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1
2 An act relating to the Florida Statutes; amending ss.
3 11.40, 11.45, 14.20195, 14.36, 16.615, 17.61, 20.04,
4 20.166, 20.181, 20.605, 45.031, 69.041, 110.112,
5 112.63, 112.665, 119.071, 120.80, 125.045, 155.40,
6 159.8081, 159.8083, 159.809, 159.81, 161.142, 161.54,
7 163.3164, 163.3221, 163.3251, 163.3756, 163.503,
8 163.5055, 163.506, 163.508, 163.511, 163.512, 166.021,
9 171.204, 186.504, 189.012, 190.009, 190.047, 191.009,
10 191.015, 201.15, 212.08, 212.096, 212.097, 212.098,
11 213.053, 215.5588, 216.292, 218.32, 218.37, 218.411,
12 220.03, 220.153, 220.183, 220.1895, 220.191, 222.15,
13 252.85, 253.025, 255.099, 258.501, 259.042, 267.0625,
14 288.005, 288.061, 288.075, 288.1201, 288.1226,
15 288.8012, 288.8014, 288.9604, 288.9610, 288.987,
16 288.9961, 290.004, 290.0065, 290.00729, 290.042,
17 290.0455, 290.0491, 290.06561, 311.07, 311.09, 311.10,
18 311.101, 311.105, 311.11, 311.22, 320.08058, 322.142,
19 327.803, 331.3051, 331.3081, 331.324, 332.115,
20 334.065, 334.066, 339.135, 339.175, 339.2821, 342.201,
21 369.303, 369.318, 369.321, 369.322, 369.323, 369.324,
22 373.199, 373.4149, 373.453, 373.461, 375.021, 377.809,
23 378.411, 379.2291, 380.031, 380.093, 381.0086,
24 397.754, 403.0752, 403.0891, 403.507, 403.508,
25 403.524, 403.526, 403.527, 403.757, 403.941, 403.9411,
26 403.973, 404.0617, 409.1451, 409.2576, 409.25996,
27 409.508, 409.509, 410.502, 413.80, 413.801, 414.24,
28 414.40, 420.0004, 420.0005, 420.0006, 420.101,
29 420.111, 420.36, 420.424, 420.503, 420.504, 420.506,

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30 420.507, 420.511, 420.602, 420.606, 420.609, 420.622,
31 420.631, 420.635, 421.001, 422.001, 423.001, 427.012,
32 440.12, 440.15, 440.381, 443.012, 443.036, 443.041,
33 443.051, 443.071, 443.101, 443.111, 443.1113,
34 443.1115, 443.1116, 443.1118, 443.1215, 443.1216,
35 443.1217, 443.131, 443.1312, 443.1313, 443.1315,
36 443.1316, 443.1317, 443.141, 443.151, 443.163,
37 443.171, 443.1715, 443.17161, 443.181, 443.191,
38 443.211, 443.221, 445.002, 445.003, 445.004, 445.009,
39 445.016, 445.024, 445.0325, 445.038, 445.045, 445.056,
40 445.06, 445.07, 446.41, 446.53, 446.71, 448.09,
41 448.095, 448.109, 448.110, 450.161, 450.191, 450.261,
42 450.31, 468.529, 551.104, 553.79, 570.71, 624.5105,
43 627.42397, 641.514, 692.203, 692.204, 720.403,
44 720.404, 720.406, 943.0311, 944.801, 945.10, 985.601,
45 1001.02, 1001.03, 1001.706, 1002.20, 1002.395,
46 1002.895, 1003.4156, 1003.491, 1003.493, 1004.015,
47 1004.46, 1008.39, 1008.40, 1008.41, 1011.76, 1011.80,
48 and 1011.802, F.S., to conform to section 147 of
49 chapter 2023-173, Laws of Florida, which directs the
50 Division of Law Revision to prepare a reviser's bill
51 for the 2024 Regular Session of the Legislature to
52 replace references to the terms "Department of
53 Economic Opportunity" and "Secretary of Economic
54 Opportunity," wherever they occur in the Florida
55 Statutes, with the terms "Department of Commerce" and
56 "Secretary of Commerce," respectively; providing
57 effective dates.
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59 Be It Enacted by the Legislature of the State of Florida:

