

1 A bill to be entitled
2 An act relating to economic development; amending s.
3 20.60, F.S.; revising the date on which the Department
4 of Economic Opportunity and Enterprise Florida, Inc.,
5 are required to report on the business climate and
6 economic development in the state; specifying reports
7 and information that must be included; amending s.
8 201.15, F.S.; revising the distribution of funds in
9 the Grants and Donations Trust Fund; amending s.
10 212.08, F.S.; revising definitions; amending s.
11 213.053, F.S.; authorizing the Department of Revenue
12 to make certain information available to the director
13 of the Office of Program Policy Analysis and
14 Government Accountability and the coordinator of the
15 Office of Economic and Demographic Research;
16 authorizing the offices to share certain information;
17 amending s. 220.194, F.S.; requiring the annual report
18 for the Florida Space Business Incentives Act to be
19 included in the annual incentives report; deleting
20 certain reporting requirements; amending s. 288.001,
21 F.S.; providing a network purpose; providing
22 definitions; requiring the statewide director and the
23 network to operate the program in compliance with
24 federal laws and regulations and a Board of Governors
25 regulation; requiring the statewide director to
26 consult with the Board of Governors, the Department of
27 Economic Opportunity, and the network's statewide
28 advisory board to establish certain policies and

29 | goals; requiring the network to maintain a statewide
30 | advisory board; providing for advisory board
31 | membership; providing for terms of membership;
32 | providing for certain member reimbursement; requiring
33 | the director to develop support services; specifying
34 | support service requirements; requiring businesses
35 | that receive support services to participate in
36 | certain assessments; requiring the network to provide
37 | a match equal to certain state funding; providing
38 | criteria for the match; requiring the statewide
39 | director to coordinate with the host institution to
40 | establish a pay-per-performance incentive; providing
41 | for pay-per-performance incentive funding and
42 | distribution; providing a distribution formula
43 | requirement; requiring the statewide director to
44 | coordinate with the advisory board to distribute funds
45 | for certain purposes and develop programs to
46 | distribute funds for those purposes; requiring the
47 | network to announce available funding, performance
48 | expectations, and other requirements; requiring the
49 | statewide director to present applications and
50 | recommendations to the advisory board; requiring
51 | applications approved by the advisory board to be
52 | publicly posted; providing minimum requirements for a
53 | program; prohibiting certain regional small business
54 | development centers from receiving funds; providing
55 | that match funding may not be reduced for regional
56 | small business development centers receiving

57 additional funds; requiring the statewide director to
58 regularly update the Board of Governors, the
59 department, and the advisory board with certain
60 information; requiring the statewide director, in
61 coordination with the advisory board, to annually
62 report certain information to the President of the
63 Senate and the Speaker of the House of
64 Representatives; amending s. 288.005, F.S.; revising
65 definitions; amending s. 288.012, F.S.; requiring each
66 State of Florida international office to submit a
67 report to Enterprise Florida, Inc., for inclusion in
68 its annual report; deleting a reporting date; amending
69 s. 288.0656, F.S.; requiring the Rural Economic
70 Development Initiative to submit a report to
71 supplement the department's annual report; deleting
72 certain reporting requirements; amending s. 288.061,
73 F.S.; providing for the evaluation of economic
74 development incentive applications; requiring an
75 applicant to provide a surety bond to the department
76 before the applicant receives incentive awards through
77 the Quick Action Closing Fund or the Innovation
78 Incentive Program; requiring the contract or agreement
79 to provide that the bond remain in effect until all
80 conditions have been satisfied; providing that the
81 department may require the bond to cover the entire
82 contracted amount or allow for bonds to be renewed
83 upon completion of certain performance measures;
84 requiring the contract or agreement to provide that

85 funds are contingent upon receipt of the surety bond;
86 requiring the contract or agreement to provide that up
87 to half of the premium payment on the bond may be paid
88 from the award up to a certain amount; requiring an
89 applicant to notify the department of premium
90 payments; providing for certain notice requirements
91 upon cancellation or nonrenewal by an insurer;
92 providing that the cancellation of the surety bond
93 violates the contract or agreement; providing an
94 exception; providing for a waiver if certain
95 information is provided; providing that if the
96 department grants a waiver, the contract or agreement
97 must provide for securing the award in a certain form;
98 requiring the contract or agreement to provide that
99 the release of funds is contingent upon satisfying
100 certain requirements; requiring the irrevocable letter
101 of credit, trust, or security agreement to remain in
102 effect until certain conditions have been satisfied;
103 providing for a waiver of the surety bond or other
104 security if certain information is provided and the
105 department determines it to be in the best interest of
106 the state; providing that the waiver of the surety
107 bond or other security, for funding in excess of \$5
108 million, must be approved by the Legislative Budget
109 Commission; providing that the state may bring suit
110 upon default or upon a violation of this section;
111 providing that the department may adopt rules to
112 implement this section; creating s. 288.076, F.S.;

113 providing definitions; requiring the department to
114 publish on a website specified information concerning
115 state investment in economic development programs;
116 requiring the department to use methodology and
117 formulas established by the Office of Economic and
118 Demographic Research for specified calculations;
119 requiring the Office of Economic and Demographic
120 Research to provide a description of specified
121 methodology and formulas to the department and the
122 department to publish the description on its website
123 within a specified period; providing procedures and
124 requirements for reviewing, updating, and
125 supplementing specified published information;
126 requiring the department to annually publish
127 information relating to the progress of Quick Action
128 Closing Fund projects; requiring the department to
129 publish certain confidential information pertaining to
130 participant businesses upon expiration of a specified
131 confidentiality period; requiring the department to
132 publish certain reports concerning businesses that
133 fail to complete tax refund agreements under the tax
134 refund program for qualified target industry
135 businesses; providing for construction and legislative
136 intent; authorizing the department to adopt rules;
137 creating s. 288.0761, F.S.; establishing the Economic
138 Development Programs Evaluation; requiring the Office
139 of Economic and Demographic Research and the Office of
140 Program Policy Analysis and Government Accountability

141 to present the evaluation; requiring the offices to
142 develop and submit a work plan for completing the
143 evaluation by a certain date; requiring the offices to
144 provide an analysis of certain economic development
145 programs and specifying a schedule; requiring the
146 Office of Economic and Demographic Research to make
147 certain evaluations in its analysis; limiting the
148 office's evaluation for the purposes of tax credits,
149 tax refunds, sales tax exemptions, cash grants, and
150 similar programs; requiring the office to use a
151 certain model to evaluate each program; requiring the
152 Office of Program Policy Analysis and Government
153 Accountability to make certain evaluations in its
154 analysis; providing the offices access to all data
155 necessary to complete the evaluation; repealing s.
156 288.095(3)(c), F.S., relating to the annual report by
157 Enterprise Florida, Inc., of programs funded by the
158 Economic Development Incentives Account; amending s.
159 288.106, F.S.; revising provisions relating to the
160 application and approval process of the tax refund
161 program for qualified target industry businesses;
162 requiring the department to include information on
163 qualified target industry businesses in the annual
164 incentives report; deleting certain reporting
165 requirements; amending s. 288.107, F.S.; revising
166 definitions; revising provisions to conform to changes
167 made by the act; revising the minimum criteria for
168 participation in the brownfield redevelopment bonus

169 refund; amending s. 288.1081, F.S.; requiring the use
170 of loan funds from the Economic Gardening Business
171 Loan Pilot Program to be included in the department's
172 annual report; deleting certain reporting
173 requirements; amending s. 288.1082, F.S.; requiring
174 the progress of the Economic Gardening Technical
175 Assistance Pilot Program to be included in the
176 department's annual report; deleting certain reporting
177 requirements; amending s. 288.1088, F.S.; requiring
178 the department to validate contractor performance for
179 the Quick Action Closing Fund and include the
180 performance validation in the annual incentives
181 report; deleting certain reporting requirements;
182 amending s. 288.1089, F.S.; requiring that certain
183 projects in the Innovation Incentive Program provide a
184 cumulative break-even economic benefit; requiring the
185 department to report information relating to the
186 Innovation Incentive Program in the annual incentives
187 report; deleting certain reporting requirements;
188 deleting provisions that require the Office of Program
189 Policy Analysis and Government Accountability and the
190 Auditor General's Office to report on the Innovation
191 Incentive Program; amending s. 288.1253, F.S.;
192 revising a reporting date; requiring expenditures of
193 the Office of Film and Entertainment to be included in
194 the annual entertainment industry financial incentive
195 program report; amending s. 288.1254, F.S.; revising a
196 reporting date; requiring the annual entertainment

197 industry financial incentive program report to include
198 certain information; amending s. 288.1258, F.S.;
199 revising a reporting date; requiring the report
200 detailing the relationship between tax exemptions and
201 incentives to industry growth to be included in the
202 annual entertainment industry financial incentive
203 program report; amending s. 288.714, F.S.; requiring
204 the department's annual report to include a report on
205 the Black Business Loan Program; deleting certain
206 reporting requirements; amending s. 288.7771, F.S.;
207 requiring the Florida Export Finance Corporation to
208 submit a report to Enterprise Florida, Inc.; amending
209 s. 288.903, F.S.; requiring Enterprise Florida, Inc.,
210 with the department, to prepare an annual incentives
211 report; repealing s. 288.904(6), F.S., relating to
212 Enterprise Florida, Inc., which requires the
213 department to report the return on the public's
214 investment; amending s. 288.906, F.S.; requiring
215 certain reports to be included in the Enterprise
216 Florida, Inc., annual report; amending s. 288.907,
217 F.S.; requiring Enterprise Florida, Inc., with the
218 department, to prepare the annual incentives report;
219 requiring the annual incentives report to include
220 certain information; deleting a provision requiring
221 the Division of Strategic Business Development to
222 assist Enterprise Florida, Inc., with the report;
223 amending s. 288.92, F.S.; requiring each division of
224 Enterprise Florida, Inc., to submit a report; amending

225 s. 288.95155, F.S.; requiring the financial status of
226 the Florida Small Business Technology Growth Program
227 to be included in the annual incentives report;
228 amending 288.9918, F.S.; revising reporting
229 requirements related to community development
230 entities, amending 290.0055, F.S.; providing for the
231 expansion of the boundaries of enterprise zones that
232 meet certain requirements; providing an application
233 deadline; amending s. 290.0056, F.S.; revising a
234 reporting date; requiring the enterprise zone
235 development agency to submit certain information for
236 the department's annual report; amending s. 290.014,
237 F.S.; revising a reporting date; requiring certain
238 reports on enterprise zones to be included in the
239 department's annual report; amending s. 290.0455,
240 F.S.; providing for the state's guarantee of certain
241 federal loans to local governments; requiring
242 applicants for such loans to pledge a specified amount
243 of revenues to guarantee the loans; revising
244 requirements for the department to submit
245 recommendations to the Federal Government for such
246 loans; revising the maximum amount of the loan
247 guarantee commitment that a local government may
248 receive and providing exceptions; providing for
249 reduction of a local government's future community
250 development block grants if the local government
251 defaults on the federal loan; providing procedures if
252 a local government is granted entitlement community

253 status; amending s. 331.3051, F.S.; revising a
254 reporting date; requiring Space Florida's annual
255 report to include certain information; amending s.
256 331.310, F.S.; requiring the Board of Directors of
257 Space Florida to supplement Space Florida's annual
258 report with operations information; deleting certain
259 reporting requirements; amending s. 443.036, F.S.;
260 providing examples of misconduct; amending s. 443.091,
261 F.S.; providing for online work registration and
262 providing exceptions; limiting a claimant's use of the
263 same prospective employer to meet work search
264 requirements; providing an exception, providing that
265 work search requirements do not apply to individuals
266 required to participate in reemployment services;
267 amending s. 443.101, F.S.; providing for
268 disqualification in any week with respect to which the
269 department finds that his or her unemployment is due
270 to failure without good cause to maintain a license,
271 registration, or certification required by applicable
272 law necessary for the employee to perform her or his
273 assigned job duties; providing examples of "good
274 cause"; amending s. 443.1113, F.S., relating to the
275 Reemployment Assistance Claims and Benefits
276 Information System; revising timeframe for deployment
277 of a certain Internet portal as part of such system;
278 amending s. 443.131, F.S.; revising requirements for
279 the estimate of interest due on advances received from
280 the Federal Government to the Unemployment

281 Compensation Trust Fund; revising the calculation of
282 additional assessments to contributing employers to
283 repay the interest; providing an exemption from such
284 additional assessments; amending s. 443.151 F.S.;
285 revising provisions to conform to changes made to
286 benefit eligibility; providing that an employer or its
287 agent may not be relieved of benefit charges for
288 failure to timely and adequately respond to notice of
289 claim or request for information; imposing a penalty
290 against a claimant who is overpaid reemployment
291 assistance benefits due to fraud by the claimant;
292 requiring appeals referees appointed on or after a
293 specified date to be attorneys in good standing or
294 admitted to The Florida Bar within a specified period
295 after employment; requiring the department to meet
296 these changes in appeals referee qualifications
297 through attrition after a specified date; amending s.
298 443.1715, F.S.; prohibiting the unlawful disclosure of
299 certain confidential information relating to employing
300 units and individuals under the Reemployment
301 Assistance Program Law; providing penalties; amending
302 s. 443.191, F.S.; providing for deposit of moneys
303 collected for certain penalties in the Unemployment
304 Compensation Trust Fund; amending s. 446.50, F.S.;
305 requiring the department's annual report to include a
306 plan for the displaced homemaker program; deleting
307 certain reporting requirements; providing for
308 applicability; providing effective dates.

309
310 Be It Enacted by the Legislature of the State of Florida:

311
312 Section 1. Subsection (10) of section 20.60, Florida
313 Statutes, is amended to read:

314 20.60 Department of Economic Opportunity; creation; powers
315 and duties.—

316 (10) The department, with assistance from Enterprise
317 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,
318 submit an annual report to the Governor, the President of the
319 Senate, and the Speaker of the House of Representatives on the
320 condition of the business climate and economic development in
321 the state. The report shall include the identification of
322 problems and a prioritized list of recommendations. The report
323 shall also include the following information from reports of
324 other programs, including:

325 (a) Information from the displaced homemaker program plan
326 required under s. 446.50.

327 (b) Information provided by enterprise zone development
328 agencies under s. 290.0056 and an analysis of the activities and
329 accomplishments of each enterprise zone.

