

By Senator Torres

15-01605-20

20201732\_\_

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.; defining terms; creating s. 559.9522,  
5       F.S.; requiring certain employers that intend to  
6       relocate out of state or cease operation to notify the  
7       Department of Business and Professional Regulation  
8       within a specified period; providing a civil penalty;  
9       requiring the department to compile a semiannual list  
10      of employers that relocate out of state or cease  
11      operation; creating s. 559.9523, F.S.; providing that  
12      such employers are ineligible for state grants, loans,  
13      or tax benefits for a specified period; requiring such  
14      employers to remit certain funds to the department  
15      under certain circumstances; providing exceptions;  
16      creating s. 559.9524, F.S.; requiring the head of each  
17      state agency to ensure that certain services are  
18      performed by state contractors within the state;  
19      requiring compliance by certain contractors by a  
20      specified date; creating s. 559.9525, F.S.; providing  
21      construction; providing a directive to the Division of  
22      Law Revision; providing an effective date.

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

25  
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 2020."

15-01605-20

20201732\_\_

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 of 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.

15-01605-20

20201732\_\_

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 recipient of such loan, grant, or benefit demonstrates that  
85 returning such loan, grant, or benefit would result in:

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

87       (b) Harm to the environment.

15-01605-20

20201732\_\_

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 to perform work on state  
98 agency contracts, those additional 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.