wagner-Peyser Act shall be paid using  
 23887 Wagner-Peyser Act funds.

23888 (9) (a) Workforce Florida, Inc., working with the  
 23889 department ~~the Agency for Workforce Innovation~~, shall coordinate  
 23890 among the agencies a plan for a One-Stop Electronic Network made  
 23891 up of one-stop delivery system centers and other partner  
 23892 agencies that are operated by authorized public or private for-  
 23893 profit or not-for-profit agents. The plan shall identify  
 23894 resources within existing revenues to establish and support this  
 23895 electronic network for service delivery that includes Government  
 23896 Services Direct. If necessary, the plan shall identify  
 23897 additional funding needed to achieve the provisions of this  
 23898 subsection.

23899 (b) The network shall assure that a uniform method is used  
 23900 to determine eligibility for and management of services provided  
 23901 by agencies that conduct workforce development activities. The  
 23902 Department of Management Services shall develop strategies to  
 23903 allow access to the databases and information management systems  
 23904 of the following systems in order to link information in those  
 23905 databases with the one-stop delivery system:

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23906 1. The Unemployment Compensation Program under chapter 443  
 23907 ~~of the Agency for Workforce Innovation.~~

23908 2. The public employment service described in s. 443.181.

23909 3. The FLORIDA System and the components related to  
 23910 temporary cash assistance, food assistance, and Medicaid  
 23911 eligibility.

23912 4. The Student Financial Assistance System of the  
 23913 Department of Education.

23914 5. Enrollment in the public postsecondary education  
 23915 system.

23916 6. Other information systems determined appropriate by  
 23917 Workforce Florida, Inc.

23918 Section 507. Subsection (5) of section 445.016, Florida  
 23919 Statutes, is amended to read:

23920 445.016 Untried Worker Placement and Employment Incentive  
 23921 Act.—

23922 (5) Incentives must be paid according to the incentive  
 23923 schedule developed by Workforce Florida, Inc., the Department of  
 23924 Economic Opportunity ~~the Agency for Workforce Development~~, and  
 23925 the Department of Children and Family Services which costs the  
 23926 state less per placement than the state's 12-month expenditure  
 23927 on a welfare recipient.

23928 Section 508. Subsection (1) of section 445.024, Florida  
 23929 Statutes, is amended to read:

23930 445.024 Work requirements.—

23931 (1) WORK ACTIVITIES.—The Department of Economic  
 23932 Opportunity ~~The Agency for Workforce Innovation~~ may develop  
 23933 activities under each of the following categories of work

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23934 activities. The following categories of work activities, based  
 23935 on federal law and regulations, may be used individually or in  
 23936 combination to satisfy the work requirements for a participant  
 23937 in the temporary cash assistance program:

- 23938 (a) Unsubsidized employment.
- 23939 (b) Subsidized private sector employment.
- 23940 (c) Subsidized public sector employment.
- 23941 (d) On-the-job training.
- 23942 (e) Community service programs.
- 23943 (f) Work experience.
- 23944 (g) Job search and job readiness assistance.
- 23945 (h) Vocational educational training.
- 23946 (i) Job skills training directly related to employment.
- 23947 (j) Education directly related to employment.
- 23948 (k) Satisfactory attendance at a secondary school or in a  
 23949 course of study leading to a graduate equivalency diploma.
- 23950 (l) Providing child care services.

23951 Section 509. Subsection (1) of section 445.0325, Florida  
 23952 Statutes, is amended to read:

23953 445.0325 Welfare Transition Trust Fund.—

23954 (1) The Welfare Transition Trust Fund is created in the  
 23955 State Treasury, to be administered by the Department of Economic  
 23956 Opportunity ~~the Agency for Workforce Innovation~~. Funds shall be  
 23957 credited to the trust fund to be used for the purposes of the  
 23958 welfare transition program set forth in ss. 445.017-445.032.

23959 Section 510. Section 445.038, Florida Statutes, is amended  
 23960 to read:

23961 445.038 Digital media; job training.—Workforce Florida,



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23962 Inc., through the Department of Economic Opportunity ~~the Agency~~  
 23963 ~~for Workforce Innovation~~, may use funds dedicated for Incumbent  
 23964 Worker Training for the digital media industry. Training may be  
 23965 provided by public or private training providers for broadband  
 23966 digital media jobs listed on the targeted occupations list  
 23967 developed by the Workforce Estimating Conference or Workforce  
 23968 Florida, Inc. Programs that operate outside the normal semester  
 23969 time periods and coordinate the use of industry and public  
 23970 resources should be given priority status for funding.

23971 Section 511. Subsection (2), paragraph (b) of subsection  
 23972 (4), and subsections (5) and (6) of section 445.045, Florida  
 23973 Statutes, are amended to read:

23974 445.045 Development of an Internet-based system for  
 23975 information technology industry promotion and workforce  
 23976 recruitment.—

23977 (2) Workforce Florida, Inc., shall coordinate with the  
 23978 Agency for Enterprise Information Technology and the Department  
 23979 of Economic Opportunity ~~the Agency for Workforce Innovation~~ to  
 23980 ensure links, where feasible and appropriate, to existing job  
 23981 information websites maintained by the state and state agencies  
 23982 and to ensure that information technology positions offered by  
 23983 the state and state agencies are posted on the information  
 23984 technology website.

23985 (4)

23986 (b) Workforce Florida, Inc., may enter into an agreement  
 23987 with the Agency for Enterprise Information Technology, the  
 23988 Department of Economic Opportunity ~~the Agency for Workforce~~  
 23989 ~~Innovation~~, or any other public agency with the requisite

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23990 information technology expertise for the provision of design,  
 23991 operating, or other technological services necessary to develop  
 23992 and maintain the website.

23993 (5) In furtherance of the requirements of this section  
 23994 that the website promote and market the information technology  
 23995 industry by communicating information on the scope of the  
 23996 industry in this state, Workforce Florida, Inc., shall  
 23997 coordinate its efforts with the high-technology industry  
 23998 marketing efforts of Enterprise Florida, Inc., ~~under s. 288.911.~~  
 23999 Through links or actual content, the website developed under  
 24000 this section shall serve as a forum for distributing the  
 24001 marketing campaign developed by Enterprise Florida, Inc., ~~under~~  
 24002 ~~s. 288.911.~~ In addition, Workforce Florida, Inc., shall solicit  
 24003 input from the not-for-profit corporation created to advocate on  
 24004 behalf of the information technology industry as an outgrowth of  
 24005 the Information Service Technology Development Task Force  
 24006 created under chapter 99-354, Laws of Florida.

24007 (6) In fulfilling its responsibilities under this section,  
 24008 Workforce Florida, Inc., may enlist the assistance of and act  
 24009 through the department ~~Agency for Workforce Innovation.~~ The  
 24010 department ~~The agency~~ is authorized and directed to provide the  
 24011 services that Workforce Florida, Inc., and the department ~~the~~  
 24012 ~~agency~~ consider necessary to implement this section.

24013 Section 512. Subsection (1), paragraph (b) of subsection  
 24014 (4), and subsection (5) of section 445.048, Florida Statutes,  
 24015 are amended to read:

24016 445.048 Passport to Economic Progress program.—

24017 (1) AUTHORIZATION.—Notwithstanding any law to the

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24018 | contrary, Workforce Florida, Inc., in conjunction with the  
 24019 | Department of Children and Family Services and the Department of  
 24020 | Economic Opportunity ~~the Agency for Workforce Innovation~~, shall  
 24021 | implement a Passport to Economic Progress program consistent  
 24022 | with the provisions of this section. Workforce Florida, Inc.,  
 24023 | may designate regional workforce boards to participate in the  
 24024 | program. Expenses for the program may come from appropriated  
 24025 | revenues or from funds otherwise available to a regional  
 24026 | workforce board which may be legally used for such purposes.  
 24027 | Workforce Florida, Inc., must consult with the applicable  
 24028 | regional workforce boards and the applicable local offices of  
 24029 | the Department of Children and Family Services which serve the  
 24030 | program areas and must encourage community input into the  
 24031 | implementation process.

24032 | (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

24033 | (b) Workforce Florida, Inc., in cooperation with the  
 24034 | Department of Children and Family Services and the Department of  
 24035 | Economic Opportunity ~~the Agency for Workforce Innovation~~, shall  
 24036 | offer performance-based incentive bonuses as a component of the  
 24037 | Passport to Economic Progress program. The bonuses do not  
 24038 | represent a program entitlement and shall be contingent on  
 24039 | achieving specific benchmarks prescribed in the self-sufficiency  
 24040 | plan. If the funds appropriated for this purpose are  
 24041 | insufficient to provide this financial incentive, the board of  
 24042 | directors of Workforce Florida, Inc., may reduce or suspend the  
 24043 | bonuses in order not to exceed the appropriation or may direct  
 24044 | the regional boards to use resources otherwise given to the  
 24045 | regional workforce to pay such bonuses if such payments comply

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24046 with applicable state and federal laws.

24047 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,  
 24048 Inc., in conjunction with the Department of Children and Family  
 24049 Services, the Department of Economic Opportunity ~~the Agency for~~  
 24050 ~~Workforce Innovation~~, and the regional workforce boards, shall  
 24051 conduct a comprehensive evaluation of the effectiveness of the  
 24052 program operated under this section. Evaluations and  
 24053 recommendations for the program shall be submitted by Workforce  
 24054 Florida, Inc., as part of its annual report to the Legislature.

24055 Section 513. Subsection (2) of section 445.049, Florida  
 24056 Statutes, is amended to read:

24057 445.049 Digital Divide Council.—

24058 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is  
 24059 created in the Department of Education. The council shall  
 24060 consist of:

24061 (a) A representative from the information technology  
 24062 industry in this state appointed by the Governor.

24063 (b) The Commissioner of Economic Opportunity, or his or  
 24064 her designee ~~The director of the Office of Tourism, Trade, and~~  
 24065 ~~Economic Development in the Executive Office of the Governor.~~

24066 (c) The president of Workforce Florida, Inc.

24067 ~~(d) The director of the Agency for Workforce Innovation.~~

24068 (d)(e) The chair of itflorida.com, Inc.

24069 (e)(f) The Commissioner of Education.

24070 (f)(g) A representative of the information technology  
 24071 industry in this state appointed by the Speaker of the House of  
 24072 Representatives.

24073 (g)(h) A representative of the information technology

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24074 industry in this state appointed by the President of the Senate.

24075 (h)~~(i)~~ Two members of the House of Representatives, who  
 24076 shall serve ~~be~~ ex officio as~~r~~ nonvoting members of the council,  
 24077 appointed by the Speaker of the House of Representatives, one of  
 24078 whom shall be a member of the Republican Caucus and the other of  
 24079 whom shall be a member of the Democratic Caucus.

24080 (i)~~(j)~~ Two members of the Senate, who shall serve ~~be~~ ex  
 24081 officio as~~r~~ nonvoting members of the council, appointed by the  
 24082 President of the Senate, one of whom shall be a member of the  
 24083 Republican Caucus and the other of whom shall be a member of the  
 24084 Democratic Caucus.

24085 Section 514. Subsection (13) of section 445.051, Florida  
 24086 Statutes, is amended to read:

24087 445.051 Individual development accounts.—

24088 (13) Pursuant to policy direction by Workforce Florida,  
 24089 Inc., the Department of Economic Opportunity ~~the Agency for~~  
 24090 ~~Workforce Innovation~~ shall adopt such rules as are necessary to  
 24091 implement this act.