330 (c) Information from the report on the use of loan funds
331 awarded pursuant to the Economic Gardening Business Loan Pilot
332 Program required under s. 288.1081(8) and from the report on the
333 progress of the Economic Gardening Technical Assistance Pilot
334 Program required under s. 288.1082(8).

335 (d) Information from the report of the performance of the
336 Black Business Loan Program and a cumulative summary of

337 quarterly report data required under s. 288.714.

338 (e) Information from the report of all Rural Economic
339 Development Initiative activities required under s. 288.0656.

340 (f) Information provided by the Department of Revenue
341 under s. 290.014.

342 Section 2. Paragraph (c) of subsection (1) of section
343 201.15, Florida Statutes, is amended to read:

344 201.15 Distribution of taxes collected.—All taxes
345 collected under this chapter are subject to the service charge
346 imposed in s. 215.20(1). Prior to distribution under this
347 section, the Department of Revenue shall deduct amounts
348 necessary to pay the costs of the collection and enforcement of
349 the tax levied by this chapter. Such costs and the service
350 charge may not be levied against any portion of taxes pledged to
351 debt service on bonds to the extent that the costs and service
352 charge are required to pay any amounts relating to the bonds.
353 After distributions are made pursuant to subsection (1), all of
354 the costs of the collection and enforcement of the tax levied by
355 this chapter and the service charge shall be available and
356 transferred to the extent necessary to pay debt service and any
357 other amounts payable with respect to bonds authorized before
358 January 1, 2013, secured by revenues distributed pursuant to
359 subsection (1). All taxes remaining after deduction of costs and
360 the service charge shall be distributed as follows:

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

363 (c) After the required payments under paragraphs (a) and
364 (b), the remainder shall be paid into the State Treasury to the

365 credit of:

366 1. The State Transportation Trust Fund in the Department
367 of Transportation in the amount of the lesser of 38.2 percent of
368 the remainder or \$541.75 million in each fiscal year. Out of
369 such funds, the first \$50 million for the 2012-2013 fiscal year;
370 \$65 million for the 2013-2014 fiscal year; and \$75 million for
371 the 2014-2015 fiscal year and all subsequent years, shall be
372 transferred to the State Economic Enhancement and Development
373 Trust Fund within the Department of Economic Opportunity. The
374 remainder is to be used for the following specified purposes,
375 notwithstanding any other law to the contrary:

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

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

383 c. For the purposes of the Strategic Intermodal System
384 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
385 of these funds after allocating for the New Starts Transit
386 Program described in sub-subparagraph a. and the Small County
387 Outreach Program described in sub-subparagraph b.; and

388 d. For the purposes of the Transportation Regional
389 Incentive Program specified in s. 339.2819, 25 percent of these
390 funds after allocating for the New Starts Transit Program
391 described in sub-subparagraph a. and the Small County Outreach
392 Program described in sub-subparagraph b. Effective July 1, 2014,

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

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

401 3. The Ecosystem Management and Restoration Trust Fund in
 402 the amount of the lesser of 2.12 percent of the remainder or \$30
 403 million in each fiscal year, to be used for the preservation and
 404 repair of the state's beaches as provided in ss. 161.091-
 405 161.212.

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

410
 411 Moneys distributed pursuant to this paragraph may not be pledged
 412 for debt service unless such pledge is approved by referendum of
 413 the voters.

414 Section 3. Paragraph (o) of subsection (5) of section
 415 212.08, Florida Statutes, is amended to read:

416 212.08 Sales, rental, use, consumption, distribution, and
 417 storage tax; specified exemptions.—The sale at retail, the
 418 rental, the use, the consumption, the distribution, and the
 419 storage to be used or consumed in this state of the following
 420 are hereby specifically exempt from the tax imposed by this

421 chapter.

422 (5) EXEMPTIONS; ACCOUNT OF USE.—

423 (o) Building materials in redevelopment projects.—

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

425 a. "Building materials" means tangible personal property
426 that becomes a component part of a housing project or a mixed-
427 use project.

428 b. "Housing project" means the conversion of an existing
429 manufacturing or industrial building to a housing unit which is
430 ~~units~~ in an urban high-crime area, an enterprise zone, an
431 empowerment zone, a Front Porch Community, a designated
432 brownfield site for which a rehabilitation agreement with the
433 Department of Environmental Protection or a local government
434 delegated by the Department of Environmental Protection has been
435 executed under s. 376.80 and any abutting real property parcel
436 within a brownfield area, or an urban infill area, and in which
437 the developer agrees to set aside at least 20 percent of the
438 housing units in the project for low-income and moderate-income
439 persons or the construction in a designated brownfield area of
440 affordable housing for persons described in s. 420.0004(9),
441 (11), (12), or (17) or in s. 159.603(7).

442 c. "Mixed-use project" means the conversion of an existing
443 manufacturing or industrial building to mixed-use units that
444 include artists' studios, art and entertainment services, or
445 other compatible uses. A mixed-use project must be located in an
446 urban high-crime area, an enterprise zone, an empowerment zone,
447 a Front Porch Community, a designated brownfield site for which
448 a rehabilitation agreement with the Department of Environmental

449 Protection or a local government delegated by the Department of
450 Environmental Protection has been executed under s. 376.80 and
451 any abutting real property parcel within a brownfield area, or
452 an urban infill area, and the developer must agree to set aside
453 at least 20 percent of the square footage of the project for
454 low-income and moderate-income housing.

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

457 2. Building materials used in the construction of a
458 housing project or mixed-use project are exempt from the tax
459 imposed by this chapter upon an affirmative showing to the
460 satisfaction of the department that the requirements of this
461 paragraph have been met. This exemption inures to the owner
462 through a refund of previously paid taxes. To receive this
463 refund, the owner must file an application under oath with the
464 department which includes:

465 a. The name and address of the owner.

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

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

469 d. A certification by the local building code inspector
470 that the project is substantially completed.

471 e. A sworn statement, under penalty of perjury, from the
472 general contractor licensed in this state with whom the owner
473 contracted to construct the project, which statement lists the
474 building materials used in the construction of the project and
475 the actual cost thereof, and the amount of sales tax paid on
476 these materials. If a general contractor was not used, the owner

477 shall provide this information in a sworn statement, under
478 penalty of perjury. Copies of invoices evidencing payment of
479 sales tax must be attached to the sworn statement.

480 3. An application for a refund under this paragraph must
481 be submitted to the department within 6 months after the date
482 the project is deemed to be substantially completed by the local
483 building code inspector. Within 30 working days after receipt of
484 the application, the department shall determine if it meets the
485 requirements of this paragraph. A refund approved pursuant to
486 this paragraph shall be made within 30 days after formal
487 approval of the application by the department.

488 4. The department shall establish by rule an application
489 form and criteria for establishing eligibility for exemption
490 under this paragraph.

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

493 Section 4. Paragraph (bb) is added to subsection (8) of
494 section 213.053, Florida Statutes, to read:

495 213.053 Confidentiality and information sharing.—

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

498 (bb) Information to the director of the Office of Program
499 Policy Analysis and Government Accountability or his or her
500 authorized agent, and to the coordinator of the Office of
501 Economic and Demographic Research or his or her authorized
502 agent, for purposes of completing the Economic Development
503 Programs Evaluation. Information obtained from the department
504 pursuant to this paragraph may be shared by the director and the

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505 coordinator, or the director's or coordinator's authorized
506 agent, for purposes of completing the Economic Development
507 Programs Evaluation.

508
509 Disclosure of information under this subsection shall be
510 pursuant to a written agreement between the executive director
511 and the agency. Such agencies, governmental or nongovernmental,
512 shall be bound by the same requirements of confidentiality as
513 the Department of Revenue. Breach of confidentiality is a
514 misdemeanor of the first degree, punishable as provided by s.
515 775.082 or s. 775.083.

516 Section 5. Subsection (9) of section 220.194, Florida
517 Statutes, is amended to read:

518 220.194 Corporate income tax credits for spaceflight
519 projects.—

520 (9) ANNUAL REPORT.—Beginning in 2014, the Department of
521 Economic Opportunity, in cooperation with Space Florida and the
522 department, shall include in the ~~submit an~~ annual incentives
523 report required under s. 288.907 a summary of ~~summarizing~~
524 activities relating to the Florida Space Business Incentives Act
525 established under this section ~~to the Governor, the President of~~
526 ~~the Senate, and the Speaker of the House of Representatives by~~
527 ~~each November 30.~~

528 Section 6. Section 288.001, Florida Statutes, is amended
529 to read:

530 288.001 The Florida Small Business Development Center
531 Network; ~~purpose.~~—

532 (1) PURPOSE.—The Florida Small Business Development Center

533 Network is the principal business assistance organization for
534 small businesses in the state. The purpose of the network is to
535 serve emerging and established for-profit, privately held
536 businesses that maintain a place of business in the state.

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

538 (a) "Board of Governors" is the Board of Governors of the
539 State University System.

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

543 (c) "Network" means the Florida Small Business Development
544 Center Network.

545 (3) OPERATION; POLICIES AND PROGRAMS.—

546 (a) The network's statewide director shall operate the
547 network in compliance with the federal laws and regulations
548 governing the network and the Board of Governors Regulation
549 10.015.

550 (b) The network's statewide director shall consult with
551 the Board of Governors, the department, and the network's
552 statewide advisory board to ensure that the network's policies
553 and programs align with the statewide goals of the State
554 University System and the statewide strategic economic
555 development plan as provided under s. 20.60.

556 (4) STATEWIDE ADVISORY BOARD.—

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

560 (b) The statewide advisory board shall consist of 19

561 members from across the state. At least 12 members must be
562 representatives of the private sector who are knowledgeable of
563 the needs and challenges of small businesses. The members must
564 represent various segments and industries of the economy in this
565 state and must bring knowledge and skills to the statewide
566 advisory board which would enhance the board's collective
567 knowledge of small business assistance needs and challenges.
568 Minority and gender representation must be considered when
569 making appointments to the board. The board must include the
570 following members:

571 1. Three members appointed from the private sector by the
572 President of the Senate.

573 2. Three members appointed from the private sector by the
574 Speaker of the House of Representatives.

575 3. Three members appointed from the private sector by the
576 Governor.

577 4. Three members appointed from the private sector by the
578 network's statewide director.

579 5. One member appointed by the host institution.

580 6. The President of Enterprise Florida, Inc., or his or
581 her designee.

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

583 8. The President of the Florida Chamber of Commerce or his
584 or her designee.

585 9. The Small Business Development Center Project Officer
586 from the U.S. Small Business Administration at the South Florida
587 District Office or his or her designee.

588 10. The executive director of the National Federation of

589 Independent Businesses, Florida, or his or her designee.

590 11. The executive director of the Florida United Business
 591 Association or his or her designee.

592 (c) The term of an appointed member shall be for 4 years,
 593 beginning August 1, 2013, except that at the time of initial
 594 appointments, two members appointed by the Governor, one member
 595 appointed by the President of the Senate, one member appointed
 596 by the Speaker of the House of Representatives, and one member
 597 appointed by the network's statewide director shall be appointed
 598 for 2 years. An appointed member may be reappointed to a
 599 subsequent term. Members of the statewide advisory board may not
 600 receive compensation but may be reimbursed for per diem and
 601 travel expenses in accordance with s. 112.061.

602 (5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.—

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

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

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

616 2. Developing and implementing strategic or business

617 plans. Such activities include analyzing a business' mission,
618 vision, strategies, and goals; critiquing the overall plan; and
619 creating performance measures.

620 3. Developing the financial literacy of existing
621 businesses related to their business cash flow and financial
622 management plans. Such activities include conducting financial
623 analysis health checks, assessing cost control management
624 techniques, and building financial management strategies and
625 solutions.

626 4. Developing and implementing plans for existing
627 businesses to access or expand to new or existing markets. Such
628 activities include conducting market research, researching and
629 identifying expansion opportunities in international markets,
630 and identifying opportunities in selling to units of government.

631 5. Supporting access to capital for business investment
632 and expansion. Such activities include providing technical
633 assistance relating to obtaining surety bonds; identifying and
634 assessing potential debt or equity investors or other financing
635 opportunities; assisting in the preparation of applications,
636 projections, or pro forma or other support documentation for
637 surety bond, loan, financing, or investment requests; and
638 facilitating conferences with lenders or investors.

639 6. Assisting existing businesses to plan for a natural or
640 manmade disaster, and assisting businesses when such an event
641 occurs. Such activities include creating business continuity and
642 disaster plans, preparing disaster and bridge loan applications,
643 and carrying out other emergency support functions.

644 (c) A business receiving support services must agree to

645 participate in assessments of such services. The agreement, at a
646 minimum, must request the business to report demographic
647 characteristics, changes in employment and sales, debt and
648 equity capital attained, and government contracts acquired. The
649 host institution may require additional reporting requirements
650 for funding described in subsection (7).

651 (6) REQUIRED MATCH.—The network must provide a match equal
652 to the total amount of any direct legislative appropriation that
653 is received directly by the host institution and is specifically
654 designated for the network. The match may include funds from
655 federal or other nonstate funding sources designated for the
656 network. At least 50 percent of the match must be cash. The
657 remaining 50 percent may be provided through any allowable
658 combination of additional cash, in-kind contributions, or
659 indirect costs.

660 (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE
661 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST
662 PRACTICES; ELIGIBILITY.—

663 (a) The statewide director, in coordination with the host
664 institution, shall establish a pay-per-performance incentive for
665 regional small business development centers. Such incentive
666 shall be funded from half of any state appropriation received
667 directly by the host institution which is specifically
668 designated for the network. These funds shall be distributed to
669 the regional small business development centers based upon data
670 collected from the businesses as provided under paragraph
671 (5)(c). The distribution formula must provide for the
672 distribution of funds in part on the gross number of jobs

673 created annually by each center and in part on the number of
674 jobs created per support service hour. The pay-per-performance
675 incentive must supplement the operations and support services of
676 each regional small business development center.

677 (b) Half of any state funds received directly by the host
678 institution which are specifically designated for the network
679 shall be distributed by the statewide director, in coordination
680 with the advisory board, for the following purposes:

681 1. Ensuring that support services are available statewide,
682 especially in underserved and rural areas of the state, to
683 assist eligible businesses.

684 2. Enhancing participation in the network among state
685 universities and colleges.