60

61 Section 1. Paragraph (b) of subsection (2) of section
62 11.40, Florida Statutes, is amended to read:

63 11.40 Legislative Auditing Committee.—

64 (2) Following notification by the Auditor General, the
65 Department of Financial Services, the Division of Bond Finance
66 of the State Board of Administration, the Governor or his or her
67 designee, or the Commissioner of Education or his or her
68 designee of the failure of a local governmental entity, district
69 school board, charter school, or charter technical career center
70 to comply with the applicable provisions within s. 11.45(5)-(7),
71 s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative
72 Auditing Committee may schedule a hearing to determine if the
73 entity should be subject to further state action. If the
74 committee determines that the entity should be subject to
75 further state action, the committee shall:

76 (b) In the case of a special district created by:

77 1. A special act, notify the President of the Senate, the
78 Speaker of the House of Representatives, the standing committees
79 of the Senate and the House of Representatives charged with
80 special district oversight as determined by the presiding
81 officers of each respective chamber, the legislators who
82 represent a portion of the geographical jurisdiction of the
83 special district, and the Department of Commerce ~~Economic~~
84 ~~Opportunity~~ that the special district has failed to comply with
85 the law. Upon receipt of notification, the Department of
86 Commerce ~~Economic Opportunity~~ shall proceed pursuant to s.
87 189.062 or s. 189.067. If the special district remains in

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88 noncompliance after the process set forth in s. 189.0651, or if
89 a public hearing is not held, the Legislative Auditing Committee
90 may request the department to proceed pursuant to s. 189.067(3).

91 2. A local ordinance, notify the chair or equivalent of the
92 local general-purpose government pursuant to s. 189.0652 and the
93 Department of Commerce ~~Economic Opportunity~~ that the special
94 district has failed to comply with the law. Upon receipt of
95 notification, the department shall proceed pursuant to s.
96 189.062 or s. 189.067. If the special district remains in
97 noncompliance after the process set forth in s. 189.0652, or if
98 a public hearing is not held, the Legislative Auditing Committee
99 may request the department to proceed pursuant to s. 189.067(3).

100 3. Any manner other than a special act or local ordinance,
101 notify the Department of Commerce ~~Economic Opportunity~~ that the
102 special district has failed to comply with the law. Upon receipt
103 of notification, the department shall proceed pursuant to s.
104 189.062 or s. 189.067(3).

105 Section 2. Paragraph (c) of subsection (7) of section
106 11.45, Florida Statutes, is amended to read:

107 11.45 Definitions; duties; authorities; reports; rules.—

108 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

109 (c) The Auditor General shall provide annually a list of
110 those special districts which are not in compliance with s.
111 218.39 to the Special District Accountability Program of the
112 Department of Commerce ~~Economic Opportunity~~.

113 Section 3. Paragraph (b) of subsection (2) of section
114 14.20195, Florida Statutes, is amended to read:

115 14.20195 Suicide Prevention Coordinating Council; creation;
116 membership; duties.—There is created within the Statewide Office

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117 for Suicide Prevention a Suicide Prevention Coordinating
118 Council. The council shall develop strategies for preventing
119 suicide.

120 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
121 shall consist of 31 voting members and 1 nonvoting member.

122 (b) The following state officials or their designees shall
123 serve on the coordinating council:

- 124 1. The Secretary of Elderly Affairs.
- 125 2. The State Surgeon General.
- 126 3. The Commissioner of Education.
- 127 4. The Secretary of Health Care Administration.
- 128 5. The Secretary of Juvenile Justice.
- 129 6. The Secretary of Corrections.
- 130 7. The executive director of the Department of Law
131 Enforcement.
- 132 8. The executive director of the Department of Veterans'
133 Affairs.
- 134 9. The Secretary of Children and Families.
- 135 10. The Secretary of Commerce ~~Economic Opportunity~~.

