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LEGISLATIVE ACTION

Senate

House

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Senator Detert moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(1) The Office of Economic and Demographic Research and OPPAGA shall coordinate the development of a work plan for



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14 completing the Economic Development Programs Evaluation and  
15 shall submit the work plan to the President of the Senate and  
16 the Speaker of the House of Representatives by July 1, 2013.

17 (2) The Office of Economic and Demographic Research and  
18 OPPAGA shall provide a detailed analysis of economic development  
19 programs as provided in the following schedule:

20 (a) By January 1, 2014, and every 3 years thereafter, an  
21 analysis of the following:

22 1. The capital investment tax credit established under s.  
23 220.191, Florida Statutes.

24 2. The qualified target industry tax refund established  
25 under s. 288.106, Florida Statutes.

26 3. The brownfield redevelopment bonus refund established  
27 under s. 288.107, Florida Statutes.

28 4. High-impact business performance grants established  
29 under s. 288.108, Florida Statutes.

30 5. The Quick Action Closing Fund established under s.  
31 288.1088, Florida Statutes.

32 6. The Innovation Incentive Program established under s.  
33 288.1089, Florida Statutes.

34 7. Enterprise Zone Program incentives established under ss.  
35 212.08(5), 212.08(15), 212.096, 220.181, and 220.182, Florida  
36 Statutes.

37 (b) By January 1, 2015, and every 3 years thereafter, an  
38 analysis of the following:

39 1. The entertainment industry financial incentive program  
40 established under s. 288.1254, Florida Statutes.

41 2. The entertainment industry sales tax exemption program  
42 established under s. 288.1258, Florida Statutes.



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43 3. VISIT Florida and its programs established or funded  
44 under ss. 288.122, 288.1226, 288.12265, and 288.124, Florida  
45 Statutes.

46 4. The Florida Sports Foundation and related programs  
47 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,  
48 288.1168, 288.1169, and 288.1171, Florida Statutes.

49 (c) By January 1, 2016, and every 3 years thereafter, an  
50 analysis of the following:

51 1. The qualified defense contractor and space flight  
52 business tax refund program established under s. 288.1045,  
53 Florida Statutes.

54 2. The tax exemption for semiconductor, defense, or space  
55 technology sales established under s. 212.08(5)(j), Florida  
56 Statutes.

57 3. The Military Base Protection Program established under  
58 s. 288.980, Florida Statutes.

59 4. The Manufacturing and Spaceport Investment Incentive  
60 Program established under s. 288.1083, Florida Statutes.

61 5. The Quick Response Training Program established under s.  
62 288.047, Florida Statutes.

63 6. The Incumbent Worker Training Program established under  
64 s. 445.003, Florida Statutes.

65 7. International trade and business development programs  
66 established or funded under s. 288.826, Florida Statutes.

67 (3) Pursuant to the schedule established in subsection (2),  
68 the Office of Economic and Demographic Research shall evaluate  
69 and determine the economic benefits, as defined in s. 288.005,  
70 Florida Statutes, of each program over the previous 3 years. The  
71 analysis must also evaluate the number of jobs created, the



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72 increase or decrease in personal income, and the impact on state  
73 gross domestic product from the direct, indirect, and induced  
74 effects of the state's investment in each program over the  
75 previous 3 years.

76 (a) For the purpose of evaluating tax credits, tax refunds,  
77 sales tax exemptions, cash grants, and similar programs, the  
78 Office of Economic and Demographic Research shall evaluate data  
79 only from those projects in which businesses received state  
80 funds during the evaluation period. Such projects may be fully  
81 completed, partially completed with future fund disbursal  
82 possible pending performance measures, or partially completed  
83 with no future fund disbursal possible as a result of a  
84 business's inability to meet performance measures.

85 (b) The analysis must use the model developed by the Office  
86 of Economic and Demographic Research, as required in s. 216.138,  
87 Florida Statutes, to evaluate each program. The office shall  
88 provide a written explanation of the key assumptions of the  
89 model and how it is used. If the office finds that another  
90 evaluation model is more appropriate to evaluate a program, it  
91 may use another model, but it must provide an explanation as to  
92 why the selected model was more appropriate.

93 (4) Pursuant to the schedule established in subsection (2),  
94 OPPAGA shall evaluate each program over the previous 3 years for  
95 its effectiveness and value to the taxpayers of this state and  
96 include recommendations on each program for consideration by the  
97 Legislature. The analysis may include relevant economic  
98 development reports or analyses prepared by the Department of  
99 Economic Opportunity, Enterprise Florida, Inc., or local or  
100 regional economic development organizations; interviews with the



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101 parties involved; or any other relevant data.

102 (5) The Office of Economic and Demographic Research and  
103 OPPAGA must be given access to all data necessary to complete  
104 the Economic Development Programs Evaluation, including any  
105 confidential data. The offices may collaborate on data  
106 collection and analysis.

107 Section 2. Subsection (10) of section 20.60, Florida  
108 Statutes, is amended to read:

109 20.60 Department of Economic Opportunity; creation; powers  
110 and duties.—

111 (10) The department, with assistance from Enterprise  
112 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,  
113 submit an annual report to the Governor, the President of the  
114 Senate, and the Speaker of the House of Representatives on the  
115 condition of the business climate and economic development in  
116 the state.

117 (a) The report must ~~shall~~ include the identification of  
118 problems and a prioritized list of recommendations.

119 (b) The report must incorporate annual reports of other  
120 programs, including:

121 1. The displaced homemaker program established under s.  
122 446.50.

123 2. Information provided by the Department of Revenue under  
124 s. 290.014.

125 3. Information provided by enterprise zone development  
126 agencies under s. 290.0056 and an analysis of the activities and  
127 accomplishments of each enterprise zone.

128 4. The Economic Gardening Business Loan Pilot Program  
129 established under s. 288.1081 and the Economic Gardening



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130 Technical Assistance Pilot Program established under s.  
131 288.1082.

132 5. A detailed report of the performance of the Black  
133 Business Loan Program and a cumulative summary of quarterly  
134 report data required under s. 288.714.

135 6. The Rural Economic Development Initiative established  
136 under s. 288.0656.

137 Section 3. Paragraph (c) of subsection (1) of section  
138 201.15, Florida Statutes, is amended to read:

139 201.15 Distribution of taxes collected.—All taxes collected  
140 under this chapter are subject to the service charge imposed in  
141 s. 215.20(1). Prior to distribution under this section, the  
142 Department of Revenue shall deduct amounts necessary to pay the  
143 costs of the collection and enforcement of the tax levied by  
144 this chapter. Such costs and the service charge may not be  
145 levied against any portion of taxes pledged to debt service on  
146 bonds to the extent that the costs and service charge are  
147 required to pay any amounts relating to the bonds. After  
148 distributions are made pursuant to subsection (1), all of the  
149 costs of the collection and enforcement of the tax levied by  
150 this chapter and the service charge shall be available and  
151 transferred to the extent necessary to pay debt service and any  
152 other amounts payable with respect to bonds authorized before  
153 January 1, 2013, secured by revenues distributed pursuant to  
154 subsection (1). All taxes remaining after deduction of costs and  
155 the service charge shall be distributed as follows:

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

158 (c) After the required payments under paragraphs (a) and



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159 (b), the remainder shall be paid into the State Treasury to the  
160 credit of:

161 1. The State Transportation Trust Fund in the Department of  
162 Transportation in the amount of the lesser of 38.2 percent of  
163 the remainder or \$541.75 million in each fiscal year. Out of  
164 such funds, the first \$50 million for the 2012-2013 fiscal year;  
165 \$65 million for the 2013-2014 fiscal year; and \$75 million for  
166 the 2014-2015 fiscal year and all subsequent years, shall be  
167 transferred to the State Economic Enhancement and Development  
168 Trust Fund within the Department of Economic Opportunity. The  
169 remainder is to be used for the following specified purposes,  
170 notwithstanding any other law to the contrary:

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

174 b. For the purposes of the Small County Outreach Program  
175 specified in s. 339.2818, 5 percent of these funds. Effective  
176 July 1, 2014, the percentage allocated under this sub-  
177 subparagraph shall be increased to 10 percent;

178 c. For the purposes of the Strategic Intermodal System  
179 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
180 of these funds after allocating for the New Starts Transit  
181 Program described in sub-subparagraph a. and the Small County  
182 Outreach Program described in sub-subparagraph b.; and

183 d. For the purposes of the Transportation Regional  
184 Incentive Program specified in s. 339.2819, 25 percent of these  
185 funds after allocating for the New Starts Transit Program  
186 described in sub-subparagraph a. and the Small County Outreach  
187 Program described in sub-subparagraph b. Effective July 1, 2014,



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188 the first \$60 million of the funds allocated pursuant to this  
189 sub-subparagraph shall be allocated annually to the Florida Rail  
190 Enterprise for the purposes established in s. 341.303(5).

191 2. The Grants and Donations Trust Fund in the Department of  
192 Economic Opportunity in the amount of the lesser of .23 percent  
193 of the remainder or \$3.25 million in each fiscal year to fund  
194 technical assistance to local governments ~~and school boards on~~  
195 ~~the requirements and implementation of this act.~~

196 3. The Ecosystem Management and Restoration Trust Fund in  
197 the amount of the lesser of 2.12 percent of the remainder or \$30  
198 million in each fiscal year, to be used for the preservation and  
199 repair of the state's beaches as provided in ss. 161.091-  
200 161.212.

201 4. General Inspection Trust Fund in the amount of the  
202 lesser of .02 percent of the remainder or \$300,000 in each  
203 fiscal year to be used to fund oyster management and restoration  
204 programs as provided in s. 379.362(3).

205  
206 Moneys distributed pursuant to this paragraph may not be pledged  
207 for debt service unless such pledge is approved by referendum of  
208 the voters.

209 Section 4. Paragraph (o) of subsection (5) of section  
210 212.08, Florida Statutes, is amended to read:

211 212.08 Sales, rental, use, consumption, distribution, and  
212 storage tax; specified exemptions.—The sale at retail, the  
213 rental, the use, the consumption, the distribution, and the  
214 storage to be used or consumed in this state of the following  
215 are hereby specifically exempt from the tax imposed by this  
216 chapter.





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217 (5) EXEMPTIONS; ACCOUNT OF USE.—

218 (o) *Building materials in redevelopment projects.*—

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

220 a. "Building materials" means tangible personal property  
221 that becomes a component part of a housing project or a mixed-  
222 use project.

223 b. "Housing project" means the conversion of an existing  
224 manufacturing or industrial building to a housing unit which is  
225 ~~units~~ in an urban high-crime area, an enterprise zone, an  
226 empowerment zone, a Front Porch Community, a designated  
227 brownfield site for which a rehabilitation agreement with the  
228 Department of Environmental Protection or a local government  
229 delegated by the Department of Environmental Protection has been  
230 executed under s. 376.80 and any abutting real property parcel  
231 within a brownfield area, or an urban infill area; and in which  
232 the developer agrees to set aside at least 20 percent of the  
233 housing units in the project for low-income and moderate-income  
234 persons or the construction in a designated brownfield area of  
235 affordable housing for persons described in s. 420.0004(9),  
236 (11), (12), or (17) or in s. 159.603(7).

237 c. "Mixed-use project" means the conversion of an existing  
238 manufacturing or industrial building to mixed-use units that  
239 include artists' studios, art and entertainment services, or  
240 other compatible uses. A mixed-use project must be located in an  
241 urban high-crime area, an enterprise zone, an empowerment zone,  
242 a Front Porch Community, a designated brownfield site for which  
243 a rehabilitation agreement with the Department of Environmental  
244 Protection or a local government delegated by the Department of  
245 Environmental Protection has been executed under s. 376.80 and



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246 any abutting real property parcel within a brownfield area, or  
247 an urban infill area; and the developer must agree to set aside  
248 at least 20 percent of the square footage of the project for  
249 low-income and moderate-income housing.

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

252 2. Building materials used in the construction of a housing  
253 project or mixed-use project are exempt from the tax imposed by  
254 this chapter upon an affirmative showing to the satisfaction of  
255 the department that the requirements of this paragraph have been  
256 met. This exemption inures to the owner through a refund of  
257 previously paid taxes. To receive this refund, the owner must  
258 file an application under oath with the department which  
259 includes:

260 a. The name and address of the owner.

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

263 c. A copy of the building permit issued for the project.

264 d. A certification by the local building code inspector  
265 that the project is substantially completed.

266 e. A sworn statement, under penalty of perjury, from the  
267 general contractor licensed in this state with whom the owner  
268 contracted to construct the project, which statement lists the  
269 building materials used in the construction of the project and  
270 the actual cost thereof, and the amount of sales tax paid on  
271 these materials. If a general contractor was not used, the owner  
272 shall provide this information in a sworn statement, under  
273 penalty of perjury. Copies of invoices evidencing payment of  
274 sales tax must be attached to the sworn statement.



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275           3. An application for a refund under this paragraph must be  
276 submitted to the department within 6 months after the date the  
277 project is deemed to be substantially completed by the local  
278 building code inspector. Within 30 working days after receipt of  
279 the application, the department shall determine if it meets the  
280 requirements of this paragraph. A refund approved pursuant to  
281 this paragraph shall be made within 30 days after formal  
282 approval of the application by the department.

283           4. The department shall establish by rule an application  
284 form and criteria for establishing eligibility for exemption  
285 under this paragraph.

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

288           Section 5. The amendments to section 212.08, Florida  
289 Statutes, made by this act do not apply to any housing project  
290 or mixed-use project where site development or construction work  
291 was initiated prior to the effective date of this act.

292           Section 6. Paragraph (bb) is added to subsection (8) of  
293 section 213.053, Florida Statutes, to read:

294           213.053 Confidentiality and information sharing.—

295           (8) Notwithstanding any other provision of this section,  
296 the department may provide:

297           (bb) Information to the director of the Office of Program  
298 Policy Analysis and Government Accountability or his or her  
299 authorized agent, and to the coordinator of the Office of  
300 Economic and Demographic Research or his or her authorized  
301 agent, for purposes of completing the Economic Development  
302 Programs Evaluation. Information obtained from the department  
303 pursuant to this paragraph may be shared by the director and the



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304 coordinator, or the director's or coordinator's authorized  
305 agent, for purposes of completing the Economic Development  
306 Programs Evaluation.

307  
308 Disclosure of information under this subsection shall be  
309 pursuant to a written agreement between the executive director  
310 and the agency. Such agencies, governmental or nongovernmental,  
311 shall be bound by the same requirements of confidentiality as  
312 the Department of Revenue. Breach of confidentiality is a  
313 misdemeanor of the first degree, punishable as provided by s.  
314 775.082 or s. 775.083.

315 Section 7. Subsection (9) of section 220.194, Florida  
316 Statutes, is amended to read:

317 220.194 Corporate income tax credits for spaceflight  
318 projects.—

319 (9) ANNUAL REPORT.—Beginning in 2014, the Department of  
320 Economic Opportunity, in cooperation with Space Florida and the  
321 department, shall include in the ~~submit an~~ annual incentives  
322 report required under s. 288.907 a summary of ~~summarizing~~  
323 activities relating to the Florida Space Business Incentives Act  
324 established under this section ~~to the Governor, the President of~~  
325 ~~the Senate, and the Speaker of the House of Representatives by~~  
326 ~~each November 30.~~

327 Section 8. Section 288.001, Florida Statutes, is amended to  
328 read:

329 288.001 The Florida Small Business Development Center  
330 Network; ~~purpose.~~—

331 (1) PURPOSE.—The Florida Small Business Development Center  
332 Network is the principal business assistance organization for



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333 small businesses in the state. The purpose of the network is to  
334 serve emerging and established for-profit, privately held  
335 businesses that maintain a place of business in the state.

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

337 (a) "Board of Governors" is the Board of Governors of the  
338 State University System.

339 (b) "Host institution" is the university designated by the  
340 Board of Governors to be the recipient organization in  
341 accordance with 13 C.F.R. s. 130.200.

342 (c) "Network" means the Florida Small Business Development  
343 Center Network.

344 (3) OPERATION; POLICIES AND PROGRAMS.—

345 (a) The network's statewide director shall operate the  
346 network in compliance with the federal laws and regulations  
347 governing the network and the Board of Governors Regulation  
348 10.015.

349 (b) The network's statewide director shall consult with the  
350 Board of Governors, the department, and the network's statewide  
351 advisory board to ensure that the network's policies and  
352 programs align with the statewide goals of the State University  
353 System and the statewide strategic economic development plan as  
354 provided under s. 20.60.

355 (4) STATEWIDE ADVISORY BOARD.—

356 (a) The network shall maintain a statewide advisory board  
357 to advise, counsel, and confer with the statewide director on  
358 matters pertaining to the operation of the network.

359 (b) The statewide advisory board shall consist of 19  
360 members from across the state. At least 12 members must be  
361 representatives of the private sector who are knowledgeable of



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362 the needs and challenges of small businesses. The members must  
363 represent various segments and industries of the economy in this  
364 state and must bring knowledge and skills to the statewide  
365 advisory board which would enhance the board's collective  
366 knowledge of small business assistance needs and challenges.  
367 Minority and gender representation must be considered when  
368 making appointments to the board. The board must include the  
369 following members:

370 1. Three members appointed from the private sector by the  
371 President of the Senate.

372 2. Three members appointed from the private sector by the  
373 Speaker of the House of Representatives.

374 3. Three members appointed from the private sector by the  
375 Governor.