686 3. Facilitating the adoption of innovative small business
687 assistance best practices by the regional small business
688 development centers.

689 (c) The statewide director, in coordination with the
690 advisory board, shall develop annual programs to distribute
691 funds for each of the purposes described in paragraph (b). The
692 network shall announce the annual amount of available funds for
693 each program, performance expectations, and other requirements.
694 For each program, the statewide director shall present
695 applications and recommendations to the advisory board. The
696 advisory board shall make the final approval of applications.
697 Approved applications must be publicly posted. At a minimum,
698 programs must include:

699 1. New regional small business development centers.

700 2. Awards for the top six regional small business

701 development centers that adopt best practices, as determined by
702 the advisory board. Detailed information about best practices
703 must be made available to regional small business development
704 centers for voluntary implementation.

705 (d) A regional small business development center that has
706 been found by the statewide director to perform poorly, to
707 engage in improper activity affecting the operation and
708 integrity of the network, or to fail to follow the rules and
709 procedures set forth in the laws, regulations, and policies
710 governing the network, is not eligible for funds under this
711 subsection.

712 (e) Funds awarded under this subsection may not reduce
713 matching funds dedicated to the regional small business
714 development centers.

715 (8) REPORTING.—

716 (a) The statewide director shall quarterly update the
717 Board of Governors, the department, and the advisory board on
718 the network's progress and outcomes, including aggregate
719 information on businesses assisted by the network.

720 (b) The statewide director, in coordination with the
721 advisory board, shall annually report, on October 1, to the
722 President of the Senate and the Speaker of the House of
723 Representatives on the network's progress and outcomes for the
724 previous fiscal year. The report must include aggregate
725 information on businesses assisted by the network; network
726 services and programs; the use of all federal, state, local, and
727 private funds received by the network and the regional small
728 business development centers, including any additional funds

729 specifically appropriated by the Legislature for the purposes
730 described in subsection (7); and the network's economic benefit
731 to the state. The report must contain specific information on
732 performance-based metrics and contain the methodology used to
733 calculate the network's economic benefit to the state.

734 Section 7. Subsection (4) is added to section 288.005,
735 Florida Statutes, to read:

736 288.005 Definitions.—As used in this chapter, the term:

737 (4) "Jobs" means full-time equivalent positions,
738 including, but not limited to, positions obtained from a
739 temporary employment agency or employee leasing company or
740 through a union agreement or coemployment under a professional
741 employer organization agreement, which result directly from a
742 project in this state. This number does not include temporary
743 construction jobs involved with the construction of facilities
744 for the project.

745 Section 8. Subsection (3) of section 288.012, Florida
746 Statutes, is amended to read:

747 288.012 State of Florida international offices; state
748 protocol officer; protocol manual.—The Legislature finds that
749 the expansion of international trade and tourism is vital to the
750 overall health and growth of the economy of this state. This
751 expansion is hampered by the lack of technical and business
752 assistance, financial assistance, and information services for
753 businesses in this state. The Legislature finds that these
754 businesses could be assisted by providing these services at
755 State of Florida international offices. The Legislature further
756 finds that the accessibility and provision of services at these

757 offices can be enhanced through cooperative agreements or
758 strategic alliances between private businesses and state, local,
759 and international governmental entities.

760 (3) ~~By October 1 of each year,~~ Each international office
761 shall annually submit to Enterprise Florida, Inc., the
762 ~~department~~ a complete and detailed report on its activities and
763 accomplishments during the previous ~~preceding~~ fiscal year for
764 inclusion in the annual report required under s. 288.906. In the
765 ~~a~~ format and by the annual date prescribed ~~provided~~ by
766 Enterprise Florida, Inc., the report must set forth information
767 on:

768 (a) The number of Florida companies assisted.

769 (b) The number of inquiries received about investment
770 opportunities in this state.

771 (c) The number of trade leads generated.

772 (d) The number of investment projects announced.

773 (e) The estimated U.S. dollar value of sales
774 confirmations.

775 (f) The number of representation agreements.

776 (g) The number of company consultations.

777 (h) Barriers or other issues affecting the effective
778 operation of the office.

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

781 (j) Marketing activities conducted.

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

784 (l) Activities conducted with Florida's other

785 international offices.

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

788 Section 9. Present subsections (2) and (3) of section
789 288.061, Florida Statutes, are amended and renumbered as
790 subsections (3) and (6), respectively, and new subsections (2),
791 (4), (5), and (7) are added to that section, to read:

792 288.061 Economic development incentive application
793 process.—

794 (2) Beginning July 1, 2013, the department shall review
795 and evaluate each economic development incentive application for
796 the economic benefits of the proposed award of state incentives
797 proposed for the project. The Office of Economic and Demographic
798 Research shall review and evaluate the methodology and model
799 used to calculate the economic benefits. For purposes of this
800 requirement, an amended definition of "economic benefits" may be
801 developed in conjunction with the Office of Economic and
802 Demographic Research. The Office of Economic and Demographic
803 Research shall report on the methodology and model by September
804 1, 2013, and every third year thereafter, to the President of
805 the Senate and the Speaker of the House of Representatives.

806 (3)~~(2)~~ Within 10 business days after the department
807 receives the submitted economic development incentive
808 application, the executive director shall approve or disapprove
809 the application and issue a letter of certification to the
810 applicant which includes a justification of that decision,
811 unless the business requests an extension of that time.

812 (a) The contract or agreement with the applicant must

813 ~~shall~~ specify the total amount of the award, the performance
814 conditions that must be met to obtain the award, the schedule
815 for payment, and sanctions that would apply for failure to meet
816 performance conditions. The department may enter into one
817 agreement or contract covering all of the state incentives that
818 are being provided to the applicant. The contract must provide
819 that release of funds is contingent upon sufficient
820 appropriation of funds by the Legislature.

821 (b) The release of funds for the incentive or incentives
822 awarded to the applicant depends upon the statutory requirements
823 of the particular incentive program, except as provided in
824 subsection (4).

825 (4) (a) In order to receive an incentive under s. 288.1088
826 or s. 288.1089, an applicant must provide the department with a
827 surety bond, issued by an insurer authorized to do business in
828 this state, for the amount of the award under the incentive
829 contract or agreement. Funds may not be paid to an applicant
830 until the department certifies compliance with this subsection.

831 1. The contract or agreement must provide that the bond
832 remain in effect until all performance conditions in the
833 contract or agreement have been satisfied. The department may
834 require the bond to cover the entire amount of the contract or
835 agreement or allow for a bond to be renewed upon the completion
836 of scheduled performance measurements specified in the contract
837 or agreement. The contract or agreement must provide that the
838 release of any funds is contingent upon receipt by the
839 department of the surety bond.

840 2. The contract or agreement must provide that up to half

841 of the premium payment on the surety bond may be paid from the
842 award amount, not to exceed 3 percent of the award.

843 3. The applicant shall notify the department at least 10
844 days before each premium payment is due.

845 4. Any notice of cancellation or nonrenewal issued by an
846 insurer must comply with the notice requirements of s. 626.9201.
847 If the applicant receives a notice of cancellation or
848 nonrenewal, the applicant must immediately notify the
849 department.

850 5. The cancellation of the surety bond is a violation of
851 the contract or agreement between the applicant and the
852 department. The department is released from any obligation to
853 make future scheduled payments unless the applicant is able to
854 secure a new surety bond or comply with the requirements of
855 paragraphs (b) and (c) within 90 days before the effective date
856 of the cancellation.

857 (b) If an applicant is unable to secure a surety bond or
858 can demonstrate that obtaining a bond is unreasonable in cost,
859 the department may waive the requirements specified in paragraph
860 (a) by certifying in writing to the Governor, the President of
861 the Senate, and the Speaker of the House of Representatives the
862 following information:

863 1. An explanation stating the reasons why the applicant
864 could not obtain a bond, to the extent such information is not
865 confidential under s. 288.075.

866 2. A description of the economic benefits expected to be
867 generated by the incentive award which indicates that the
868 project warrants waiver of the requirement.

869 3. An evaluation of the quality and value of the applicant
870 which supports the selection of the alternative securitization
871 under paragraph (c). The department's evaluation must consider
872 the following information when determining the form for securing
873 the award amount:

874 a. A financial analysis of the company, including an
875 evaluation of the company's short-term liquidity ratio as
876 measured by its assets to liability, the company's profitability
877 ratio, and the company's long-term solvency as measured by its
878 debt-to-equity ratio.

879 b. The historical market performance of the company.

880 c. Any independent evaluations of the company.

881 d. The latest audit of the company's financial statement
882 and the related auditor's management letter.

883 e. Any other types of reports that are related to the
884 internal controls or management of the company.

885 (c)1. If the department grants a waiver under paragraph
886 (b), the incentives contract or agreement must provide for
887 securing the award amount in one of the following forms:

888 a. An irrevocable letter of credit issued by a financial
889 institution, as defined in s. 655.005;

890 b. Cash or securities held in trust by a financial
891 institution, as defined in s. 655.005, and subject to a control
892 agreement; or

893 c. A secured transaction in collateral under the control
894 or possession of the applicant for the value of the award
895 amount. The department is authorized to negotiate the terms and
896 conditions of the security agreement.

897 2. The contract or agreement must provide that the release
898 of any funds is contingent upon the receipt of documentation by
899 the department which satisfies all of the requirements found in
900 this paragraph. Funds may not be paid to the applicant until the
901 department certifies compliance with this subsection.

902 3. The irrevocable letter of credit, trust, or security
903 agreement must remain in effect until all performance conditions
904 specified in the contract or agreement have been satisfied.
905 Failure to comply with this provision results in a violation of
906 the contract or agreement between the applicant and the
907 department and releases the department from any obligation to
908 make future scheduled payments.

909 (d) The department may waive the requirements of
910 paragraphs (a) through (c) by certifying to the Governor and the
911 chair and vice chair of the Legislative Budget Commission the
912 following information:

913 1. The applicant demonstrates the financial ability to
914 fulfill the requirements of the contract and has submitted an
915 independently audited financial statement for the previous 5
916 years.

917 2. If applicable, the applicant was previously a recipient
918 of an incentive under an economic development program, was
919 subject to clawback requirements, and timely complied with those
920 provisions.

921 3. The department has determined that waiver of the
922 requirements of paragraphs (a) through (c) is in the best
923 interest of the state.

924 (e) For waivers granted under paragraph (d), the

925 department shall provide a written description and evaluation of
926 the waiver to the chair and vice chair of the Legislative Budget
927 Commission. Such information may be provided at the same time
928 that the information for the project consultation is provided to
929 the Legislative Budget Commission under s. 288.1088 or s.
930 288.1089. If the chair or vice chair of the Legislative Budget
931 Commission timely advises the department that such action or
932 proposed action exceeds delegated authority or is contrary to
933 legislative policy or intent, the department shall void the
934 waiver until the Legislative Budget Commission or the
935 Legislature addresses the issue. A waiver granted by the
936 department for any project exceeding \$5 million must be approved
937 by the Legislative Budget Commission.

938 (f) The provisions of this subsection shall apply to any
939 contract entered into on or after July 1, 2013.

940 (5) In the event of default on the performance conditions
941 specified in the contract or agreement, or violation of any of
942 the provisions found in this section, the state may, in addition
943 to any other remedy provided by law, bring suit to enforce its
944 interest.

945 (6)~~(3)~~ The department shall validate contractor
946 performance. Such validation shall be reported in the annual
947 incentive report required under s. 288.907.

948 (7) The department is authorized to adopt rules to
949 implement this section.

950 Section 10. Subsection (8) of section 288.0656, Florida
951 Statutes, is amended to read:

952 288.0656 Rural Economic Development Initiative.—

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

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

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

965 (c) ~~The report shall also include~~ Information as to the
 966 economic impact of the projects coordinated by REDI. ~~and~~

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

970 Section 11. Section 288.076, Florida Statutes, is created
 971 to read:

972 288.076 Return on investment reporting for economic
 973 development programs.-

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

975 (a) "Jobs" has the same meaning as provided in s.
 976 288.106(2)(i).

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

980 (c) "Project" has the same meaning as provided in s.

981 288.106(2)(m).

982 (d) "Project award date" means the date a participant
983 business enters into an agreement with the department to receive
984 a state investment.

985 (e) "State investment" means any state grants, tax
986 exemptions, tax refunds, tax credits, or other state incentives
987 provided to a business under a program administered by the
988 department, including the capital investment tax credit under s.
989 220.191.

990 (2) The department shall maintain a website for the
991 purpose of publishing the information described in this section.
992 The information required to be published under this section must
993 be provided in a format accessible to the public which enables
994 users to search for and sort specific data and to easily view
995 and retrieve all data at once.

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

1000 (a) Projected economic benefits.—The projected economic
1001 benefits at the time of the initial project award date.

1002 (b) Project information.—

1003 1. The program or programs through which state investment
1004 is being made.

1005 2. The maximum potential cumulative state investment in
1006 the project.

1007 3. The target industry or industries, and any high impact
1008 sectors implicated by the project.

1009 4. The county or counties that will be impacted by the
1010 project.

1011 5. For a project that requires local commitment, the total
1012 cumulative local financial commitment and in-kind support for
1013 the project.

1014 (c) Participant business information.-

1015 1. The location of the headquarters of the participant
1016 business or, if a subsidiary, the headquarters of the parent
1017 company.

1018 2. The firm size class of the participant business, or
1019 where owned by a parent company the firm size class of the
1020 participant business's parent company, using the firm size
1021 classes established by the United States Department of Labor
1022 Bureau of Labor Statistics, and whether the participant business
1023 qualifies as a small business as defined in s. 288.703.

1024 3. The date of the project award.

1025 4. The expected duration of the contract.

1026 5. The anticipated dates when the participant business
1027 will claim the last state investment.

1028 (d) Project evaluation criteria.-

1029 1. Economic benefits generated by the project.

1030 2. The net indirect and induced incremental jobs to be
1031 generated by the project.

1032 3. The net indirect and induced incremental capital
1033 investment to be generated by the project.

1034 4. The net indirect and induced incremental tax revenue
1035 paid to the state to be generated by the project.

1036 (e) Project performance goals.-

1037 1. The incremental direct jobs attributable to the
1038 project, identifying the number of jobs generated and the number
1039 of jobs retained.