24092 Section 515. Section 446.41, Florida Statutes, is amended  
 24093 to read:

24094 446.41 Legislative intent with respect to rural workforce  
 24095 training and development; establishment of Rural Workforce  
 24096 Services Program.—In order that the state may achieve its full  
 24097 economic and social potential, consideration must be given to  
 24098 rural workforce training and development to enable its rural  
 24099 citizens as well as urban citizens to develop their maximum  
 24100 capacities and participate productively in our society. It is,  
 24101 therefore, the policy of the state to make available those

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24102 services needed to assist individuals and communities in rural  
 24103 areas to improve their quality of life. It is with a great sense  
 24104 of urgency that a Rural Workforce Services Program is  
 24105 established within the Department of Economic Opportunity ~~the~~  
 24106 ~~Agency for Workforce Innovation~~, under the direction of  
 24107 Workforce Florida, Inc., to provide equal access to all manpower  
 24108 training programs available to rural as well as urban areas.

24109 Section 516. Paragraph (b) of subsection (5) of section  
 24110 446.44, Florida Statutes, is amended to read:

24111 446.44 Duties of Rural Workforce Services Program.—It  
 24112 shall be the direct responsibility of the Rural Workforce  
 24113 Services Program to promote and deliver employment and workforce  
 24114 services and resources to the rural undeveloped and  
 24115 underdeveloped counties of the state in an effort to:

24116 (5) Develop rural workforce programs that will be  
 24117 evaluated, planned, and implemented through communications and  
 24118 planning with appropriate:

24119 (b) Divisions ~~Units~~ of Enterprise Florida, Inc.

24120 Section 517. Section 446.50, Florida Statutes, is amended  
 24121 to read:

24122 446.50 Displaced homemakers; multiservice programs; report  
 24123 to the Legislature; Displaced Homemaker Trust Fund created.—

24124 (1) INTENT.—It is the intent of the Legislature to require  
 24125 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 24126 ~~Innovation~~ to enter into contracts with, and make grants to,  
 24127 public and nonprofit private entities for purposes of  
 24128 establishing multipurpose service programs to provide necessary  
 24129 training, counseling, and services for displaced homemakers so

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24130 that they may enjoy the independence and economic security vital  
 24131 to a productive life.

24132 (2) DEFINITIONS.—For the purposes of this section, the  
 24133 term:

24134 (a) "Displaced homemaker" means an individual who:

24135 1. Is 35 years of age or older;

24136 2. Has worked in the home, providing unpaid household  
 24137 services for family members;

24138 3. Is not adequately employed, as defined by rule of the  
 24139 agency;

24140 4. Has had, or would have, difficulty in securing adequate  
 24141 employment; and

24142 5. Has been dependent on the income of another family  
 24143 member but is no longer supported by such income, or has been  
 24144 dependent on federal assistance.

24145 (b) "Department" means the Department of Economic  
 24146 Opportunity.

24147 ~~(b) "Agency" means the Agency for Workforce Innovation.~~

24148 (3) AGENCY POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC  
 24149 OPPORTUNITY.—

24150 (a) The department ~~The agency~~, under plans established by  
 24151 Workforce Florida, Inc., shall establish, or contract for the  
 24152 establishment of, programs for displaced homemakers which shall  
 24153 include:

24154 1. Job counseling, by professionals and peers,  
 24155 specifically designed for a person entering the job market after  
 24156 a number of years as a homemaker.

24157 2. Job training and placement services, including:

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24158 a. Training programs for available jobs in the public and  
 24159 private sectors, taking into account the skills and job  
 24160 experiences of a homemaker and developed by working with public  
 24161 and private employers.

24162 b. Assistance in locating available employment for  
 24163 displaced homemakers, some of whom could be employed in existing  
 24164 job training and placement programs.

24165 c. Utilization of the services of the state employment  
 24166 service in locating employment opportunities.

24167 3. Financial management services providing information and  
 24168 assistance with respect to insurance, including, but not limited  
 24169 to, life, health, home, and automobile insurance, and taxes,  
 24170 estate and probate problems, mortgages, loans, and other related  
 24171 financial matters.

24172 4. Educational services, including high school equivalency  
 24173 degree and such other courses as the department ~~the agency~~  
 24174 determines would be of interest and benefit to displaced  
 24175 homemakers.

24176 5. Outreach and information services with respect to  
 24177 federal and state employment, education, health, and  
 24178 unemployment assistance programs which the department ~~the agency~~  
 24179 determines would be of interest and benefit to displaced  
 24180 homemakers.

24181 (b)1. The department ~~The agency~~ shall enter into contracts  
 24182 with, and make grants to, public and nonprofit private entities  
 24183 for purposes of establishing multipurpose service programs for  
 24184 displaced homemakers under this section. Such grants and  
 24185 contracts shall be awarded pursuant to chapter 287 and based on



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24186 criteria established in the state plan developed pursuant to  
 24187 this section. The department ~~The agency~~ shall designate  
 24188 catchment areas which together shall comprise the entire state,  
 24189 and, to the extent possible from revenues in the Displaced  
 24190 Homemaker Trust Fund, the department ~~the agency~~ shall contract  
 24191 with, and make grants to, entities which will serve entire  
 24192 catchment areas so that displaced homemaker service programs are  
 24193 available statewide. These catchment areas shall be coterminous  
 24194 with the state's workforce development regions. The department  
 24195 ~~The agency~~ may give priority to existing displaced homemaker  
 24196 programs when evaluating bid responses to the ~~agency's~~ request  
 24197 for proposals.

24198 2. In order to receive funds under this section, and  
 24199 unless specifically prohibited by law from doing so, an entity  
 24200 that provides displaced homemaker service programs must receive  
 24201 at least 25 percent of its funding from one or more local,  
 24202 municipal, or county sources or nonprofit private sources. In-  
 24203 kind contributions may be evaluated by the department ~~the agency~~  
 24204 and counted as part of the required local funding.

24205 3. The department ~~The agency~~ shall require an entity that  
 24206 receives funds under this section to maintain appropriate data  
 24207 to be compiled in an annual report to the department ~~the agency~~.  
 24208 Such data shall include, but shall not be limited to, the number  
 24209 of clients served, the units of services provided, designated  
 24210 client-specific information including intake and outcome  
 24211 information specific to each client, costs associated with  
 24212 specific services and program administration, total program  
 24213 revenues by source and other appropriate financial data, and

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24214 client followup information at specified intervals after the  
 24215 placement of a displaced homemaker in a job.

24216 (c) The department ~~The agency~~ shall consult and cooperate  
 24217 with the Commissioner of Education, the United States  
 24218 Commissioner of the Social Security Administration, and such  
 24219 other persons in the executive branch of the state government as  
 24220 the department ~~the agency~~ considers appropriate to facilitate  
 24221 the coordination of multipurpose service programs established  
 24222 under this section with existing programs of a similar nature.

24223 (d) Supervisory, technical, and administrative positions  
 24224 relating to programs established under this section shall, to  
 24225 the maximum extent practicable, be filled by displaced  
 24226 homemakers.

24227 (e) The department ~~The agency~~ shall adopt rules  
 24228 establishing minimum standards necessary for entities that  
 24229 provide displaced homemaker service programs to receive funds  
 24230 ~~from the agency~~ and any other rules necessary to administer this  
 24231 section.

24232 (4) STATE PLAN.—

24233 (a) The department ~~The Agency for Workforce Innovation~~  
 24234 shall develop a 3-year state plan for the displaced homemaker  
 24235 program which shall be updated annually. The plan must address,  
 24236 at a minimum, the need for programs specifically designed to  
 24237 serve displaced homemakers, any necessary service components for  
 24238 such programs in addition to those enumerated in this section,  
 24239 goals of the displaced homemaker program with an analysis of the  
 24240 extent to which those goals are being met, and recommendations  
 24241 for ways to address any unmet program goals. Any request for

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24242 funds for program expansion must be based on the state plan.

24243 (b) Each annual update must address any changes in the  
 24244 components of the 3-year state plan and a report which must  
 24245 include, but need not be limited to, the following:

24246 1. The scope of the incidence of displaced homemakers;

24247 2. A compilation and report, by program, of data submitted  
 24248 to the department ~~the agency~~ pursuant to subparagraph 3. by  
 24249 funded displaced homemaker service programs;

24250 3. An identification and description of the programs in  
 24251 the state that receive funding from the department ~~the agency~~,  
 24252 including funding information; and

24253 4. An assessment of the effectiveness of each displaced  
 24254 homemaker service program based on outcome criteria established  
 24255 by rule of the department ~~the agency~~.

24256 (c) The 3-year state plan must be submitted to the  
 24257 President of the Senate, the Speaker of the House of  
 24258 Representatives, and the Governor on or before January 1, 2001,  
 24259 and annual updates of the plan must be submitted by January 1 of  
 24260 each subsequent year.

24261 (5) DISPLACED HOMEMAKER TRUST FUND.—

24262 (a) There is established within the State Treasury a  
 24263 Displaced Homemaker Trust Fund to be used by the department ~~the~~  
 24264 ~~agency~~ for its administration of the displaced homemaker program  
 24265 and to fund displaced homemaker service programs according to  
 24266 criteria established under this section.

24267 (b) The trust fund shall receive funds generated from an  
 24268 additional fee on marriage license applications and dissolution  
 24269 of marriage filings as specified in ss. 741.01(3) and 28.101,

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24270 | respectively, and may receive funds from any other public or  
 24271 | private source.

24272 | (c) Funds that are not expended by the department ~~the~~  
 24273 | ~~agency~~ at the end of the budget cycle or through a supplemental  
 24274 | budget approved by the department ~~the agency~~ shall revert to the  
 24275 | trust fund.

24276 | Section 518. Section 446.52, Florida Statutes, is amended  
 24277 | to read:

24278 | 446.52 Confidentiality of information.—Information about  
 24279 | displaced homemakers who receive services under ss. 446.50 and  
 24280 | 446.51 which is received through files, reports, inspections, or  
 24281 | otherwise, by the Department of Economic Opportunity ~~the~~  
 24282 | ~~division~~ or by its authorized employees ~~of the division~~, by  
 24283 | persons who volunteer services, or by persons who provide  
 24284 | services to displaced homemakers under ss. 446.50 and 446.51  
 24285 | through contracts with the department ~~division~~ is confidential  
 24286 | and exempt from ~~the provisions of~~ s. 119.07(1). Such information  
 24287 | may not be disclosed publicly in such a manner as to identify a  
 24288 | displaced homemaker, unless such person or the person's legal  
 24289 | guardian provides written consent.

24290 | Section 519. Paragraph (a) of subsection (3) of section  
 24291 | 448.109, Florida Statutes, is amended to read:

24292 | 448.109 Notification of the state minimum wage.—

24293 | (3) (a) Each year the Department of Economic Opportunity  
 24294 | ~~Agency for Workforce Innovation~~ shall, on or before December 1,  
 24295 | create and make available to employers a poster in English and  
 24296 | in Spanish which reads substantially as follows:

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NOTICE TO EMPLOYEES

The Florida minimum wage is \$ ...(amount)... per hour, with a minimum wage of at least \$ ...(amount)... per hour for tipped employees, in addition to tips, for January 1, ...(year)..., through December 31, ...(year)....

The rate of the minimum wage is recalculated yearly on September 30, based on the Consumer Price Index. Every year on January 1 the new Florida minimum wage takes effect.

An employer may not retaliate against an employee for exercising his or her right to receive the minimum wage. Rights protected by the State Constitution include the right to:

1. File a complaint about an employer's alleged noncompliance with lawful minimum wage requirements.
2. Inform any person about an employer's alleged noncompliance with lawful minimum wage requirements.
3. Inform any person of his or her potential rights under Section 24, Article X of the State Constitution and to assist him or her in asserting such rights.