376 4. Three members appointed from the private sector by the  
377 network's statewide director.

378 5. One member appointed by the host institution.

379 6. The President of Enterprise Florida, Inc., or his or her  
380 designee.

381 7. The Chief Financial Officer or his or her designee.

382 8. The President of the Florida Chamber of Commerce or his  
383 or her designee.

384 9. The Small Business Development Center Project Officer  
385 from the U.S. Small Business Administration at the South Florida  
386 District Office or his or her designee.

387 10. The executive director of the National Federation of  
388 Independent Businesses, Florida, or his or her designee.

389 11. The executive director of the Florida United Business  
390 Association or his or her designee.



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391       (c) The term of an appointed member shall be for 4 years,  
392 beginning August 1, 2013, except that at the time of initial  
393 appointments, two members appointed by the Governor, one member  
394 appointed by the President of the Senate, one member appointed  
395 by the Speaker of the House of Representatives, and one member  
396 appointed by the network's statewide director shall be appointed  
397 for 2 years. An appointed member may be reappointed to a  
398 subsequent term. Members of the statewide advisory board may not  
399 receive compensation but may be reimbursed for per diem and  
400 travel expenses in accordance with s. 112.061.

401       (5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.-

402       (a) The statewide director, in consultation with the  
403 advisory board, shall develop support services that are  
404 delivered through regional small business development centers.  
405 Support services must target the needs of businesses that employ  
406 fewer than 100 persons and demonstrate an assessed capacity to  
407 grow in employment or revenue.

408       (b) Support services must include, but need not be limited  
409 to, providing information or research, consulting, educating, or  
410 assisting businesses in the following activities:

411       1. Planning related to the start-up, operation, or  
412 expansion of a small business enterprise in this state. Such  
413 activities include providing guidance on business formation,  
414 structure, management, registration, regulation, and taxes.

415       2. Developing and implementing strategic or business plans.  
416 Such activities include analyzing a business's mission, vision,  
417 strategies, and goals; critiquing the overall plan; and creating  
418 performance measures.

419       3. Developing the financial literacy of existing businesses



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420 related to their business cash flow and financial management  
421 plans. Such activities include conducting financial analysis  
422 health checks, assessing cost control management techniques, and  
423 building financial management strategies and solutions.

424 4. Developing and implementing plans for existing  
425 businesses to access or expand to new or existing markets. Such  
426 activities include conducting market research, researching and  
427 identifying expansion opportunities in international markets,  
428 and identifying opportunities in selling to units of government.

429 5. Supporting access to capital for business investment and  
430 expansion. Such activities include providing technical  
431 assistance relating to obtaining surety bonds; identifying and  
432 assessing potential debt or equity investors or other financing  
433 opportunities; assisting in the preparation of applications,  
434 projections, or pro forma or other support documentation for  
435 surety bond, loan, financing, or investment requests; and  
436 facilitating conferences with lenders or investors.

437 6. Assisting existing businesses to plan for a natural or  
438 man-made disaster, and assisting businesses when such an event  
439 occurs. Such activities include creating business continuity and  
440 disaster plans, preparing disaster and bridge loan applications,  
441 and carrying out other emergency support functions.

442 (c) A business receiving support services must agree to  
443 participate in assessments of such services. The agreement, at a  
444 minimum, must request the business to report demographic  
445 characteristics, changes in employment and sales, debt and  
446 equity capital attained, and government contracts acquired. The  
447 host institution may require additional reporting requirements  
448 for funding described in subsection (7).





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449       (6) REQUIRED MATCH.—The network must provide a match equal  
450 to the total amount of any direct legislative appropriation  
451 which is received directly by the host institution and is  
452 specifically designated for the network. The match may include  
453 funds from federal or other nonstate funding sources designated  
454 for the network. At least 50 percent of the match must be cash.  
455 The remaining 50 percent may be provided through any allowable  
456 combination of additional cash, in-kind contributions, or  
457 indirect costs.

458       (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE  
459 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST  
460 PRACTICES; ELIGIBILITY.—

461       (a) The statewide director, in coordination with the host  
462 institution, shall establish a pay-per-performance incentive for  
463 regional small business development centers. Such incentive  
464 shall be funded from half of any state appropriation received  
465 directly by the host institution, which appropriation is  
466 specifically designated for the network. These funds shall be  
467 distributed to the regional small business development centers  
468 based upon data collected from the businesses as provided under  
469 paragraph (5)(c). The distribution formula must provide for the  
470 distribution of funds in part on the gross number of jobs  
471 created annually by each center and in part on the number of  
472 jobs created per support service hour. The pay-per-performance  
473 incentive must supplement the operations and support services of  
474 each regional small business development center.

475       (b) Half of any state funds received directly by the host  
476 institution which are specifically designated for the network  
477 shall be distributed by the statewide director, in coordination



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478 with the advisory board, for the following purposes:

479 1. Ensuring that support services are available statewide,  
480 especially in underserved and rural areas of the state, to  
481 assist eligible businesses;

482 2. Enhancing participation in the network among state  
483 universities and colleges; and

484 3. Facilitating the adoption of innovative small business  
485 assistance best practices by the regional small business  
486 development centers.

487 (c) The statewide director, in coordination with the  
488 advisory board, shall develop annual programs to distribute  
489 funds for each of the purposes described in paragraph (b). The  
490 network shall announce the annual amount of available funds for  
491 each program, performance expectations, and other requirements.  
492 For each program, the statewide director shall present  
493 applications and recommendations to the advisory board. The  
494 advisory board shall make the final approval of applications.  
495 Approved applications must be publicly posted. At a minimum,  
496 programs must include:

497 1. New regional small business development centers; and  
498 2. Awards for the top six regional small business  
499 development centers that adopt best practices, as determined by  
500 the advisory board. Detailed information about best practices  
501 must be made available to regional small business development  
502 centers for voluntary implementation.

503 (d) A regional small business development center that has  
504 been found by the statewide director to perform poorly, to  
505 engage in improper activity affecting the operation and  
506 integrity of the network, or to fail to follow the rules and



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507 procedures set forth in the laws, regulations, and policies  
508 governing the network, is not eligible for funds under this  
509 subsection.

510 (e) Funds awarded under this subsection may not reduce  
511 matching funds dedicated to the regional small business  
512 development centers.

513 (8) REPORTING.—

514 (a) The statewide director shall quarterly update the Board  
515 of Governors, the department, and the advisory board on the  
516 network's progress and outcomes, including aggregate information  
517 on businesses assisted by the network.

518 (b) The statewide director, in coordination with the  
519 advisory board, shall annually report, on October 1, to the  
520 President of the Senate and the Speaker of the House of  
521 Representatives on the network's progress and outcomes for the  
522 previous fiscal year. The report must include aggregate  
523 information on businesses assisted by the network; network  
524 services and programs; the use of all federal, state, local, and  
525 private funds received by the network and the regional small  
526 business development centers, including any additional funds  
527 specifically appropriated by the Legislature for the purposes  
528 described in subsection (7); and the network's economic benefit  
529 to the state. The report must contain specific information on  
530 performance-based metrics and contain the methodology used to  
531 calculate the network's economic benefit to the state.

532 Section 9. Subsection (4) is added to section 288.005,  
533 Florida Statutes, to read:

534 288.005 Definitions.—As used in this chapter, the term:

535 (4) "Jobs" means full-time equivalent positions, including,



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536 but not limited to, positions obtained from a temporary  
537 employment agency or employee leasing company or through a union  
538 agreement or coemployment under a professional employer  
539 organization agreement, which result directly from a project in  
540 this state. This number does not include temporary construction  
541 jobs involved with the construction of facilities for the  
542 project.

543 Section 10. Subsection (3) of section 288.012, Florida  
544 Statutes, is amended to read:

545 288.012 State of Florida international offices; state  
546 protocol officer; protocol manual.—The Legislature finds that  
547 the expansion of international trade and tourism is vital to the  
548 overall health and growth of the economy of this state. This  
549 expansion is hampered by the lack of technical and business  
550 assistance, financial assistance, and information services for  
551 businesses in this state. The Legislature finds that these  
552 businesses could be assisted by providing these services at  
553 State of Florida international offices. The Legislature further  
554 finds that the accessibility and provision of services at these  
555 offices can be enhanced through cooperative agreements or  
556 strategic alliances between private businesses and state, local,  
557 and international governmental entities.

558 (3) ~~By October 1 of each year,~~ Each international office  
559 shall annually submit to Enterprise Florida, Inc., the  
560 ~~department~~ a complete and detailed report on its activities and  
561 accomplishments during the previous preceding fiscal year for  
562 inclusion in the annual report required under s. 288.906. In the  
563 ~~a~~ format and by the annual date prescribed provided by  
564 Enterprise Florida, Inc., the report must set forth information



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- 565 on:
- 566 (a) The number of Florida companies assisted.
- 567 (b) The number of inquiries received about investment  
568 opportunities in this state.
- 569 (c) The number of trade leads generated.
- 570 (d) The number of investment projects announced.
- 571 (e) The estimated U.S. dollar value of sales confirmations.
- 572 (f) The number of representation agreements.
- 573 (g) The number of company consultations.
- 574 (h) Barriers or other issues affecting the effective  
575 operation of the office.
- 576 (i) Changes in office operations which are planned for the  
577 current fiscal year.
- 578 (j) Marketing activities conducted.
- 579 (k) Strategic alliances formed with organizations in the  
580 country in which the office is located.
- 581 (l) Activities conducted with Florida's other international  
582 offices.
- 583 (m) Any other information that the office believes would  
584 contribute to an understanding of its activities.

585 Section 11. Section 288.061, Florida Statutes, is amended  
586 to read:

587 288.061 Economic development incentive application  
588 process.—

589 (1) Upon receiving a submitted economic development  
590 incentive application, the Division of Strategic Business  
591 Development of the Department of Economic Opportunity and  
592 designated staff of Enterprise Florida, Inc., shall review the  
593 application to ensure that the application is complete, whether



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594 and what type of state and local permits may be necessary for  
595 the applicant's project, whether it is possible to waive such  
596 permits, and what state incentives and amounts of such  
597 incentives may be available to the applicant. The department  
598 shall recommend to the executive director to approve or  
599 disapprove an applicant business. If review of the application  
600 demonstrates that the application is incomplete, the executive  
601 director shall notify the applicant business within the first 5  
602 business days after receiving the application.

603 (2) Beginning July 1, 2013, the department shall review and  
604 evaluate each economic development incentive application for the  
605 economic benefits of the proposed award of state incentives  
606 proposed for the project. The term "economic benefits" has the  
607 same meaning as in s. 288.005. The Office of Economic and  
608 Demographic Research shall establish the methodology and model  
609 used to calculate the economic benefits. For purposes of this  
610 requirement, an amended definition of "economic benefits" may be  
611 developed by the Office of Economic and Demographic Research.

612 (3)~~(2)~~ Within 10 business days after the department  
613 receives the submitted economic development incentive  
614 application, the executive director shall approve or disapprove  
615 the application and issue a letter of certification to the  
616 applicant which includes a justification of that decision,  
617 unless the business requests an extension of that time.

618 (a) The contract or agreement with the applicant must ~~shall~~  
619 specify the total amount of the award, the performance  
620 conditions that must be met to obtain the award, the schedule  
621 for payment, and sanctions that would apply for failure to meet  
622 performance conditions. The department may enter into one



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623 agreement or contract covering all of the state incentives that  
624 are being provided to the applicant. The contract must provide  
625 that release of funds is contingent upon sufficient  
626 appropriation of funds by the Legislature.

627 (b) The release of funds for the incentive or incentives  
628 awarded to the applicant depends upon the statutory requirements  
629 of the particular incentive program, except as provided in  
630 subsection (4).

631 (4)(3) The department shall validate contractor performance  
632 and report. ~~such~~ ~~Such~~ validation ~~shall be reported~~ in the annual  
633 incentives ~~incentive~~ report required under s. 288.907.

634 (5) (a) The executive director may not approve an economic  
635 development incentive application unless the application  
636 includes a signed written declaration by the applicant which  
637 states that the applicant has read the information in the  
638 application and that the information is true, correct, and  
639 complete to the best of the applicant's knowledge and belief.

640 (b) After an economic development incentive application is  
641 approved, the awardee shall provide, in each year that the  
642 department is required to validate contractor performance, a  
643 signed written declaration. The written declaration must state  
644 that the awardee has reviewed the information and that the  
645 information is true, correct, and complete to the best of the  
646 awardee's knowledge and belief.

647 (6) The department is authorized to adopt rules to  
648 implement this section.

649 Section 12. Subsection (8) of section 288.0656, Florida  
650 Statutes, is amended to read:

651 288.0656 Rural Economic Development Initiative.-



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652 (8) REDI shall submit a report to the department ~~Governor,~~  
653 ~~the President of the Senate, and the Speaker of the House of~~  
654 ~~Representatives each year on or before September 1~~ on all REDI  
655 activities for the previous ~~prior~~ fiscal year as a supplement to  
656 the department's annual report required under s. 20.60. This  
657 supplementary report must shall include:

658 (a) A status report on all projects currently being  
659 coordinated through REDI, the number of preferential awards and  
660 allowances made pursuant to this section, the dollar amount of  
661 such awards, and the names of the recipients.

662 (b) ~~The report shall also include~~ A description of all  
663 waivers of program requirements granted.

664 (c) ~~The report shall also include~~ Information as to the  
665 economic impact of the projects coordinated by REDI, ~~and~~

666 (d) Recommendations based on the review and evaluation of  
667 statutes and rules having an adverse impact on rural  
668 communities, ~~and~~ proposals to mitigate such adverse impacts.

669 Section 13. Effective October 1, 2013, section 288.076,  
670 Florida Statutes, is created to read:

671 288.076 Return on investment reporting for economic  
672 development programs.-

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

674 (a) "Jobs" has the same meaning as provided in s.  
675 288.106(2)(i).

676 (b) "Participant business" means an employing unit, as  
677 defined in s. 443.036, that has entered into an agreement with  
678 the department to receive a state investment.

679 (c) "Project" has the same meaning as provided in s.  
680 288.106(2)(m).





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681 (d) "Project award date" means the date a participant  
682 business enters into an agreement with the department to receive  
683 a state investment.

684 (e) "State investment" means any state grants, tax  
685 exemptions, tax refunds, tax credits, or other state incentives  
686 provided to a business under a program administered by the  
687 department, including the capital investment tax credit under s.  
688 220.191.

689 (2) The department shall maintain a website for the purpose  
690 of publishing the information described in this section. The  
691 information required to be published under this section must be  
692 provided in a format accessible to the public which enables  
693 users to search for and sort specific data and to easily view  
694 and retrieve all data at once.

695 (3) Within 48 hours after expiration of the period of  
696 confidentiality for project information deemed confidential and  
697 exempt pursuant to s. 288.075, the department shall publish the  
698 following information pertaining to each project:

699 (a) *Projected economic benefits.*—The projected economic  
700 benefits at the time of the initial project award date.

701 (b) *Project information.*—

702 1. The program or programs through which state investment  
703 is being made.

704 2. The maximum potential cumulative state investment in the  
705 project.

706 3. The target industry or industries, and any high impact  
707 sectors implicated by the project.

708 4. The county or counties that will be impacted by the  
709 project.



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710           5. For a project that requires local commitment, the total  
711 cumulative local financial commitment and in-kind support for  
712 the project.

713           (c) Participant business information.-

714           1. The location of the headquarters of the participant  
715 business or, if a subsidiary, the headquarters of the parent  
716 company.

717           2. The firm size class of the participant business, or  
718 where owned by a parent company the firm size class of the  
719 participant business's parent company, using the firm size  
720 classes established by the United States Department of Labor  
721 Bureau of Labor Statistics, and whether the participant business  
722 qualifies as a small business as defined in s. 288.703.

723           3. The date of the project award.

724           4. The expected duration of the contract.

725           5. The anticipated dates when the participant business will  
726 claim the last state investment.

727           (d) Project evaluation criteria.-Economic benefits  
728 generated by the project.

729           (e) Project performance goals.-

730           1. The incremental direct jobs attributable to the project,  
731 identifying the number of jobs generated and the number of jobs  
732 retained.

733           2. The number of jobs generated and the number of jobs  
734 retained by the project, and for projects commencing after  
735 October 1, 2013, the average annual wage of persons holding such  
736 jobs.

737           3. The incremental direct capital investment in the state  
738 generated by the project.



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739 (f) Total state investment to date.—The total amount of  
740 state investment disbursed to the participant business to date  
741 under the terms of the contract, itemized by incentive program.

742 (4) The department shall calculate and publish on its  
743 website the economic benefits of each project within 48 hours  
744 after the conclusion of the agreement between each participant  
745 business and the department. The department shall work with the  
746 Office of Economic and Demographic Research to provide a  
747 description of the methodology used to calculate the economic  
748 benefits of a project, and the department must publish the  
749 information on its website.

750 (5) At least annually, from the project award date, the  
751 department shall:

752 (a) Publish verified results to update the information  
753 described in paragraphs (3)(b)-(f) to accurately reflect any  
754 changes in the published information since the project award  
755 date.

756 (b) Publish on its website the date on which the  
757 information collected and published for each project was last  
758 updated.

759 (6) Annually, the department shall publish information  
760 relating to the progress of Quick Action Closing Fund projects,  
761 including the average number of days between the date the  
762 department receives a completed application and the date on  
763 which the application is approved.