1040 2. The number of jobs generated and the number of jobs
1041 retained by the project, and for projects commencing after
1042 October 1, 2013, the median annual wage of persons holding such
1043 jobs.

1044 3. The incremental direct capital investment in the state
1045 generated by the project.

1046 (f) Total state investment to date.—The total amount of
1047 state investment disbursed to the participant business to date
1048 under the terms of the contract, itemized by incentive program.

1049 (4) The department shall use methodology and formulas
1050 established by the Office of Economic and Demographic Research
1051 to calculate the economic benefits of each project. The
1052 department shall calculate and publish on its website the
1053 economic benefits of each project within 48 hours after the
1054 conclusion of the agreement between each participant business
1055 and the department. The Office of Economic and Demographic
1056 Research shall provide a description of the methodology used to
1057 calculate the economic benefits of a project to the department,
1058 and the department must publish the information on its website
1059 within 48 hours after receiving such information.

1060 (5) At least annually, from the project award date, the
1061 department shall:

1062 (a) Publish verified results to update the information
1063 described in paragraphs (3) (b)-(f) to accurately reflect any
1064 changes in the published information since the project award

1065 date.

1066 (b) Publish on its website the date on which the
1067 information collected and published for each project was last
1068 updated.

1069 (6) Annually, the department shall publish information
1070 relating to the progress of Quick Action Closing Fund projects,
1071 including the average number of days between the date the
1072 department receives a completed application and the date on
1073 which the application is approved.

1074 (7) Publication of documents.-

1075 (a) Within 48 hours after expiration of the period of
1076 confidentiality provided under s. 288.075, the department shall
1077 publish the contract or agreement described in s. 288.061,
1078 redacted to protect the participant business from disclosure of
1079 information that remains confidential or exempt by law.

1080 (b) Within 48 hours after submitting any report of
1081 findings and recommendations made pursuant to s. 288.106(7)(d)
1082 concerning a business's failure to complete a tax refund
1083 agreement pursuant to the tax refund program for qualified
1084 target industry businesses, the department shall publish such
1085 report.

1086 (8) For projects completed before October 1, 2013, the
1087 department shall compile and, by October 1, 2014, shall publish
1088 the information described in subsections (3), (4), and (5), to
1089 the extent such information is available and applicable.

1090 (9) The provisions of this section that restrict the
1091 department's publication of information are intended only to
1092 limit the information that the department may publish on its

1093 website and shall not be construed to create an exemption from
 1094 public records requirements under s. 119.07(1) or s. 24(a), Art.
 1095 I of the State Constitution.

1096 (10) The department may adopt rules to administer this
 1097 section.

1098 Section 12. Section 288.0761, Florida Statutes, is created
 1099 to read:

1100 288.0761 Economic Development Programs Evaluation.—The
 1101 Office of Economic and Demographic Research and the Office of
 1102 Program Policy Analysis and Government Accountability (OPPAGA)
 1103 shall develop and present the Economic Development Programs
 1104 Evaluation to the Governor, the President of the Senate, the
 1105 Speaker of the House of Representatives, and the chairs of the
 1106 legislative appropriations committees.

1107 (1) The Office of Economic and Demographic Research and
 1108 OPPAGA shall coordinate the development of a work plan for
 1109 completing the Economic Development Programs Evaluation and
 1110 shall submit the work plan to the President of the Senate and
 1111 the Speaker of the House of Representatives by July 1, 2013.

1112 (2) The Office of Economic and Demographic Research and
 1113 OPPAGA shall provide a detailed analysis of economic development
 1114 programs as provided in the following schedule:

1115 (a) By January 1, 2014, and every 3 years thereafter, an
 1116 analysis of the following programs:

1117 1. The capital investment tax credit established under s.
 1118 220.191.

1119 2. The qualified target industry tax refund established
 1120 under s. 288.106.

- 1121 3. The Brownfield redevelopment bonus tax refund
 1122 established under s. 288.107.
- 1123 4. High-impact sector performance grants established under
 1124 s. 288.108.
- 1125 5. The Quick Action Closing Fund established under s.
 1126 288.1088.
- 1127 6. The Innovation Incentive Program established under s.
 1128 288.1089.
- 1129 7. Enterprise zone program incentives established under
 1130 ss. 212.08(5) and(15), 212.096, 220.181, and 220.182.
- 1131 (b) By January 1, 2015, and every 3 years thereafter, an
 1132 analysis of the following programs:
- 1133 1. The entertainment industry financial incentive program
 1134 established under s. 288.1254.
- 1135 2. The entertainment industry sales tax exemption
 1136 established under s. 288.1258.
- 1137 3. VISIT Florida and its programs established or funded
 1138 under ss. 288.122, 288.1226, 288.12265, and 288.124.
- 1139 4. The Florida Sports Foundation and programs established
 1140 under ss. 288.1162, 288.11621, 288.1166, 288.1167, 288.1168,
 1141 288.1169, and 288.1171.
- 1142 (c) By January 1, 2016, and every 3 years thereafter, an
 1143 analysis of the following programs:
- 1144 1. The qualified defense contractor and space flight
 1145 business tax refund program established under s. 288.1045.
- 1146 2. The tax exemption for semiconductor, defense, or space
 1147 technology sales established under s. 212.08(5)(j).
- 1148 3. The Military Base Protection Program established under

1149 s. 288.980.

1150 4. The Manufacturing and Spaceport Investment Incentive
1151 Program established under s. 288.1083.

1152 5. The Quick Response Training Program established under
1153 s. 288.047.

1154 6. The Incumbent Worker Training Program established under
1155 s. 445.003.

1156 7. International trade and business development programs
1157 established under s. 288.826.

1158 (3) Pursuant to the schedule established in subsection
1159 (2), the Office of Economic and Demographic Research shall
1160 evaluate and determine the economic benefits of each program
1161 over the previous 3 years. The analysis must also evaluate the
1162 number of jobs created, the increase or decrease in personal
1163 income, and the impact on state gross domestic product from the
1164 direct, indirect, and induced effects of the state's investment
1165 in each program over the previous 3 years.

1166 (a) For the purpose of evaluating tax credits, tax
1167 refunds, sales tax exemptions, cash grants, and similar
1168 programs, the Office of Economic and Demographic Research shall
1169 evaluate data only from those projects in which businesses
1170 received state funds during the evaluation period. Such projects
1171 may be either fully complete, partially completed with future
1172 fund disbursal possible pending performance measures, or
1173 partially completed with no future fund disbursal possible as a
1174 result of a business's inability to meet performance measures.

1175 (b) The analysis must use the model developed by the
1176 Office of Economic and Demographic Research, as required in s.

1177 216.138, to evaluate each program. The office shall provide a
 1178 written explanation of the key assumptions of the model and how
 1179 it is used. If the office finds that another evaluation model is
 1180 more appropriate to evaluate a program, it may use another
 1181 model, but it must provide an explanation as to why the selected
 1182 model was more appropriate.

1183 (4) Pursuant to the schedule established in subsection
 1184 (2), OPPAGA shall evaluate each program over the previous 3
 1185 years for its effectiveness and value to the taxpayers of this
 1186 state and include recommendations on each program for
 1187 consideration by the Legislature. The analysis may include
 1188 relevant economic development reports or analyses prepared by
 1189 the department, Enterprise Florida, Inc., or local or regional
 1190 economic development organizations; interviews with the parties
 1191 involved; or other relevant data.

1192 (5) The Office of Economic and Demographic Research and
 1193 OPPAGA must be given access to all data necessary to complete
 1194 the Economic Development Programs Evaluation, including any
 1195 confidential data. The offices may collaborate on data
 1196 collection and analysis.

1197 Section 13. Paragraph (c) of subsection (3) of section
 1198 288.095, Florida Statutes, is repealed.

1199 Section 14. Paragraph (c) of subsection (4) and paragraph
 1200 (d) of subsection (7) of section 288.106, Florida Statutes, are
 1201 amended to read:

1202 288.106 Tax refund program for qualified target industry
 1203 businesses.—

1204 (4) APPLICATION AND APPROVAL PROCESS.—

1205 (c) Each application meeting the requirements of paragraph
1206 (b) must be submitted to the department for determination of
1207 eligibility. The department shall review and evaluate each
1208 application based on, but not limited to, the following
1209 criteria:

1210 1. Expected contributions to the state's economy,
1211 consistent with the state strategic economic development plan
1212 prepared by the department.

1213 2. The economic benefits of the proposed award of tax
1214 refunds under this section ~~and the economic benefits of state~~
1215 ~~incentives proposed for the project. The term "economic~~
1216 ~~benefits" has the same meaning as in s. 288.005. The Office of~~
1217 ~~Economic and Demographic Research shall review and evaluate the~~
1218 ~~methodology and model used to calculate the economic benefits~~
1219 ~~and shall report its findings by September 1 of every 3rd year,~~
1220 ~~to the President of the Senate and the Speaker of the House of~~
1221 ~~Representatives.~~

1222 3. The amount of capital investment to be made by the
1223 applicant in this state.

1224 4. The local financial commitment and support for the
1225 project.

1226 5. The expected effect of the project on the unemployed
1227 and underemployed ~~unemployment rate~~ in the county where the
1228 project will be located.

1229 6. The expected effect of the award on the viability of
1230 the project and the probability that the project would be
1231 undertaken in this state if such tax refunds are granted to the
1232 applicant.

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1233 ~~7. The expected long-term commitment of the applicant to~~
1234 ~~economic growth and employment in this state resulting from the~~
1235 ~~project.~~

1236 7.8. A review of the business's past activities in this
1237 state or other states, including whether the ~~such~~ business has
1238 been subjected to criminal or civil fines and penalties and
1239 whether the business received economic development incentives in
1240 other states and the results of such incentive agreements. This
1241 subparagraph does not require the disclosure of confidential
1242 information.

1243 (7) ADMINISTRATION.—

1244 (d) Beginning with tax refund agreements signed after July
1245 1, 2010, the department shall attempt to ascertain the causes
1246 for any business's failure to complete its agreement and ~~shall~~
1247 ~~report~~ its findings and recommendations must be included in the
1248 annual incentives report under s. 288.907 ~~to the Governor, the~~
1249 ~~President of the Senate, and the Speaker of the House of~~
1250 ~~Representatives. The report shall be submitted by December 1 of~~
1251 ~~each year beginning in 2011.~~

1252 Section 15. Paragraphs (c) and (d) of subsection (1),
1253 subsections (2) and (3), and paragraphs (a), (b), and (f) of
1254 subsection (4) of section 288.107, Florida Statutes, are amended
1255 to read:

1256 288.107 Brownfield redevelopment bonus refunds.—

1257 (1) DEFINITIONS.—As used in this section:

1258 (c) "Brownfield area eligible for bonus refunds" means a
1259 brownfield site for which a rehabilitation agreement with the
1260 Department of Environmental Protection or a local government

1261 delegated by the Department of Environmental Protection has been
 1262 executed under s. 376.80 and any abutting real property parcel
 1263 within a brownfield ~~contiguous area of one or more brownfield~~
 1264 ~~sites, some of which may not be contaminated, and~~ which has been
 1265 designated by a local government by resolution under s. 376.80.
 1266 ~~Such areas may include all or portions of community~~
 1267 ~~redevelopment areas, enterprise zones, empowerment zones, other~~
 1268 ~~such designated economically deprived communities and areas, and~~
 1269 ~~Environmental Protection Agency-designated brownfield pilot~~
 1270 ~~projects.~~

1271 (d) "Eligible business" means:

1272 1. A qualified target industry business as defined in s.
 1273 288.106(2); or

1274 2. A business that can demonstrate a fixed capital
 1275 investment of at least \$2 million in mixed-use business
 1276 activities, including multiunit housing, commercial, retail, and
 1277 industrial in brownfield areas eligible for bonus refunds, ~~or at~~
 1278 ~~least \$500,000 in brownfield areas that do not require site~~
 1279 ~~cleanup,~~ and that provides benefits to its employees.

1280 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
 1281 shall be approved by the department as specified in the final
 1282 order and allowed from the account as follows:

1283 (a) A bonus refund of \$2,500 shall be allowed to any
 1284 qualified target industry business as defined in s. 288.106 for
 1285 each new Florida job created in a brownfield area eligible for
 1286 bonus refunds which ~~that~~ is claimed on the qualified target
 1287 industry business's annual refund claim authorized in s.
 1288 288.106(6).

1289 (b) A bonus refund of up to \$2,500 shall be allowed to any
1290 other eligible business as defined in subparagraph (1)(d)2. For
1291 each new Florida job created in a brownfield area eligible for
1292 bonus refunds which ~~that~~ is claimed under an annual claim
1293 procedure similar to the annual refund claim authorized in s.
1294 288.106(6). The amount of the refund shall be equal to 20
1295 percent of the average annual wage for the jobs created.

1296 (3) CRITERIA.—The minimum criteria for participation in
1297 the brownfield redevelopment bonus refund are:

1298 (a) The creation of at least 10 new full-time permanent
1299 jobs. Such jobs shall not include construction or site
1300 rehabilitation jobs associated with the implementation of a
1301 brownfield site agreement as described in s. 376.80(5).

1302 (b) The completion of a fixed capital investment of at
1303 least \$2 million in mixed-use business activities, including
1304 multiunit housing, commercial, retail, and industrial in
1305 brownfield areas eligible for bonus refunds, ~~or at least~~
1306 ~~\$500,000 in brownfield areas that do not require site cleanup,~~
1307 by an eligible business applying for a refund under paragraph
1308 (2)(b) which provides benefits to its employees.