136 Section 4. Paragraphs (c) and (d) of subsection (2),
137 paragraphs (d) and (k) of subsection (3), paragraph (c) of
138 subsection (4), and paragraph (b) of subsection (5) of section
139 14.36, Florida Statutes, are amended to read:

140 14.36 Reimagining Education and Career Help Act.—The
141 Reimagining Education and Career Help Act is created to address
142 the evolving needs of Florida's economy by increasing the level
143 of collaboration and cooperation among state businesses and
144 education communities while improving training within and equity
145 and access to a more integrated workforce and education system

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146 for all Floridians.

147 (2) As used in this section, the term:

148 (c) "Workforce development system" means the entities and
149 activities that contribute to the state's talent pipeline system
150 through education, training, and support services that prepare
151 individuals for employment or career advancement, and the
152 entities that are responsible for oversight or conducting those
153 activities such as CareerSource Florida, Inc., local workforce
154 development boards, one-stop career centers, the Department of
155 Commerce Economic Opportunity, the Department of Education, and
156 the Department of Children and Families.

157 (d) "Workforce education region" means areas of the state
158 identified by the Department of Education, in collaboration with
159 the Department of Commerce Economic Opportunity, to maximize
160 resource allocation by combining two or more sources of funding
161 to integrate education and training in order to improve access
162 to credentials of value for participants in adult education
163 programs.

164 (3) The duties of the office are to:

165 (d) Coordinate state and federal workforce related
166 programs, plans, resources, and activities provided by
167 CareerSource Florida, Inc., the Department of Commerce Economic
168 ~~Opportunity~~, and the Department of Education.

169 (k) Facilitate coordination among the Department of
170 Commerce Economic Opportunity, the Department of Education, and
171 CareerSource Florida, Inc., to develop and expand
172 apprenticeship, preapprenticeship, and other work-based learning
173 models and streamline efforts to recruit and onboard new
174 apprentices, preapprentices, students, and employers interested

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175 in work-based learning opportunities. Such coordination must
176 include, but need not be limited to, conducting outreach with
177 business leaders, local governments, and education providers.

178 (4) The office shall create a no-wrong-door-entry strategy
179 to improve equity and access to the myriad of state and
180 federally funded workforce related programs through CareerSource
181 Florida, Inc., local workforce development boards, one-stop
182 career centers, school districts, charter technical centers,
183 Florida College System institutions, the State University
184 System, and through eligible training providers. Individuals
185 must not be required to visit multiple locations when seeking
186 access to education and workforce training. To create the
187 strategy, the office shall:

188 (c) Coordinate and facilitate a memorandum of understanding
189 between the Department of Commerce ~~Economic Opportunity~~ and the
190 Department of Children and Families to permit Supplemental
191 Nutrition Assistance Program (SNAP) and Temporary Assistance for
192 Needy Families (TANF) clients to precertify for Workforce
193 Innovation and Opportunity Act training services without having
194 to physically visit a one-stop center.

195 (5) The office shall provide the public with access to
196 available federal, state, and local services and provide
197 stakeholders with a systemwide, global view of workforce related
198 program data across various programs through actionable
199 qualitative and quantitative information. The office shall:

200 (b) Provide access to labor market data consistent with the
201 information developed by the Labor Market Estimating Conference
202 and the Labor Market Statistics Center within the Department of
203 Commerce ~~Economic Opportunity~~ and provide guidance on how to

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204 analyze the data, the appropriate use of the data, and any
205 limitations of the data, including instances in which such data
206 may not be used.

207 Section 5. Paragraph (j) of subsection (1) of section
208 16.615, Florida Statutes, is amended to read:

209 16.615 Council on the Social Status of Black Men and Boys.—

210 (1) The Council on the Social Status of Black Men and Boys
211 is established within the Department of Legal Affairs and shall
212 consist of 19 members appointed as follows:

213 (j) The Secretary of Commerce ~~Economic Opportunity~~ or his
214 or her designee.

