

By Senator Torres

15-01446-19

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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 civil 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; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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

28 559.952 Short title.—Sections 559.952-559.9525 may be cited
29 as the "Florida Jobs Retention Act of 2019."

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

32 559.9521 Definitions.—As used in this act, the term:

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

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

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

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

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

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

46 559.9522 Employers intending to relocate out of state or
47 cease operation.—

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

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

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

56
57 must notify the department at least 180 days before such
58 relocation or cessation.

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

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

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

69 559.9523 Grants and guaranteed loans.—

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

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

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

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

87 (b) Harm to the environment.

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

90 559.9524 In-state procurement.—The head of each state
91 agency shall ensure that all state-business-related customer
92 service work is performed by state contractors or their agents
93 or subcontractors entirely within the state. A state contractor
94 who currently performs state-business-related customer service
95 work outside the state must comply with this act within 2 years
96 after the effective date of this act. If such a contractor hires
97 additional customer service employees who will perform work on
98 state agency contracts, those new employees must immediately be
99 employed within the state.

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

102 559.9525 State benefits for workers.—This act may not be
103 construed to allow withholding or denial of payments,
104 compensation, or benefits under any other state law, including
105 state unemployment compensation, disability payments, or worker
106 retraining or readjustment funds, to workers employed by
107 employers that relocate out of this state or that cease
108 operation.

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

112 Section 8. This act shall take effect 240 days after
113 becoming a law.