764 (7) (a) Within 48 hours after expiration of the period of  
765 confidentiality provided under s. 288.075, the department shall  
766 publish the contract or agreement described in s. 288.061,  
767 redacted to protect the participant business from disclosure of



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768 information that remains confidential or exempt by law.

769 (b) Within 48 hours after submitting any report of findings  
770 and recommendations made pursuant to s. 288.106(7)(d) concerning  
771 a business's failure to complete a tax refund agreement pursuant  
772 to the tax refund program for qualified target industry  
773 businesses, the department shall publish such report.

774 (8) For projects completed before October 1, 2013, the  
775 department shall compile and, by October 1, 2014, shall publish  
776 the information described in subsections (3), (4), and (5), to  
777 the extent such information is available and applicable.

778 (9) The provisions of this section that restrict the  
779 department's publication of information are intended only to  
780 limit the information that the department may publish on its  
781 website and shall not be construed to create an exemption from  
782 public records requirements under s. 119.07(1) or s. 24(a), Art.  
783 I of the State Constitution.

784 (10) The department may adopt rules to administer this  
785 section.

786 Section 14. Paragraph (c) of subsection (3) of section  
787 288.095, Florida Statutes, is repealed.

788 Section 15. Paragraph (c) of subsection (4) and paragraph  
789 (d) of subsection (7) of section 288.106, Florida Statutes, are  
790 amended to read:

791 288.106 Tax refund program for qualified target industry  
792 businesses.-

793 (4) APPLICATION AND APPROVAL PROCESS.-

794 (c) Each application meeting the requirements of paragraph  
795 (b) must be submitted to the department for determination of  
796 eligibility. The department shall review and evaluate each



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797 application based on, but not limited to, the following  
798 criteria:

799 1. Expected contributions to the state's economy,  
800 consistent with the state strategic economic development plan  
801 prepared by the department.

802 2. The economic benefits of the proposed award of tax  
803 refunds under this section ~~and the economic benefits of state~~  
804 ~~incentives proposed for the project. The term "economic~~  
805 ~~benefits" has the same meaning as in s. 288.005. The Office of~~  
806 ~~Economic and Demographic Research shall review and evaluate the~~  
807 ~~methodology and model used to calculate the economic benefits~~  
808 ~~and shall report its findings by September 1 of every 3rd year,~~  
809 ~~to the President of the Senate and the Speaker of the House of~~  
810 ~~Representatives.~~

811 3. The amount of capital investment to be made by the  
812 applicant in this state.

813 4. The local financial commitment and support for the  
814 project.

815 5. The expected effect of the project on the unemployed and  
816 underemployed ~~unemployment rate~~ in the county where the project  
817 will be located.

818 6. The expected effect of the award on the viability of the  
819 project and the probability that the project would be undertaken  
820 in this state if such tax refunds are granted to the applicant.

821 ~~7. The expected long term commitment of the applicant to~~  
822 ~~economic growth and employment in this state resulting from the~~  
823 ~~project.~~

824 ~~7.8.~~ A review of the business's past activities in this  
825 state or other states, including whether the ~~such~~ business has



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826 been subjected to criminal or civil fines and penalties. This  
827 subparagraph does not require the disclosure of confidential  
828 information.

829 (7) ADMINISTRATION.—

830 (d) Beginning with tax refund agreements signed after July  
831 1, 2010, the department shall attempt to ascertain the causes  
832 for any business's failure to complete its agreement and ~~shall~~  
833 ~~report~~ its findings and recommendations must be included in the  
834 annual incentives report under s. 288.907 to the Governor, the  
835 President of the Senate, and the Speaker of the House of  
836 Representatives. The report shall be submitted by December 1 of  
837 each year beginning in 2011.

838 Section 16. Paragraphs (c) and (d) of subsection (1),  
839 subsections (2) and (3), and paragraphs (a), (b), and (f) of  
840 subsection (4) of section 288.107, Florida Statutes, are amended  
841 to read:

842 288.107 Brownfield redevelopment bonus refunds.—

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

844 (c) "Brownfield area eligible for bonus refunds" means a  
845 brownfield site for which a rehabilitation agreement with the  
846 Department of Environmental Protection or a local government  
847 delegated by the Department of Environmental Protection has been  
848 executed under s. 376.80 and any abutting real property parcel  
849 within a brownfield contiguous area of one or more brownfield  
850 sites, some of which may not be contaminated, and which has been  
851 designated by a local government by resolution under s. 376.80.  
852 ~~Such areas may include all or portions of community~~  
853 ~~redevelopment areas, enterprise zones, empowerment zones, other~~  
854 ~~such designated economically deprived communities and areas, and~~



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855 ~~Environmental Protection Agency designated brownfield pilot~~  
856 ~~projects.~~

857 (d) "Eligible business" means:

858 1. A qualified target industry business as defined in s.  
859 288.106(2); or

860 2. A business that can demonstrate a fixed capital  
861 investment of at least \$2 million in mixed-use business  
862 activities, including multiunit housing, commercial, retail, and  
863 industrial in brownfield areas eligible for bonus refunds, ~~or at~~  
864 ~~least \$500,000 in brownfield areas that do not require site~~  
865 ~~cleanup~~, and that provides benefits to its employees.

866 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds  
867 shall be approved by the department as specified in the final  
868 order and allowed from the account as follows:

869 (a) A bonus refund of \$2,500 shall be allowed to any  
870 qualified target industry business as defined in s. 288.106 for  
871 each new Florida job created in a brownfield area eligible for  
872 bonus refunds which ~~that~~ is claimed on the qualified target  
873 industry business's annual refund claim authorized in s.  
874 288.106(6).

875 (b) A bonus refund of up to \$2,500 shall be allowed to any  
876 other eligible business as defined in subparagraph (1)(d)2. for  
877 each new Florida job created in a brownfield area eligible for  
878 bonus refunds which ~~that~~ is claimed under an annual claim  
879 procedure similar to the annual refund claim authorized in s.  
880 288.106(6). The amount of the refund shall be equal to 20  
881 percent of the average annual wage for the jobs created.

882 (3) CRITERIA.—The minimum criteria for participation in the  
883 brownfield redevelopment bonus refund are:



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884 (a) The creation of at least 10 new full-time permanent  
885 jobs. Such jobs shall not include construction or site  
886 rehabilitation jobs associated with the implementation of a  
887 brownfield site agreement as described in s. 376.80(5).

888 (b) The completion of a fixed capital investment of at  
889 least \$2 million in mixed-use business activities, including  
890 multiunit housing, commercial, retail, and industrial in  
891 brownfield areas eligible for bonus refunds, ~~or at least~~  
892 ~~\$500,000 in brownfield areas that do not require site cleanup,~~  
893 by an eligible business applying for a refund under paragraph  
894 (2)(b) which provides benefits to its employees.

895 ~~(c) That the designation as a brownfield will diversify and~~  
896 ~~strengthen the economy of the area surrounding the site.~~

897 ~~(d) That the designation as a brownfield will promote~~  
898 ~~capital investment in the area beyond that contemplated for the~~  
899 ~~rehabilitation of the site.~~

900 ~~(e) A resolution adopted by the governing board of the~~  
901 ~~county or municipality in which the project will be located that~~  
902 ~~recommends that certain types of businesses be approved.~~

903 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

904 (a) To be eligible to receive a bonus refund for new  
905 Florida jobs created in a brownfield area eligible for bonus  
906 refunds, a business must have been certified as a qualified  
907 target industry business under s. 288.106 or eligible business  
908 as defined in paragraph (1)(d) and must have indicated on the  
909 qualified target industry business tax refund application form  
910 submitted in accordance with s. 288.106(4) or other similar  
911 agreement for other eligible business as defined in paragraph  
912 (1)(d) that the project for which the application is submitted





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913 is or will be located in a brownfield area eligible for bonus  
914 refunds and that the business is applying for certification as a  
915 qualified brownfield business under this section, and must have  
916 signed a qualified target industry business tax refund agreement  
917 with the department that indicates that the business has been  
918 certified as a qualified target industry business located in a  
919 brownfield area eligible for bonus refunds and specifies the  
920 schedule of brownfield redevelopment bonus refunds that the  
921 business may be eligible to receive in each fiscal year.

922 (b) To be considered to receive an eligible brownfield  
923 redevelopment bonus refund payment, the business meeting the  
924 requirements of paragraph (a) must submit a claim once each  
925 fiscal year on a claim form approved by the department which  
926 indicates the location of the brownfield site for which a  
927 rehabilitation agreement with the Department of Environmental  
928 Protection or a local government delegated by the Department of  
929 Environmental Protection has been executed under s. 376.80, the  
930 address of the business facility's brownfield location, the name  
931 of the brownfield in which it is located, the number of jobs  
932 created, and the average wage of the jobs created by the  
933 business within the brownfield as defined in s. 288.106 or other  
934 eligible business as defined in paragraph (1)(d) and the  
935 administrative rules and policies for that section.

936 (f) Applications shall be reviewed and certified pursuant  
937 to s. 288.061. The department shall review all applications  
938 submitted under s. 288.106 or other similar application forms  
939 for other eligible businesses as defined in paragraph (1)(d)  
940 which indicate that the proposed project will be located in a  
941 brownfield area eligible for bonus refunds and determine, with



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942 the assistance of the Department of Environmental Protection,  
943 that the project location is within a brownfield area eligible  
944 for bonus refunds as provided in this act.

945 Section 17. The amendments to s. 288.107, Florida Statutes,  
946 made by this act do not apply to any party seeking a brownfield  
947 redevelopment bonus refund where, before the effective date of  
948 this act:

949 (1) A resolution endorsing the refund was approved by the  
950 local government;

951 (2) Any such party seeking the refund filed a notice of  
952 intent to seek a refund or filed an application for the refund  
953 with the Department of Economic Opportunity or Enterprise  
954 Florida, Inc.; or

955 (3) Any such party seeking the refund executed an actual  
956 tax refund agreement with the Department of Economic  
957 Opportunity.

958 Section 18. Subsection (8) of section 288.1081, Florida  
959 Statutes, is amended to read:

960 288.1081 Economic Gardening Business Loan Pilot Program.—

961 (8) The annual report required under s. 20.60 must describe  
962 ~~On June 30 and December 31 of each year, the department shall~~  
963 ~~submit a report to the Governor, the President of the Senate,~~  
964 ~~and the Speaker of the House of Representatives which describes~~  
965 in detail the use of the loan funds. The report must include, at  
966 a minimum, the number of businesses receiving loans, the number  
967 of full-time equivalent jobs created as a result of the loans,  
968 the amount of wages paid to employees in the newly created jobs,  
969 the locations and types of economic activity undertaken by the  
970 borrowers, the amounts of loan repayments made to date, and the



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971 default rate of borrowers.

972 Section 19. Subsection (8) of section 288.1082, Florida  
973 Statutes, is amended to read:

974 288.1082 Economic Gardening Technical Assistance Pilot  
975 Program.—

976 (8) The annual report required under s. 20.60 must describe  
977 ~~On December 31 of each year, the department shall submit a~~  
978 ~~report to the Governor, the President of the Senate, and the~~  
979 ~~Speaker of the House of Representatives which describes in~~  
980 detail the progress of the pilot program. The report must  
981 include, at a minimum, the number of businesses receiving  
982 assistance, the number of full-time equivalent jobs created as a  
983 result of the assistance, if any, the amount of wages paid to  
984 employees in the newly created jobs, and the locations and types  
985 of economic activity undertaken by the businesses.

986 Section 20. Paragraph (e) of subsection (3) of section  
987 288.1088, Florida Statutes, is amended to read:

988 288.1088 Quick Action Closing Fund.—

989 (3)

990 (e) The department ~~Enterprise Florida, Inc.,~~ shall validate  
991 contractor performance and report. such validation in the annual  
992 incentives report required under s. 288.907 shall be reported  
993 ~~within 6 months after completion of the contract to the~~  
994 ~~Governor, President of the Senate, and the Speaker of the House~~  
995 ~~of Representatives.~~

996 Section 21. Paragraphs (b) and (d) of subsection (4), and  
997 subsections (9) and (11) of section 288.1089, Florida Statutes,  
998 are amended to read:

999 288.1089 Innovation Incentive Program.—



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- 1000           (4) To qualify for review by the department, the applicant  
1001 must, at a minimum, establish the following to the satisfaction  
1002 of the department:
- 1003           (b) A research and development project must:
- 1004           1. Serve as a catalyst for an emerging or evolving  
1005 technology cluster.
- 1006           2. Demonstrate a plan for significant higher education  
1007 collaboration.
- 1008           3. Provide the state, at a minimum, a cumulative break-even  
1009 economic benefit ~~return on investment~~ within a 20-year period.
- 1010           4. Be provided with a one-to-one match from the local  
1011 community. The match requirement may be reduced or waived in  
1012 rural areas of critical economic concern or reduced in rural  
1013 areas, brownfield areas, and enterprise zones.
- 1014           (d) For an alternative and renewable energy project in this  
1015 state, the project must:
- 1016           1. Demonstrate a plan for significant collaboration with an  
1017 institution of higher education;
- 1018           2. Provide the state, at a minimum, a cumulative break-even  
1019 economic benefit ~~return on investment~~ within a 20-year period;
- 1020           3. Include matching funds provided by the applicant or  
1021 other available sources. The match requirement may be reduced or  
1022 waived in rural areas of critical economic concern or reduced in  
1023 rural areas, brownfield areas, and enterprise zones;
- 1024           4. Be located in this state; and
- 1025           5. Provide at least 35 direct, new jobs that pay an  
1026 estimated annual average wage that equals at least 130 percent  
1027 of the average private sector wage.
- 1028           (9) The department shall validate the performance of an



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1029 innovation business, a research and development facility, or an  
1030 alternative and renewable energy business that has received an  
1031 award. At the conclusion of the innovation incentive award  
1032 agreement, or its earlier termination, the department shall  
1033 include in the annual incentives report required under s.  
1034 288.907 a detailed description of, ~~within 90 days, submit a~~  
1035 ~~report to the Governor, the President of the Senate, and the~~  
1036 ~~Speaker of the House of Representatives detailing~~ whether the  
1037 recipient of the innovation incentive grant achieved its  
1038 specified outcomes.

1039 (11) ~~(a)~~ The department shall include in ~~submit to the~~  
1040 ~~Governor, the President of the Senate, and the Speaker of the~~  
1041 ~~House of Representatives, as part of the annual~~ incentives  
1042 report required under s. 288.907, a report summarizing the  
1043 activities and accomplishments of the recipients of grants from  
1044 the Innovation Incentive Program during the previous 12 months  
1045 and an evaluation of whether the recipients are catalysts for  
1046 additional direct and indirect economic development in Florida.

1047 ~~(b) Beginning March 1, 2010, and every third year~~  
1048 ~~thereafter, the Office of Program Policy Analysis and Government~~  
1049 ~~Accountability, in consultation with the Auditor General's~~  
1050 ~~Office, shall release a report evaluating the Innovation~~  
1051 ~~Incentive Program's progress toward creating clusters of high-~~  
1052 ~~wage, high-skilled, complementary industries that serve as~~  
1053 ~~catalysts for economic growth specifically in the regions in~~  
1054 ~~which they are located, and generally for the state as a whole.~~  
1055 ~~Such report should include critical analyses of quarterly and~~  
1056 ~~annual reports, annual audits, and other documents prepared by~~  
1057 ~~the Innovation Incentive Program awardees; relevant economic~~



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1058 ~~development reports prepared by the department, Enterprise~~  
1059 ~~Florida, Inc., and local or regional economic development~~  
1060 ~~organizations; interviews with the parties involved; and any~~  
1061 ~~other relevant data. Such report should also include legislative~~  
1062 ~~recommendations, if necessary, on how to improve the Innovation~~  
1063 ~~Incentive Program so that the program reaches its anticipated~~  
1064 ~~potential as a catalyst for direct and indirect economic~~  
1065 ~~development in this state.~~

1066 Section 22. Subsection (3) of section 288.1253, Florida  
1067 Statutes, is amended to read:

1068 288.1253 Travel and entertainment expenses.—

1069 (3) The Office of Film and Entertainment ~~department~~ shall  
1070 include in the annual report for the entertainment industry  
1071 financial incentive program required under s. 288.1254(10) a  
1072 ~~prepare an annual report of the office's expenditures of the~~  
1073 ~~Office of Film and Entertainment and provide such report to the~~  
1074 ~~Legislature no later than December 30 of each year for the~~  
1075 ~~expenditures of the previous fiscal year. The report must shall~~  
1076 consist of a summary of all travel, entertainment, and  
1077 incidental expenses incurred within the United States and all  
1078 travel, entertainment, and incidental expenses incurred outside  
1079 the United States, as well as a summary of all successful  
1080 projects that developed from such travel.

1081 Section 23. Subsection (10) of section 288.1254, Florida  
1082 Statutes, is amended to read:

1083 288.1254 Entertainment industry financial incentive  
1084 program.—

1085 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office  
1086 of Film and Entertainment shall submit ~~provide~~ an annual report



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1087 for the previous fiscal year to the Governor, the President of  
1088 the Senate, and the Speaker of the House of Representatives  
1089 which outlines the incentive program's return on investment and  
1090 economic benefits to the state. The report must ~~shall~~ also  
1091 include an estimate of the full-time equivalent positions  
1092 created by each production that received tax credits under this  
1093 section and information relating to the distribution of  
1094 productions receiving credits by geographic region and type of  
1095 production. The report must also include the expenditures report  
1096 required under s. 288.1253(3) and the information describing the  
1097 relationship between tax exemptions and incentives to industry  
1098 growth required under s. 288.1258(5).