215 Section 6. Paragraph (c) of subsection (3) of section
216 17.61, Florida Statutes, is amended to read:

217 17.61 Chief Financial Officer; powers and duties in the
218 investment of certain funds.—

219 (3)

220 (c) Except as provided in this paragraph and except for
221 moneys described in paragraph (d), the following agencies may
222 not invest trust fund moneys as provided in this section, but
223 shall retain such moneys in their respective trust funds for
224 investment, with interest appropriated to the General Revenue
225 Fund, pursuant to s. 17.57:

226 1. The Agency for Health Care Administration, except for
227 the Tobacco Settlement Trust Fund.

228 2. The Agency for Persons with Disabilities, except for:

229 a. The Federal Grants Trust Fund.

230 b. The Tobacco Settlement Trust Fund.

231 3. The Department of Children and Families, except for:

232 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

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- 233 b. The Social Services Block Grant Trust Fund.
234 c. The Tobacco Settlement Trust Fund.
235 4. The Department of Corrections.
236 5. The Department of Elderly Affairs, except for:
237 a. The Federal Grants Trust Fund.
238 b. The Tobacco Settlement Trust Fund.
239 6. The Department of Health, except for:
240 a. The Federal Grants Trust Fund.
241 b. The Grants and Donations Trust Fund.
242 c. The Maternal and Child Health Block Grant Trust Fund.
243 d. The Tobacco Settlement Trust Fund.
244 7. The Department of Highway Safety and Motor Vehicles,
245 only for the Security Deposits Trust Fund.
246 8. The Department of Juvenile Justice.
247 9. The Department of Law Enforcement.
248 10. The Department of Legal Affairs.
249 11. The Department of State, only for:
250 a. The Grants and Donations Trust Fund.
251 b. The Records Management Trust Fund.
252 12. The Department of Commerce ~~Economic Opportunity~~, only
253 for the Economic Development Trust Fund.
254 13. The Florida Public Service Commission, only for the
255 Florida Public Service Regulatory Trust Fund.
256 14. The Justice Administrative Commission.
257 15. The state courts system.
258 Section 7. Subsection (3) and paragraph (b) of subsection
259 (7) of section 20.04, Florida Statutes, are amended to read:
260 20.04 Structure of executive branch.—The executive branch
261 of state government is structured as follows:

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262 (3) For their internal structure, all departments, except
263 for the Department of Financial Services, the Department of
264 Commerce ~~Economic Opportunity~~, the Department of Children and
265 Families, the Department of Corrections, the Department of
266 Management Services, the Department of Revenue, and the
267 Department of Transportation, must adhere to the following
268 standard terms:

269 (a) The principal unit of the department is the "division."
270 Each division is headed by a "director."

271 (b) The principal unit of the division is the "bureau."
272 Each bureau is headed by a "chief."

273 (c) The principal unit of the bureau is the "section." Each
274 section is headed by an "administrator."

275 (d) If further subdivision is necessary, sections may be
276 divided into "subsections," which are headed by "supervisors."

277 (7)

278 (b) Within the limitations of this subsection, the head of
279 the department may recommend the establishment of additional
280 divisions, bureaus, sections, and subsections of the department
281 to promote efficient and effective operation of the department.
282 However, additional divisions, or offices in the Department of
283 Children and Families, the Department of Corrections, the
284 Department of Commerce ~~Economic Opportunity~~, and the Department
285 of Transportation, may be established only by specific statutory
286 enactment. New bureaus, sections, and subsections of departments
287 may be initiated by a department and established as recommended
288 by the Department of Management Services and approved by the
289 Executive Office of the Governor, or may be established by
290 specific statutory enactment.

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291 Section 8. Paragraph (c) of subsection (4) of section
292 20.166, Florida Statutes, is amended to read:

293 20.166 Florida Business Information Portal.—

294 (4) The state agencies that must cooperate with the
295 Department of Business and Professional Regulation in the
296 development, implementation, and ongoing content updates of the
297 Florida Business Information Portal include, but are not limited
298 to:

299 (c) The Department of Commerce ~~Economic Opportunity~~.