1309 ~~(c) That the designation as a brownfield will diversify~~
1310 ~~and strengthen the economy of the area surrounding the site.~~

1311 ~~(d) That the designation as a brownfield will promote~~
1312 ~~capital investment in the area beyond that contemplated for the~~
1313 ~~rehabilitation of the site.~~

1314 ~~(e) A resolution adopted by the governing board of the~~
1315 ~~county or municipality in which the project will be located that~~
1316 ~~recommends that certain types of businesses be approved.~~

1317 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—
 1318 (a) To be eligible to receive a bonus refund for new
 1319 Florida jobs created in a brownfield area eligible for bonus
 1320 refunds, a business must have been certified as a qualified
 1321 target industry business under s. 288.106 or eligible business
 1322 as defined in paragraph (1)(d) and must have indicated on the
 1323 qualified target industry business tax refund application form
 1324 submitted in accordance with s. 288.106(4) or other similar
 1325 agreement for other eligible business as defined in paragraph
 1326 (1)(d) that the project for which the application is submitted
 1327 is or will be located in a brownfield area eligible for bonus
 1328 refunds and that the business is applying for certification as a
 1329 qualified brownfield business under this section, and must have
 1330 signed a qualified target industry business tax refund agreement
 1331 with the department that indicates that the business has been
 1332 certified as a qualified target industry business located in a
 1333 brownfield area eligible for bonus refunds and specifies the
 1334 schedule of brownfield redevelopment bonus refunds that the
 1335 business may be eligible to receive in each fiscal year.
 1336 (b) To be considered to receive an eligible brownfield
 1337 redevelopment bonus refund payment, the business meeting the
 1338 requirements of paragraph (a) must submit a claim once each
 1339 fiscal year on a claim form approved by the department which
 1340 indicates the location of the brownfield site for which a
 1341 rehabilitation agreement with the Department of Environmental
 1342 Protection or a local government delegated by the Department of
 1343 Environmental Protection has been executed under s. 376.80, the
 1344 address of the business facility's brownfield location, the name

1345 of the brownfield in which it is located, the number of jobs
 1346 created, and the average wage of the jobs created by the
 1347 business within the brownfield as defined in s. 288.106 or other
 1348 eligible business as defined in paragraph (1)(d) and the
 1349 administrative rules and policies for that section.

1350 (f) Applications shall be reviewed and certified pursuant
 1351 to s. 288.061. The department shall review all applications
 1352 submitted under s. 288.106 or other similar application forms
 1353 for other eligible businesses as defined in paragraph (1)(d)
 1354 which indicate that the proposed project will be located in a
 1355 brownfield area eligible for bonus refunds and determine, with
 1356 the assistance of the Department of Environmental Protection,
 1357 that the project location is within a brownfield area eligible
 1358 for bonus refunds as provided in this act.

1359 Section 16. Subsection (8) of section 288.1081, Florida
 1360 Statutes, is amended to read:

1361 288.1081 Economic Gardening Business Loan Pilot Program.—

1362 (8) The annual report required under s. 20.60 must
 1363 describe ~~On June 30 and December 31 of each year, the department~~
 1364 ~~shall submit a report to the Governor, the President of the~~
 1365 ~~Senate, and the Speaker of the House of Representatives which~~
 1366 ~~describes~~ in detail the use of the loan funds. The report must
 1367 include, at a minimum, the number of businesses receiving loans,
 1368 the number of full-time equivalent jobs created as a result of
 1369 the loans, the amount of wages paid to employees in the newly
 1370 created jobs, the locations and types of economic activity
 1371 undertaken by the borrowers, the amounts of loan repayments made
 1372 to date, and the default rate of borrowers.

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1373 Section 17. Subsection (8) of section 288.1082, Florida
1374 Statutes, is amended to read:

1375 288.1082 Economic Gardening Technical Assistance Pilot
1376 Program.—

1377 (8) The annual report required under s. 20.60 must
1378 describe ~~On December 31 of each year, the department shall~~
1379 ~~submit a report to the Governor, the President of the Senate,~~
1380 ~~and the Speaker of the House of Representatives which describes~~
1381 in detail the progress of the pilot program. The report must
1382 include, at a minimum, the number of businesses receiving
1383 assistance, the number of full-time equivalent jobs created as a
1384 result of the assistance, if any, the amount of wages paid to
1385 employees in the newly created jobs, and the locations and types
1386 of economic activity undertaken by the businesses.

1387 Section 18. Paragraph (e) of subsection (3) of section
1388 288.1088, Florida Statutes, is amended to read:

1389 288.1088 Quick Action Closing Fund.—

1390 (3)

1391 (e) The department ~~Enterprise Florida, Inc.,~~ shall
1392 validate contractor performance and report— such validation in
1393 the annual incentives report required under s. 288.907 ~~shall be~~
1394 ~~reported within 6 months after completion of the contract to the~~
1395 ~~Governor, President of the Senate, and the Speaker of the House~~
1396 ~~of Representatives.~~

1397 Section 19. Paragraphs (b) and (d) of subsection (4), and
1398 subsections (9) and (11) of section 288.1089, Florida Statutes,
1399 are amended to read:

1400 288.1089 Innovation Incentive Program.—

1401 (4) To qualify for review by the department, the applicant
 1402 must, at a minimum, establish the following to the satisfaction
 1403 of the department:

1404 (b) A research and development project must:

1405 1. Serve as a catalyst for an emerging or evolving
 1406 technology cluster.

1407 2. Demonstrate a plan for significant higher education
 1408 collaboration.

1409 3. Provide the state, at a minimum, a cumulative break-
 1410 even economic benefit ~~return on investment~~ within a 20-year
 1411 period.

1412 4. Be provided with a one-to-one match from the local
 1413 community. The match requirement may be reduced or waived in
 1414 rural areas of critical economic concern or reduced in rural
 1415 areas, brownfield areas, and enterprise zones.

1416 (d) For an alternative and renewable energy project in
 1417 this state, the project must:

1418 1. Demonstrate a plan for significant collaboration with
 1419 an institution of higher education;

1420 2. Provide the state, at a minimum, a cumulative break-
 1421 even economic benefit ~~return on investment~~ within a 20-year
 1422 period;

1423 3. Include matching funds provided by the applicant or
 1424 other available sources. The match requirement may be reduced or
 1425 waived in rural areas of critical economic concern or reduced in
 1426 rural areas, brownfield areas, and enterprise zones;

1427 4. Be located in this state; and

1428 5. Provide at least 35 direct, new jobs that pay an

1429 estimated annual average wage that equals at least 130 percent
1430 of the average private sector wage.

1431 (9) The department shall validate the performance of an
1432 innovation business, a research and development facility, or an
1433 alternative and renewable energy business that has received an
1434 award. At the conclusion of the innovation incentive award
1435 agreement, or its earlier termination, the department shall
1436 include in the annual incentives report required under s.
1437 288.907 a detailed description of, ~~within 90 days, submit a~~
1438 ~~report to the Governor, the President of the Senate, and the~~
1439 ~~Speaker of the House of Representatives detailing whether the~~
1440 recipient of the innovation incentive grant achieved its
1441 specified outcomes.

1442 (11) ~~(a)~~ The department shall include in ~~submit to the~~
1443 ~~Governor, the President of the Senate, and the Speaker of the~~
1444 ~~House of Representatives, as part of the annual~~ incentives
1445 report required under s. 288.907, a report summarizing the
1446 activities and accomplishments of the recipients of grants from
1447 the Innovation Incentive Program during the previous 12 months
1448 and an evaluation of whether the recipients are catalysts for
1449 additional direct and indirect economic development in Florida.

1450 ~~(b) Beginning March 1, 2010, and every third year~~
1451 ~~thereafter, the Office of Program Policy Analysis and Government~~
1452 ~~Accountability, in consultation with the Auditor General's~~
1453 ~~Office, shall release a report evaluating the Innovation~~
1454 ~~Incentive Program's progress toward creating clusters of high-~~
1455 ~~wage, high-skilled, complementary industries that serve as~~
1456 ~~catalysts for economic growth specifically in the regions in~~

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1457 ~~which they are located, and generally for the state as a whole.~~
1458 ~~Such report should include critical analyses of quarterly and~~
1459 ~~annual reports, annual audits, and other documents prepared by~~
1460 ~~the Innovation Incentive Program awardees; relevant economic~~
1461 ~~development reports prepared by the department, Enterprise~~
1462 ~~Florida, Inc., and local or regional economic development~~
1463 ~~organizations; interviews with the parties involved; and any~~
1464 ~~other relevant data. Such report should also include legislative~~
1465 ~~recommendations, if necessary, on how to improve the Innovation~~
1466 ~~Incentive Program so that the program reaches its anticipated~~
1467 ~~potential as a catalyst for direct and indirect economic~~
1468 ~~development in this state.~~

1469 Section 20. Subsection (3) of section 288.1253, Florida
1470 Statutes, is amended to read:

1471 288.1253 Travel and entertainment expenses.—

1472 (3) The Office of Film and Entertainment ~~department~~ shall
1473 include in the annual report for the entertainment industry
1474 financial incentive program required under s. 288.1254(10) a
1475 ~~prepare an annual report of the office's expenditures of the~~
1476 ~~Office of Film and Entertainment and provide such report to the~~
1477 ~~Legislature no later than December 30 of each year for the~~
1478 ~~expenditures of the previous fiscal year. The report shall~~
1479 consist of a summary of all travel, entertainment, and
1480 incidental expenses incurred within the United States and all
1481 travel, entertainment, and incidental expenses incurred outside
1482 the United States, as well as a summary of all successful
1483 projects that developed from such travel.

1484 Section 21. Subsection (10) of section 288.1254, Florida

1485 Statutes, is amended to read:

1486 288.1254 Entertainment industry financial incentive
1487 program.—

1488 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office
1489 of Film and Entertainment shall submit ~~provide~~ an annual report
1490 for the previous fiscal year to the Governor, the President of
1491 the Senate, and the Speaker of the House of Representatives
1492 which outlines the incentive program's return on investment and
1493 economic benefits to the state. The report shall also include an
1494 estimate of the full-time equivalent positions created by each
1495 production that received tax credits under this section and
1496 information relating to the distribution of productions
1497 receiving credits by geographic region and type of production.
1498 The report shall also include the expenditures report required
1499 under s. 288.1253(3) and the information describing the
1500 relationship between tax exemptions and incentives to industry
1501 growth required under s. 288.1258(5).

1502 Section 22. Subsection (5) of section 288.1258, Florida
1503 Statutes, is amended to read:

1504 288.1258 Entertainment industry qualified production
1505 companies; application procedure; categories; duties of the
1506 Department of Revenue; records and reports.—

1507 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
1508 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
1509 and Entertainment shall keep annual records from the information
1510 provided on taxpayer applications for tax exemption certificates
1511 beginning January 1, 2001. These records also shall reflect a
1512 ratio of the annual amount of sales and use tax exemptions under

1513 | this section, plus the incentives awarded pursuant to s.
 1514 | 288.1254 to the estimated amount of funds expended by certified
 1515 | productions. In addition, the office shall maintain data showing
 1516 | annual growth in Florida-based entertainment industry companies
 1517 | and entertainment industry employment and wages. The employment
 1518 | information shall include an estimate of the full-time
 1519 | equivalent positions created by each production that received
 1520 | tax credits pursuant to s. 288.1254. The Office of Film and
 1521 | Entertainment shall include ~~report~~ this information in the
 1522 | annual report for the entertainment industry financial incentive
 1523 | program required under s. 288.1254(10) to the Legislature no
 1524 | later than December 1 of each year.

1525 | Section 23. Subsection (3) of section 288.714, Florida
 1526 | Statutes, is amended to read:

1527 | 288.714 Quarterly and annual reports.—

1528 | (3) ~~By August 31 of each year,~~ The department shall
 1529 | include in its annual report required under s. 20.60 provide to
 1530 | ~~the Governor, the President of the Senate, and the Speaker of~~
 1531 | ~~the House of Representatives~~ a detailed report of the
 1532 | performance of the Black Business Loan Program. The report must
 1533 | include a cumulative summary of the quarterly report data
 1534 | compiled pursuant to ~~required by~~ subsection (2) ~~(1)~~.

1535 | Section 24. Section 288.7771, Florida Statutes, is amended
 1536 | to read:

1537 | 288.7771 Annual report of Florida Export Finance
 1538 | Corporation.—The corporation shall annually prepare and submit
 1539 | to Enterprise Florida, Inc., ~~the department~~ for inclusion in its
 1540 | annual report required under s. 288.906 ~~by s. 288.095~~ a complete

1541 and detailed report setting forth:

1542 (1) The report required in s. 288.776(3).

1543 (2) Its assets and liabilities at the end of its most
1544 recent fiscal year.

1545 Section 25. Subsections (3), (4), and (5) of section
1546 288.903, Florida Statutes, are amended to read:

1547 288.903 Duties of Enterprise Florida, Inc.—Enterprise
1548 Florida, Inc., shall have the following duties:

1549 (3) Prepare an annual report pursuant to s. 288.906.

1550 (4) Prepare, in conjunction with the department, and an
1551 annual incentives report pursuant to s. 288.907.

1552 (5)~~(4)~~ Assist the department with the development of an
1553 annual and a long-range strategic business blueprint for
1554 economic development required in s. 20.60.

1555 (6)~~(5)~~ In coordination with Workforce Florida, Inc.,
1556 identify education and training programs that will ensure
1557 Florida businesses have access to a skilled and competent
1558 workforce necessary to compete successfully in the domestic and
1559 global marketplace.

1560 Section 26. Subsection (6) of section 288.904, Florida
1561 Statutes, is repealed.

1562 Section 27. Subsection (3) is added to section 288.906,
1563 Florida Statutes, to read:

1564 288.906 Annual report of Enterprise Florida, Inc., and its
1565 divisions; audits.—

1566 (3) The following reports must be included as supplements
1567 to the detailed report required by this section:

1568 (a) The annual report of the Florida Export Finance

1569 Corporation required under s. 288.7771.

1570 (b) The report on international offices required under s.
 1571 288.012.

1572 Section 28. Section 288.907, Florida Statutes, is amended
 1573 to read:

1574 288.907 Annual incentives report.—

1575 ~~(1) In addition to the annual report required under s.~~
 1576 ~~288.906, Enterprise Florida, Inc., in conjunction with the~~
 1577 ~~department, shall, by December 30 of each year, submit an annual~~
 1578 ~~incentives report to shall provide~~ the Governor, the President
 1579 of the Senate, and the Speaker of the House of Representatives
 1580 ~~which details and quantifies a detailed incentives report~~
 1581 ~~quantifying~~ the economic benefits for all of the economic
 1582 development incentive programs marketed by Enterprise Florida,
 1583 Inc.

1584 (a) The annual incentives report must include for each
 1585 incentive program:

1586 1. A brief description of the incentive program.

1587 2. The amount of awards granted, by year, since inception
 1588 and the annual amount actually transferred from the state
 1589 treasury to businesses or for the benefit of businesses for each
 1590 of the previous 3 years.