1099 Section 24. Subsection (5) of section 288.1258, Florida  
1100 Statutes, is amended to read:

1101 288.1258 Entertainment industry qualified production  
1102 companies; application procedure; categories; duties of the  
1103 Department of Revenue; records and reports.-

1104 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO  
1105 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.-The Office of Film  
1106 and Entertainment shall keep annual records from the information  
1107 provided on taxpayer applications for tax exemption certificates  
1108 beginning January 1, 2001. These records also must ~~shall~~ reflect  
1109 a ratio of the annual amount of sales and use tax exemptions  
1110 under this section, plus the incentives awarded pursuant to s.  
1111 288.1254 to the estimated amount of funds expended by certified  
1112 productions. In addition, the office shall maintain data showing  
1113 annual growth in Florida-based entertainment industry companies  
1114 and entertainment industry employment and wages. The employment  
1115 information must ~~shall~~ include an estimate of the full-time



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1116 equivalent positions created by each production that received  
1117 tax credits pursuant to s. 288.1254. The Office of Film and  
1118 Entertainment shall include ~~report~~ this information in the  
1119 annual report for the entertainment industry financial incentive  
1120 program required under s. 288.1254(10) ~~to the Legislature no~~  
1121 ~~later than December 1 of each year.~~

1122 Section 25. Subsection (3) of section 288.714, Florida  
1123 Statutes, is amended to read:

1124 288.714 Quarterly and annual reports.—

1125 (3) ~~By August 31 of each year,~~ The department shall include  
1126 in its annual report required under s. 20.60 ~~provide to the~~  
1127 ~~Governor, the President of the Senate, and the Speaker of the~~  
1128 ~~House of Representatives~~ a detailed report of the performance of  
1129 the Black Business Loan Program. The report must include a  
1130 cumulative summary of the quarterly report data compiled  
1131 pursuant to ~~required by~~ subsection (2) ~~(1)~~.

1132 Section 26. Section 288.7771, Florida Statutes, is amended  
1133 to read:

1134 288.7771 Annual report of Florida Export Finance  
1135 Corporation.—The corporation shall annually prepare and submit  
1136 to Enterprise Florida, Inc., ~~the department~~ for inclusion in its  
1137 annual report required under s. 288.906 ~~by s. 288.095~~ a complete  
1138 and detailed report setting forth:

1139 (1) The report required in s. 288.776(3).

1140 (2) Its assets and liabilities at the end of its most  
1141 recent fiscal year.

1142 Section 27. Subsections (3), (4), and (5) of section  
1143 288.903, Florida Statutes, are amended to read:

1144 288.903 Duties of Enterprise Florida, Inc.—Enterprise





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1145 Florida, Inc., shall have the following duties:

1146 (3) Prepare an annual report pursuant to s. 288.906.

1147 (4) Prepare, in conjunction with the department, and an  
1148 annual incentives report pursuant to s. 288.907.

1149 (5)~~(4)~~ Assist the department with the development of an  
1150 annual and a long-range strategic business blueprint for  
1151 economic development required in s. 20.60.

1152 (6)~~(5)~~ In coordination with Workforce Florida, Inc.,  
1153 identify education and training programs that will ensure  
1154 Florida businesses have access to a skilled and competent  
1155 workforce necessary to compete successfully in the domestic and  
1156 global marketplace.

1157 Section 28. Subsection (6) of section 288.904, Florida  
1158 Statutes, is repealed.

1159 Section 29. Subsection (3) is added to section 288.906,  
1160 Florida Statutes, to read:

1161 288.906 Annual report of Enterprise Florida, Inc., and its  
1162 divisions; audits.—

1163 (3) The following reports must be included as supplements  
1164 to the detailed report required by this section:

1165 (a) The annual report of the Florida Export Finance  
1166 Corporation required under s. 288.7771.

1167 (b) The report on international offices required under s.  
1168 288.012.

1169 Section 30. Section 288.907, Florida Statutes, is amended  
1170 to read:

1171 288.907 Annual incentives report.—

1172 ~~(1) By December 30 of each year, In addition to the annual~~  
1173 ~~report required under s. 288.906, Enterprise Florida, Inc., in~~



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1174 ~~conjunction with the department, by December 30 of each year,~~  
1175 shall provide the Governor, the President of the Senate, and the  
1176 Speaker of the House of Representatives a detailed incentives  
1177 report quantifying the economic benefits for all of the economic  
1178 development incentive programs marketed by Enterprise Florida,  
1179 Inc.

1180 ~~(a)~~ The annual incentives report must include:

1181 (1) For each incentive program:

1182 ~~(a)1.~~ A brief description of the incentive program.

1183 ~~(b)2.~~ The amount of awards granted, by year, since  
1184 inception and the annual amount actually transferred from the  
1185 state treasury to businesses or for the benefit of businesses  
1186 for each of the previous 3 years.

1187 ~~3. The economic benefits, as defined in s. 288.005, based~~  
1188 ~~on the actual amount of private capital invested, actual number~~  
1189 ~~of jobs created, and actual wages paid for incentive agreements~~  
1190 ~~completed during the previous 3 years.~~

1191 ~~(c)4. The report shall also include~~ The actual amount of  
1192 private capital invested, actual number of jobs created, and  
1193 actual wages paid for incentive agreements completed during the  
1194 previous 3 years for each target industry sector.

1195 ~~(2)(b)~~ For projects completed during the previous state  
1196 fiscal year, ~~the report must include:~~

1197 ~~(a)1.~~ The number of economic development incentive  
1198 applications received.

1199 ~~(b)2.~~ The number of recommendations made to the department  
1200 by Enterprise Florida, Inc., including the number recommended  
1201 for approval and the number recommended for denial.

1202 ~~(c)3.~~ The number of final decisions issued by the



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1203 department for approval and for denial.  
1204 ~~(d)4.~~ The projects for which a tax refund, tax credit, or  
1205 cash grant agreement was executed, identifying for each project:  
1206 1.a. The number of jobs committed to be created.  
1207 2.b. The amount of capital investments committed to be  
1208 made.  
1209 3.e. The annual average wage committed to be paid.  
1210 4.d. The amount of state economic development incentives  
1211 committed to the project from each incentive program under the  
1212 project's terms of agreement with the Department of Economic  
1213 Opportunity.  
1214 5.e. The amount and type of local matching funds committed  
1215 to the project.  
1216 (e) Tax refunds paid or other payments made funded out of  
1217 the Economic Development Incentives Account for each project.  
1218 (f) The types of projects supported.  
1219 (3)(e) For economic development projects that received tax  
1220 refunds, tax credits, or cash grants under the terms of an  
1221 agreement for incentives, ~~the report must identify~~:  
1222 (a)1. The number of jobs actually created.  
1223 (b)2. The amount of capital investments actually made.  
1224 (c)3. The annual average wage paid.  
1225 (4)(d) For a project receiving economic development  
1226 incentives approved by the department and receiving federal or  
1227 local incentives, ~~the report must include~~ a description of the  
1228 federal or local incentives, if available.  
1229 (5)(e) The ~~report must state~~ the number of withdrawn or  
1230 terminated projects that did not fulfill the terms of their  
1231 agreements with the department and, consequently, are not



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1232 receiving incentives.

1233 (6) For any agreements signed after July 1, 2010, findings  
1234 and recommendations on the efforts of the department to  
1235 ascertain the causes of any business's inability to complete its  
1236 agreement made under s. 288.106.

1237 (7)-(f) The amount report must include an analysis of the  
1238 economic benefits, as defined in s. 288.005, of tax refunds, tax  
1239 credits, or other payments made to projects locating or  
1240 expanding in state enterprise zones, rural communities,  
1241 brownfield areas, or distressed urban communities. The report  
1242 must include a separate analysis of the impact of such tax  
1243 refunds on state enterprise zones designated under s. 290.0065,  
1244 rural communities, brownfield areas, and distressed urban  
1245 communities.

1246 (8) The name of and tax refund amount for each business  
1247 that has received a tax refund under s. 288.1045 or s. 288.106  
1248 during the preceding fiscal year.

1249 (9)-(g) An identification of The report must identify the  
1250 target industry businesses and high-impact businesses.

1251 (10)-(h) A description of The report must describe the  
1252 trends relating to business interest in, and usage of, the  
1253 various incentives, and the number of minority-owned or woman-  
1254 owned businesses receiving incentives.

1255 (11)-(i) An identification of The report must identify  
1256 incentive programs not used and recommendations for program  
1257 changes or program elimination utilized.

1258 (12) Information related to the validation of contractor  
1259 performance required under s. 288.061.

1260 (13) Beginning in 2014, a summation of the activities



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1261 related to the Florida Space Business Incentives Act.

1262 ~~(2) The Division of Strategic Business Development within~~  
1263 ~~the department shall assist Enterprise Florida, Inc., in the~~  
1264 ~~preparation of the annual incentives report.~~

1265 Section 31. Subsection (3) of section 288.92, Florida  
1266 Statutes, is amended to read:

1267 288.92 Divisions of Enterprise Florida, Inc.—

1268 (3) ~~By October 15 each year,~~ Each division shall draft and  
1269 submit an annual report for inclusion in the report required  
1270 under s. 288.906 which details the division's activities during  
1271 the previous ~~prior~~ fiscal year and includes ~~any~~ recommendations  
1272 for improving current statutes related to the division's ~~related~~  
1273 area of responsibility.

1274 Section 32. Subsection (5) of section 288.95155, Florida  
1275 Statutes, is amended to read:

1276 288.95155 Florida Small Business Technology Growth  
1277 Program.—

1278 (5) Enterprise Florida, Inc., shall prepare for inclusion  
1279 in the annual report ~~of the department~~ required under s. 288.907  
1280 ~~by s. 288.095~~ a report on the financial status of the program.  
1281 The report must specify the assets and liabilities of the  
1282 program within the current fiscal year and must include a  
1283 portfolio update that lists all of the businesses assisted, the  
1284 private dollars leveraged by each business assisted, and the  
1285 growth in sales and in employment of each business assisted.

1286 Section 33. Section 288.9918, Florida Statutes, is amended  
1287 to read:

1288 288.9918 Annual reporting by a community development  
1289 entity.—



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1290           (1) A community development entity that has issued a  
1291 qualified investment shall submit an annual report to the  
1292 department by January 31 ~~April 30~~ after the end of each year  
1293 which includes a credit allowance date. The report shall include  
1294 information on investments made in the preceding calendar year  
1295 to include but not limited to the following:

1296           ~~(1) The entity's annual financial statements for the~~  
1297 ~~preceding tax year, audited by an independent certified public~~  
1298 ~~accountant.~~

1299           (a)~~(2)~~ The identity of the types of industries, identified  
1300 by the North American Industry Classification System Code, in  
1301 which qualified low-income community investments were made.

1302           (b)~~(3)~~ The names of the counties in which the qualified  
1303 active low-income businesses are located which received  
1304 qualified low-income community investments.

1305           (c)~~(4)~~ The number of jobs created and retained by qualified  
1306 active low-income community businesses receiving qualified low-  
1307 income community investments, including verification that the  
1308 average wages paid meet or exceed 115 percent of the federal  
1309 poverty income guidelines for a family of four.

1310           (d)~~(5)~~ A description of the relationships that the entity  
1311 has established with community-based organizations and local  
1312 community development offices and organizations and a summary of  
1313 the outcomes resulting from those relationships.

1314           (e)~~(6)~~ Other information and documentation required by the  
1315 department to verify continued certification as a qualified  
1316 community development entity under 26 U.S.C. s. 45D.

1317           (2) By April 30 after the end of each year which includes a  
1318 credit allowance date, a community development entity shall



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1319 submit annual financial statements for the preceding tax year,  
1320 audited by an independent certified public accountant.

1321 Section 34. Subsection (6) of section 290.0055, Florida  
1322 Statutes, is amended to read:

1323 290.0055 Local nominating procedure.—

1324 (6) (a) The department may approve a change in the boundary  
1325 of any enterprise zone which was designated pursuant to s.  
1326 290.0065. A boundary change must continue to satisfy the  
1327 requirements of subsections (3), (4), and (5).

1328 (b) Upon a recommendation by the enterprise zone  
1329 development agency, the governing body of the jurisdiction which  
1330 authorized the application for an enterprise zone may apply to  
1331 the department for a change in boundary once every 3 years by  
1332 adopting a resolution that:

1333 1. States with particularity the reasons for the change;  
1334 and

1335 2. Describes specifically and, to the extent required by  
1336 the department, the boundary change to be made.

1337 (c) At least 90 days before adopting a resolution seeking a  
1338 change in the boundary of an enterprise zone, the governing body  
1339 shall include in a notice of the meeting at which the resolution  
1340 will be considered an explanation that a change in the boundary  
1341 of an enterprise zone will be considered and that the change may  
1342 result in loss of enterprise zone eligibility for the area  
1343 affected by the boundary change.

1344 (d)1. The governing body of a jurisdiction which has  
1345 nominated an application for an enterprise zone that is at least  
1346 15 square miles and less than 20 square miles ~~no larger than 12~~  
1347 ~~square miles~~ and includes a portion of the state designated as a



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1348 rural area of critical economic concern under s. 288.0656(7) may  
1349 apply to the department to expand the boundary of the existing  
1350 enterprise zone by not more than 3 square miles. ~~An application~~  
1351 ~~to expand the boundary of an enterprise zone under this~~  
1352 ~~paragraph must be submitted by December 31, 2012.~~

1353 2. The governing body of a jurisdiction which has nominated  
1354 an application for an enterprise zone that is at least 20 square  
1355 miles and includes a portion of the state designated as a rural  
1356 area of critical economic concern under s. 288.0656(7) may apply  
1357 to the department to expand the boundary of the existing  
1358 enterprise zone by not more than 5 square miles.

1359 3. An application to expand the boundary of an enterprise  
1360 zone under this paragraph must be submitted by December 31,  
1361 2013.

1362 ~~4.2.~~ Notwithstanding the area limitations specified in  
1363 subsection (4), the department may approve the request for a  
1364 boundary amendment if the area continues to satisfy the  
1365 remaining requirements of this section.

1366 ~~5.3.~~ The department shall establish the initial effective  
1367 date of an enterprise zone designated under this paragraph.

1368 Section 35. Subsection (11) of section 290.0056, Florida  
1369 Statutes, is amended to read:

1370 290.0056 Enterprise zone development agency.—

1371 (11) Before October 1 ~~December 1~~ of each year, the agency  
1372 shall submit to the department for inclusion in the annual  
1373 report required under s. 20.60 a complete and detailed written  
1374 report setting forth:

1375 (a) Its operations and accomplishments during the fiscal  
1376 year.





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1377 (b) The accomplishments and progress concerning the  
1378 implementation of the strategic plan or measurable goals, and  
1379 any updates to the strategic plan or measurable goals.

1380 (c) The number and type of businesses assisted by the  
1381 agency during the fiscal year.

1382 (d) The number of jobs created within the enterprise zone  
1383 during the fiscal year.

1384 (e) The usage and revenue impact of state and local  
1385 incentives granted during the calendar year.

1386 (f) Any other information required by the department.

1387 Section 36. Section 290.014, Florida Statutes, is amended  
1388 to read:

1389 290.014 Annual reports on enterprise zones.—

1390 (1) By October 1 ~~February 1~~ of each year, the Department of  
1391 Revenue shall submit an annual report to the department  
1392 detailing the usage and revenue impact by county of the state  
1393 incentives listed in s. 290.007.

1394 ~~(2) By March 1 of each year, the department shall submit an~~  
1395 ~~annual report to the Governor, the Speaker of the House of~~  
1396 ~~Representatives, and the President of the Senate. The annual~~  
1397 ~~report required under s. 20.60 shall include the information~~  
1398 ~~provided by the Department of Revenue pursuant to subsection (1)~~  
1399 ~~and the information provided by enterprise zone development~~  
1400 ~~agencies pursuant to s. 290.0056. In addition, the report shall~~  
1401 ~~include an analysis of the activities and accomplishments of~~  
1402 ~~each enterprise zone.~~

1403 Section 37. Section 290.0455, Florida Statutes, is amended  
1404 to read:

1405 290.0455 Small Cities Community Development Block Grant



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1406 Loan Guarantee Program; Section 108 loan guarantees.-

1407 (1) The Small Cities Community Development Block Grant Loan  
1408 Guarantee Program is created. The department shall administer  
1409 the loan guarantee program pursuant to Section 108 ~~s. 108~~ of  
1410 Title I of the Housing and Community Development Act of 1974, as  
1411 amended, and as further amended by s. 910 of the Cranston-  
1412 Gonzalez National Affordable Housing Act. The purpose of the  
1413 Small Cities Community Development Block Grant Loan Guarantee  
1414 Program is to guarantee, or to make commitments to guarantee,  
1415 notes or other obligations issued by public entities for the  
1416 purposes of financing activities enumerated in 24 C.F.R. s.  
1417 570.703.

1418 (2) Activities assisted under the loan guarantee program  
1419 must meet the requirements contained in 24 C.F.R. ss. 570.700-  
1420 570.710 and may not otherwise be financed in whole or in part  
1421 from the Florida Small Cities Community Development Block Grant  
1422 Program.