An employee who has not received the lawful minimum wage after notifying his or her employer and giving the employer 15 days to resolve any claims for unpaid wages may bring a civil action in a court of law against an employer to recover back wages plus damages and attorney's fees.

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24326 An employer found liable for intentionally violating minimum  
 24327 wage requirements is subject to a fine of \$1,000 per violation,  
 24328 payable to the state.

24329  
 24330 The Attorney General or other official designated by the  
 24331 Legislature may bring a civil action to enforce the minimum  
 24332 wage.

24333  
 24334 For details see Section 24, Article X of the State Constitution.  
 24335 Section 520. Subsections (2), (4), and (11) of section  
 24336 448.110, Florida Statutes, are amended to read:

24337 448.110 State minimum wage; annual wage adjustment;  
 24338 enforcement.—

24339 (2) The purpose of this section is to provide measures  
 24340 appropriate for the implementation of s. 24, Art. X of the State  
 24341 Constitution, in accordance with authority granted to the  
 24342 Legislature pursuant to s. 24(f), Art. X of the State  
 24343 Constitution. To implement s. 24, Art. X of the State  
 24344 Constitution, the Department of Economic Opportunity is  
 24345 designated as the state Agency for Workforce Innovation.

24346 (4) (a) Beginning September 30, 2005, and annually on  
 24347 September 30 thereafter, the Department of Economic Opportunity  
 24348 ~~the Agency for Workforce Innovation~~ shall calculate an adjusted  
 24349 state minimum wage rate by increasing the state minimum wage by  
 24350 the rate of inflation for the 12 months prior to September 1. In  
 24351 calculating the adjusted state minimum wage, the Department of  
 24352 Economic Opportunity ~~the agency~~ shall use the Consumer Price  
 24353 Index for Urban Wage Earners and Clerical Workers, not

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24354 | seasonally adjusted, for the South Region or a successor index  
 24355 | as calculated by the United States Department of Labor. Each  
 24356 | adjusted state minimum wage rate shall take effect on the  
 24357 | following January 1, with the initial adjusted minimum wage rate  
 24358 | to take effect on January 1, 2006.

24359 |       (b) The ~~Agency for Workforce Innovation and the~~ Department  
 24360 | of Revenue and the Department of Economic Opportunity shall  
 24361 | annually publish the amount of the adjusted state minimum wage  
 24362 | and the effective date. Publication shall occur by posting the  
 24363 | adjusted state minimum wage rate and the effective date on the  
 24364 | Internet home pages of the Department of Economic Opportunity  
 24365 | ~~the agency~~ and the Department of Revenue by October 15 of each  
 24366 | year. In addition, to the extent funded in the General  
 24367 | Appropriations Act, the Department of Economic Opportunity ~~the~~  
 24368 | ~~agency~~ shall provide written notice of the adjusted rate and the  
 24369 | effective date of the adjusted state minimum wage to all  
 24370 | employers registered in the most current unemployment  
 24371 | compensation database. Such notice shall be mailed by November  
 24372 | 15 of each year using the addresses included in the database.  
 24373 | Employers are responsible for maintaining current address  
 24374 | information in the unemployment compensation database. The  
 24375 | Department of Economic Opportunity ~~is~~ ~~The agency shall not be~~  
 24376 | responsible for failure to provide notice due to incorrect or  
 24377 | incomplete address information in the database. The Department  
 24378 | of Economic Opportunity ~~The agency~~ shall provide the Department  
 24379 | of Revenue with the adjusted state minimum wage rate information  
 24380 | and effective date in a timely manner.

24381 |       (11) Except for calculating the adjusted state minimum

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24382 wage and publishing the initial state minimum wage and any  
 24383 annual adjustments thereto, the authority of the Department of  
 24384 Economic Opportunity ~~the Agency for Workforce Innovation~~ in  
 24385 implementing s. 24, Art. X of the State Constitution, pursuant  
 24386 to this section, shall be limited to that authority expressly  
 24387 granted by the Legislature.

24388 Section 521. Section 450.161, Florida Statutes, is amended  
 24389 to read:

24390 450.161 Chapter not to affect career education of  
 24391 children; other exceptions.—Nothing in this chapter shall  
 24392 prevent minors of any age from receiving career education  
 24393 furnished by the United States, this state, or any county or  
 24394 other political subdivision of this state and duly approved by  
 24395 the Department of Education or other duly constituted authority,  
 24396 nor any apprentice indentured under a plan approved by the  
 24397 Department of Economic Opportunity ~~Division of Jobs and~~  
 24398 ~~Benefits~~, or prevent the employment of any minor 14 years of age  
 24399 or older when such employment is authorized as an integral part  
 24400 of, or supplement to, such a course in career education and is  
 24401 authorized by regulations of the district school board of the  
 24402 district in which such minor is employed, provided the  
 24403 employment is in compliance with the provisions of ss.  
 24404 450.021(4) and 450.061. Exemptions for the employment of student  
 24405 learners 16 to 18 years of age are provided in s. 450.061. Such  
 24406 an exemption shall apply when:

24407 (1) The student learner is enrolled in a youth vocational  
 24408 training program under a recognized state or local educational  
 24409 authority.



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24410 (2) Such student learner is employed under a written  
 24411 agreement which provides:

24412 (a) That the work of the student learner in the occupation  
 24413 declared particularly hazardous shall be incidental to the  
 24414 training.

24415 (b) That such work shall be intermittent and for short  
 24416 periods of time and under the direct and close supervision of a  
 24417 qualified and experienced person.

24418 (c) That safety instructions shall be given by the school  
 24419 and correlated by the employer with on-the-job training.

24420 (d) That a schedule of organized and progressive work  
 24421 processes to be performed on the job shall have been prepared.

24422  
 24423 Each such written agreement shall contain the name of the  
 24424 student learner and shall be signed by the employer, the school  
 24425 coordinator and principal, and the parent or legal guardian.  
 24426 Copies of each agreement shall be kept on file by both the  
 24427 school and the employer. This exemption for the employment of  
 24428 student learners may be revoked in any individual situation when  
 24429 it is found that reasonable precautions have not been observed  
 24430 for the safety of minors employed thereunder. A high school  
 24431 graduate may be employed in an occupation in which he or she has  
 24432 completed training as a student learner, as provided in this  
 24433 section, even though he or she is not yet 18 years of age.

24434 Section 522. Paragraph (j) of subsection (1) of section  
 24435 450.191, Florida Statutes, is amended to read:

24436 450.191 Executive Office of the Governor; powers and  
 24437 duties.-

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24438 (1) The Executive Office of the Governor is authorized and  
 24439 directed to:

24440 (j) Cooperate with the Department of Economic Opportunity  
 24441 ~~the Agency for Workforce Innovation~~ in the recruitment and  
 24442 referral of migrant laborers and other persons for the planting,  
 24443 cultivation, and harvesting of agricultural crops in Florida.

24444 Section 523. Paragraph (e) of subsection (2) of section  
 24445 450.31, Florida Statutes, is amended to read:

24446 450.31 Issuance, revocation, and suspension of, and  
 24447 refusal to issue or renew, certificate of registration.—

24448 (2) The department may revoke, suspend, or refuse to issue  
 24449 or renew any certificate of registration when it is shown that  
 24450 the farm labor contractor has:

24451 (e) Failed to pay unemployment compensation taxes as  
 24452 determined by the Department of Economic Opportunity ~~the Agency~~  
 24453 ~~for Workforce Innovation~~; or

24454 Section 524. Paragraph (d) of subsection (1) of section  
 24455 464.203, Florida Statutes, is amended to read:

24456 464.203 Certified nursing assistants; certification  
 24457 requirement.—

24458 (1) The board shall issue a certificate to practice as a  
 24459 certified nursing assistant to any person who demonstrates a  
 24460 minimum competency to read and write and successfully passes the  
 24461 required background screening pursuant to s. 400.215 and meets  
 24462 one of the following requirements:

24463 ~~(d) Has completed the curriculum developed under the~~  
 24464 ~~Enterprise Florida Jobs and Education Partnership Grant and~~  
 24465 ~~achieved a minimum score, established by rule of the board, on~~

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24466 ~~the nursing assistant competency examination, which consists of~~  
 24467 ~~a written portion and skills demonstration portion, approved by~~  
 24468 ~~the board and administered at a site and by personnel approved~~  
 24469 ~~by the department.~~

24470 Section 525. Subsection (3) of section 468.529, Florida  
 24471 Statutes, is amended to read:

24472 468.529 Licensee's insurance; employment tax; benefit  
 24473 plans.—

24474 (3) A licensed employee leasing company shall within 30  
 24475 days after initiation or termination notify its workers'  
 24476 compensation insurance carrier, the Division of Workers'  
 24477 Compensation of the Department of Financial Services, and the  
 24478 Department of Revenue as the state agency providing unemployment  
 24479 tax collection services under an interagency agreement ~~contract~~  
 24480 with the Department of Economic Opportunity ~~the Agency for~~  
 24481 ~~Workforce Innovation through an interagency agreement~~ pursuant  
 24482 to s. 443.1316 of both the initiation or the termination of the  
 24483 company's relationship with any client company.

24484 Section 526. Paragraph (b) of subsection (1) of section  
 24485 489.1455, Florida Statutes, is amended to read:

24486 489.1455 Journeyman; reciprocity; standards.—

24487 (1) An individual who holds a valid, active journeyman  
 24488 license in the plumbing/pipe fitting, mechanical, or HVAC trades  
 24489 issued by any county or municipality in this state may work as a  
 24490 journeyman in the trade in which he or she is licensed in any  
 24491 county or municipality of this state without taking an  
 24492 additional examination or paying an additional license fee, if  
 24493 he or she:

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24494 (b) Has completed an apprenticeship program registered  
 24495 with the Department of Economic Opportunity ~~Department of Labor~~  
 24496 ~~and Employment Security~~ and demonstrates 4 years' verifiable  
 24497 practical experience in the trade for which he or she is  
 24498 licensed, or demonstrates 6 years' verifiable practical  
 24499 experience in the trade for which he or she is licensed;

24500 Section 527. Paragraph (b) of subsection (1) of section  
 24501 489.5335, Florida Statutes, is amended to read:

24502 489.5335 Journeyman; reciprocity; standards.—

24503 (1) An individual who holds a valid, active journeyman  
 24504 license in the electrical trade issued by any county or  
 24505 municipality in this state may work as a journeyman in any other  
 24506 county or municipality of this state without taking an  
 24507 additional examination or paying an additional license fee, if  
 24508 he or she:

24509 (b) Has completed an apprenticeship program registered  
 24510 with the Department of Economic Opportunity ~~Department of Labor~~  
 24511 ~~and Employment Security~~ and demonstrates 4 years' verifiable  
 24512 practical experience in the electrical trade, or demonstrates 6  
 24513 years' verifiable practical experience in the electrical trade;

24514 Section 528. Paragraph (i) of subsection (4) of section  
 24515 551.104, Florida Statutes, is amended to read:

24516 551.104 License to conduct slot machine gaming.—

24517 (4) As a condition of licensure and to maintain continued  
 24518 authority for the conduct of slot machine gaming, the slot  
 24519 machine licensee shall:

24520 (i) Create and file with the division a written policy  
 24521 for:

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24522 1. Creating opportunities to purchase from vendors in this  
 24523 state, including minority vendors.

24524 2. Creating opportunities for employment of residents of  
 24525 this state, including minority residents.