300 Section 9. Subsection (1) of section 20.181, Florida
301 Statutes, is amended to read:

302 20.181 Federal Grants Trust Fund.—

303 (1) The Federal Grants Trust Fund is created within the
304 Department of Commerce ~~Economic Opportunity~~.

305 Section 10. Section 20.605, Florida Statutes, is amended to
306 read:

307 20.605 Administrative Trust Fund of the Department of
308 Commerce ~~Economic Opportunity~~.—

309 (1) The Administrative Trust Fund is created within the
310 Department of Commerce ~~Economic Opportunity~~.

311 (2) Funds shall be used for the purpose of supporting the
312 administrative functions of the department as required by law,
313 pursuant to legislative appropriation or an approved amendment
314 to the department's operating budget pursuant to the provisions
315 of chapter 216.

316 (3) Notwithstanding the provisions of s. 216.301 and
317 pursuant to s. 216.351, any balance in the trust fund at the end
318 of any fiscal year shall remain in the trust fund at the end of
319 the year and shall be available for carrying out the purposes of

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320 the trust fund.

321 Section 11. Paragraph (a) of subsection (7) of section
322 45.031, Florida Statutes, is amended to read:

323 45.031 Judicial sales procedure.—In any sale of real or
324 personal property under an order or judgment, the procedures
325 provided in this section and ss. 45.0315-45.035 may be followed
326 as an alternative to any other sale procedure if so ordered by
327 the court.

328 (7) DISBURSEMENTS OF PROCEEDS.—

329 (a) On filing a certificate of title, the clerk shall
330 disburse the proceeds of the sale in accordance with the order
331 or final judgment and shall file a report of such disbursements
332 and serve a copy of it on each party, and on the Department of
333 Revenue if the department was named as a defendant in the action
334 or if the Department of Commerce ~~Economic Opportunity~~ or the
335 former Agency for Workforce Innovation was named as a defendant
336 while the Department of Revenue was providing reemployment
337 assistance tax collection services under contract with the
338 Department of Commerce ~~Economic Opportunity~~ or the former Agency
339 for Workforce Innovation through an interagency agreement
340 pursuant to s. 443.1316.

341 Section 12. Paragraph (a) of subsection (4) of section
342 69.041, Florida Statutes, is amended to read:

343 69.041 State named party; lien foreclosure, suit to quiet
344 title.—

345 (4) (a) The Department of Revenue has the right to
346 participate in the disbursement of funds remaining in the
347 registry of the court after distribution pursuant to s.
348 45.031(7). The department shall participate in accordance with

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349 applicable procedures in any mortgage foreclosure action in
350 which the department has a duly filed tax warrant, or interests
351 under a lien arising from a judgment, order, or decree for
352 support, as defined in s. 409.2554, or interest in a
353 reemployment assistance tax lien under contract with the
354 Department of Commerce ~~Economic Opportunity~~ through an
355 interagency agreement pursuant to s. 443.1316, against the
356 subject property and with the same priority, regardless of
357 whether a default against the department, the Department of
358 Commerce ~~Economic Opportunity~~, or the former Agency for
359 Workforce Innovation has been entered for failure to file an
360 answer or other responsive pleading.

361 Section 13. Paragraph (a) of subsection (3) of section
362 110.112, Florida Statutes, is amended to read:

363 110.112 Affirmative action; equal employment opportunity.—

364 (3) (a) The department, in consultation with the Agency for
365 Persons with Disabilities, the Division of Vocational
366 Rehabilitation and the Division of Blind Services of the
367 Department of Education, the Department of Commerce ~~Economic~~
368 ~~Opportunity~~, and the Executive Office of the Governor, shall
369 develop and implement programs that incorporate internships,
370 mentoring, on-the-job training, unpaid work experience,
371 situational assessments, and other innovative strategies that
372 are specifically geared toward individuals who have a
373 disability.