1591 ~~3. The economic benefits, as defined in s. 288.005, based~~
 1592 ~~on the actual amount of private capital invested, actual number~~
 1593 ~~of jobs created, and actual wages paid for incentive agreements~~
 1594 ~~completed during the previous 3 years.~~

1595 ~~4. The report shall also include~~ The actual amount of
 1596 private capital invested, actual number of jobs created, and

1597 actual wages paid for incentive agreements completed during the
1598 previous 3 years for each target industry sector.

1599 (b) For projects completed during the previous state
1600 fiscal year, ~~the report must include:~~

1601 1. The number of economic development incentive
1602 applications received.

1603 2. The number of recommendations made to the department by
1604 Enterprise Florida, Inc., including the number recommended for
1605 approval and the number recommended for denial.

1606 3. The number of final decisions issued by the department
1607 for approval and for denial.

1608 4. The projects for which a tax refund, tax credit, or
1609 cash grant agreement was executed and, identifying for each
1610 project:

1611 a. The number of jobs committed to be created.

1612 b. The amount of capital investments committed to be made.

1613 c. The annual average wage committed to be paid.

1614 d. The amount of state economic development incentives
1615 committed to the project from each incentive program under the
1616 project's terms of agreement with the Department of Economic
1617 Opportunity.

1618 e. The amount and type of local matching funds committed
1619 to the project.

1620 5. Tax refunds paid or other payments made funded out of
1621 the Economic Development Incentives Account for each project.

1622 6. The types of projects supported.

1623 (c) For economic development projects that received tax
1624 refunds, tax credits, or cash grants under the terms of an

1625 | agreement for incentives, ~~the report must identify:~~

- 1626 | 1. The number of jobs actually created.
- 1627 | 2. The amount of capital investments actually made.
- 1628 | 3. The annual average wage paid.

1629 | (d) For a project receiving economic development
1630 | incentives approved by the department and receiving federal or
1631 | local incentives, ~~the report must include~~ a description of the
1632 | federal or local incentives, if available.

1633 | (e) ~~The report must state~~ the number of withdrawn or
1634 | terminated projects that did not fulfill the terms of their
1635 | agreements with the department and consequently are not
1636 | receiving incentives.

1637 | (f) The amount ~~report must include an analysis of the~~
1638 | ~~economic benefits, as defined in s. 288.005,~~ of tax refunds, tax
1639 | credits, or other payments made to projects locating or
1640 | expanding in state enterprise zones, rural communities,
1641 | brownfield areas, or distressed urban communities.

1642 | (g) The report must also include a separate analysis of
1643 | the impact of tax refunds on rural communities, brownfield
1644 | areas, distressed urban communities, and state enterprise zones
1645 | designated pursuant to s. 290.0065.

1646 | (h) The report must list the name of each business that
1647 | received a tax refund during the previous fiscal year, and the
1648 | amount of the tax refund, pursuant to the qualified defense
1649 | contractor and space flight business tax refund program under s.
1650 | 288.1045 or the tax refund program for qualified target industry
1651 | businesses under s. 288.106.

1652 | (i) ~~(g)~~ An identification of ~~The report must identify the~~

1653 target industry businesses and high-impact businesses.

1654 ~~(j)(h)~~ A description of ~~The report must describe~~ the
 1655 trends relating to business interest in, and usage of, the
 1656 various incentives, and the number of minority-owned or woman-
 1657 owned businesses receiving incentives.

1658 ~~(k)(i)~~ The report must identify incentive programs not
 1659 used and include recommendations for changes utilized.

1660 (l) The report must include information related to the
 1661 validation of contractor performance required under s. 288.061.

1662 (m) Beginning in 2014, the report must summarize the
 1663 activities related to the Florida Space Business Incentives Act,
 1664 s. 220.194.

1665 Section 29. Subsection (3) of section 288.92, Florida
 1666 Statutes, is amended to read:

1667 288.92 Divisions of Enterprise Florida, Inc.—

1668 (3) ~~By October 15 each year,~~ Each division shall draft and
 1669 submit an annual report for inclusion in the report required
 1670 under 288.906 which details the division's activities during the
 1671 previous ~~prior~~ fiscal year and includes ~~any~~ recommendations for
 1672 improving current statutes related to the division's ~~related~~
 1673 area of responsibility.

1674 Section 30. Subsection (5) of section 288.95155, Florida
 1675 Statutes, is amended to read:

1676 288.95155 Florida Small Business Technology Growth
 1677 Program.—

1678 (5) Enterprise Florida, Inc., shall include in the annual
 1679 incentives report required under s. 288.907 ~~prepare for~~
 1680 ~~inclusion in the annual report of the department required by s.~~

1681 ~~288.095~~ a report on the financial status of the program. The
1682 report must specify the assets and liabilities of the program
1683 within the current fiscal year and must include a portfolio
1684 update that lists all of the businesses assisted, the private
1685 dollars leveraged by each business assisted, and the growth in
1686 sales and ~~in~~ employment of each business assisted.

1687 Section 31. Section 288.9918, Florida Statutes, is amended
1688 to read:

1689 288.9918 Annual reporting by a community development
1690 entity.—

1691 (1) A community development entity that has issued a
1692 qualified investment shall submit an annual report to the
1693 department by January 31 ~~April 30~~ after the end of each year
1694 which includes a credit allowance date. The report shall include
1695 information on investments made during the preceding calendar
1696 year, including, but not limited to, the following:

1697 ~~(1) The entity's annual financial statements for the~~
1698 ~~preceding tax year, audited by an independent certified public~~
1699 ~~accountant.~~

1700 (a)~~(2)~~ The identity of the types of industries, identified
1701 by the North American Industry Classification System Code, in
1702 which qualified low-income community investments were made.

1703 (b)~~(3)~~ The names of the counties in which the qualified
1704 active low-income businesses are located which received
1705 qualified low-income community investments.

1706 (c)~~(4)~~ The number of jobs created and retained by qualified
1707 active low-income community businesses receiving qualified low-
1708 income community investments, including verification that the

1709 average wages paid meet or exceed 115 percent of the federal
 1710 poverty income guidelines for a family of four.

1711 (d)~~(5)~~ A description of the relationships that the entity
 1712 has established with community-based organizations and local
 1713 community development offices and organizations and a summary of
 1714 the outcomes resulting from those relationships.

1715 (e)~~(6)~~ Other information and documentation required by the
 1716 department to verify continued certification as a qualified
 1717 community development entity under 26 U.S.C. s. 45D.

1718 (2) By April 30 after the end of each year that includes a
 1719 credit allowance date, a community development entity shall
 1720 submit annual financial statements for the preceding tax year,
 1721 audited by an independent certified public accountant.

1722 Section 32. Subsection (6) of section 290.0055, Florida
 1723 Statutes, is amended to read:

1724 290.0055 Local nominating procedure.—

1725 (6) (a) The department may approve a change in the boundary
 1726 of any enterprise zone which was designated pursuant to s.
 1727 290.0065. A boundary change must continue to satisfy the
 1728 requirements of subsections (3), (4), and (5).

1729 (b) Upon a recommendation by the enterprise zone
 1730 development agency, the governing body of the jurisdiction which
 1731 authorized the application for an enterprise zone may apply to
 1732 the department for a change in boundary once every 3 years by
 1733 adopting a resolution that:

- 1734 1. States with particularity the reasons for the change;
- 1735 and
- 1736 2. Describes specifically and, to the extent required by

1737 the department, the boundary change to be made.

1738 (c) At least 90 days before adopting a resolution seeking
1739 a change in the boundary of an enterprise zone, the governing
1740 body shall include in a notice of the meeting at which the
1741 resolution will be considered an explanation that a change in
1742 the boundary of an enterprise zone will be considered and that
1743 the change may result in loss of enterprise zone eligibility for
1744 the area affected by the boundary change.

1745 (d)1. The governing body of a jurisdiction which has
1746 nominated an application for an enterprise zone that is at least
1747 15 square miles and less than 20 square miles ~~no larger than 12~~
1748 ~~square miles~~ and includes a portion of the state designated as a
1749 rural area of critical economic concern under s. 288.0656(7) may
1750 apply to the department to expand the boundary of the existing
1751 enterprise zone by not more than 3 square miles. ~~An application~~
1752 ~~to expand the boundary of an enterprise zone under this~~
1753 ~~paragraph must be submitted by December 31, 2012.~~

1754 2. The governing body of a jurisdiction that has nominated
1755 an application for an enterprise zone that is at least 20 square
1756 miles and includes a portion of the state designated as a rural
1757 area of critical economic concern under s. 288.0656(7) may apply
1758 to the department to expand the boundary of the existing
1759 enterprise zone by not more than 5 square miles.

1760 3. An application to expand the boundary of an enterprise
1761 zone under this paragraph must be submitted by December 31,
1762 2013.

1763 ~~4.2.~~ Notwithstanding the area limitations specified in
1764 subsection (4), the department may approve the request for a

1765 boundary amendment if the area continues to satisfy the
1766 remaining requirements of this section.

1767 ~~5.3.~~ The department shall establish the initial effective
1768 date of an enterprise zone designated under this paragraph.

1769 Section 33. Subsection (11) of section 290.0056, Florida
1770 Statutes, is amended to read:

1771 290.0056 Enterprise zone development agency.—

1772 (11) Before October 1 ~~December 1~~ of each year, the agency
1773 shall submit to the department for inclusion in the department's
1774 annual report required under s. 20.60 a complete and detailed
1775 written report setting forth:

1776 (a) Its operations and accomplishments during the fiscal
1777 year.

1778 (b) The accomplishments and progress concerning the
1779 implementation of the strategic plan or measurable goals, and
1780 any updates to the strategic plan or measurable goals.

1781 (c) The number and type of businesses assisted by the
1782 agency during the fiscal year.

1783 (d) The number of jobs created within the enterprise zone
1784 during the fiscal year.

1785 (e) The usage and revenue impact of state and local
1786 incentives granted during the calendar year.

1787 (f) Any other information required by the department.

1788 Section 34. Section 290.014, Florida Statutes, is amended
1789 to read:

1790 290.014 Annual reports on enterprise zones.—

1791 ~~(1)~~ By October 1 ~~February 1~~ of each year, the Department
1792 of Revenue shall submit a an annual report to the department for

1793 inclusion in the department's annual report required under s.
 1794 20.60 which details ~~detailing~~ the usage and revenue impact by
 1795 county of the state incentives listed in s. 290.007.

1796 ~~(2) By March 1 of each year, the department shall submit~~
 1797 ~~an annual report to the Governor, the Speaker of the House of~~
 1798 ~~Representatives, and the President of the Senate.~~ The report
 1799 shall also include ~~the information provided by the department of~~
 1800 ~~Revenue pursuant to subsection (1) and the information provided~~
 1801 by the enterprise zone development agencies pursuant to s.
 1802 290.0056(11) ~~290.0056~~. In addition, the report shall include an
 1803 analysis of the activities and accomplishments of each
 1804 enterprise zone.

1805 Section 35. Section 290.0455, Florida Statutes, is amended
 1806 to read:

1807 290.0455 Small Cities Community Development Block Grant
 1808 Loan Guarantee Program; Section 108 loan guarantees.-

1809 (1) The Small Cities Community Development Block Grant
 1810 Loan Guarantee Program is created. The department shall
 1811 administer the loan guarantee program pursuant to Section 108 ~~s.~~
 1812 ~~108~~ of Title I of the Housing and Community Development Act of
 1813 1974, as amended, and as further amended by s. 910 of the
 1814 Cranston-Gonzalez National Affordable Housing Act. The purpose
 1815 of the Small Cities Community Development Block Grant Loan
 1816 Guarantee Program is to guarantee, or to make commitments to
 1817 guarantee, notes or other obligations issued by public entities
 1818 for the purposes of financing activities enumerated in 24 C.F.R.
 1819 s. 570.703.

1820 (2) Activities assisted under the loan guarantee program

1821 must meet the requirements contained in 24 C.F.R. ss. 570.700-
1822 570.710 and may not otherwise be financed in whole or in part
1823 from the Florida Small Cities Community Development Block Grant
1824 Program.

1825 (3) The department may pledge existing revenues on deposit
1826 or future revenues projected to be available for deposit in the
1827 Florida Small Cities Community Development Block Grant Program
1828 in order to guarantee, ~~in whole or in part,~~ the payment of
1829 principal and interest on a Section 108 loan ~~made under the loan~~
1830 ~~guarantee program.~~

1831 (4) An applicant approved by the United States Department
1832 of Housing and Urban Development to receive a Section 108 loan
1833 shall enter into an agreement with the Department of Economic
1834 Opportunity which requires the applicant to pledge half of the
1835 amount necessary to guarantee the loan in the event of default.

1836 (5) The department shall review all Section 108 loan
1837 applications that it receives from local governments. The
1838 department shall review the applications ~~must submit all~~
1839 ~~applications it receives to the United States Department of~~
1840 ~~Housing and Urban Development for loan approval,~~ in the order
1841 received, subject to a determination by the department
1842 ~~determining~~ that each ~~the~~ application meets all eligibility
1843 requirements contained in 24 C.F.R. ss. 570.700-570.710, ~~and~~ has
1844 been deemed financially feasible by a loan underwriter approved
1845 by the department. If the statewide maximum available for loan
1846 guarantee commitments established in subsection (6) has not been
1847 committed, the department may submit the Section 108 loan
1848 application to the United States Department of Housing and Urban

1849 Development with a recommendation that the loan be approved,
1850 with or without conditions, or be denied ~~provided that the~~
1851 ~~applicant has submitted the proposed activity to a loan~~
1852 ~~underwriter to document its financial feasibility.~~

1853 (6) ~~(5)~~ The maximum amount of an individual loan guarantee
1854 commitment that an ~~commitments that any~~ eligible local
1855 government may receive is ~~may be~~ limited to \$5 ~~\$7~~ million
1856 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan
1857 guarantee commitments statewide may not exceed an amount equal
1858 to two ~~five~~ times the amount of the most recent grant received
1859 by the department under the Florida Small Cities Community
1860 Development Block Grant Program. The \$5 million loan guarantee
1861 limit does not apply to loans guaranteed before July 1, 2013,
1862 that may be refinanced.

1863 (7) ~~(6)~~ Section 108 loans guaranteed by the Small Cities
1864 Community Development Block Grant Program ~~loan guarantee program~~
1865 must be repaid within 20 years.