24526 3. Ensuring opportunities for construction services from  
 24527 minority contractors.

24528 4. Ensuring that opportunities for employment are offered  
 24529 on an equal, nondiscriminatory basis.

24530 5. Training for employees on responsible gaming and  
 24531 working with a compulsive or addictive gambling prevention  
 24532 program to further its purposes as provided for in s. 551.118.

24533 6. The implementation of a drug-testing program that  
 24534 includes, but is not limited to, requiring each employee to sign  
 24535 an agreement that he or she understands that the slot machine  
 24536 facility is a drug-free workplace.

24537  
 24538 The slot machine licensee shall use the Internet-based job-  
 24539 listing system of the Department of Economic Opportunity ~~the~~  
 24540 ~~Agency for Workforce Innovation~~ in advertising employment  
 24541 opportunities. Beginning in June 2007, each slot machine  
 24542 licensee shall provide an annual report to the division  
 24543 containing information indicating compliance with this paragraph  
 24544 in regard to minority persons.

24545 Section 529. Section 553.62, Florida Statutes, is amended  
 24546 to read:

24547 553.62 State standard.—The Occupational Safety and Health  
 24548 Administration's excavation safety standards, 29 C.F.R. s.  
 24549 1926.650 Subpart P, are hereby incorporated as the state

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24550 | standard. ~~The Department of Labor and Employment Security may,~~  
 24551 | ~~by rule, adopt updated or revised versions of those standards,~~  
 24552 | ~~provided that the updated or revised versions are consistent~~  
 24553 | ~~with the intent expressed in this act and s. 553.72, and are not~~  
 24554 | ~~otherwise inconsistent with state law. Any rule adopted as~~  
 24555 | ~~provided in this section shall be complied with upon its~~  
 24556 | ~~effective date.~~

24557 | Section 530. Section 944.708, Florida Statutes, is amended  
 24558 | to read:

24559 | 944.708 Rules.—The Department of Corrections ~~and the~~  
 24560 | ~~Agency for Workforce Innovation~~ shall adopt rules to implement  
 24561 | the provisions of ss. 944.701-944.707.

24562 | Section 531. Paragraph (h) of subsection (3) of section  
 24563 | 944.801, Florida Statutes, is amended to read:

24564 | 944.801 Education for state prisoners.—

24565 | (3) The responsibilities of the Correctional Education  
 24566 | Program shall be to:

24567 | (h) Develop a written procedure for selecting programs to  
 24568 | add to or delete from the vocational curriculum. The procedure  
 24569 | shall include labor market analyses which demonstrate the  
 24570 | projected demand for certain occupations and the projected  
 24571 | supply of potential employees. In conducting these analyses, the  
 24572 | department shall evaluate the feasibility of adding vocational  
 24573 | education programs which have been identified by the Department  
 24574 | of Economic Opportunity, the Department of Education, ~~the Agency~~  
 24575 | ~~for Workforce Innovation~~ or a regional coordinating council as  
 24576 | being in undersupply in this state. The department shall  
 24577 | periodically reevaluate the vocational education programs in

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24578 major institutions to determine which of the programs support  
 24579 and provide relevant skills to inmates who could be assigned to  
 24580 a correctional work program that is operated as a Prison  
 24581 Industry Enhancement Program.

24582 Section 532. Paragraph (d) of subsection (3) of section  
 24583 945.10, Florida Statutes, is amended to read:

24584 945.10 Confidential information.—

24585 (3) Due to substantial concerns regarding institutional  
 24586 security and unreasonable and excessive demands on personnel and  
 24587 resources if an inmate or an offender has unlimited or routine  
 24588 access to records of the Department of Corrections, an inmate or  
 24589 an offender who is under the jurisdiction of the department may  
 24590 not have unrestricted access to the department's records or to  
 24591 information contained in the department's records. However,  
 24592 except as to another inmate's or offender's records, the  
 24593 department may permit limited access to its records if an inmate  
 24594 or an offender makes a written request and demonstrates an  
 24595 exceptional need for information contained in the department's  
 24596 records and the information is otherwise unavailable.

24597 Exceptional circumstances include, but are not limited to:

24598 (d) The requested records contain information required to  
 24599 process an application or claim by the inmate or offender with  
 24600 the Internal Revenue Service, the Social Security  
 24601 Administration, the Department of Economic Opportunity ~~the~~  
 24602 ~~Agency for Workforce Innovation~~, or any other similar  
 24603 application or claim with a state agency or federal agency.

24604 Section 533. Subsection (4) of section 985.601, Florida  
 24605 Statutes, is amended to read:

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24606 985.601 Administering the juvenile justice continuum.—  
 24607 (4) The department shall maintain continuing cooperation  
 24608 with the Department of Education, the Department of Children and  
 24609 Family Services, the Department of Economic Opportunity ~~the~~  
 24610 ~~Agency for Workforce Innovation~~, and the Department of  
 24611 Corrections for the purpose of participating in agreements with  
 24612 respect to dropout prevention and the reduction of suspensions,  
 24613 expulsions, and truancy; increased access to and participation  
 24614 in GED, vocational, and alternative education programs; and  
 24615 employment training and placement assistance. The cooperative  
 24616 agreements between the departments shall include an  
 24617 interdepartmental plan to cooperate in accomplishing the  
 24618 reduction of inappropriate transfers of children into the adult  
 24619 criminal justice and correctional systems.

24620 Section 534. Subsections (1) and (2) of section 1002.375,  
 24621 Florida Statutes, are amended to read:

24622 1002.375 Alternative credit for high school courses; pilot  
 24623 project.—

24624 (1) The Commissioner of Education shall implement a pilot  
 24625 project in up to three school districts beginning in the 2008-  
 24626 2009 school year which allows school districts to award  
 24627 alternative course credit for students enrolled in nationally or  
 24628 state-recognized industry certification programs, as defined by  
 24629 the former Agency for Workforce Innovation or the Department of  
 24630 Economic Opportunity, in accordance with the criteria described  
 24631 in s. 1003.492(2). The Commissioner of Education shall establish  
 24632 criteria for districts that participate in the pilot program.  
 24633 School districts interested in participating in the program must



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24634 submit a letter of interest by July 15, 2008, to the  
 24635 Commissioner of Education identifying up to five nationally or  
 24636 state-recognized industry certification programs, as defined by  
 24637 the former Agency for Workforce Innovation or the Department of  
 24638 Economic Opportunity, in accordance with the criteria described  
 24639 in s. 1003.492(2), under which the district would like to award  
 24640 alternative credit for the eligible courses identified in  
 24641 subsection (2). The Commissioner of Education shall select up to  
 24642 three participating school districts by July 30, 2008. The  
 24643 Commissioner of Education shall submit a report to the Governor,  
 24644 the President of the Senate, and the Speaker of the House of  
 24645 Representatives identifying the number of students choosing to  
 24646 earn alternative credit, the number of students that received  
 24647 alternative credit, and legislative recommendations for  
 24648 expanding the use of alternative credit for core academic  
 24649 courses required for high school graduation. The report shall be  
 24650 submitted by January 1, 2010.

24651 (2) For purposes of designing and implementing a  
 24652 successful pilot project, eligible alternative credit courses  
 24653 include Algebra 1a, Algebra 1b, Algebra 1, Geometry, and  
 24654 Biology. Alternative credits shall be awarded for courses in  
 24655 which a student is not enrolled, but for which the student may  
 24656 earn academic credit by enrolling in another course or sequence  
 24657 of courses required to earn a nationally or state-recognized  
 24658 industry certificate, as defined by the former Agency for  
 24659 Workforce Innovation or the Department of Economic Opportunity,  
 24660 in accordance with the criteria described in s. 1003.492(2), of  
 24661 which the majority of the standards-based content in the course

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24662 description is consistent with the alternative credit course  
 24663 description approved by the Department of Education.

24664 Section 535. Paragraph (b) of subsection (4) and  
 24665 subsection (5) of section 1002.53, Florida Statutes, are amended  
 24666 to read:

24667 1002.53 Voluntary Prekindergarten Education Program;  
 24668 eligibility and enrollment.—

24669 (4)

24670 (b) The application must be submitted on forms prescribed  
 24671 by the Department of Economic Opportunity ~~the Agency for~~  
 24672 ~~Workforce Innovation~~ and must be accompanied by a certified copy  
 24673 of the child's birth certificate. The forms must include a  
 24674 certification, in substantially the form provided in s.  
 24675 1002.71(6)(b)2., that the parent chooses the private  
 24676 prekindergarten provider or public school in accordance with  
 24677 this section and directs that payments for the program be made  
 24678 to the provider or school. The Department of Economic  
 24679 Opportunity ~~The Agency for Workforce Innovation~~ may authorize  
 24680 alternative methods for submitting proof of the child's age in  
 24681 lieu of a certified copy of the child's birth certificate.

24682 (5) The early learning coalition shall provide each parent  
 24683 enrolling a child in the Voluntary Prekindergarten Education  
 24684 Program with a profile of every private prekindergarten provider  
 24685 and public school delivering the program within the county where  
 24686 the child is being enrolled. The profiles shall be provided to  
 24687 parents in a format prescribed by the Department of Economic  
 24688 Opportunity ~~the Agency for Workforce Innovation~~. The profiles  
 24689 must include, at a minimum, the following information about each

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24690 provider and school:

24691 (a) The provider's or school's services, curriculum,  
24692 instructor credentials, and instructor-to-student ratio; and

24693 (b) The provider's or school's kindergarten readiness rate  
24694 calculated in accordance with s. 1002.69, based upon the most  
24695 recent available results of the statewide kindergarten  
24696 screening.

24697 Section 536. Paragraphs (e) and (h) of subsection (3) of  
24698 section 1002.55, Florida Statutes, are amended to read:

24699 1002.55 School-year prekindergarten program delivered by  
24700 private prekindergarten providers.—

24701 (3) To be eligible to deliver the prekindergarten program,  
24702 a private prekindergarten provider must meet each of the  
24703 following requirements:

24704 (e) A private prekindergarten provider may assign a  
24705 substitute instructor to temporarily replace a credentialed  
24706 instructor if the credentialed instructor assigned to a  
24707 prekindergarten class is absent, as long as the substitute  
24708 instructor is of good moral character and has been screened  
24709 before employment in accordance with level 2 background  
24710 screening requirements in chapter 435. The Department of  
24711 Economic Opportunity ~~The Agency for Workforce Innovation~~ shall  
24712 adopt rules to implement this paragraph which shall include  
24713 required qualifications of substitute instructors and the  
24714 circumstances and time limits for which a private  
24715 prekindergarten provider may assign a substitute instructor.

24716 (h) The private prekindergarten provider must register  
24717 with the early learning coalition on forms prescribed by the

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24718 Department of Economic Opportunity ~~the Agency for Workforce~~  
 24719 ~~Innovation.~~

24720 Section 537. Subsections (6) and (8) of section 1002.61,  
 24721 Florida Statutes, are amended to read:

24722 1002.61 Summer prekindergarten program delivered by public  
 24723 schools and private prekindergarten providers.—

24724 (6) A public school or private prekindergarten provider  
 24725 may assign a substitute instructor to temporarily replace a  
 24726 credentialed instructor if the credentialed instructor assigned  
 24727 to a prekindergarten class is absent, as long as the substitute  
 24728 instructor is of good moral character and has been screened  
 24729 before employment in accordance with level 2 background  
 24730 screening requirements in chapter 435. This subsection does not  
 24731 supersede employment requirements for instructional personnel in  
 24732 public schools which are more stringent than the requirements of  
 24733 this subsection. The Department of Economic Opportunity ~~The~~  
 24734 ~~Agency for Workforce Innovation~~ shall adopt rules to implement  
 24735 this subsection which shall include required qualifications of  
 24736 substitute instructors and the circumstances and time limits for  
 24737 which a public school or private prekindergarten provider may  
 24738 assign a substitute instructor.