1423 (3) The department may pledge existing revenues on deposit  
1424 or future revenues projected to be available for deposit in the  
1425 Florida Small Cities Community Development Block Grant Program  
1426 in order to guarantee, ~~in whole or in part,~~ the payment of  
1427 principal and interest on a Section 108 loan ~~made under the loan~~  
1428 ~~guarantee program.~~

1429 (4) An applicant approved by the United States Department  
1430 of Housing and Urban Development to receive a Section 108 loan  
1431 shall enter into an agreement with the Department of Economic  
1432 Opportunity which requires the applicant to pledge half of the  
1433 amount necessary to guarantee the loan in the event of default.

1434 (5) The department shall review all Section 108 loan



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1435 applications that it receives from local governments. The  
1436 department shall review the applications ~~must submit all~~  
1437 ~~applications it receives to the United States Department of~~  
1438 ~~Housing and Urban Development for loan approval,~~ in the order  
1439 received, subject to a determination by the department  
1440 ~~determining~~ that each ~~the~~ application meets all eligibility  
1441 requirements contained in 24 C.F.R. ss. 570.700-570.710~~7~~ and has  
1442 been deemed financially feasible by a loan underwriter approved  
1443 by the department. If the statewide maximum available for loan  
1444 guarantee commitments established in subsection (6) has not been  
1445 committed, the department may submit the Section 108 loan  
1446 application to the United States Department of Housing and Urban  
1447 Development with a recommendation that the loan be approved,  
1448 with or without conditions, or be denied ~~provided that the~~  
1449 ~~applicant has submitted the proposed activity to a loan~~  
1450 ~~underwriter to document its financial feasibility.~~

1451 (6)(5) The maximum amount of an individual loan guarantee  
1452 commitment that an ~~commitments that any~~ eligible local  
1453 government may receive is ~~may be~~ limited to \$5 ~~\$7~~ million  
1454 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan  
1455 guarantee commitments statewide may not exceed an amount equal  
1456 to two ~~five~~ times the amount of the most recent grant received  
1457 by the department under the Florida Small Cities Community  
1458 Development Block Grant Program. The \$5 million loan guarantee  
1459 limit does not apply to loans guaranteed prior to July 1, 2013,  
1460 that may be refinanced.

1461 (7)(6) Section 108 loans guaranteed by the Small Cities  
1462 Community Development Block Grant Program ~~loan guarantee program~~  
1463 must be repaid within 20 years.



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1464           ~~(8)-(7)~~ Section 108 loan applicants must demonstrate  
1465 guarantees may be used for an activity only if the local  
1466 government provides evidence to the department that the  
1467 applicant investigated alternative financing services were  
1468 investigated and the services were unavailable or insufficient  
1469 to meet the financing needs of the proposed activity.

1470           (9) If a local government defaults on a Section 108 loan  
1471 received from the United States Department of Housing and Urban  
1472 Development and guaranteed through the Florida Small Cities  
1473 Community Development Block Grant Program, thereby requiring the  
1474 department to reduce its annual grant award in order to pay the  
1475 annual debt service on the loan, any future community  
1476 development block grants that the local government receives must  
1477 be reduced in an amount equal to the amount of the state's grant  
1478 award used in payment of debt service on the loan.

1479           (10) If a local government receives a Section 108 loan  
1480 guaranteed through the Florida Small Cities Community  
1481 Development Block Grant Program and is granted entitlement  
1482 community status as defined in subpart D of 24 C.F.R. part 570  
1483 by the United States Department of Housing and Urban Development  
1484 before paying the loan in full, the local government must pledge  
1485 its community development block grant entitlement allocation as  
1486 a guarantee of its previous loan and request that the United  
1487 States Department of Housing and Urban Development release the  
1488 department as guarantor of the loan.

1489           ~~(8) The department must, before approving an application~~  
1490 ~~for a loan, evaluate the applicant's prior administration of~~  
1491 ~~block grant funds for community development. The evaluation of~~  
1492 ~~past performance must take into account the procedural aspects~~



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1493 ~~of previous grants or loans as well as substantive results. If~~  
1494 ~~the department finds that any applicant has failed to~~  
1495 ~~substantially accomplish the results proposed in the applicant's~~  
1496 ~~last previously funded application, the department may prohibit~~  
1497 ~~the applicant from receiving a loan or may penalize the~~  
1498 ~~applicant in the rating of the current application.~~

1499 Section 38. Subsection (11) of section 331.3051, Florida  
1500 Statutes, is amended to read:

1501 331.3051 Duties of Space Florida.—Space Florida shall:

1502 (11) Annually report on its performance with respect to its  
1503 business plan, to include finance, spaceport operations,  
1504 research and development, workforce development, and education.  
1505 Space Florida shall submit the report ~~shall be submitted~~ to the  
1506 Governor, the President of the Senate, and the Speaker of the  
1507 House of Representatives by November 30 ~~no later than September~~  
1508 ~~4~~ for the previous ~~prior~~ fiscal year. The annual report must  
1509 include operations information as required under s.  
1510 331.310(2)(e).

1511 Section 39. Paragraph (e) of subsection (2) of section  
1512 331.310, Florida Statutes, is amended to read:

1513 331.310 Powers and duties of the board of directors.—

1514 (2) The board of directors shall:

1515 (e) Prepare an annual report of operations as a supplement  
1516 to the annual report required under s. 331.3051(11). The report  
1517 must ~~shall~~ include, but not be limited to, a balance sheet, an  
1518 income statement, a statement of changes in financial position,  
1519 a reconciliation of changes in equity accounts, a summary of  
1520 significant accounting principles, the auditor's report, a  
1521 summary of the status of existing and proposed bonding projects,



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1522 comments from management about the year's business, and  
1523 prospects for the next year, ~~which shall be submitted each year~~  
1524 ~~by November 30 to the Governor, the President of the Senate, the~~  
1525 ~~Speaker of the House of Representatives, the minority leader of~~  
1526 ~~the Senate, and the minority leader of the House of~~  
1527 ~~Representatives.~~

1528 Section 40. Paragraphs (a) and (e) of subsection (30) of  
1529 section 443.036, Florida Statutes, is amended to read:

1530 443.036 Definitions.—As used in this chapter, the term:

1531 (30) "Misconduct," irrespective of whether the misconduct  
1532 occurs at the workplace or during working hours, includes, but  
1533 is not limited to, the following, which may not be construed in  
1534 pari materia with each other:

1535 (a) Conduct demonstrating conscious disregard of an  
1536 employer's interests and found to be a deliberate violation or  
1537 disregard of the reasonable standards of behavior which the  
1538 employer expects of his or her employee. Such conduct may  
1539 include, but is not limited to, willful damage to an employer's  
1540 property that results in damage of more than \$50; or theft of  
1541 employer property or property of a customer or invitee of the  
1542 employer.

1543 (e) 1. A violation of an employer's rule, unless the  
1544 claimant can demonstrate that:

1545 a.1. He or she did not know, and could not reasonably know,  
1546 of the rule's requirements;

1547 b.2. The rule is not lawful or not reasonably related to  
1548 the job environment and performance; or

1549 c.3. The rule is not fairly or consistently enforced.

1550 2. Such conduct may include, but is not limited to,



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1551 committing criminal assault or battery on another employee, or  
1552 on a customer or invitee of the employer; or committing abuse or  
1553 neglect of a patient, resident, disabled person, elderly person,  
1554 or child in her or his professional care.

1555 Section 41. Paragraphs (b), (c), and (d) of subsection (1)  
1556 of section 443.091, Florida Statutes, are amended to read:

1557 443.091 Benefit eligibility conditions.—

1558 (1) An unemployed individual is eligible to receive  
1559 benefits for any week only if the Department of Economic  
1560 Opportunity finds that:

1561 (b) She or he has completed the department's online work  
1562 registration ~~registered with the department for work~~ and  
1563 subsequently reports to the one-stop career center as directed  
1564 by the regional workforce board for reemployment services. This  
1565 requirement does not apply to persons who are:

1566 1. Non-Florida residents;  
1567 2. On a temporary layoff;  
1568 3. Union members who customarily obtain employment through  
1569 a union hiring hall; ~~or~~

1570 4. Claiming benefits under an approved short-time  
1571 compensation plan as provided in s. 443.1116; or

1572 5. Unable to complete the online work registration due to  
1573 illiteracy, physical or mental impairment, a legal prohibition  
1574 from using a computer, or a language impediment. If a person is  
1575 exempted from the online work registration under this  
1576 subparagraph, then the filing of his or her claim constitutes  
1577 registration for work.

1578 (c) To make continued claims for benefits, she or he is  
1579 reporting to the department in accordance with this paragraph



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1580 and department rules, and participating in an initial skills  
1581 review, as directed by the department. Department rules may not  
1582 conflict with s. 443.111(1)(b), which requires that each  
1583 claimant continue to report regardless of any pending appeal  
1584 relating to her or his eligibility or disqualification for  
1585 benefits.

1586         1. For each week of unemployment claimed, each report must,  
1587 at a minimum, include the name, address, and telephone number of  
1588 each prospective employer contacted, or the date the claimant  
1589 reported to a one-stop career center, pursuant to paragraph (d).

1590         2. The administrator or operator of the initial skills  
1591 review shall notify the department when the individual completes  
1592 the initial skills review and report the results of the review  
1593 to the regional workforce board or the one-stop career center as  
1594 directed by the workforce board. The department shall prescribe  
1595 a numeric score on the initial skills review that demonstrates a  
1596 minimal proficiency in workforce skills. The department,  
1597 workforce board, or one-stop career center shall use the initial  
1598 skills review to develop a plan for referring individuals to  
1599 training and employment opportunities. The failure of the  
1600 individual to comply with this requirement will result in the  
1601 individual being determined ineligible for benefits for the week  
1602 in which the noncompliance occurred and for any subsequent week  
1603 of unemployment until the requirement is satisfied. However,  
1604 this requirement does not apply if the individual ~~is able to~~  
1605 ~~affirmatively attest to being unable to complete such review due~~  
1606 ~~to illiteracy or a language impediment or is exempt from the~~  
1607 work registration requirement as set forth in paragraph (b).

1608         3. Any individual who falls below the minimal proficiency





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1609 score prescribed by the department in subparagraph 2. on the  
1610 initial skills review shall be offered training opportunities  
1611 and encouraged to participate in such training at no cost to the  
1612 individual in order to improve his or her workforce skills to  
1613 the minimal proficiency level.

1614 4. The department shall coordinate with Workforce Florida,  
1615 Inc., the workforce boards, and the one-stop career centers to  
1616 identify, develop, and utilize best practices for improving the  
1617 skills of individuals who choose to participate in training  
1618 opportunities and who have a minimal proficiency score below the  
1619 score prescribed in subparagraph 2.

1620 5. The department, in coordination with Workforce Florida,  
1621 Inc., the workforce boards, and the one-stop career centers,  
1622 shall evaluate the use, effectiveness, and costs associated with  
1623 the training prescribed in subparagraph 3. and report its  
1624 findings and recommendations for training and the use of best  
1625 practices to the Governor, the President of the Senate, and the  
1626 Speaker of the House of Representatives by January 1, 2013.

1627 (d) She or he is able to work and is available for work. In  
1628 order to assess eligibility for a claimed week of unemployment,  
1629 the department shall develop criteria to determine a claimant's  
1630 ability to work and availability for work. A claimant must be  
1631 actively seeking work in order to be considered available for  
1632 work. This means engaging in systematic and sustained efforts to  
1633 find work, including contacting at least five prospective  
1634 employers for each week of unemployment claimed. The department  
1635 may require the claimant to provide proof of such efforts to the  
1636 one-stop career center as part of reemployment services. A  
1637 claimant's proof of work search efforts may not include the same



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1638 prospective employer at the same location in three consecutive  
1639 weeks, unless the employer has indicated since the time of the  
1640 initial contact that the employer is hiring. The department  
1641 shall conduct random reviews of work search information provided  
1642 by claimants. As an alternative to contacting at least five  
1643 prospective employers for any week of unemployment claimed, a  
1644 claimant may, for that same week, report in person to a one-stop  
1645 career center to meet with a representative of the center and  
1646 access reemployment services of the center. The center shall  
1647 keep a record of the services or information provided to the  
1648 claimant and shall provide the records to the department upon  
1649 request by the department. However:

1650 1. Notwithstanding any other provision of this paragraph or  
1651 paragraphs (b) and (e), an otherwise eligible individual may not  
1652 be denied benefits for any week because she or he is in training  
1653 with the approval of the department, or by reason of s.  
1654 443.101(2) relating to failure to apply for, or refusal to  
1655 accept, suitable work. Training may be approved by the  
1656 department in accordance with criteria prescribed by rule. A  
1657 claimant's eligibility during approved training is contingent  
1658 upon satisfying eligibility conditions prescribed by rule.

1659 2. Notwithstanding any other provision of this chapter, an  
1660 otherwise eligible individual who is in training approved under  
1661 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
1662 determined ineligible or disqualified for benefits due to  
1663 enrollment in such training or because of leaving work that is  
1664 not suitable employment to enter such training. As used in this  
1665 subparagraph, the term "suitable employment" means work of a  
1666 substantially equal or higher skill level than the worker's past



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1667 adversely affected employment, as defined for purposes of the  
1668 Trade Act of 1974, as amended, the wages for which are at least  
1669 80 percent of the worker's average weekly wage as determined for  
1670 purposes of the Trade Act of 1974, as amended.

1671 3. Notwithstanding any other provision of this section, an  
1672 otherwise eligible individual may not be denied benefits for any  
1673 week because she or he is before any state or federal court  
1674 pursuant to a lawfully issued summons to appear for jury duty.

1675 4. Union members who customarily obtain employment through  
1676 a union hiring hall may satisfy the work search requirements of  
1677 this paragraph by reporting daily to their union hall.

1678 5. The work search requirements of this paragraph do not  
1679 apply to persons who are unemployed as a result of a temporary  
1680 layoff or who are claiming benefits under an approved short-time  
1681 compensation plan as provided in s. 443.1116.

1682 6. In small counties as defined in s. 120.52(19), a  
1683 claimant engaging in systematic and sustained efforts to find  
1684 work must contact at least three prospective employers for each  
1685 week of unemployment claimed.

1686 7. The work search requirements of this paragraph do not  
1687 apply to persons required to participate in reemployment  
1688 services under paragraph (e).

1689 Section 42. Subsection (13) is added to section 443.101,  
1690 Florida Statutes, to read:

1691 443.101 Disqualification for benefits.—An individual shall  
1692 be disqualified for benefits:

1693 (13) For any week with respect to which the department  
1694 finds that his or her unemployment is due to a discharge from  
1695 employment for failure without good cause to maintain a license,



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1696 registration, or certification required by applicable law  
1697 necessary for the employee to perform her or his assigned job  
1698 duties. For purposes of this paragraph, the term "good cause"  
1699 includes, but is not limited to, failure of the employer to  
1700 submit information required for a license, registration, or  
1701 certification; short-term physical injury which prevents the  
1702 employee from completing or taking a required test; and  
1703 inability to take or complete a required test that is outside  
1704 the employee's control.

1705 Section 43. Paragraph (b) of subsection (4) of section  
1706 443.1113, Florida Statutes, is amended to read:

1707 443.1113 Reemployment Assistance Claims and Benefits  
1708 Information System.—

1709 (4) The project to implement the Reemployment Assistance  
1710 Claims and Benefits Information System is ~~shall be~~ comprised of  
1711 the following phases and corresponding implementation  
1712 timeframes:

1713 (b) The Reemployment Assistance Claims and Benefits  
1714 Internet portal that replaces the Florida Unemployment Internet  
1715 Direct and the Florida Continued Claims Internet Directory  
1716 systems, the Call Center Interactive Voice Response System, the  
1717 Benefit Overpayment Screening System, the Internet and Intranet  
1718 Appeals System, and the Claims and Benefits Mainframe System  
1719 shall be deployed to full operational status no later than the  
1720 end of fiscal year 2013-2014 ~~2012-2013~~.

1721 Section 44. Subsection (5) of section 443.131, Florida  
1722 Statutes, is amended to read:

1723 443.131 Contributions.—

1724 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—



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1725 (a) When the Unemployment Compensation Trust Fund has  
1726 received advances from the Federal Government under the  
1727 provisions of 42 U.S.C. s. 1321, each contributing employer  
1728 shall be assessed an additional rate solely for the purpose of  
1729 paying interest due on such federal advances. The additional  
1730 rate shall be assessed no later than February 1 in each calendar  
1731 year in which an interest payment is due.

1732 (b) The Revenue Estimating Conference shall estimate the  
1733 amount of ~~such~~ interest due on federal advances by no later than  
1734 December 1 of the calendar year before ~~preceding~~ the calendar  
1735 year in which an interest payment is due. The Revenue Estimating  
1736 Conference shall, at a minimum, consider the following as the  
1737 basis for the estimate:

- 1738 1. The amounts actually advanced to the trust fund.
- 1739 2. Amounts expected to be advanced to the trust fund based  
1740 on current and projected unemployment patterns and employer  
1741 contributions.
- 1742 3. The interest payment due date.
- 1743 4. The interest rate that will be applied by the Federal  
1744 Government to any accrued outstanding balances.