1866 (8) ~~(7)~~ Section 108 loan applicants must demonstrate
1867 ~~guarantees may be used for an activity only if the local~~
1868 ~~government provides evidence to the department that~~ the
1869 applicant investigated alternative financing services ~~were~~
1870 ~~investigated~~ and the services were unavailable or insufficient
1871 to meet the financing needs of the proposed activity.

1872 (9) If a local government defaults on a Section 108 loan
1873 received from the United States Department of Housing and Urban
1874 Development and guaranteed through the Florida Small Cities
1875 Community Development Block Grant Program, thereby requiring the
1876 department to reduce its annual grant award in order to pay the

1877 annual debt service on the loan, any future community
 1878 development block grants that the local government receives must
 1879 be reduced in an amount equal to the amount of the state's grant
 1880 award used in payment of debt service on the loan.

1881 (10) If a local government receives a Section 108 loan
 1882 guaranteed through the Florida Small Cities Community
 1883 Development Block Grant Program and is granted entitlement
 1884 community status as defined in subpart D of 24 C.F.R. part 570
 1885 by the United States Department of Housing and Urban Development
 1886 before paying the loan in full, the local government must pledge
 1887 its community development block grant entitlement allocation as
 1888 a guarantee of its previous loan and request that the United
 1889 States Department of Housing and Urban Development release the
 1890 department as guarantor of the loan.

1891 ~~(8) The department must, before approving an application~~
 1892 ~~for a loan, evaluate the applicant's prior administration of~~
 1893 ~~block grant funds for community development. The evaluation of~~
 1894 ~~past performance must take into account the procedural aspects~~
 1895 ~~of previous grants or loans as well as substantive results. If~~
 1896 ~~the department finds that any applicant has failed to~~
 1897 ~~substantially accomplish the results proposed in the applicant's~~
 1898 ~~last previously funded application, the department may prohibit~~
 1899 ~~the applicant from receiving a loan or may penalize the~~
 1900 ~~applicant in the rating of the current application.~~

1901 Section 36. Subsection (11) of section 331.3051, Florida
 1902 Statutes, is amended to read:

1903 331.3051 Duties of Space Florida.—Space Florida shall:

1904 (11) Annually report on its performance with respect to

1905 its business plan, to include finance, spaceport operations,
 1906 research and development, workforce development, and education.
 1907 The report shall be submitted to the Governor, the President of
 1908 the Senate, and the Speaker of the House of Representatives by
 1909 November 30 ~~no later than September 1~~ for the previous ~~prior~~
 1910 fiscal year. The annual report shall include operations
 1911 information as required under s. 331.310(2)(e).

1912 Section 37. Paragraph (e) of subsection (2) of section
 1913 331.310, Florida Statutes, is amended to read:

1914 331.310 Powers and duties of the board of directors.—

1915 (2) The board of directors shall:

1916 (e) Prepare an annual report of operations as a supplement
 1917 to the annual report required under s. 331.3051(11). The report
 1918 shall include, but not be limited to, a balance sheet, an income
 1919 statement, a statement of changes in financial position, a
 1920 reconciliation of changes in equity accounts, a summary of
 1921 significant accounting principles, the auditor's report, a
 1922 summary of the status of existing and proposed bonding projects,
 1923 comments from management about the year's business, and
 1924 prospects for the next year, ~~which shall be submitted each year~~
 1925 ~~by November 30 to the Governor, the President of the Senate, the~~
 1926 ~~Speaker of the House of Representatives, the minority leader of~~
 1927 ~~the Senate, and the minority leader of the House of~~
 1928 ~~Representatives.~~

1929 Section 38. Paragraphs (a) and (e) of subsection (30) of
 1930 section 443.036, Florida Statutes, are amended to read:

1931 443.036 Definitions.—As used in this chapter, the term:

1932 (30) "Misconduct," irrespective of whether the misconduct

1933 occurs at the workplace or during working hours, includes, but
 1934 is not limited to, the following, which may not be construed in
 1935 pari materia with each other:

1936 (a) Conduct demonstrating conscious disregard of an
 1937 employer's interests and found to be a deliberate violation or
 1938 disregard of the reasonable standards of behavior which the
 1939 employer expects of his or her employee. Such conduct may
 1940 include, but is not limited to, willful damage to an employer's
 1941 property that results in damage of more than \$50, or theft of
 1942 employer property or property of a customer or invitee of the
 1943 employer.

1944 (e)1. A violation of an employer's rule, unless the
 1945 claimant can demonstrate that:

1946 a.1. He or she did not know, and could not reasonably
 1947 know, of the rule's requirements;

1948 b.2. The rule is not lawful or not reasonably related to
 1949 the job environment and performance; or

1950 c.3. The rule is not fairly or consistently enforced.

1951 2. Such conduct may include, but is not limited to,
 1952 committing criminal assault or battery on another employee, or
 1953 on a customer or invitee of the employer; or committing abuse or
 1954 neglect of a patient, resident, disabled person, elderly person,
 1955 or child in her or his professional care.

1956 Section 39. Paragraphs (b), (c), and (d) of subsection (1)
 1957 of section 443.091, Florida Statutes, are amended to read:

1958 443.091 Benefit eligibility conditions.—

1959 (1) An unemployed individual is eligible to receive
 1960 benefits for any week only if the Department of Economic

1961 Opportunity finds that:

1962 (b) She or he has completed the department's online work
 1963 registration ~~registered with the department for work~~ and
 1964 subsequently reports to the one-stop career center as directed
 1965 by the regional workforce board for reemployment services. This
 1966 requirement does not apply to persons who are:

- 1967 1. Non-Florida residents;
- 1968 2. On a temporary layoff;
- 1969 3. Union members who customarily obtain employment through
 1970 a union hiring hall; ~~or~~
- 1971 4. Claiming benefits under an approved short-time
 1972 compensation plan as provided in s. 443.1116; or
- 1973 5. Unable to complete the online work registration due to
 1974 illiteracy, physical or mental impairment, a legal prohibition
 1975 from using a computer, or a language impediment. If a person is
 1976 exempted from the online work registration under this
 1977 subparagraph, then the filing of his or her claim constitutes
 1978 registration for work.

1979 (c) To make continued claims for benefits, she or he is
 1980 reporting to the department in accordance with this paragraph
 1981 and department rules, and participating in an initial skills
 1982 review, as directed by the department. Department rules may not
 1983 conflict with s. 443.111(1)(b), which requires that each
 1984 claimant continue to report regardless of any pending appeal
 1985 relating to her or his eligibility or disqualification for
 1986 benefits.

- 1987 1. For each week of unemployment claimed, each report
 1988 must, at a minimum, include the name, address, and telephone

1989 | number of each prospective employer contacted, or the date the
 1990 | claimant reported to a one-stop career center, pursuant to
 1991 | paragraph (d).

1992 | 2. The administrator or operator of the initial skills
 1993 | review shall notify the department when the individual completes
 1994 | the initial skills review and report the results of the review
 1995 | to the regional workforce board or the one-stop career center as
 1996 | directed by the workforce board. The department shall prescribe
 1997 | a numeric score on the initial skills review that demonstrates a
 1998 | minimal proficiency in workforce skills. The department,
 1999 | workforce board, or one-stop career center shall use the initial
 2000 | skills review to develop a plan for referring individuals to
 2001 | training and employment opportunities. The failure of the
 2002 | individual to comply with this requirement will result in the
 2003 | individual being determined ineligible for benefits for the week
 2004 | in which the noncompliance occurred and for any subsequent week
 2005 | of unemployment until the requirement is satisfied. However,
 2006 | this requirement does not apply if the individual ~~is able to~~
 2007 | ~~affirmatively attest to being unable to complete such review due~~
 2008 | ~~to illiteracy or a language impediment or~~ is exempt from the
 2009 | work registration requirement as set forth in paragraph (b).

2010 | 3. Any individual who falls below the minimal proficiency
 2011 | score prescribed by the department in subparagraph 2. on the
 2012 | initial skills review shall be offered training opportunities
 2013 | and encouraged to participate in such training at no cost to the
 2014 | individual in order to improve his or her workforce skills to
 2015 | the minimal proficiency level.

2016 | 4. The department shall coordinate with Workforce Florida,

2017 Inc., the workforce boards, and the one-stop career centers to
2018 identify, develop, and utilize best practices for improving the
2019 skills of individuals who choose to participate in training
2020 opportunities and who have a minimal proficiency score below the
2021 score prescribed in subparagraph 2.

2022 5. The department, in coordination with Workforce Florida,
2023 Inc., the workforce boards, and the one-stop career centers,
2024 shall evaluate the use, effectiveness, and costs associated with
2025 the training prescribed in subparagraph 3. and report its
2026 findings and recommendations for training and the use of best
2027 practices to the Governor, the President of the Senate, and the
2028 Speaker of the House of Representatives by January 1, 2013.

2029 (d) She or he is able to work and is available for work.
2030 In order to assess eligibility for a claimed week of
2031 unemployment, the department shall develop criteria to determine
2032 a claimant's ability to work and availability for work. A
2033 claimant must be actively seeking work in order to be considered
2034 available for work. This means engaging in systematic and
2035 sustained efforts to find work, including contacting at least
2036 five prospective employers for each week of unemployment
2037 claimed. The department may require the claimant to provide
2038 proof of such efforts to the one-stop career center as part of
2039 reemployment services. A claimant's proof of work search efforts
2040 may not include the same prospective employer at the same
2041 location in consecutive claimed weeks, unless the employer has
2042 indicated since the time of the initial contact that the
2043 employer is hiring. The department shall conduct random reviews
2044 of work search information provided by claimants. As an

2045 alternative to contacting at least five prospective employers
 2046 for any week of unemployment claimed, a claimant may, for that
 2047 same week, report in person to a one-stop career center to meet
 2048 with a representative of the center and access reemployment
 2049 services of the center. The center shall keep a record of the
 2050 services or information provided to the claimant and shall
 2051 provide the records to the department upon request by the
 2052 department. However:

2053 1. Notwithstanding any other provision of this paragraph
 2054 or paragraphs (b) and (e), an otherwise eligible individual may
 2055 not be denied benefits for any week because she or he is in
 2056 training with the approval of the department, or by reason of s.
 2057 443.101(2) relating to failure to apply for, or refusal to
 2058 accept, suitable work. Training may be approved by the
 2059 department in accordance with criteria prescribed by rule. A
 2060 claimant's eligibility during approved training is contingent
 2061 upon satisfying eligibility conditions prescribed by rule.

2062 2. Notwithstanding any other provision of this chapter, an
 2063 otherwise eligible individual who is in training approved under
 2064 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
 2065 determined ineligible or disqualified for benefits due to
 2066 enrollment in such training or because of leaving work that is
 2067 not suitable employment to enter such training. As used in this
 2068 subparagraph, the term "suitable employment" means work of a
 2069 substantially equal or higher skill level than the worker's past
 2070 adversely affected employment, as defined for purposes of the
 2071 Trade Act of 1974, as amended, the wages for which are at least
 2072 80 percent of the worker's average weekly wage as determined for

2073 purposes of the Trade Act of 1974, as amended.

2074 3. Notwithstanding any other provision of this section, an
2075 otherwise eligible individual may not be denied benefits for any
2076 week because she or he is before any state or federal court
2077 pursuant to a lawfully issued summons to appear for jury duty.

2078 4. Union members who customarily obtain employment through
2079 a union hiring hall may satisfy the work search requirements of
2080 this paragraph by reporting daily to their union hall.

2081 5. The work search requirements of this paragraph do not
2082 apply to persons who are unemployed as a result of a temporary
2083 layoff or who are claiming benefits under an approved short-time
2084 compensation plan as provided in s. 443.1116.

2085 6. In small counties as defined in s. 120.52(19), a
2086 claimant engaging in systematic and sustained efforts to find
2087 work must contact at least three prospective employers for each
2088 week of unemployment claimed.

2089 7. The work search requirements of this paragraph do not
2090 apply to persons required to participate in reemployment
2091 services under paragraph (e).

2092 Section 40. Subsection (13) is added to section 443.101,
2093 Florida Statutes, to read:

2094 443.101 Disqualification for benefits.—An individual shall
2095 be disqualified for benefits:

2096 (13) For any week with respect to which the department
2097 finds that his or her unemployment is due to a discharge from
2098 employment for failure without good cause to maintain a license,
2099 registration, or certification required by applicable law
2100 necessary for the employee to perform her or his assigned job

2101 duties. For purposes of this paragraph, the term "good cause"
 2102 includes, but is not limited to, failure of the employer to
 2103 submit information required for a license, registration, or
 2104 certification; short-term physical injury which prevents the
 2105 employee from completing or taking a required test; and
 2106 inability to take or complete a required test that is outside
 2107 the employee's control.

2108 Section 41. Paragraph (b) of subsection (4) of section
 2109 443.1113, Florida Statutes, is amended to read:

2110 443.1113 Reemployment Assistance Claims and Benefits
 2111 Information System.—

2112 (4) The project to implement the Reemployment Assistance
 2113 Claims and Benefits Information System shall be comprised of the
 2114 following phases and corresponding implementation timeframes:

2115 (b) The Reemployment Assistance Claims and Benefits
 2116 Internet portal that replaces the Florida Unemployment Internet
 2117 Direct and the Florida Continued Claims Internet Directory
 2118 systems, the Call Center Interactive Voice Response System, the
 2119 Benefit Overpayment Screening System, the Internet and Intranet
 2120 Appeals System, and the Claims and Benefits Mainframe System
 2121 shall be deployed to full operational status no later than the
 2122 end of fiscal year 2013-2014 ~~2012-2013~~.

2123 Section 42. Subsection (5) of section 443.131, Florida
 2124 Statutes, is amended to read:

2125 443.131 Contributions.—

2126 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

2127 (a) When the Unemployment Compensation Trust Fund has
 2128 received advances from the Federal Government under the

2129 provisions of 42 U.S.C. s. 1321, each contributing employer
 2130 shall be assessed an additional rate solely for the purpose of
 2131 paying interest due on such federal advances. The additional
 2132 rate shall be assessed no later than February 1 in each calendar
 2133 year in which an interest payment is due.