24739 (8) Each public school delivering the summer  
 24740 prekindergarten program must also:

24741 (a) Register with the early learning coalition on forms  
 24742 prescribed by the Department of Economic Opportunity ~~the Agency~~  
 24743 ~~for Workforce Innovation~~; and

24744 (b) Deliver the Voluntary Prekindergarten Education  
 24745 Program in accordance with this part.

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24746 Section 538. Subsections (6) and (8) of section 1002.63,  
 24747 Florida Statutes, are amended to read:

24748 1002.63 School-year prekindergarten program delivered by  
 24749 public schools.—

24750 (6) A public school prekindergarten provider may assign a  
 24751 substitute instructor to temporarily replace a credentialed  
 24752 instructor if the credentialed instructor assigned to a  
 24753 prekindergarten class is absent, as long as the substitute  
 24754 instructor is of good moral character and has been screened  
 24755 before employment in accordance with level 2 background  
 24756 screening requirements in chapter 435. This subsection does not  
 24757 supersede employment requirements for instructional personnel in  
 24758 public schools which are more stringent than the requirements of  
 24759 this subsection. The Department of Economic Opportunity ~~The~~  
 24760 ~~Agency for Workforce Innovation~~ shall adopt rules to implement  
 24761 this subsection which shall include required qualifications of  
 24762 substitute instructors and the circumstances and time limits for  
 24763 which a public school prekindergarten provider may assign a  
 24764 substitute instructor.

24765 (8) Each public school delivering the school-year  
 24766 prekindergarten program must:

24767 (a) Register with the early learning coalition on forms  
 24768 prescribed by the Department of Economic Opportunity ~~the Agency~~  
 24769 ~~for Workforce Innovation~~; and

24770 (b) Deliver the Voluntary Prekindergarten Education  
 24771 Program in accordance with this part.

24772 Section 539. Subsections (1) and (3) of section 1002.67,  
 24773 Florida Statutes, are amended to read:

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24774 1002.67 Performance standards; curricula and  
 24775 accountability.—

24776 (1) ~~By April 1, 2005,~~ The department shall develop and  
 24777 adopt performance standards for students in the Voluntary  
 24778 Prekindergarten Education Program. The performance standards  
 24779 must address the age-appropriate progress of students in the  
 24780 development of:

24781 (a) The capabilities, capacities, and skills required  
 24782 under s. 1(b), Art. IX of the State Constitution; and

24783 (b) Emergent literacy skills, including oral  
 24784 communication, knowledge of print and letters, phonemic and  
 24785 phonological awareness, and vocabulary and comprehension  
 24786 development.

24787 (3) (a) Each early learning coalition shall verify that  
 24788 each private prekindergarten provider delivering the Voluntary  
 24789 Prekindergarten Education Program within the coalition's county  
 24790 or multicounty region complies with this part. Each district  
 24791 school board shall verify that each public school delivering the  
 24792 program within the school district complies with this part.

24793 (b) If a private prekindergarten provider or public school  
 24794 fails or refuses to comply with this part, or if a provider or  
 24795 school engages in misconduct, the Department of Economic  
 24796 Opportunity ~~the Agency for Workforce Innovation~~ shall require  
 24797 the early learning coalition to remove the provider, and the  
 24798 Department of Education shall require the school district to  
 24799 remove the school, from eligibility to deliver the Voluntary  
 24800 Prekindergarten Education Program and receive state funds under  
 24801 this part.

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24802 (c)1. If the kindergarten readiness rate of a private  
 24803 prekindergarten provider or public school falls below the  
 24804 minimum rate adopted by the State Board of Education as  
 24805 satisfactory under s. 1002.69(6), the early learning coalition  
 24806 or school district, as applicable, shall require the provider or  
 24807 school to submit an improvement plan for approval by the  
 24808 coalition or school district, as applicable, and to implement  
 24809 the plan.

24810 2. If a private prekindergarten provider or public school  
 24811 fails to meet the minimum rate adopted by the State Board of  
 24812 Education as satisfactory under s. 1002.69(6) for 2 consecutive  
 24813 years, the early learning coalition or school district, as  
 24814 applicable, shall place the provider or school on probation and  
 24815 must require the provider or school to take certain corrective  
 24816 actions, including the use of a curriculum approved by the  
 24817 department under paragraph (2)(c).

24818 3. A private prekindergarten provider or public school  
 24819 that is placed on probation must continue the corrective actions  
 24820 required under subparagraph 2., including the use of a  
 24821 curriculum approved by the department, until the provider or  
 24822 school meets the minimum rate adopted by the State Board of  
 24823 Education as satisfactory under s. 1002.69(6).

24824 4. If a private prekindergarten provider or public school  
 24825 remains on probation for 2 consecutive years and fails to meet  
 24826 the minimum rate adopted by the State Board of Education as  
 24827 satisfactory under s. 1002.69(6) and is not granted a good cause  
 24828 exemption by the department pursuant to s. 1002.69(7), the  
 24829 Department of Economic Opportunity ~~the Agency for Workforce~~

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24830 ~~Innovation~~ shall require the early learning coalition or the  
 24831 Department of Education shall require the school district to  
 24832 remove, as applicable, the provider or school from eligibility  
 24833 to deliver the Voluntary Prekindergarten Education Program and  
 24834 receive state funds for the program.

24835 (d) Each early learning coalition, the Department of  
 24836 Economic Opportunity ~~Agency for Workforce Innovation~~, and the  
 24837 department shall coordinate with the Child Care Services Program  
 24838 Office of the Department of Children and Family Services to  
 24839 minimize interagency duplication of activities for monitoring  
 24840 private prekindergarten providers for compliance with  
 24841 requirements of the Voluntary Prekindergarten Education Program  
 24842 under this part, the school readiness programs under s. 411.01,  
 24843 and the licensing of providers under ss. 402.301-402.319.

24844 Section 540. Paragraph (f) of subsection (7) of section  
 24845 1002.69, Florida Statutes, is amended to read:

24846 1002.69 Statewide kindergarten screening; kindergarten  
 24847 readiness rates.—

24848 (7)

24849 (f) The State Board of Education shall notify the  
 24850 Department of Economic Opportunity ~~the Agency for Workforce~~  
 24851 ~~Innovation~~ of any good cause exemption granted to a private  
 24852 prekindergarten provider under this subsection. If a good cause  
 24853 exemption is granted to a private prekindergarten provider who  
 24854 remains on probation for 2 consecutive years, the Department of  
 24855 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
 24856 notify the early learning coalition of the good cause exemption  
 24857 and direct that the coalition, notwithstanding s.



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24858 | 1002.67(3)(c)4., not remove the provider from eligibility to  
 24859 | deliver the Voluntary Prekindergarten Education Program or to  
 24860 | receive state funds for the program, if the provider meets all  
 24861 | other applicable requirements of this part.

24862 | Section 541. Paragraph (c) of subsection (3), subsection  
 24863 | (4), paragraph (b) of subsection (5), and subsections (6) and  
 24864 | (7) of section 1002.71, Florida Statutes, are amended to read:

24865 | 1002.71 Funding; financial and attendance reporting.—  
 24866 | (3)

24867 | (c) The initial allocation shall be based on estimated  
 24868 | student enrollment in each coalition service area. The  
 24869 | Department of Economic Opportunity ~~The Agency for Workforce~~  
 24870 | ~~Innovation~~ shall reallocate funds among the coalitions based on  
 24871 | actual full-time equivalent student enrollment in each coalition  
 24872 | service area.

24873 | (4) Notwithstanding s. 1002.53(3) and subsection (2):

24874 | (a) A child who, for any of the prekindergarten programs  
 24875 | listed in s. 1002.53(3), has not completed more than 70 percent  
 24876 | of the hours authorized to be reported for funding under  
 24877 | subsection (2), or has not expended more than 70 percent of the  
 24878 | funds authorized for the child under s. 1002.66, may withdraw  
 24879 | from the program for good cause and reenroll in one of the  
 24880 | programs. The total funding for a child who reenrolls in one of  
 24881 | the programs for good cause may not exceed one full-time  
 24882 | equivalent student. Funding for a child who withdraws and  
 24883 | reenrolls in one of the programs for good cause shall be issued  
 24884 | in accordance with the Department of Economic Opportunity's ~~the~~  
 24885 | ~~agency's~~ uniform attendance policy adopted pursuant to paragraph

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24886 (6) (d) .  
 24887 (b) A child who has not substantially completed any of the  
 24888 prekindergarten programs listed in s. 1002.53(3) may withdraw  
 24889 from the program due to an extreme hardship that is beyond the  
 24890 child's or parent's control, reenroll in one of the summer  
 24891 programs, and be reported for funding purposes as a full-time  
 24892 equivalent student in the summer program for which the child is  
 24893 reenrolled.

24894  
 24895 A child may reenroll only once in a prekindergarten program  
 24896 under this section. A child who reenrolls in a prekindergarten  
 24897 program under this subsection may not subsequently withdraw from  
 24898 the program and reenroll. The Department of Economic Opportunity  
 24899 ~~The Agency for Workforce Innovation~~ shall establish criteria  
 24900 specifying whether a good cause exists for a child to withdraw  
 24901 from a program under paragraph (a), whether a child has  
 24902 substantially completed a program under paragraph (b), and  
 24903 whether an extreme hardship exists which is beyond the child's  
 24904 or parent's control under paragraph (b) .

24905 (5)  
 24906 (b) The Department of Economic Opportunity ~~The Agency for~~  
 24907 ~~Workforce Innovation~~ shall adopt procedures for the payment of  
 24908 private prekindergarten providers and public schools delivering  
 24909 the Voluntary Prekindergarten Education Program. The procedures  
 24910 shall provide for the advance payment of providers and schools  
 24911 based upon student enrollment in the program, the certification  
 24912 of student attendance, and the reconciliation of advance  
 24913 payments in accordance with the uniform attendance policy

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24914 adopted under paragraph (6) (d). The procedures shall provide for  
 24915 the monthly distribution of funds by the Department of Economic  
 24916 Opportunity ~~the Agency for Workforce Innovation~~ to the early  
 24917 learning coalitions for payment by the coalitions to private  
 24918 prekindergarten providers and public schools. The department  
 24919 shall transfer to the Department of Economic Opportunity ~~Agency~~  
 24920 ~~for Workforce Innovation~~ at least once each quarter the funds  
 24921 available for payment to private prekindergarten providers and  
 24922 public schools in accordance with this paragraph from the funds  
 24923 appropriated for that purpose.

24924 (6) (a) Each parent enrolling his or her child in the  
 24925 Voluntary Prekindergarten Education Program must agree to comply  
 24926 with the attendance policy of the private prekindergarten  
 24927 provider or district school board, as applicable. Upon  
 24928 enrollment of the child, the private prekindergarten provider or  
 24929 public school, as applicable, must provide the child's parent  
 24930 with a copy of the provider's or school district's attendance  
 24931 policy, as applicable.

24932 (b)1. Each private prekindergarten provider's and district  
 24933 school board's attendance policy must require the parent of each  
 24934 student in the Voluntary Prekindergarten Education Program to  
 24935 verify, each month, the student's attendance on the prior  
 24936 month's certified student attendance.

