

By Senator Torres

15-01645A-18

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1 A bill to be entitled
2 An act relating to workforce retention; creating s.
3 559.952, F.S.; providing a short title; creating s.
4 559.9521, F.S.; providing definitions; creating s.
5 559.9522, F.S.; requiring certain employers that
6 intend to relocate out of state or cease operation to
7 notify the Department of Business and Professional
8 Regulation within a specified period; providing a
9 penalty; requiring the department to compile a
10 semiannual list of employers that relocate out of
11 state or cease operation; creating s. 559.9523, F.S.;
12 providing that such employers are ineligible for state
13 grants, loans, or tax benefits for a specified period;
14 requiring such employers to remit certain funds to the
15 department under certain circumstances; providing
16 exceptions; creating s. 559.9524, F.S.; requiring the
17 head of each state agency to ensure that certain
18 services are performed by state contractors within the
19 state; requiring compliance by certain contractors by
20 a specified date; creating s. 559.9525, F.S.;
21 providing construction; providing a directive to the
22 Division of Law Revision and Information; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 559.952, Florida Statutes, is created to
28 read:

29 559.952 Short title.—Sections 559.952-559.9525 may be cited

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30 as the "Florida Jobs Retention Act of 2018."

31 Section 2. Section 559.9521, Florida Statutes, is created
32 to read:

33 559.9521 Definitions.—As used in this act, the term:

34 (1) "Employer" means a business enterprise that:

35 (a) Has been in operation in this state for at least 6
36 months;

37 (b) Employs 75 or more individuals who, in the aggregate,
38 work at least 1,500 hours per week, not including hours of
39 overtime, for the purpose of providing customer service or
40 conducting back-office operations; and

41 (c) Receives any direct or indirect state grant, state-
42 guaranteed loan, or state tax benefit.

43 (2) "Department" means the Department of Business and
44 Professional Regulation.

45 Section 3. Section 559.9522, Florida Statutes, is created
46 to read:

47 559.9522 Employers intending to relocate out of state or
48 cease operation.—

49 (1) NOTICE REQUIREMENT.—An employer that intends to:

50 (a) Relocate a Florida business, or one or more facilities
51 or operating units within such business comprising at least 30
52 percent of the business's or operating unit's total volume when
53 measured against the previous 12-month average volume of
54 operations, out of the state; or

55 (b) Cease operation of such business, facilities, or
56 operating units

57
58 must notify the department at least 180 days before such

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59 relocation or cessation.

60 (2) PENALTY.—An employer that violates subsection (1) is
61 subject to a civil penalty of up to \$10,000 per day for each day
62 the employer failed to provide the notice required under
63 subsection (1). However, the department may reduce the penalty
64 amount if just cause is shown.

65 (3) LIST COMPILATION.—The department shall compile and
66 publish on its website a semiannual list of all employers that
67 relocate or cease operation as described in subsection (1).

68 Section 4. Section 559.9523, Florida Statutes, is created
69 to read:

70 559.9523 Grants and guaranteed loans.—

71 (1) INELIGIBILITY.—Except as provided in subsection (3) and
72 notwithstanding any other law, an employer included on the list
73 described in s. 559.9522 is ineligible for any direct or
74 indirect state grant, state-guaranteed loan, or state tax
75 benefit for 5 years after the date such list is published.

76 (2) REVERSION.—Except as provided in subsection (3) and
77 notwithstanding any other law, an employer included on the list
78 described in s. 559.9522 shall remit to the department the
79 remaining prorated value of any state grant, state-guaranteed
80 loan, state tax benefit, or any other state governmental support
81 received on or after the effective date of this act.

82 (3) EXCEPTIONS.—The department, in consultation with the
83 appropriate state agency providing a loan, grant, or tax
84 benefit, may waive the requirements of this section if the
85 employer applying for such loan, grant, or benefit demonstrates
86 that returning such loan, grant, or benefit would result in:

87 (a) Substantial job loss in this state; or

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88 (b) Harm to the environment.

89 Section 5. Section 559.9524, Florida Statutes, is created
90 to read:

91 559.9524 In-state procurement.—The head of each state
92 agency shall ensure that all state-business-related customer
93 service work is performed by state contractors or their agents
94 or subcontractors entirely within the state. A state contractor
95 who currently performs state-business-related customer service
96 work outside the state must comply with this act within 2 years
97 after the effective date of this act. If such a contractor hires
98 additional customer service employees who will perform work on
99 state agency contracts, those new employees must immediately be
100 employed within the state.

101 Section 6. Section 559.9525, Florida Statutes, is created
102 to read:

103 559.9525 State benefits for workers.—This act may not be
104 construed to allow withholding or denial of payments,
105 compensation, or benefits under any other state law, including
106 state unemployment compensation, disability payments, or worker
107 retraining or readjustment funds, to workers employed by
108 employers that relocate out of this state or that cease
109 operation.

110 Section 7. The Division of Law Revision and Information is
111 directed to replace the phrase “the effective date of this act”
112 wherever it occurs in this act with the date the act becomes
113 effective.

114 Section 8. This act shall take effect 240 days after
115 becoming a law.