1745 (c) ~~(b)~~ The tax collection service provider shall calculate  
1746 the additional rate to be assessed against contributing  
1747 employers. The additional rate assessed for a calendar year is  
1748 ~~shall be~~ determined by dividing the estimated amount of interest  
1749 to be paid in that year by 95 percent of the taxable wages as  
1750 described in s. 443.1217 paid by all employers for the year  
1751 ending June 30 of the previous ~~immediately preceding~~ calendar  
1752 year. The amount to be paid by each employer is ~~shall be~~ the  
1753 product obtained by multiplying such employer's taxable wages as



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1754 described in s. 443.1217 for the year ending June 30 of the  
1755 previous immediately preceding calendar year by the rate as  
1756 determined by this subsection. An assessment may not be made if  
1757 the amount of assessments on deposit from previous years, plus  
1758 any earned interest, is at least 80 percent of the estimated  
1759 amount of interest.

1760 (d) The tax collection service provider shall make a  
1761 separate collection of such assessment, which may be collected  
1762 at the time of employer contributions and subject to the same  
1763 penalties for failure to file a report, imposition of the  
1764 standard rate pursuant to paragraph (3)(h), and interest if the  
1765 assessment is not received on or before June 30. Section  
1766 443.141(1)(d) and (e) does not apply to this separately  
1767 collected assessment. The tax collection service provider shall  
1768 maintain those funds in the tax collection service provider's  
1769 Audit and Warrant Clearing Trust Fund until the provider is  
1770 directed by the Governor or the Governor's designee to make the  
1771 interest payment to the Federal Government. Assessments on  
1772 deposit must be available to pay the interest on advances  
1773 received from the Federal Government under 42 U.S.C. s. 1321.  
1774 Assessments on deposit may be invested and any interest earned  
1775 shall be part of the balance available to pay the interest on  
1776 advances received from the Federal Government under 42 U.S.C. s.  
1777 1321.

1778 (e) Four months after ~~In the calendar year that~~ all  
1779 advances from the Federal Government under 42 U.S.C. s. 1321 and  
1780 associated interest are repaid, ~~if there are assessment funds in~~  
1781 ~~excess of the amount required to meet the final interest~~  
1782 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant



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1783 Clearing Trust Fund, including associated interest, shall be  
1784 transferred to ~~credited to employer accounts in~~ the Unemployment  
1785 Compensation Trust Fund. Any assessment amounts subsequently  
1786 collected shall also be transferred to the Unemployment  
1787 Compensation Trust Fund in an amount equal to the employer's  
1788 ~~contribution to the assessment for that year divided by the~~  
1789 ~~total amount of the assessment for that year, the result of~~  
1790 ~~which is multiplied by the amount of excess assessed funds.~~

1791 (f) If ~~However,~~ if the state is permitted to defer interest  
1792 payments due during a calendar year under 42 U.S.C. s. 1322,  
1793 payment of the interest assessment is ~~shall~~ not be due. If a  
1794 deferral of interest expires or is subsequently disallowed by  
1795 the Federal Government, either prospectively or retroactively,  
1796 the interest assessment shall be immediately due and payable.  
1797 Notwithstanding any other provision of this section, if interest  
1798 due during a calendar year on federal advances is forgiven or  
1799 postponed under federal law and is no longer due during that  
1800 calendar year, no interest assessment shall be assessed against  
1801 an employer for that calendar year, and any assessment already  
1802 assessed and collected against an employer before the  
1803 forgiveness or postponement of the interest for that calendar  
1804 year shall be credited to such employer's account in the  
1805 Unemployment Compensation Trust Fund. However, such funds may be  
1806 used only to pay benefits or refunds of erroneous contributions.

1807 (g) This subsection expires July 1, 2014.

1808 Section 45. Paragraph (b) of subsection (2) and paragraph  
1809 (a) of subsection (3), and paragraph (a) of subsection (6) of  
1810 section 443.151, Florida Statutes, are amended to read:

1811 443.151 Procedure concerning claims.—



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1812 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF  
1813 CLAIMANTS AND EMPLOYERS.—

1814 (b) *Process.*—When the Reemployment Assistance Claims and  
1815 Benefits Information System described in s. 443.1113 is fully  
1816 operational, the process for filing claims must incorporate the  
1817 process for registering for work with the workforce information  
1818 systems established pursuant to s. 445.011. Unless exempted  
1819 under s. 443.091(1)(b)5., a claim for benefits may not be  
1820 processed until the work registration requirement is satisfied.  
1821 The department may adopt rules as necessary to administer the  
1822 work registration requirement set forth in this paragraph.

1823 (3) DETERMINATION OF ELIGIBILITY.—

1824 (a) *Notices of claim.*—The Department of Economic  
1825 Opportunity shall promptly provide a notice of claim to the  
1826 claimant's most recent employing unit and all employers whose  
1827 employment records are liable for benefits under the monetary  
1828 determination. The employer must respond to the notice of claim  
1829 within 20 days after the mailing date of the notice, or in lieu  
1830 of mailing, within 20 days after the delivery of the notice. If  
1831 a contributing employer or its agent fails to timely or  
1832 adequately respond to the notice of claim or request for  
1833 information, the employer's account may not be relieved of  
1834 benefit charges as provided in s. 443.131(3)(a), notwithstanding  
1835 paragraph (5)(b). The department may adopt rules as necessary to  
1836 implement the processes described in this paragraph relating to  
1837 notices of claim.

1838 (6) RECOVERY AND RECOUPMENT.—

1839 (a) Any person who, by reason of her or his fraud, receives  
1840 benefits under this chapter to which she or he is not entitled





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1841 is liable for repaying those benefits to the Department of  
1842 Economic Opportunity on behalf of the trust fund or, in the  
1843 discretion of the department, to have those benefits deducted  
1844 from future benefits payable to her or him under this chapter.  
1845 In addition, the department shall impose upon the claimant a  
1846 penalty equal to 15 percent of the amount overpaid. To enforce  
1847 this paragraph, the department must find the existence of fraud  
1848 through a redetermination or decision under this section within  
1849 2 years after the fraud was committed. Any recovery or  
1850 recoupment of benefits must be commenced within 7 years after  
1851 the redetermination or decision.

1852 Section 46. Effective January 1, 2014, paragraph (a) of  
1853 subsection (4) of section 443.151, Florida Statutes, is amended  
1854 to read:

1855 (4) APPEALS.—

1856 (a) Appeals referees.—

1857 1. The Department of Economic Opportunity shall appoint one  
1858 or more impartial salaried appeals referees in accordance with  
1859 s. 443.171(3) to hear and decide appealed claims.

1860 2. An appeals referee must be an attorney in good standing  
1861 with the Florida Bar or be successfully admitted to the Florida  
1862 Bar within 8 months after his or her date of employment. This  
1863 subparagraph does not apply to an appeals referee appointed  
1864 before January 1, 2014.

1865 3. A person may not participate on behalf of the department  
1866 as an appeals referee in any case in which she or he is an  
1867 interested party.

1868 4. The department may designate alternates to serve in the  
1869 absence or disqualification of any appeals referee on a



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1870 temporary basis. These alternates must have the same  
1871 qualifications required of appeals referees.

1872 5. The department shall provide the commission and the  
1873 appeals referees with proper facilities and assistance for the  
1874 execution of their functions.

1875 Section 47. Subsection (1) of section 443.1715, Florida  
1876 Statutes, is amended to read:

1877 443.1715 Disclosure of information; confidentiality.—

1878 (1) RECORDS AND REPORTS.—Information revealing an employing  
1879 unit's or individual's identity obtained from the employing unit  
1880 or any individual under the administration of this chapter, and  
1881 any determination revealing that information, is confidential  
1882 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
1883 Constitution. This confidential information may be released in  
1884 accordance with the provisions in 20 C.F.R. part 603. A person  
1885 receiving confidential information who violates this subsection  
1886 commits a misdemeanor of the second degree, punishable as  
1887 provided in s. 775.082 or s. 775.083. The Department of Economic  
1888 Opportunity or its tax collection service provider may, however,  
1889 furnish to any employer copies of any report submitted by that  
1890 employer upon the request of the employer and may furnish to any  
1891 claimant copies of any report submitted by that claimant upon  
1892 the request of the claimant. The department or its tax  
1893 collection service provider may charge a reasonable fee for  
1894 copies of these reports as prescribed by rule, which may not  
1895 exceed the actual reasonable cost of the preparation of the  
1896 copies. Fees received for copies under this subsection must be  
1897 deposited in the Employment Security Administration Trust Fund.

1898 Section 48. Subsection (1) of section 443.191, Florida



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1899 Statutes, is amended to read:

1900 443.191 Unemployment Compensation Trust Fund; establishment  
1901 and control.—

1902 (1) There is established, as a separate trust fund apart  
1903 from all other public funds of this state, an Unemployment  
1904 Compensation Trust Fund, which shall be administered by the  
1905 Department of Economic Opportunity exclusively for the purposes  
1906 of this chapter. The fund must ~~shall~~ consist of:

1907 (a) All contributions and reimbursements collected under  
1908 this chapter;

1909 (b) Interest earned on any moneys in the fund;

1910 (c) Any property or securities acquired through the use of  
1911 moneys belonging to the fund;

1912 (d) All earnings of these properties or securities;

1913 (e) All money credited to this state's account in the  
1914 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.  
1915 1103; ~~and~~

1916 (f) All money collected for penalties imposed pursuant to  
1917 s. 443.151(6) (a); and

1918 (g) Advances on the amount in the federal Unemployment  
1919 Compensation Trust Fund credited to the state under 42 U.S.C. s.  
1920 1321, as requested by the Governor or the Governor's designee.

1921  
1922 Except as otherwise provided in s. 443.1313(4), all moneys in  
1923 the fund must ~~shall~~ be mingled and undivided.

1924 Section 49. Paragraph (b) of subsection (3) and subsection  
1925 (4) of section 446.50, Florida Statutes, are amended to read:

1926 446.50 Displaced homemakers; multiservice programs; report  
1927 to the Legislature; Displaced Homemaker Trust Fund created.—



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1928 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC  
1929 OPPORTUNITY.—

1930 (b)1. The department shall enter into contracts with, and  
1931 make grants to, public and nonprofit private entities for  
1932 purposes of establishing multipurpose service programs for  
1933 displaced homemakers under this section. Such grants and  
1934 contracts must ~~shall~~ be awarded pursuant to chapter 287 and  
1935 based on criteria established in the program state plan as  
1936 provided in subsection (4) developed pursuant to this section.  
1937 The department shall designate catchment areas that together,  
1938 must ~~shall~~ compose the entire state, and, to the extent possible  
1939 from revenues in the Displaced Homemaker Trust Fund, the  
1940 department shall contract with, and make grants to, entities  
1941 that will serve entire catchment areas so that displaced  
1942 homemaker service programs are available statewide. These  
1943 catchment areas must ~~shall~~ be coterminous with the state's  
1944 workforce development regions. The department may give priority  
1945 to existing displaced homemaker programs when evaluating bid  
1946 responses to the request for proposals.

1947 2. In order to receive funds under this section, and unless  
1948 specifically prohibited by law from doing so, an entity that  
1949 provides displaced homemaker service programs must receive at  
1950 least 25 percent of its funding from one or more local,  
1951 municipal, or county sources or nonprofit private sources. In-  
1952 kind contributions may be evaluated by the department and  
1953 counted as part of the required local funding.

1954 3. The department shall require an entity that receives  
1955 funds under this section to maintain appropriate data to be  
1956 compiled in an annual report to the department. Such data must



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1957 ~~shall~~ include, but is ~~shall~~ not be limited to, the number of  
1958 clients served, the units of services provided, designated  
1959 client-specific information including intake and outcome  
1960 information specific to each client, costs associated with  
1961 specific services and program administration, total program  
1962 revenues by source and other appropriate financial data, and  
1963 client followup information at specified intervals after the  
1964 placement of a displaced homemaker in a job.

1965 (4) DISPLACED HOMEMAKER PROGRAM STATE PLAN.—

1966 ~~(a)~~ The Department of Economic Opportunity shall include in  
1967 its annual report required under s. 20.60 a develop a 3-year  
1968 state plan for the displaced homemaker program which shall be  
1969 updated annually. The plan must address, at a minimum, the need  
1970 for programs specifically designed to serve displaced  
1971 homemakers, any necessary service components for such programs  
1972 in addition to those described ~~enumerated~~ in this section, goals  
1973 of the displaced homemaker program with an analysis of the  
1974 extent to which those goals are being met, and recommendations  
1975 for ways to address any unmet program goals. Any request for  
1976 funds for program expansion must be based on the ~~state~~ plan.

1977 ~~(b)~~ The displaced homemaker program ~~Each annual update must~~  
1978 ~~address any changes in the components of the 3-year state plan~~  
1979 ~~and a report that~~ must include, but need not be limited to, the  
1980 following:

1981 (a)1. The scope of the incidence of displaced homemakers;

1982 (b)2. A compilation and report, by program, of data  
1983 submitted to the department pursuant to subparagraph (3) (b)3.  
1984 ~~subparagraph 3.~~ by funded displaced homemaker service programs;

1985 (c)3. An identification and description of the programs in



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1986 the state which receive funding from the department, including  
1987 funding information; and

1988 ~~(d)4-~~ An assessment of the effectiveness of each displaced  
1989 homemaker service program based on outcome criteria established  
1990 by rule of the department.

1991 ~~(c) The 3-year state plan must be submitted to the~~  
1992 ~~President of the Senate, the Speaker of the House of~~  
1993 ~~Representatives, and the Governor on or before January 1, 2001,~~  
1994 ~~and annual updates of the plan must be submitted by January 1 of~~  
1995 ~~each subsequent year.~~

1996 Section 50. Section 288.80, Florida Statutes, is created to  
1997 read:

1998 288.80 Short title.—Sections 288.80-288.84 may be cited as  
1999 the "Gulf Coast Economic Corridor Act."

2000 Section 51. Section 288.801, Florida Statutes, is created  
2001 to read:

2002 288.801 Gulf Coast Economic Corridor; Legislative Intent.—  
2003 The Legislature recognizes that fully supporting areas affected  
2004 by the Deepwater Horizon disaster to ensure goals for economic  
2005 recovery and diversification are achieved is in the best  
2006 interest of the citizens of the state. The Legislature intends  
2007 to provide a long-term source of funding for efforts of economic  
2008 recovery and enhancement in the gulf coast region. The  
2009 Legislature finds that it is important to help businesses,  
2010 individuals, and local governments in the Gulf Coast region  
2011 recover.

2012 Section 52. Section 288.81, Florida Statutes, is created to  
2013 read:

2014 288.81 Definitions.—As used in ss. 288.80-288.84, the term:



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2015 (a) "Awardee" means a person, organization, or local  
2016 government granted an award of funds from the Recovery Fund for  
2017 a project or program.

2018 (b) "Disproportionately affected county" means Bay County,  
2019 Escambia County, Franklin County, Gulf County, Okaloosa County,  
2020 Santa Rosa County, Walton County, or Wakulla County.

2021 (c) "Earnings" means all the income generated by  
2022 investments and interest.

2023 (d) "Recovery Fund" means a trust account established by  
2024 Triumph Gulf Coast, Inc., for the benefit of the  
2025 disproportionately affected counties.

2026 Section 53. Section 288.82, Florida Statutes, is created to  
2027 read:

2028 288.82 Triumph Gulf Coast, Inc.; Recovery Fund; Creation;  
2029 Investment.—

2030 (1) There is created within the Department of Economic  
2031 Opportunity a nonprofit corporation, to be known as Triumph Gulf  
2032 Coast, Inc., which shall be registered, incorporated, organized,  
2033 and operated in compliance with chapter 617, and which is not a  
2034 unit or entity of state government. Triumph Gulf Coast, Inc.,  
2035 may receive, hold, invest, and administer the Recovery Fund in  
2036 support of this act. Triumph Gulf Coast, Inc., is a separate  
2037 budget entity and is not subject to control, supervision, or  
2038 direction by the Department of Economic Opportunity in any  
2039 manner, including, but not limited to, personnel, purchasing,  
2040 transactions involving real or personal property, and budgetary  
2041 matters.

2042 (2) Triumph Gulf Coast, Inc., must create and administer  
2043 the Recovery Fund for the benefit of the disproportionately



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2044 affected counties. The principal of the fund shall derive from  
2045 75 percent of all funds recovered by the Attorney General for  
2046 economic damage to the state resulting from the Deepwater  
2047 Horizon disaster, after payment of reasonable and necessary  
2048 attorney fees, costs, and expenses, including such attorney  
2049 fees, costs, and expenses pursuant to s. 16.0155.

2050 (3) The Recovery Fund must be maintained as a long-term and  
2051 stable source of revenue, which shall decline over a 30-year  
2052 period in equal amounts each year. Triumph Gulf Coast, Inc.,  
2053 shall establish a trust account at a federally insured financial  
2054 institution to hold funds and make deposits and payments.  
2055 Earnings generated by investments and interest of the fund, plus  
2056 the amount of principal available each year, shall be available  
2057 to make awards pursuant to this act and pay administrative  
2058 costs. Earnings shall be accounted for separately from principal  
2059 funds set forth in subsection (2). Administrative costs are  
2060 limited to 2.25 percent of the earnings in a calendar year.  
2061 Administrative costs include payment of investment fees, travel  
2062 and per diem expenses of board members, audits, salary or other  
2063 costs for employed or contracted staff, including required staff  
2064 under s. 288.83(9), and other allowable costs. Any funds  
2065 remaining in the Recovery Fund after 30 years shall revert to  
2066 the State Treasury.