24937 2. The parent must submit the verification of the  
 24938 student's attendance to the private prekindergarten provider or  
 24939 public school on forms prescribed by the Department of Economic  
 24940 Opportunity ~~the Agency for Workforce Innovation~~. The forms must  
 24941 include, in addition to the verification of the student's

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24942 attendance, a certification, in substantially the following  
 24943 form, that the parent continues to choose the private  
 24944 prekindergarten provider or public school in accordance with s.  
 24945 1002.53 and directs that payments for the program be made to the  
 24946 provider or school:

24947  
 24948 VERIFICATION OF STUDENT'S ATTENDANCE  
 24949 AND CERTIFICATION OF PARENTAL CHOICE

24950  
 24951 I, ...(Name of Parent)..., swear (or affirm) that my child,  
 24952 ...(Name of Student)..., attended the Voluntary Prekindergarten  
 24953 Education Program on the days listed above and certify that I  
 24954 continue to choose ...(Name of Provider or School)... to deliver  
 24955 the program for my child and direct that program funds be paid  
 24956 to the provider or school for my child.

24957 ... (Signature of Parent) ...

24958 ... (Date) ...

24959  
 24960 3. The private prekindergarten provider or public school  
 24961 must keep each original signed form for at least 2 years. Each  
 24962 private prekindergarten provider must permit the early learning  
 24963 coalition, and each public school must permit the school  
 24964 district, to inspect the original signed forms during normal  
 24965 business hours. The Department of Economic Opportunity ~~The~~  
 24966 ~~Agency for Workforce Innovation~~ shall adopt procedures for early  
 24967 learning coalitions and school districts to review the original  
 24968 signed forms against the certified student attendance. The  
 24969 review procedures shall provide for the use of selective

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24970 inspection techniques, including, but not limited to, random  
 24971 sampling. Each early learning coalition and the school districts  
 24972 must comply with the review procedures.

24973 (c) A private prekindergarten provider or school district,  
 24974 as applicable, may dismiss a student who does not comply with  
 24975 the provider's or district's attendance policy. A student  
 24976 dismissed under this paragraph is not removed from the Voluntary  
 24977 Prekindergarten Education Program and may continue in the  
 24978 program through reenrollment with another private  
 24979 prekindergarten provider or public school. Notwithstanding s.  
 24980 1002.53(6)(b), a school district is not required to provide for  
 24981 the admission of a student dismissed under this paragraph.

24982 (d) The Department of Economic Opportunity ~~The Agency for~~  
 24983 ~~Workforce Innovation~~ shall adopt, for funding purposes, a  
 24984 uniform attendance policy for the Voluntary Prekindergarten  
 24985 Education Program. The attendance policy must apply statewide  
 24986 and apply equally to all private prekindergarten providers and  
 24987 public schools. The attendance policy must include at least the  
 24988 following provisions:

24989 1. ~~Beginning with the 2009-2010 fiscal year for school-~~  
 24990 ~~year programs,~~ A student's attendance may be reported on a pro  
 24991 rata basis as a fractional part of a full-time equivalent  
 24992 student.

24993 2. At a maximum, 20 percent of the total payment made on  
 24994 behalf of a student to a private prekindergarten provider or a  
 24995 public school may be for hours a student is absent.

24996 3. A private prekindergarten provider or public school may  
 24997 not receive payment for absences that occur before a student's

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24998 | first day of attendance or after a student's last day of  
 24999 | attendance.  
 25000 |  
 25001 | The uniform attendance policy shall be used only for funding  
 25002 | purposes and does not prohibit a private prekindergarten  
 25003 | provider or public school from adopting and enforcing its  
 25004 | attendance policy under paragraphs (a) and (c).  
 25005 |       (7) The Department of Economic Opportunity ~~The Agency for~~  
 25006 | ~~Workforce Innovation~~ shall require that administrative  
 25007 | expenditures be kept to the minimum necessary for efficient and  
 25008 | effective administration of the Voluntary Prekindergarten  
 25009 | Education Program. Administrative policies and procedures shall  
 25010 | be revised, to the maximum extent practicable, to incorporate  
 25011 | the use of automation and electronic submission of forms,  
 25012 | including those required for child eligibility and enrollment,  
 25013 | provider and class registration, and monthly certification of  
 25014 | attendance for payment. A school district may use its automated  
 25015 | daily attendance reporting system for the purpose of  
 25016 | transmitting attendance records to the early learning coalition  
 25017 | in a mutually agreed-upon format. In addition, actions shall be  
 25018 | taken to reduce paperwork, eliminate the duplication of reports,  
 25019 | and eliminate other duplicative activities. Beginning with the  
 25020 | 2010-2011 fiscal year, each early learning coalition may retain  
 25021 | and expend no more than 4.5 percent of the funds paid by the  
 25022 | coalition to private prekindergarten providers and public  
 25023 | schools under paragraph (5) (b). Funds retained by an early  
 25024 | learning coalition under this subsection may be used only for  
 25025 | administering the Voluntary Prekindergarten Education Program

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25026 and may not be used for the school readiness program or other  
 25027 programs.

25028 Section 542. Subsection (1) of section 1002.72, Florida  
 25029 Statutes, is amended to read:

25030 1002.72 Records of children in the Voluntary  
 25031 Prekindergarten Education Program.—

25032 (1) (a) The records of a child enrolled in the Voluntary  
 25033 Prekindergarten Education Program held by an early learning  
 25034 coalition, the Department of Economic Opportunity ~~the Agency for~~  
 25035 ~~Workforce Innovation~~, or a Voluntary Prekindergarten Education  
 25036 Program provider are confidential and exempt from s. 119.07(1)  
 25037 and s. 24(a), Art. I of the State Constitution. For purposes of  
 25038 this section, such records include assessment data, health data,  
 25039 records of teacher observations, and personal identifying  
 25040 information of an enrolled child and his or her parent.

25041 (b) This exemption applies to the records of a child  
 25042 enrolled in the Voluntary Prekindergarten Education Program held  
 25043 by an early learning coalition, the Department of Economic  
 25044 Opportunity ~~the Agency for Workforce Innovation~~, or a Voluntary  
 25045 Prekindergarten Education Program provider before, on, or after  
 25046 the effective date of this exemption.

25047 Section 543. Section 1002.75, Florida Statutes, is amended  
 25048 to read:

25049 1002.75 Department of Economic Opportunity ~~Agency for~~  
 25050 ~~Workforce Innovation~~; powers and duties; operational  
 25051 requirements.—

25052 (1) The Department of Economic Opportunity ~~Agency for~~  
 25053 ~~Workforce Innovation~~ shall administer the operational

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25054 requirements of the Voluntary Prekindergarten Education Program  
 25055 at the state level.

25056 (2) The Department of Economic Opportunity ~~Agency for~~  
 25057 ~~Workforce Innovation~~ shall adopt procedures governing the  
 25058 administration of the Voluntary Prekindergarten Education  
 25059 Program by the early learning coalitions and school districts  
 25060 for:

25061 (a) Enrolling children in and determining the eligibility  
 25062 of children for the Voluntary Prekindergarten Education Program  
 25063 under s. 1002.53.

25064 (b) Providing parents with profiles of private  
 25065 prekindergarten providers and public schools under s. 1002.53.

25066 (c) Registering private prekindergarten providers and  
 25067 public schools to deliver the program under ss. 1002.55,  
 25068 1002.61, and 1002.63.

25069 (d) Determining the eligibility of private prekindergarten  
 25070 providers to deliver the program under ss. 1002.55 and 1002.61.

25071 (e) Verifying the compliance of private prekindergarten  
 25072 providers and public schools and removing providers or schools  
 25073 from eligibility to deliver the program due to noncompliance or  
 25074 misconduct as provided in s. 1002.67.

25075 (f) Paying private prekindergarten providers and public  
 25076 schools under s. 1002.71.

25077 (g) Documenting and certifying student enrollment and  
 25078 student attendance under s. 1002.71.

25079 (h) Reconciling advance payments in accordance with the  
 25080 uniform attendance policy under s. 1002.71.

25081 (i) Reenrolling students dismissed by a private



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25082 | prekindergarten provider or public school for noncompliance with  
 25083 | the provider's or school district's attendance policy under s.  
 25084 | 1002.71.

25085 |       (3) The Department of Economic Opportunity ~~Agency for~~  
 25086 | ~~Workforce Innovation~~ shall adopt, in consultation with and  
 25087 | subject to approval by the department, procedures governing the  
 25088 | administration of the Voluntary Prekindergarten Education  
 25089 | Program by the early learning coalitions and school districts  
 25090 | for:

25091 |       (a) Approving improvement plans of private prekindergarten  
 25092 | providers and public schools under s. 1002.67.

25093 |       (b) Placing private prekindergarten providers and public  
 25094 | schools on probation and requiring corrective actions under s.  
 25095 | 1002.67.

25096 |       (c) Removing a private prekindergarten provider or public  
 25097 | school from eligibility to deliver the program due to the  
 25098 | provider's or school's remaining on probation beyond the time  
 25099 | permitted under s. 1002.67.

25100 |       (d) Enrolling children in and determining the eligibility  
 25101 | of children for the Voluntary Prekindergarten Education Program  
 25102 | under s. 1002.66.

25103 |       (e) Paying specialized instructional services providers  
 25104 | under s. 1002.66.

25105 |       (4) The Department of Economic Opportunity ~~Agency for~~  
 25106 | ~~Workforce Innovation~~ shall also adopt procedures for the  
 25107 | agency's distribution of funds to early learning coalitions  
 25108 | under s. 1002.71.

25109 |       (5) Except as provided by law, the Department of Economic

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25110 ~~Opportunity Agency for Workforce Innovation~~ may not impose  
 25111 requirements on a private prekindergarten provider or public  
 25112 school that does not deliver the Voluntary Prekindergarten  
 25113 Education Program or receive state funds under this part.

25114 Section 544. Subsections (1) and (5) of section 1002.77,  
 25115 Florida Statutes, are amended to read:

25116 1002.77 Florida Early Learning Advisory Council.—

25117 (1) There is created the Florida Early Learning Advisory  
 25118 Council within the Department of Economic Opportunity ~~the Agency~~  
 25119 ~~for Workforce Innovation~~. The purpose of the advisory council is  
 25120 to submit recommendations to the department and the Department  
 25121 of Economic Opportunity ~~the Agency for Workforce Innovation~~ on  
 25122 the early learning policy of this state, including  
 25123 recommendations relating to administration of the Voluntary  
 25124 Prekindergarten Education Program under this part and the school  
 25125 readiness programs under s. 411.01.

25126 (5) The Department of Economic Opportunity ~~The Agency for~~  
 25127 ~~Workforce Innovation~~ shall provide staff and administrative  
 25128 support for the advisory council.

25129 Section 545. Subsection (2) of section 1002.79, Florida  
 25130 Statutes, is amended to read:

25131 1002.79 Rulemaking authority.—

25132 (2) The Department of Economic Opportunity ~~Agency for~~  
 25133 ~~Workforce Innovation~~ shall adopt rules under ss. 120.536(1) and  
 25134 120.54 to administer the provisions of this part conferring  
 25135 duties upon the department ~~agency~~.

25136 Section 546. Subsection (4) of section 1003.4285, Florida  
 25137 Statutes, is amended to read:

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25138 | 1003.4285 Standard high school diploma designations.—Each  
 25139 | standard high school diploma shall include, as applicable:

25140 | (4) A designation reflecting a Florida Ready to Work  
 25141 | Credential in accordance with s. 445.063 ~~1004.99~~.