2134 (b) The Revenue Estimating Conference shall estimate the
 2135 amount of ~~such~~ interest due on federal advances by no later than
 2136 December 1 of the calendar year before ~~preceding~~ the calendar
 2137 year in which an interest payment is due. The Revenue Estimating
 2138 Conference shall, at a minimum, consider the following as the
 2139 basis for the estimate:

- 2140 1. The amounts actually advanced to the trust fund.
- 2141 2. Amounts expected to be advanced to the trust fund based
 2142 on current and projected unemployment patterns and employer
 2143 contributions.
- 2144 3. The interest payment due date.
- 2145 4. The interest rate that will be applied by the Federal
 2146 Government to any accrued outstanding balances.

2147 (c) ~~(b)~~ The tax collection service provider shall calculate
 2148 the additional rate to be assessed against contributing
 2149 employers. The additional rate assessed for a calendar year
 2150 shall be determined by dividing the estimated amount of interest
 2151 to be paid in that year by 95 percent of the taxable wages as
 2152 described in s. 443.1217 paid by all employers for the year
 2153 ending June 30 of the previous ~~immediately preceding~~ calendar
 2154 year. The amount to be paid by each employer shall be the
 2155 product obtained by multiplying such employer's taxable wages as
 2156 described in s. 443.1217 for the year ending June 30 of the

2157 previous ~~immediately preceding~~ calendar year by the rate as
2158 determined by this subsection. An assessment may not be made if
2159 the amount of assessments on deposit from previous years, plus
2160 any earned interest, is at least 80 percent of the estimated
2161 amount of interest.

2162 (d) The tax collection service provider shall make a
2163 separate collection of such assessment, which may be collected
2164 at the time of employer contributions and subject to the same
2165 penalties for failure to file a report, imposition of the
2166 standard rate pursuant to paragraph (3)(h), and interest if the
2167 assessment is not received on or before June 30. Section
2168 443.141(1)(d) and (e) does not apply to this separately
2169 collected assessment. The tax collection service provider shall
2170 maintain those funds in the tax collection service provider's
2171 Audit and Warrant Clearing Trust Fund until the provider is
2172 directed by the Governor or the Governor's designee to make the
2173 interest payment to the Federal Government. Assessments on
2174 deposit shall be available to pay the interest on advances
2175 received from the Federal Government under 42 U.S.C. s. 1321.
2176 Assessments on deposit may be invested and any interest earned
2177 shall be part of the balance available to pay the interest on
2178 advances received from the Federal Government under 42 U.S.C. s.
2179 1321.

2180 (e) Four months after ~~In the calendar year that~~ all
2181 advances from the Federal Government under 42 U.S.C. s. 1321 and
2182 associated interest are repaid, ~~if there are assessment funds in~~
2183 ~~excess of the amount required to meet the final interest~~
2184 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant

2185 Clearing Trust Fund, including associated interest, shall be
2186 transferred to ~~credited to employer accounts in~~ the Unemployment
2187 Compensation Trust Fund. Any assessment amounts subsequently
2188 collected shall also be transferred to the Unemployment
2189 Compensation Trust Fund in an amount equal to the employer's
2190 ~~contribution to the assessment for that year divided by the~~
2191 ~~total amount of the assessment for that year, the result of~~
2192 ~~which is multiplied by the amount of excess assessed funds.~~

2193 (f) If ~~However,~~ if the state is permitted to defer
2194 interest payments due during a calendar year under 42 U.S.C. s.
2195 1322, payment of the interest assessment shall not be due. If a
2196 deferral of interest expires or is subsequently disallowed by
2197 the Federal Government, either prospectively or retroactively,
2198 the interest assessment shall be immediately due and payable.
2199 Notwithstanding any other provision of this section, if interest
2200 due during a calendar year on federal advances is forgiven or
2201 postponed under federal law and is no longer due during that
2202 calendar year, no interest assessment shall be assessed against
2203 an employer for that calendar year, and any assessment already
2204 assessed and collected against an employer before the
2205 forgiveness or postponement of the interest for that calendar
2206 year shall be credited to such employer's account in the
2207 Unemployment Compensation Trust Fund. However, such funds may be
2208 used only to pay benefits or refunds of erroneous contributions.

2209 (g) This subsection expires July 1, 2014.

2210 Section 43. Paragraph (b) of subsection (2), paragraph (a)
2211 of subsection (3), and paragraph (a) of subsection (6) of
2212 section 443.151, Florida Statutes, are amended to read:

2213 443.151 Procedure concerning claims.—

2214 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
2215 CLAIMANTS AND EMPLOYERS.—

2216 (b) Process.—When the Reemployment Assistance Claims and
2217 Benefits Information System described in s. 443.1113 is fully
2218 operational, the process for filing claims must incorporate the
2219 process for registering for work with the workforce information
2220 systems established pursuant to s. 445.011. Unless exempted
2221 under s. 443.091(1)(b)5., a claim for benefits may not be
2222 processed until the work registration requirement is satisfied.
2223 The department may adopt rules as necessary to administer the
2224 work registration requirement set forth in this paragraph.

2225 (3) DETERMINATION OF ELIGIBILITY.—

2226 (a) Notices of claim.—The Department of Economic
2227 Opportunity shall promptly provide a notice of claim to the
2228 claimant's most recent employing unit and all employers whose
2229 employment records are liable for benefits under the monetary
2230 determination. The employer must respond to the notice of claim
2231 within 20 days after the mailing date of the notice, or in lieu
2232 of mailing, within 20 days after the delivery of the notice. If
2233 a contributing employer or its agent fails to timely or
2234 adequately respond to the notice of claim or request for
2235 information, the employer's account may not be relieved of
2236 benefit charges as provided in s. 443.131(3)(a), notwithstanding
2237 paragraph (5)(b). The department may adopt rules as necessary to
2238 implement the processes described in this paragraph relating to
2239 notices of claim.

2240 (6) RECOVERY AND RECOUPMENT.—

2241 (a) Any person who, by reason of her or his fraud,
2242 receives benefits under this chapter to which she or he is not
2243 entitled is liable for repaying those benefits to the Department
2244 of Economic Opportunity on behalf of the trust fund or, in the
2245 discretion of the department, to have those benefits deducted
2246 from future benefits payable to her or him under this chapter.
2247 In addition, the department shall impose upon the claimant a
2248 penalty equal to 15 percent of the amount overpaid. To enforce
2249 this paragraph, the department must find the existence of fraud
2250 through a redetermination or decision under this section within
2251 2 years after the fraud was committed. Any recovery or
2252 recoupment of benefits must be commenced within 7 years after
2253 the redetermination or decision.

2254 Section 44. Effective January 1, 2014, paragraph (a) of
2255 subsection (4) of section 443.151, Florida Statutes, is amended
2256 to read:

2257 (4) APPEALS.—

2258 (a) Appeals referees.—The Department of Economic
2259 Opportunity shall appoint one or more impartial salaried appeals
2260 referees in accordance with s. 443.171(3) to hear and decide
2261 appealed claims. An appeals referee must be an attorney in good
2262 standing with The Florida Bar, or must be successfully admitted
2263 to The Florida Bar within 8 months after his or her date of
2264 employment. A person may not participate on behalf of the
2265 department as an appeals referee in any case in which she or he
2266 is an interested party. The department may designate alternates
2267 to serve in the absence or disqualification of any appeals
2268 referee on a temporary basis. These alternates must have the

2269 same qualifications required of appeals referees. The department
 2270 shall provide the commission and the appeals referees with
 2271 proper facilities and assistance for the execution of their
 2272 functions.

2273 Section 45. After January 1, 2014, the department must,
 2274 through attrition of staff, meet the requirements of the changes
 2275 made by this act to s. 443.151(4) (a), Florida Statutes.

2276 Section 46. Subsection (1) of section 443.1715, Florida
 2277 Statutes, is amended to read:

2278 443.1715 Disclosure of information; confidentiality.-

2279 (1) RECORDS AND REPORTS.-Information revealing an
 2280 employing unit's or individual's identity obtained from the
 2281 employing unit or any individual under the administration of
 2282 this chapter, and any determination revealing that information,
 2283 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 2284 I of the State Constitution. This confidential information may
 2285 be released in accordance with the provisions in 20 C.F.R. part
 2286 603. A person receiving confidential information who violates
 2287 this subsection commits a misdemeanor of the second degree,
 2288 punishable as provided in s. 775.082 or s. 775.083. The
 2289 Department of Economic Opportunity or its tax collection service
 2290 provider may, however, furnish to any employer copies of any
 2291 report submitted by that employer upon the request of the
 2292 employer and may furnish to any claimant copies of any report
 2293 submitted by that claimant upon the request of the claimant. The
 2294 department or its tax collection service provider may charge a
 2295 reasonable fee for copies of these reports as prescribed by
 2296 rule, which may not exceed the actual reasonable cost of the

2297 preparation of the copies. Fees received for copies under this
 2298 subsection must be deposited in the Employment Security
 2299 Administration Trust Fund.

2300 Section 47. Subsection (1) of section 443.191, Florida
 2301 Statutes, is amended to read:

2302 443.191 Unemployment Compensation Trust Fund;
 2303 establishment and control.—

2304 (1) There is established, as a separate trust fund apart
 2305 from all other public funds of this state, an Unemployment
 2306 Compensation Trust Fund, which shall be administered by the
 2307 Department of Economic Opportunity exclusively for the purposes
 2308 of this chapter. The fund shall consist of:

2309 (a) All contributions and reimbursements collected under
 2310 this chapter;

2311 (b) Interest earned on any moneys in the fund;

2312 (c) Any property or securities acquired through the use of
 2313 moneys belonging to the fund;

2314 (d) All earnings of these properties or securities;

2315 (e) All money credited to this state's account in the
 2316 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
 2317 1103; ~~and~~

2318 (f) All money collected for penalties imposed pursuant to
 2319 s. 443.151(6)(a); and

2320 (g) Advances on the amount in the federal Unemployment
 2321 Compensation Trust Fund credited to the state under 42 U.S.C. s.
 2322 1321, as requested by the Governor or the Governor's designee.

2323
 2324 Except as otherwise provided in s. 443.1313(4), all moneys in

2325 the fund shall be mingled and undivided.

2326 Section 48. Paragraph (b) of subsection (3) and subsection
2327 (4) of section 446.50, Florida Statutes, are amended to read:

2328 446.50 Displaced homemakers; multiservice programs; report
2329 to the Legislature; Displaced Homemaker Trust Fund created.—

2330 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
2331 OPPORTUNITY.—

2332 (b)1. The department shall enter into contracts with, and
2333 make grants to, public and nonprofit private entities for
2334 purposes of establishing multipurpose service programs for
2335 displaced homemakers under this section. Such grants and
2336 contracts shall be awarded pursuant to chapter 287 and based on
2337 criteria established in the program state plan as provided in
2338 subsection (4) ~~developed pursuant to this section~~. The
2339 department shall designate catchment areas that together, shall
2340 compose the entire state, and, to the extent possible from
2341 revenues in the Displaced Homemaker Trust Fund, the department
2342 shall contract with, and make grants to, entities that will
2343 serve entire catchment areas so that displaced homemaker service
2344 programs are available statewide. These catchment areas shall be
2345 coterminous with the state's workforce development regions. The
2346 department may give priority to existing displaced homemaker
2347 programs when evaluating bid responses to the request for
2348 proposals.

2349 2. In order to receive funds under this section, and
2350 unless specifically prohibited by law from doing so, an entity
2351 that provides displaced homemaker service programs must receive
2352 at least 25 percent of its funding from one or more local,

2353 municipal, or county sources or nonprofit private sources. In-
 2354 kind contributions may be evaluated by the department and
 2355 counted as part of the required local funding.

2356 3. The department shall require an entity that receives
 2357 funds under this section to maintain appropriate data to be
 2358 compiled in an annual report to the department. Such data shall
 2359 include, but shall not be limited to, the number of clients
 2360 served, the units of services provided, designated client-
 2361 specific information including intake and outcome information
 2362 specific to each client, costs associated with specific services
 2363 and program administration, total program revenues by source and
 2364 other appropriate financial data, and client followup
 2365 information at specified intervals after the placement of a
 2366 displaced homemaker in a job.

2367 (4) DISPLACED HOME MAKER PROGRAM STATE PLAN.—

2368 ~~(a)~~ The Department of Economic Opportunity shall include
 2369 in its annual report required under s. 20.60 a develop a 3-year
 2370 state plan for the displaced homemaker program which shall be
 2371 updated annually. The plan must address, at a minimum, the need
 2372 for programs specifically designed to serve displaced
 2373 homemakers, any necessary service components for such programs
 2374 in addition to those described ~~enumerated~~ in this section, goals
 2375 of the displaced homemaker program with an analysis of the
 2376 extent to which those goals are being met, and recommendations
 2377 for ways to address any unmet program goals. Any request for
 2378 funds for program expansion must be based on the ~~state~~ plan.

2379 ~~(b)~~ The annual review and report required under s. 20.60
 2380 ~~Each annual update must address any changes in the components of~~

2381 | ~~the 3-year state plan and a report that~~ must include, but need
 2382 | not be limited to, the following:

2383 | ~~(a)1.~~ (a)1. The scope of the incidence of displaced homemakers;

2384 | ~~(b)2.~~ (b)2. A compilation and report, by program, of data
 2385 | submitted to the department pursuant to subparagraph 3. by
 2386 | funded displaced homemaker service programs;

2387 | ~~(c)3.~~ (c)3. An identification and description of the programs in
 2388 | the state which receive funding from the department, including
 2389 | funding information; and

2390 | ~~(d)4.~~ (d)4. An assessment of the effectiveness of each displaced
 2391 | homemaker service program based on outcome criteria established
 2392 | by rule of the department.

2393 | ~~(c) The 3-year state plan must be submitted to the~~
 2394 | ~~President of the Senate, the Speaker of the House of~~
 2395 | ~~Representatives, and the Governor on or before January 1, 2001,~~
 2396 | ~~and annual updates of the plan must be submitted by January 1 of~~
 2397 | ~~each subsequent year.~~

2398 | Section 49. The amendments made by this act to ss.
 2399 | 212.08(5)(o) and s. 288.107, Florida Statutes, do not apply to
 2400 | building materials purchased before the effective date of this
 2401 | act or to contracts for brownfield redevelopment bonus refunds
 2402 | executed by the Department of Economic Opportunity or Enterprise
 2403 | Florida, Inc., before the effective date of this act.

2404 | Section 50. Except as otherwise expressly provided in this
 2405 | act, this act shall take effect upon becoming a law.