2067 (4) Triumph Gulf Coast, Inc., shall invest and reinvest the  
2068 principal of the Recovery Fund in accordance with s. 617.2104,  
2069 in such a manner not to subject the funds to state or federal  
2070 taxes, and consistent with an investment policy statement  
2071 adopted by the corporation.

2072 (a) The board of directors shall formulate an investment





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2073 policy governing the investment of the principal of the Recovery  
2074 Fund. The policy shall pertain to the types, kinds or nature of  
2075 investment of any of the funds, and any limitations, conditions  
2076 or restrictions upon the methods, practices or procedures for  
2077 investment, reinvestments, purchases, sales or exchange  
2078 transactions, provided such policies shall not conflict with nor  
2079 be in derogation of any state constitutional provision or law.  
2080 The policy shall be formulated with the advice of the financial  
2081 advisor in consultation with the State Board of Administration

2082 (b) Triumph Gulf Coast, Inc., must competitively procure  
2083 one or more money managers, under the advice of the financial  
2084 advisor in consultation with the State Board of Administration,  
2085 to invest the principal of the Recovery Fund. The applicant  
2086 manager or managers may not include representatives from the  
2087 financial institution housing the trust account for the Recovery  
2088 Fund. The applicant manager or managers must present a plan to  
2089 invest the Recovery Fund to maximize earnings while prioritizing  
2090 the preservation of Recovery Fund principal. Any agreement with  
2091 a money manager must be reviewed by Triumph Gulf Coast, Inc.,  
2092 for continuance at least every 5 years. Plans should include  
2093 investment in technology and growth businesses domiciled in, or  
2094 that will be domiciled in, this state or businesses whose  
2095 principal address is in this state.

2096 (c) Costs and fees for investment services shall be  
2097 deducted from the earnings as administrative costs. Fees for  
2098 investment services shall be no greater than 150 basis points.

2099 (d) Annually, Triumph Gulf Coast, Inc., shall cause an  
2100 audit to be conducted of the investment of the Recovery Fund by  
2101 the independent certified public accountant retained in s.



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2102 288.83. The expense of such audit shall be paid from earnings  
2103 for administrative purposes.

2104 (5) Triumph Gulf Coast, Inc., shall report on June 30 and  
2105 December 30 each year to the Governor, the President of the  
2106 Senate, and the Speaker of the House of Representatives on the  
2107 financial status of the Recovery Fund and its investments, the  
2108 established priorities, the project and program selection  
2109 process, including a list of all submitted projects and reasons  
2110 for approval or denial, and the status of all approved awards.

2111 (6) The Auditor General shall conduct an audit of the  
2112 Recovery Fund and Triumph Gulf Coast, Inc., annually. Triumph  
2113 Gulf Coast, Inc., shall provide to the Auditor General any  
2114 detail or supplemental data required.

2115 Section 54. Section 288.83, Florida Statutes, is created to  
2116 read:

2117 288.83 Triumph Gulf Coast, Inc.; Organization; Board of  
2118 Directors.-

2119 (1) Triumph Gulf Coast, Inc., is subject to the provisions  
2120 of chapter 119 relating to public records and those provisions  
2121 of chapter 286 relating to public meetings and records.

2122 (2) Triumph Gulf Coast, Inc., shall be governed by a 5-  
2123 member board of directors. Each of the Trustees of the State  
2124 Board of Administration, the President of the Senate, and the  
2125 Speaker of the House of Representatives shall each appoint one  
2126 member from the private sector. The board of directors shall  
2127 annually elect a chairperson from among the board's members. The  
2128 chairperson may be removed by a majority vote of the members.  
2129 His or her successor shall be elected to serve for the balance  
2130 of the removed chairperson's term. The chairperson is



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2131 responsible to ensure records are kept of the proceedings of the  
2132 board of directors and is the custodian of all books, documents,  
2133 and papers filed with the board; the minutes of meetings of the  
2134 board; and the official seal of Triumph Gulf Coast, Inc.

2135 (3) Each member of the board of directors shall serve for a  
2136 term of 4 years, except that initially the appointments of the  
2137 President of the Senate and the Speaker of the House of  
2138 Representatives each shall serve a term of 2 years to achieve  
2139 staggered terms among the members of the board. A member is not  
2140 eligible for reappointment to the board, except, however, any  
2141 member appointed to a term of 2 years or less may be reappointed  
2142 for an additional term of 4 years. The initial appointments to  
2143 the board must be made by November 15, 2013. Vacancies on the  
2144 board of directors shall be filled by the officer who originally  
2145 appointed the member. A vacancy that occurs before the scheduled  
2146 expiration of the term of the member shall be filled for the  
2147 remainder of the unexpired term.

2148 (4) The Legislature determines that it is in the public  
2149 interest for the members of the board of directors to be subject  
2150 to the requirements of ss. 112.3135, 112.3143, and 112.313,  
2151 notwithstanding the fact that the board members are not public  
2152 officers or employees. For purposes of those sections, the board  
2153 members shall be considered to be public officers or employees.  
2154 In addition to the postemployment restrictions of s. 112.313(9),  
2155 a person appointed to the board of directors must agree to  
2156 refrain from having any direct interest in any contract,  
2157 franchise, privilege, project, program, or other benefit arising  
2158 from an award by Triumph Gulf Coast, Inc., during the term of  
2159 his or her appointment and for 2 years after the termination of



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2160 such appointment. It is a misdemeanor of the first degree,  
2161 punishable as provided in s. 775.082 or s. 775.083, for a person  
2162 to accept appointment to the board of directors in violation of  
2163 this subsection or to accept a direct interest in any contract,  
2164 franchise, privilege, project, program, or other benefit granted  
2165 by Triumph Gulf Coast, Inc., to an awardee within 2 years after  
2166 the termination of his or her service on the board. Further,  
2167 each member of the board of directors who is not otherwise  
2168 required to file financial disclosure under s. 8, Art. II of the  
2169 State Constitution or s. 112.3144 shall file disclosure of  
2170 financial interests under s. 112.3145.

2171 (5) Each member of the board of directors shall serve  
2172 without compensation, but shall receive travel and per diem  
2173 expenses as provided in s. 112.061 while in the performance of  
2174 his or her duties.

2175 (6) Each member of the board of directors is accountable  
2176 for the proper performance of the duties of office, and each  
2177 member owes a fiduciary duty to the people of the state to  
2178 ensure that awards provided are disbursed and used, and  
2179 investments are made, as prescribed by law and contract. An  
2180 appointed member of the board of directors may be removed by the  
2181 officer that appointed the member for malfeasance, misfeasance,  
2182 neglect of duty, incompetence, permanent inability to perform  
2183 official duties, unexcused absence from three consecutive  
2184 meetings of the board, arrest or indictment for a crime that is  
2185 a felony or a misdemeanor involving theft or a crime of  
2186 dishonesty, or pleading nolo contendere to, or being found  
2187 guilty of, any crime.

2188 (7) The board of directors shall meet at least quarterly,



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2189 upon the call of the chairperson or at the request of a majority  
2190 of the membership, to review the Recovery Fund, establish and  
2191 review priorities for economic recovery in disproportionately  
2192 affected counties, and determine use of the earnings available.  
2193 A majority of the members of the board of directors constitutes  
2194 a quorum. Members may not vote by proxy.

2195 (8) The executive director of the Department of Economic  
2196 Opportunity, or his or her designee, the secretary of the  
2197 Department of Environmental Protection, or his or her designee,  
2198 and the chair of the Committee of 8 Disproportionally Affected  
2199 Counties, or his or her designee, shall be available to consult  
2200 with the board of directors and may be requested to attend  
2201 meetings of the board of directors. These individuals shall not  
2202 be permitted to vote on any matter before the board.

2203 (9) (a) Triumph Gulf Coast, Inc., is permitted to hire or  
2204 contract for all staff necessary to the proper execution of its  
2205 powers and duties to implement this act. The corporation is  
2206 required to retain:

2207 1. An independent certified public accountant licensed in  
2208 this state pursuant to chapter 473 to inspect the records of and  
2209 to audit the expenditure of the earnings and available principal  
2210 disbursed by Triumph Gulf Coast, Inc.

2211 2. An independent financial advisor to assist Triumph Gulf  
2212 Coast, Inc., in the development and implementation of a  
2213 strategic plan consistent with the requirements of this act.

2214 3. An economic advisor who will assist in the award  
2215 process, including the development of priorities, allocation  
2216 decisions, and the application and process; will assist the  
2217 board in determining eligibility of award applications and the



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2218 evaluation and scoring of applications; and will assist in the  
2219 development of award documentation.

2220 4. A legal advisor with expertise in not-for-profit  
2221 investing and contracting and who is a member of the Florida Bar  
2222 to assist with contracting and carrying out the intent of this  
2223 act.

2224 (b) Triumph Gulf Coast, Inc., shall require all employees  
2225 of the corporation to comply with the code of ethics for public  
2226 employees under part III of chapter 112. Retained staff under  
2227 paragraph (a) must agree to refrain from having any direct  
2228 interest in any contract, franchise, privilege, project,  
2229 program, or other benefit arising from an award by Triumph Gulf  
2230 Coast, Inc., during the term of his or her appointment and for 2  
2231 years after the termination of such appointment.

2232 (c) Retained staff under paragraph (a) shall be available  
2233 to consult with the board of directors and shall attend meetings  
2234 of the board of directors. These individuals shall not be  
2235 permitted to vote on any matter before the board.

2236 Section 55. Section 288.831, Florida Statutes, is created  
2237 to read:

2238 288.831 Board of Directors; Powers.—In addition to the  
2239 powers and duties prescribed in chapter 617 and the articles and  
2240 bylaws adopted in compliance with that chapter, the board of  
2241 directors may:

2242 (1) Make and enter into contracts and other instruments  
2243 necessary or convenient for the exercise of its powers and  
2244 functions.

2245 (2) Make expenditures including any necessary  
2246 administrative expenditure from earnings consistent with its



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2247 powers.  
2248 (3) Adopt, use, and alter a common corporate seal.  
2249 Notwithstanding any provision of chapter 617 to the contrary,  
2250 this seal is not required to contain the words "corporation not  
2251 for profit."  
2252 (4) Adopt, amend, and repeal bylaws, not inconsistent with  
2253 the powers granted to it or the articles of incorporation, for  
2254 the administration of the activities of Triumph Gulf Coast,  
2255 Inc., and the exercise of its corporate powers.  
2256 (5) Use the state seal, notwithstanding the provisions of  
2257 s. 15.03, when appropriate, for standard corporate identity  
2258 applications. Use of the state seal is not intended to replace  
2259 use of a corporate seal as provided in this section.  
2260  
2261 Under no circumstances may the credit of the State of Florida be  
2262 pledged on behalf of Triumph Gulf Coast, Inc.  
2263 Section 56. Section 288.832, Florida Statutes, is created  
2264 to read:  
2265 288.832 Triumph Gulf Coast, Inc.; Duties.—Triumph Gulf  
2266 Coast, Inc., shall have the following duties:  
2267 (1) Manage responsibly and prudently all funds received,  
2268 and ensure that the use of such funds is in accordance with all  
2269 applicable laws, bylaws, or contractual requirements.  
2270 (2) Administer the program created under this act.  
2271 (3) Monitor, review, and annually evaluate awardees and  
2272 their projects or programs to determine whether an award should  
2273 be continued, terminated, reduced, or increased.  
2274 (4) Operate in a transparent manner, providing public  
2275 access to information, notice of meetings, awards, and the



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2276 status of projects and programs. To this end, Triumph Gulf  
2277 Coast, Inc., shall maintain a website that provides public  
2278 access to this information.

2279 Section 57. Section 288.84, Florida Statutes, is created to  
2280 read:

2281 288.84 Awards.—

2282 (1) Triumph Gulf Coast, Inc., shall make awards from  
2283 available earnings and principal derived under s. 288.82(2) to  
2284 projects or programs that meet the priorities for economic  
2285 recovery, diversification, and enhancement of the  
2286 disproportionately affected counties, notwithstanding s. 377.43.

2287 Awards may be provided for:

2288 (a) Ad valorem tax reduction within disproportionately  
2289 affected counties;

2290 (b) Payment of impact fees adopted pursuant to s. 163.31801  
2291 and imposed within disproportionately affected counties;

2292 (c) Administrative funding for economic development  
2293 organizations located within the disproportionately affected  
2294 counties;

2295 (d) Local match requirements of ss. 288.0655, 288.0659,  
2296 288.1045, and 288.106 for projects in the disproportionately  
2297 affected counties;

2298 (e) Economic development projects in the disproportionately  
2299 affected counties;

2300 (f) Infrastructure projects that are shown to enhance  
2301 economic development in the disproportionately affected  
2302 counties;

2303 (g) Grants to local governments in the disproportionately  
2304 affected counties to establish and maintain equipment and





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2305 trained personnel for local action plans of response to respond  
2306 to disasters, such as plans created for the Coastal Impacts  
2307 Assistance Program;

2308 (h) Grants to support programs of excellence that prepare  
2309 students for future occupations and careers at K-20 institutions  
2310 that have home campuses in the disproportionately affected  
2311 counties. Eligible programs include those that increase  
2312 students' technology skills and knowledge; encourage industry  
2313 certifications; provide rigorous, alternative pathways for  
2314 students to meet high school graduation requirements; strengthen  
2315 career readiness initiatives; fund high-demand programs of  
2316 emphasis at the bachelor's and master's level designated by the  
2317 Board of Governors; and, similar to or the same as talent  
2318 retention programs created by the Chancellor of the State  
2319 University System and the Commission of Education, encourage  
2320 students with interest or aptitude for science, technology,  
2321 engineering, mathematics, and medical disciplines to pursue  
2322 postsecondary education at a state university within the  
2323 disproportionately affected counties; and

2324 (i) Grants to the tourism entity created under s. 288.1226  
2325 for the purpose of advertising and promoting tourism, Fresh From  
2326 Florida, or related content on behalf of one or all of the  
2327 disproportionately affected counties.

2328 (2) Triumph Gulf Coast, Inc., shall establish an  
2329 application procedure for awards and a scoring process for the  
2330 selection of projects and programs that have the potential to  
2331 generate increased economic activity in the disproportionately  
2332 affected counties, giving priority to projects and programs  
2333 that:



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2334           (a) Generate maximum estimated economic benefits, based on  
2335 tools and models not generally employed by economic input-output  
2336 analyses, including cost-benefit, return-on-investment, or  
2337 dynamic scoring techniques to determine how the long-term  
2338 economic growth potential of the disproportionately affected  
2339 counties may be enhanced by the investment.

2340           (b) Increase household income in the disproportionately  
2341 affected counties above national average household income.

2342           (c) Expand high growth industries or establish new high  
2343 growth industries in the region.

2344           1. Industries that are supported must have strong growth  
2345 potential in the disproportionately affected counties.

2346           2. An industry's growth potential is defined based on a  
2347 detailed review of the current industry trends nationally and  
2348 the necessary supporting asset base for that industry in the  
2349 disproportionately affected counties region.

2350           (d) Leverage or further enhance key regional assets,  
2351 including educational institutions, research facilities, and  
2352 military bases.

2353           (e) Partner with local governments to provide funds,  
2354 infrastructure, land, or other assistance for the project.

2355           (f) Have investment commitments from private equity or  
2356 private venture capital funds.

2357           (g) Provide or encourage seed stage investments in start-up  
2358 companies.

2359           (h) Provide advice and technical assistance to companies on  
2360 restructuring existing management, operations, or production to  
2361 attract advantageous business opportunities.

2362           (i) Benefit the environment in addition to the economy.



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2363           (j) Provide outcome measures for programs of excellence  
2364 support, including terms of intent and metrics.

2365           (k) Partner with K-20 educational institutions or school  
2366 districts located within the disproportionately affected  
2367 counties.

2368           (l) Partner with convention and visitor bureaus, tourist  
2369 development councils, or chambers of commerce located within the  
2370 disproportionately affected counties.

2371           (3) Triumph Gulf Coast, Inc., may make awards as  
2372 applications are received or may establish application periods  
2373 for selection. Awards may not be used to finance 100 percent of  
2374 any project or program. Triumph Gulf Coast, Inc., may require a  
2375 one-to-one private-sector match or higher for an award, if  
2376 applicable and deemed prudent by the board of directors. An  
2377 awardee may not receive all of the earnings or available  
2378 principal in any given year.

2379           (4) A contract executed by Triumph Gulf Coast, Inc., with  
2380 an awardee must include provisions requiring a performance  
2381 report on the contracted activities, must account for the proper  
2382 use of funds provided under the contract, and must include  
2383 provisions for recovery of awards in the event the award was  
2384 based upon fraudulent information or the awardee is not meeting  
2385 the performance requirements of the award. Awardees must  
2386 regularly report to Triumph Gulf Coast, Inc., the status of the  
2387 project or program on a schedule determined by the corporation.

2388           Section 58. Gulf Coast Audits.—

2389           (1) The scope of a financial audit conducted pursuant to s.  
2390 218.39, Florida Statutes, shall include funds related to the  
2391 Deepwater Horizon oil spill for any year in which a local



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2392 government entity receives or expends funds related to the  
2393 Deepwater Horizon oil spill, including any funds under s.  
2394 288.84, Florida Statutes, or under 33 U.S.C. 1321(t). The scope  
2395 of review for these funds shall include, but is not limited to,  
2396 compliance with state and federal laws related to the receipt  
2397 and expenditure of these funds.