25142 | Section 547. Subsection (2), paragraph (a) of subsection  
 25143 | (3), paragraph (c) of subsection (4), and subsection (5) of  
 25144 | section 1003.491, Florida Statutes, are amended to read:

25145 | 1003.491 Florida Career and Professional Education Act.—  
 25146 | The Florida Career and Professional Education Act is created to  
 25147 | provide a statewide planning partnership between the business  
 25148 | and education communities in order to attract, expand, and  
 25149 | retain targeted, high-value industry and to sustain a strong,  
 25150 | knowledge-based economy.

25151 | (2) ~~Beginning with the 2007-2008 school year,~~ Each  
 25152 | district school board shall develop, in collaboration with local  
 25153 | workforce boards and postsecondary institutions approved to  
 25154 | operate in the state, a strategic 5-year plan to address and  
 25155 | meet local and regional workforce demands. If involvement of the  
 25156 | local workforce board in the strategic plan development is not  
 25157 | feasible, the local school board, with the approval of the  
 25158 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 25159 | ~~Innovation~~, shall collaborate with the most appropriate local  
 25160 | business leadership board. Two or more school districts may  
 25161 | collaborate in the development of the strategic plan and offer a  
 25162 | career and professional academy as a joint venture. Such plans  
 25163 | must describe in detail provisions for efficient transportation  
 25164 | of students, maximum use of shared resources, and access to  
 25165 | courses through the Florida Virtual School when appropriate.

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25166 Each strategic plan shall ~~be completed no later than June 30,~~  
 25167 ~~2008,~~ and shall include provisions to have in place at least one  
 25168 operational career and professional academy, pursuant to s.  
 25169 1003.492, ~~no later than the beginning of the 2008-2009 school~~  
 25170 ~~year.~~

25171 (3) The strategic 5-year plan developed jointly between  
 25172 the local school district, local workforce boards, and state-  
 25173 approved postsecondary institutions shall be constructed and  
 25174 based on:

25175 (a) Research conducted to objectively determine local and  
 25176 regional workforce needs for the ensuing 5 years, using labor  
 25177 projections of the United States Department of Labor and the  
 25178 Department of Economic Opportunity ~~the Agency for Workforce~~  
 25179 ~~Innovation;~~

25180 (4) The State Board of Education shall establish a process  
 25181 for the continual and uninterrupted review of newly proposed  
 25182 core secondary courses and existing courses requested to be  
 25183 considered as core courses to ensure that sufficient rigor and  
 25184 relevance is provided for workforce skills and postsecondary  
 25185 education and aligned to state curriculum standards. The review  
 25186 of newly proposed core secondary courses shall be the  
 25187 responsibility of a curriculum review committee whose membership  
 25188 is approved by the Workforce Florida Board as described in s.  
 25189 445.004, and shall include:

25190 (c) Three workforce representatives recommended by the  
 25191 Department of Economic Opportunity ~~the Agency for Workforce~~  
 25192 ~~Innovation.~~

25193 (5) The submission and review of newly proposed core

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25194 | courses shall be conducted electronically, and each proposed  
 25195 | core course shall be approved or denied within 60 days. All  
 25196 | courses approved as core courses for high school graduation  
 25197 | purposes shall be immediately added to the Course Code  
 25198 | Directory. Approved core courses shall also be reviewed and  
 25199 | considered for approval for dual enrollment credit. The Board of  
 25200 | Governors and the Commissioner of Education shall jointly  
 25201 | recommend an annual deadline for approval of new core courses to  
 25202 | be included for purposes of postsecondary admissions and dual  
 25203 | enrollment credit the following academic year. The State Board  
 25204 | of Education shall establish an appeals process in the event  
 25205 | that a proposed course is denied which shall require a consensus  
 25206 | ruling by the Department of Economic Opportunity ~~the Agency for~~  
 25207 | ~~Workforce Innovation~~ and the Commissioner of Education within 15  
 25208 | days. ~~The curriculum review committee must be established and~~  
 25209 | ~~operational no later than September 1, 2007.~~

25210 |         Section 548. Subsections (2) and (3) of section 1003.492,  
 25211 | Florida Statutes, are amended to read:

25212 |         1003.492 Industry-certified career education programs.—

25213 |         (2) The State Board of Education shall use the expertise  
 25214 | of Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to  
 25215 | develop and adopt rules pursuant to ss. 120.536(1) and 120.54  
 25216 | for implementing an industry certification process. Industry  
 25217 | certification shall be defined by the Department of Economic  
 25218 | Opportunity ~~the Agency for Workforce Innovation~~, based upon the  
 25219 | highest available national standards for specific industry  
 25220 | certification, to ensure student skill proficiency and to  
 25221 | address emerging labor market and industry trends. A regional

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25222 workforce board or a career and professional academy may apply  
 25223 to Workforce Florida, Inc., to request additions to the approved  
 25224 list of industry certifications based on high-demand job  
 25225 requirements in the regional economy. The list of industry  
 25226 certifications approved by Workforce Florida, Inc., and the  
 25227 Department of Education shall be published and updated annually  
 25228 by a date certain, to be included in the adopted rule.

25229 (3) The Department of Education shall collect student  
 25230 achievement and performance data in industry-certified career  
 25231 education programs and shall work with Workforce Florida, Inc.,  
 25232 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.  
 25233 The data collection and analyses shall examine the performance  
 25234 of participating students over time. Performance factors shall  
 25235 include, but not be limited to, graduation rates, retention  
 25236 rates, Florida Bright Futures Scholarship awards, additional  
 25237 educational attainment, employment records, earnings, industry  
 25238 certification, and employer satisfaction. The results of this  
 25239 study shall be submitted to the President of the Senate and the  
 25240 Speaker of the House of Representatives annually by December 31.

25241 Section 549. Paragraphs (f), (j), and (k) of subsection  
 25242 (4) of section 1003.493, Florida Statutes, are amended to read:

25243 1003.493 Career and professional academies.—

25244 (4) Each career and professional academy must:

25245 (f) Provide instruction in careers designated as high  
 25246 growth, high demand, and high pay by the local workforce  
 25247 development board, the chamber of commerce, or the Department of  
 25248 Economic Opportunity ~~the Agency for Workforce Innovation.~~

25249 (j) Provide opportunities for students to obtain the

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25250 Florida Ready to Work Certification pursuant to s. 445.063  
 25251 ~~1004.99~~.

25252 (k) Include an evaluation plan developed jointly with the  
 25253 Department of Education and the local workforce board. The  
 25254 evaluation plan must include an assessment tool based on  
 25255 national industry standards, such as the Career Academy National  
 25256 Standards of Practice, and outcome measures, including, but not  
 25257 limited to, achievement of national industry certifications  
 25258 identified in the Industry Certification Funding List, pursuant  
 25259 to rules adopted by the State Board of Education, graduation  
 25260 rates, enrollment in postsecondary education, business and  
 25261 industry satisfaction, employment and earnings, awards of  
 25262 postsecondary credit and scholarships, and student achievement  
 25263 levels and learning gains on statewide assessments administered  
 25264 under s. 1008.22(3)(c). The Department of Education shall use  
 25265 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in  
 25266 identifying industry experts to participate in developing and  
 25267 implementing such assessments.

25268 Section 550. Subsection (3) of section 1003.575, Florida  
 25269 Statutes, is amended to read:

25270 1003.575 Assistive technology devices; findings;  
 25271 interagency agreements.—Accessibility, utilization, and  
 25272 coordination of appropriate assistive technology devices and  
 25273 services are essential as a young person with disabilities moves  
 25274 from early intervention to preschool, from preschool to school,  
 25275 from one school to another, and from school to employment or  
 25276 independent living. To ensure that an assistive technology  
 25277 device issued to a young person as part of his or her

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25278 individualized family support plan, individual support plan, or  
 25279 an individual education plan remains with the individual through  
 25280 such transitions, the following agencies shall enter into  
 25281 interagency agreements, as appropriate, to ensure the  
 25282 transaction of assistive technology devices:

25283 (3) The Voluntary Prekindergarten Education Program  
 25284 administered by the Department of Education and the Department  
 25285 of Economic Opportunity ~~Agency for Workforce Innovation~~.

25286  
 25287 Interagency agreements entered into pursuant to this section  
 25288 shall provide a framework for ensuring that young persons with  
 25289 disabilities and their families, educators, and employers are  
 25290 informed about the utilization and coordination of assistive  
 25291 technology devices and services that may assist in meeting  
 25292 transition needs, and shall establish a mechanism by which a  
 25293 young person or his or her parent may request that an assistive  
 25294 technology device remain with the young person as he or she  
 25295 moves through the continuum from home to school to postschool.

25296 Section 551. Section 1004.99, Florida Statutes, is  
 25297 transferred, renumbered as section 445.063, Florida Statutes,  
 25298 and amended to read:

25299 445.063 ~~1004.99~~ Florida Ready to Work Certification  
 25300 Program.—

25301 (1) There is created the Florida Ready to Work  
 25302 Certification Program to enhance the workplace skills of  
 25303 Floridians ~~Florida's students~~ to better prepare them for  
 25304 successful employment in specific occupations.

25305 (2) The Florida Ready to Work Certification Program may be



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25306 | conducted in public middle and high schools, community colleges,  
25307 | technical centers, one-stop career centers, vocational  
25308 | rehabilitation centers, and Department of Juvenile Justice  
25309 | educational facilities. The program may be made available to  
25310 | other entities that provide job assistance or training. The  
25311 | Department of Economic Opportunity, in coordination with the  
25312 | Department of Education, shall establish institutional readiness  
25313 | criteria for program implementation.

25314 | (3) The Florida Ready to Work Certification Program shall  
25315 | be composed of:

25316 | (a) A comprehensive identification of workplace skills for  
25317 | each occupation identified for inclusion in the program by the  
25318 | Department of Economic Opportunity ~~the Agency for Workforce~~  
25319 | ~~Innovation and the Department of Education.~~

25320 | (b) A preinstructional assessment that delineates an  
25321 | individual's ~~the student's~~ mastery level on the specific  
25322 | workplace skills identified for that occupation.

25323 | (c) A targeted instructional program limited to those  
25324 | identified workplace skills in which the individual ~~student~~ is  
25325 | not proficient as measured by the preinstructional assessment.  
25326 | Instruction must utilize a web-based program and be customized  
25327 | to meet identified specific needs of local employers.

25328 | (d) A Florida Ready to Work Credential and portfolio  
25329 | awarded to individuals ~~students~~ upon successful completion of  
25330 | the instruction. Each portfolio must delineate the skills  
25331 | demonstrated by the individual ~~student~~ as evidence of the  
25332 | individual's ~~student's~~ preparation for employment.

25333 | (4) A Florida Ready to Work Credential shall be awarded to

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25334 an individual ~~a student~~ who successfully passes assessments in  
 25335 Reading for Information, Applied Mathematics, and Locating  
 25336 Information or any other assessments of comparable rigor. Each  
 25337 assessment shall be scored on a scale of 3 to 7. The level of  
 25338 the credential each individual ~~student~~ receives is based on the  
 25339 following:

25340 (a) A bronze-level credential requires a minimum score of  
 25341 3 or above on each of the assessments.

25342 (b) A silver-level credential requires a minimum score of  
 25343 4 or above on each of the assessments.

25344 (c) A gold-level credential requires a minimum score of 5  
 25345 or above on each of the assessments.

25346 (5) The Department of Economic Opportunity ~~The State Board~~  
 25347 ~~of Education, in consultation with the Agency for Workforce~~  
 25348 ~~Innovation,~~ may adopt rules pursuant to ss. 120.536(1) and  
 25349 120.54 to implement ~~the provisions of~~ this section.

25350 Section 552. Subsection (3) of section 1008.39, Florida  
 25351 Statutes, is amended to read:

25352 1008.39 Florida Education and Training Placement  
 25353 Information Program.—

25354 (3) The Florida Education and Training Placement  
 25355 Information Program must not make public any information that  
 25356 could identify an individual or the individual's employer. The  
 25357 Department of Education must ensure that the purpose of  
 25358 obtaining placement information is to evaluate and improve  
 25359 public programs or to conduct research for the purpose of  
 25360 improving services to the individuals whose social security  
 25361 numbers are used to identify their placement. If an agreement

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25362 assures that this purpose will be served and that privacy will  
 25363 be protected, the Department of Education shall have access to  
 25364 the unemployment insurance wage reports maintained by the  
 25365 Department of Economic Opportunity ~~the Agency for Workforce~~  
 25366 ~~Innovation~~, the files of the Department of Children and Family  
 25367 Services that contain information about the distribution of  
 25368 public assistance, the files of the Department of Corrections  
 25369 that contain records of incarcerations, and the files of the  
 25370 Department of Business and Professional Regulation that contain  
 25371 the results of licensure examination.

25372 Section 553. Subsection (3) of section 1008.41, Florida  
 25373 Statutes, is amended to read:

25374 1008.41 Workforce education; management information  
 25375 system.—

25376 (3) Planning and evaluation of job-preparatory programs  
 25377 shall be based on standard sources of data and use standard  
 25378 occupational definitions and coding structures, including, but  
 25379 not limited to:

25380 (a) The Florida Occupational Information System;

25381 (b) The Florida Education and Training Placement  
 25382 Information Program;

25383 (c) The Department of Economic Opportunity ~~The Agency for~~  
 25384 ~~Workforce Innovation~~;

25385 (d) The United States Department of Labor; and

25386 (e) Other sources of data developed using statistically  
 25387 valid procedures.

25388 Section 554. Subsections (2) through (6) of section  
 25389 1011.76, Florida Statutes, are amended to read:

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25390 | 1011.76 Small School District Stabilization Program.—  
 25391 | (2) In order to participate in this program, a school  
 25392 | district must be located in a rural area of critical economic  
 25393 | concern designated by the Executive Office of the Governor, and  
 25394 | the district school board must submit a resolution to the  
 25395 | Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 25396 | ~~Economic Development~~ requesting participation in the program. A  
 25397 | rural area of critical economic concern must be a rural  
 25398 | community, or a region composed of such, that has been adversely  
 25399 | affected by an extraordinary economic event or a natural  
 25400 | disaster or that presents a unique economic development concern  
 25401 | or opportunity of regional impact. The resolution must be  
 25402 | accompanied with documentation of the economic conditions in the  
 25403 | community and, provide information indicating the negative  
 25404 | impact of these conditions on the school district's financial  
 25405 | stability, and the school district must participate in a best  
 25406 | financial management practices review to determine potential  
 25407 | efficiencies that could be implemented to reduce program costs  
 25408 | in the district.  
 25409 | (3) The Department of Economic Opportunity ~~Office of~~  
 25410 | ~~Tourism, Trade, and Economic Development~~, in consultation with  
 25411 | the Department of Education, shall review the resolution and  
 25412 | other information required by subsection (2) and determine  
 25413 | whether the school district is eligible to participate in the  
 25414 | program. Factors influencing the ~~office's~~ determination of the  
 25415 | Department of Economic Opportunity may include, but are not  
 25416 | limited to, reductions in the county tax roll resulting from  
 25417 | business closures or other causes, or a reduction in student

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25418 enrollment due to business closures or impacts in the local  
 25419 economy.

25420 (4) ~~Effective July 1, 2000, and thereafter,~~ When the  
 25421 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 25422 ~~Economic Development~~ authorizes a school district to participate  
 25423 in the program, the Legislature may give priority to that  
 25424 district for a best financial management practices review in the  
 25425 school district, subject to approval pursuant to s. 1008.35(7),  
 25426 to the extent that funding is provided annually for such purpose  
 25427 in the General Appropriations Act. The scope of the review shall  
 25428 be as set forth in s. 1008.35.

25429 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department  
 25430 of Education may award the school district a stabilization grant  
 25431 intended to protect the district from continued financial  
 25432 reductions. The amount of the grant will be determined by the  
 25433 Department of Education and may be equivalent to the amount of  
 25434 the decline in revenues projected for the next fiscal year. In  
 25435 addition, the Department of Economic Opportunity ~~Office of~~  
 25436 ~~Tourism, Trade, and Economic Development~~ may implement a rural  
 25437 economic development initiative to identify the economic factors  
 25438 that are negatively impacting the community and may consult with  
 25439 Enterprise Florida, Inc., in developing a plan to assist the  
 25440 county with its economic transition. The grant will be available  
 25441 to the school district for a period of up to 5 years to the  
 25442 extent that funding is provided for such purpose in the General  
 25443 Appropriations Act.

25444 (6) Based on the availability of funds, the Department of  
 25445 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~

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25446 ~~Development~~ or the Department of Education may enter into  
 25447 contracts or issue grants necessary to implement the program.

25448 Section 555. Section 1012.2251, Florida Statutes, is  
 25449 amended to read:

25450 1012.2251 End-of-course examinations for Merit Award  
 25451 Program. ~~Beginning with the 2007-2008 school year,~~ School  
 25452 districts that participate in the Merit Award Program under s.  
 25453 1012.225 must be able to administer end-of-course examinations  
 25454 based on the Sunshine State Standards in order to measure a  
 25455 student's understanding and mastery of the entire course in all  
 25456 grade groupings and subjects for any year in which the districts  
 25457 participate in the program. The statewide standardized  
 25458 assessment, College Board Advanced Placement Examination,  
 25459 International Baccalaureate examination, Advanced International  
 25460 Certificate of Education examination, or examinations resulting  
 25461 in national or state industry certification recognized by the  
 25462 Department of Economic Opportunity ~~the Agency for Workforce~~  
 25463 ~~Innovation~~ satisfy the requirements of this section for the  
 25464 respective grade groupings and subjects assessed by these  
 25465 examinations and assessments.

25466 Section 556. Section 446.60, Florida Statutes, is  
 25467 repealed.

25468 Section 557. Section 445.056, Florida Statutes, is  
 25469 repealed.

25470 Section 558. (1) The Department of Economic Opportunity,  
 25471 the Department of Education, and the Department of Children and  
 25472 Family Services shall jointly evaluate the state and local  
 25473 governance structure of the state's early learning programs and

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25474 shall submit a report to the President of the Senate and the  
 25475 Speaker of the House of Representatives by November 30, 2011.

25476 (2) The report shall consider:

25477 (a) Alternative governance structures that would provide  
 25478 effective and efficient service delivery.

25479 (b) Enhancing standardization and removing duplication in  
 25480 administration and implementation of the programs.

25481 (c) Easing access and providing seamless services for  
 25482 families.

25483 (d) Streamlining processes and removing unnecessary  
 25484 regulations on providers.

25485 (e) Providing continued parental choice and multiple  
 25486 options for program participation.

25487 (f) Other recommendations concerning the state's early  
 25488 learning programs that may improve service delivery for  
 25489 participants.

25490 Section 559. Before November 1, 2011, the Auditor General  
 25491 shall conduct an operational audit and performance audit, as  
 25492 defined in s. 11.45, Florida Statutes, of the early learning  
 25493 coalitions created under s. 411.01, Florida Statutes.

25494 Section 560. (1) The Legislature intends that the changes  
 25495 made by this act be accomplished with minimal disruption of  
 25496 services provided to the public and with minimal disruption to  
 25497 employees of any organization. The Legislature accordingly  
 25498 directs all applicable units of state government to contribute  
 25499 to the successful implementation of this act, and the  
 25500 Legislature believes that a transition period between the  
 25501 effective date of this act and October 1, 2011, is appropriate

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25502 and warranted.

25503 (2) The Department of Community Affairs, the Agency for  
 25504 Workforce Innovation, and the Office of Tourism, Trade, and  
 25505 Economic Development of the Executive Office of the Governor  
 25506 shall each coordinate the development and implementation of a  
 25507 transition plan that supports the implementation of this act.  
 25508 Any state agency identified by either the Department of  
 25509 Community Affairs, the Agency for Workforce Innovation, or the  
 25510 Office of Tourism, Trade, and Economic Development shall  
 25511 cooperate fully in developing and implementing the plan and  
 25512 shall dedicate the financial and staff resources that are  
 25513 necessary to implement the plan.

25514 (3) (a) The Secretary of Community Affairs, the director of  
 25515 Workforce Innovation, and the director of the Office of Tourism,  
 25516 Trade, and Economic Development shall each designate a  
 25517 transition coordinator, who shall serve as the department's,  
 25518 agency's, or office's primary representative on matters related  
 25519 to the implementation of this act and the transition plans  
 25520 developed pursuant to this section.

25521 (b) The Governor shall also designate a transition  
 25522 coordinator who shall serve as the Governor's primary  
 25523 representative on matters related to the implementation of this  
 25524 act, implementation of the transition plans developed pursuant  
 25525 to this section, and coordination of the transition activities  
 25526 of the Department of Community Affairs, the Agency for Workforce  
 25527 Innovation, and the Office of Tourism, Trade, and Economic  
 25528 Development.

25529 (4) The transition coordinators designated under



25530 subsection (3) shall submit a joint progress report by August  
 25531 15, 2011, to the Governor, the President of the Senate, and the  
 25532 Speaker of the House of Representatives on the implementation of  
 25533 this act and the transition plans, including, but not limited  
 25534 to, any adverse impact or negative consequences on programs and  
 25535 services; of meeting any deadline imposed by this act; or any  
 25536 difficulties experienced by the Department of Community Affairs,  
 25537 the Agency for Workforce Innovation, or the Office of Tourism,  
 25538 Trade, and Economic Development in securing the full  
 25539 participation and cooperation of applicable state agencies. Each  
 25540 representative shall also coordinate the submission of any  
 25541 budget amendments, in accordance with chapter 216, Florida  
 25542 Statutes, that may be necessary to implement this act.

25543 (5) Notwithstanding ss. 216.292 and 216.351, Florida  
 25544 Statutes, upon approval by the Legislative Budget Commission,  
 25545 the Executive Office of the Governor may transfer funds and  
 25546 positions between agencies to implement this act.

25547 (6) Upon the recommendation and guidance of the transition  
 25548 coordinators designated under subsection (3), the Governor shall  
 25549 submit in a timely manner to the applicable federal departments  
 25550 or agencies any necessary amendments or supplemental information  
 25551 concerning plans that the state is required to submit to the  
 25552 Federal Government in connection with any federal or state  
 25553 program. The Governor shall seek any waivers from the  
 25554 requirements of federal law or regulations which may be  
 25555 necessary to administer this act.

25556 (7) The transfer of any program, activity, duty, or  
 25557 function under this act includes the transfer of any records and

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25558 unexpended balances of appropriations, allocations, or other  
25559 funds related to such program, activity, duty, or function.  
25560 Except as otherwise provided in this act, the successor  
25561 organization to any program, activity, duty, or function  
25562 transferred under this act shall become the custodian of any  
25563 property of the organization that was responsible for the  
25564 program, activity, duty, or function immediately before the  
25565 transfer.

25566           Section 561. Except as otherwise expressly provided in  
25567 this act, this act shall take effect July 1, 2011.