2398 (2) Every 2 years, the Auditor General shall conduct an  
2399 operational audit, as defined in s. 11.45, Florida Statutes, of  
2400 a local government entity's funds related to the Deepwater  
2401 Horizon oil spill to evaluate the local government entity's  
2402 performance in administering laws, policies, and procedures  
2403 governing the expenditure of funds related to the Deepwater  
2404 Horizon oil spill in an efficient and effective manner. The  
2405 scope of review shall include, but is not limited to, evaluating  
2406 internal controls, internal audit functions, reporting and  
2407 performance requirements required for use of the funds, and  
2408 compliance with state and federal law. The audit shall include  
2409 any funds the local government entity receives or expends  
2410 related to the Deepwater Horizon oil spill, including any funds  
2411 under s. 288.84, Florida Statutes, or under 33 U.S.C. 1321(t).

2412 (3) In addition to the rules of the Auditor General adopted  
2413 under s. 11.45(8), Florida Statutes, the Auditor General shall  
2414 adopt rules for the form and conduct of all financial audits  
2415 performed by independent certified public accountants and for  
2416 audits of local government entities conducted under this section  
2417 for funds received under 33 U.S.C. 1321(t). Such rules shall  
2418 take into account the rules for such audits set forth by the  
2419 Secretary of the Treasury pursuant to 33 U.S.C 1321(t).

2420 (4) The Auditor General may report findings to the



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2421 Secretary of the Treasury of the United States in addition to  
2422 the reporting requirements under state law.

2423 Section 59. Except as otherwise expressly provided in this  
2424 act, this act shall take effect upon becoming law.

2425

2426 ===== T I T L E A M E N D M E N T =====

2427 And the title is amended as follows:

2428 Delete everything before the enacting clause  
2429 and insert:

2430

A bill to be entitled

2431 An act relating to economic development; establishing  
2432 the Economic Development Programs Evaluation;  
2433 requiring the Office of Economic and Demographic  
2434 Research and the Office of Program Policy Analysis and  
2435 Government Accountability to present the evaluation;  
2436 requiring the offices to develop and submit a work  
2437 plan for completing the evaluation by a certain date;  
2438 requiring the offices to provide an analysis of  
2439 certain economic development programs and specifying a  
2440 schedule; requiring the Office of Economic and  
2441 Demographic Research to make certain evaluations in  
2442 its analysis; limiting the office's evaluation for the  
2443 purposes of tax credits, tax refunds, sales tax  
2444 exemptions, cash grants, and similar programs;  
2445 requiring the office to use a certain model to  
2446 evaluate each program; requiring the Office of Program  
2447 Policy Analysis and Government Accountability to make  
2448 certain evaluations in its analysis; providing the  
2449 offices access to all data necessary to complete the



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2450 evaluation; amending s. 20.60, F.S.; revising the date  
2451 on which the Department of Economic Opportunity and  
2452 Enterprise Florida, Inc., are required to report on  
2453 the business climate and economic development in the  
2454 state; specifying reports and information that must be  
2455 included; amending s. 201.15, F.S.; revising the  
2456 distribution of funds in the Grants and Donations  
2457 Trust Fund; amending s. 212.08, F.S.; revising  
2458 definitions; clarifying the application of certain  
2459 amendments; amending s. 213.053, F.S.; authorizing the  
2460 Department of Revenue to make certain information  
2461 available to the director of the Office of Program  
2462 Policy Analysis and Government Accountability and the  
2463 coordinator of the Office of Economic and Demographic  
2464 Research; authorizing the offices to share certain  
2465 information; amending s. 220.194, F.S.; requiring the  
2466 annual report for the Florida Space Business  
2467 Incentives Act to be included in the annual incentives  
2468 report; deleting certain reporting requirements;  
2469 amending s. 288.001, F.S.; providing a network  
2470 purpose; providing definitions; requiring the  
2471 statewide director and the network to operate the  
2472 program in compliance with federal laws and  
2473 regulations and a Board of Governors regulation;  
2474 requiring the statewide director to consult with the  
2475 Board of Governors, the Department of Economic  
2476 Opportunity, and the network's statewide advisory  
2477 board to establish certain policies and goals;  
2478 requiring the network to maintain a statewide advisory



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2479 board; providing for advisory board membership;  
2480 providing for terms of membership; providing for  
2481 certain member reimbursement; requiring the director  
2482 to develop support services; specifying support  
2483 service requirements; requiring businesses that  
2484 receive support services to participate in certain  
2485 assessments; requiring the network to provide a match  
2486 equal to certain state funding; providing criteria for  
2487 the match; requiring the statewide director to  
2488 coordinate with the host institution to establish a  
2489 pay-per-performance incentive; providing for pay-per-  
2490 performance incentive funding and distribution;  
2491 providing a distribution formula requirement;  
2492 requiring the statewide director to coordinate with  
2493 the advisory board to distribute funds for certain  
2494 purposes and develop programs to distribute funds for  
2495 those purposes; requiring the network to announce  
2496 available funding, performance expectations, and other  
2497 requirements; requiring the statewide director to  
2498 present applications and recommendations to the  
2499 advisory board; requiring applications approved by the  
2500 advisory board to be publicly posted; providing  
2501 minimum requirements for a program; prohibiting  
2502 certain regional small business development centers  
2503 from receiving funds; providing that match funding may  
2504 not be reduced for regional small business development  
2505 centers receiving additional funds; requiring the  
2506 statewide director to regularly update the Board of  
2507 Governors, the department, and the advisory board with



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2508 certain information; requiring the statewide director,  
2509 in coordination with the advisory board, to annually  
2510 report certain information to the President of the  
2511 Senate and the Speaker of the House of  
2512 Representatives; amending s. 288.005, F.S.; providing  
2513 a definition; amending s. 288.012, F.S.; requiring  
2514 each State of Florida international office to submit a  
2515 report to Enterprise Florida, Inc., for inclusion in  
2516 its annual report; deleting a reporting date; amending  
2517 s. 288.061, F.S.; requiring the Department of Economic  
2518 Opportunity to analyze each economic development  
2519 incentive application; prohibiting the executive  
2520 director from approving an economic development  
2521 incentive application unless a specified written  
2522 declaration is received; requiring an awardee to  
2523 provide a signed written declaration in specified  
2524 years; providing that the department may adopt rules  
2525 to implement this section; amending s. 288.0656, F.S.;  
2526 requiring the Rural Economic Development Initiative to  
2527 submit a report to supplement the Department of  
2528 Economic Opportunity's annual report; deleting certain  
2529 reporting requirements; amending s. 288.076, F.S.;  
2530 providing definitions; requiring the Department of  
2531 Economic Opportunity to publish on a website specified  
2532 information concerning state investment in economic  
2533 development programs; requiring the department to work  
2534 with the Office of Economic and Demographic Research  
2535 to provide a description of specified methodology and  
2536 requiring the department to publish such description





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2537 on its website; providing procedures and requirements  
2538 for reviewing, updating, and supplementing specified  
2539 published information; requiring the department to  
2540 annually publish information relating to the progress  
2541 of Quick Action Closing Fund projects; requiring the  
2542 department to publish certain confidential information  
2543 pertaining to participant businesses upon expiration  
2544 of a specified confidentiality period; requiring the  
2545 department to publish certain reports concerning  
2546 businesses that fail to complete tax refund agreements  
2547 under the tax refund program for qualified target  
2548 industry businesses; providing for construction and  
2549 legislative intent; authorizing the department to  
2550 adopt rules; repealing s. 288.095(3)(c), F.S.,  
2551 relating to the annual report by Enterprise Florida,  
2552 Inc., of programs funded by the Economic Development  
2553 Incentives Account; amending s. 288.106, F.S.;  
2554 deleting and adding provisions relating to the  
2555 application and approval process of the tax refund  
2556 program for qualified target industry businesses;  
2557 requiring the Department of Economic Opportunity to  
2558 include information on qualified target industry  
2559 businesses in the annual incentives report; deleting  
2560 certain reporting requirements; amending 288.107,  
2561 F.S.; revising definitions; revising provisions to  
2562 conform to changes made by the act; revising the  
2563 minimum criteria for participation in the brownfield  
2564 redevelopment bonus refund; clarifying the application  
2565 of certain amendments; amending s. 288.1081, F.S.;



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2566 requiring the use of loan funds from the Economic  
2567 Gardening Business Loan Pilot Program to be included  
2568 in the department's annual report; deleting certain  
2569 reporting requirements; amending s. 288.1082, F.S.;  
2570 requiring the progress of the Economic Gardening  
2571 Technical Assistance Pilot Program to be included in  
2572 the department's annual report; deleting certain  
2573 reporting requirements; amending s. 288.1088, F.S.;  
2574 requiring the department to validate contractor  
2575 performance for the Quick Action Closing Fund and  
2576 include the performance validation in the annual  
2577 incentives report; deleting certain reporting  
2578 requirements; amending s. 288.1089, F.S.; requiring  
2579 that certain projects in the Innovation Incentive  
2580 Program provide a cumulative break-even economic  
2581 benefit; requiring the department to report  
2582 information relating to the Innovation Incentive  
2583 Program in the annual incentives report; deleting  
2584 certain reporting requirements; deleting provisions  
2585 that require the Office of Program Policy Analysis and  
2586 Government Accountability and the Auditor General's  
2587 Office to report on the Innovation Incentive Program;  
2588 amending s. 288.1253, F.S.; revising a reporting date;  
2589 requiring expenditures of the Office of Film and  
2590 Entertainment to be included in the annual  
2591 entertainment industry financial incentive program  
2592 report; amending s. 288.1254, F.S.; revising a  
2593 reporting date; requiring the annual entertainment  
2594 industry financial incentive program report to include



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2595 certain information; amending s. 288.1258, F.S.;

2596 revising a reporting date; requiring the report

2597 detailing the relationship between tax exemptions and

2598 incentives to industry growth to be included in the

2599 annual entertainment industry financial incentive

2600 program report; amending s. 288.714, F.S.; requiring

2601 the Department of Economic Opportunity's annual report

2602 to include a report on the Black Business Loan

2603 Program; deleting certain reporting requirements;

2604 amending s. 288.7771, F.S.; requiring the Florida

2605 Export Finance Corporation to submit a report to

2606 Enterprise Florida, Inc.; amending s. 288.903, F.S.;

2607 requiring Enterprise Florida, Inc., with the

2608 Department of Economic Opportunity, to prepare an

2609 annual incentives report; repealing s. 288.904(6),

2610 F.S., relating to Enterprise Florida, Inc., which

2611 requires the department to report the return on the

2612 public's investment; amending s. 288.906, F.S.;

2613 requiring certain reports to be included in the

2614 Enterprise Florida, Inc., annual report; amending s.

2615 288.907, F.S.; requiring Enterprise Florida, Inc.,

2616 with the Department of Economic Opportunity, to

2617 prepare the annual incentives report; requiring the

2618 annual incentives report to include certain

2619 information; deleting a provision requiring the

2620 Division of Strategic Business Development to assist

2621 Enterprise Florida, Inc., with the report; 288.92,

2622 F.S.; requiring each division of Enterprise Florida,

2623 Inc., to submit a report; amending s. 288.95155, F.S.;



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2624 requiring the financial status of the Florida Small  
2625 Business Technology Growth Program to be included in  
2626 the annual incentives report; amending s. 288.9918,  
2627 F.S.; revising reporting requirements related to  
2628 community development entities; amending s. 290.0055,  
2629 F.S.; providing for the expansion of the boundaries of  
2630 enterprise zones that meet certain requirements;  
2631 providing an application deadline; amending s.  
2632 290.0056, F.S.; revising a reporting date; requiring  
2633 the enterprise zone development agency to submit  
2634 certain information for the Department of Economic  
2635 Opportunity's annual report; amending s. 290.014,  
2636 F.S.; revising a reporting date; requiring certain  
2637 reports on enterprise zones to be included in the  
2638 Department of Economic Opportunity's annual report;  
2639 amending s. 290.0455, F.S.; providing for the state's  
2640 guarantee of certain federal loans to local  
2641 governments; requiring applicants for such loans to  
2642 pledge a specified amount of revenues to guarantee the  
2643 loans; revising requirements for the department to  
2644 submit recommendations to the Federal Government for  
2645 such loans; revising the maximum amount of the loan  
2646 guarantee commitment that a local government may  
2647 receive and providing exceptions; providing for  
2648 reduction of a local government's future community  
2649 development block grants if the local government  
2650 defaults on the federal loan; providing procedures if  
2651 a local government is granted entitlement community  
2652 status; amending ss. 331.3051 and 331.310, F.S.;



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2653 revising requirements for annual reports by Space  
2654 Florida; amending s. 443.036, F.S.; providing examples  
2655 of misconduct; amending s. 443.091, F.S.; providing  
2656 for online work registration and providing exceptions;  
2657 limiting a claimant's use of the same prospective  
2658 employer to meet work search requirements; providing  
2659 an exception; providing that work search requirements  
2660 do not apply to individuals required to participate in  
2661 reemployment services; amending s. 443.101, F.S.;  
2662 providing for disqualification in any week with  
2663 respect to which the department finds that his or her  
2664 unemployment is due to failure without good cause to  
2665 maintain a license, registration, or certification  
2666 required by applicable law necessary for the employee  
2667 to perform her or his assigned job duties; providing  
2668 examples of "good cause"; amending s. 443.1113, F.S.,  
2669 relating to the Reemployment Assistance Claims and  
2670 Benefits Information System; revising timeframe for  
2671 deployment of a certain Internet portal as part of  
2672 such system; amending s. 443.131, F.S.; requiring the  
2673 tax collection service provider to calculate a certain  
2674 additional rate; providing for when an assessment may  
2675 not be made; requiring assessments to be available to  
2676 pay interest on federal advances; requiring certain  
2677 excess funds to be transferred to the Unemployment  
2678 Compensation Trust Fund after a certain time period;  
2679 deleting the provision referring to crediting employer  
2680 accounts; providing an expiration date; amending ss.  
2681 443.151 F.S.; revising provisions to conform to



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2682 changes made to benefit eligibility; providing that an  
2683 employer or its agent may not be relieved of benefit  
2684 charges for failure to timely and adequately respond  
2685 to notice of claim or request for information;  
2686 requiring the department to impose a penalty against a  
2687 claimant who is overpaid reemployment assistance  
2688 benefits due to fraud by the claimant; requiring an  
2689 appeals referee to be an attorney in good standing  
2690 with the Florida Bar or successfully admitted within 8  
2691 months of hire; providing an exception; amending s.  
2692 443.1715, F.S.; prohibiting the unlawful disclosure of  
2693 certain confidential information relating to employing  
2694 units and individuals under the Reemployment  
2695 Assistance Program Law; providing criminal penalties;  
2696 amending 443.191, F.S.; providing for the deposit of  
2697 moneys recovered and penalties collected due to fraud  
2698 in the Unemployment Compensation Trust Fund; amending  
2699 s. 446.50, F.S.; requiring the Department of Economic  
2700 Opportunity's annual report to include a plan for the  
2701 displaced homemaker program; deleting certain  
2702 reporting requirements; creating s. 288.80, F.S.;  
2703 providing a short title; creating s. 288.801, F.S.;  
2704 providing Legislative intent; creating s. 288.81,  
2705 F.S.; providing definitions; creating s. 288.82, F.S.;  
2706 creating Triumph Gulf Coast, Inc., as nonprofit  
2707 corporation; requiring the Triumph Gulf Coast, Inc.,  
2708 to create and administer the Recovery Fund for the  
2709 benefit of disproportionately affected counties;  
2710 providing for principal of the fund; providing for



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2711 payment of administrative costs from the earnings of  
2712 the fund; providing any remaining funds after 30 years  
2713 revert to the State Treasury; authorizing investment  
2714 of the principal of the fund; requiring an investment  
2715 policy; requiring competitive procurement of money  
2716 managers; requiring annual audits; requiring biannual  
2717 reports; creating s. 288.83, F.S.; providing for  
2718 application of public records and meetings laws;  
2719 providing for governance by a 5 member board of  
2720 directors; providing membership; providing for terms;  
2721 providing for appointment for vacancies; providing  
2722 limitations on board members; limiting postemployment  
2723 activities; providing for a misdemeanor for  
2724 violations; requiring financial disclosures; providing  
2725 travel and per diem expenses; providing for removal;  
2726 requiring quarterly meetings; providing for staffing;  
2727 creating s. 288.831, F.S.; providing the powers and  
2728 duties of the board of directors; creating s. 288.832,  
2729 F.S.; providing the duties of Triumph Gulf Coast,  
2730 Inc.; creating s. 288.84, F.S.; permitting awards for  
2731 projects or programs from available earnings and  
2732 principal; providing the award categories; providing  
2733 the award categories for certain funds; establishing  
2734 priority ranking for applications; prohibiting award  
2735 from financing 100 percent of a project or program;  
2736 permitting Triumph Gulf Coast, Inc., to requiring a  
2737 one-to-one match; prohibiting an awardee from  
2738 receiving all available funds; requiring a contract  
2739 for an award; requiring regular reporting; requiring



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2740 the scope of a financial audit for a local government  
2741 entity to include funds related to Deepwater Horizon  
2742 oil spill; requiring the Auditor General to conduct an  
2743 operational audit of a local government entity's  
2744 performance in the expenditure of funds related to the  
2745 Deepwater Horizon oil spill; requiring the Auditor  
2746 General to adopt rules for such audits; permitting the  
2747 Auditor General to report to the Secretary of the  
2748 Treasury of the United States; providing effective  
2749 dates.