374 Section 14. Paragraph (d) of subsection (4) of section
375 112.63, Florida Statutes, is amended to read:

376 112.63 Actuarial reports and statements of actuarial
377 impact; review.—

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378 (4) Upon receipt, pursuant to subsection (2), of an
379 actuarial report, or, pursuant to subsection (3), of a statement
380 of actuarial impact, the Department of Management Services shall
381 acknowledge such receipt, but shall only review and comment on
382 each retirement system's or plan's actuarial valuations at least
383 on a triennial basis.

384 (d) In the case of an affected special district, the
385 Department of Management Services shall also notify the
386 Department of Commerce ~~Economic Opportunity~~. Upon receipt of
387 notification, the Department of Commerce ~~Economic Opportunity~~
388 shall proceed pursuant to s. 189.067.

389 1. Failure of a special district to provide a required
390 report or statement, to make appropriate adjustments, or to
391 provide additional material information after the procedures
392 specified in s. 189.067(1) are exhausted shall be deemed final
393 action by the special district.

394 2. The Department of Management Services may notify the
395 Department of Commerce ~~Economic Opportunity~~ of those special
396 districts that failed to come into compliance. Upon receipt of
397 notification, the Department of Commerce ~~Economic Opportunity~~
398 shall proceed pursuant to s. 189.067(4).

399 Section 15. Paragraph (f) of subsection (1) of section
400 112.665, Florida Statutes, is amended to read:

401 112.665 Duties of Department of Management Services.—

402 (1) The Department of Management Services shall:

403 (f) Annually issue, by January 1, a report to the Special
404 District Accountability Program of the Department of Commerce
405 ~~Economic Opportunity~~ which includes the participation in and
406 compliance of special districts with the local government

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407 retirement system provisions in s. 112.63 and the state-
408 administered retirement system provisions specified in part I of
409 chapter 121; and

410 Section 16. Paragraph (h) of subsection (1) and paragraph
411 (f) of subsection (5) of section 119.071, Florida Statutes, are
412 amended to read:

413 119.071 General exemptions from inspection or copying of
414 public records.—

415 (1) AGENCY ADMINISTRATION.—

416 (h)1. Information relating to communications services
417 locations, project proposals, and challenges submitted to the
418 Department of Commerce ~~Economic Opportunity~~ under s. 288.9962 or
419 pursuant to a federal broadband access grant program implemented
420 by the Department of Commerce ~~Economic Opportunity~~ is
421 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
422 of the State Constitution if such information is not otherwise
423 publicly available and the release of such information would
424 reveal:

425 a. The location or capacity of communications network
426 facilities;

427 b. Communications network areas, including geographical
428 maps indicating actual or proposed locations of network
429 infrastructure or facilities;

430 c. The features, functions, and capabilities of
431 communications network infrastructure and facilities;

432 d. Security, including cybersecurity, of the design,
433 construction, and operation of the communications network and
434 associated services and products;

435 e. Specific customer locations; or

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436 f. Sources of funding or in-kind contributions for a
437 project.

438 2. This exemption does not apply to any required functions
439 of the department under s. 288.9962 relating to publishing a
440 description of the proposed unserved areas to be served and the
441 proposed broadband Internet speeds of the areas to be served as
442 provided by the applicant and approved by the department.

443 3. This paragraph is subject to the Open Government Sunset
444 Review Act in accordance with s. 119.15 and shall stand repealed
445 on October 2, 2028, unless reviewed and saved from repeal
446 through reenactment by the Legislature.

447 (5) OTHER PERSONAL INFORMATION.—

448 (f)1. The following information held by the Department of
449 Commerce Economic Opportunity, the Florida Housing Finance
450 Corporation, a county, a municipality, or a local housing
451 finance agency is confidential and exempt from s. 119.07(1) and
452 s. 24(a), Art. I of the State Constitution:

453 a. Medical history records and information related to
454 health or property insurance provided by an applicant for or a
455 participant in a federal, state, or local housing assistance
456 program.

457 b. Property photographs and personal identifying
458 information of an applicant for or a participant in a federal,
459 state, or local housing assistance program for the purpose of
460 disaster recovery assistance for a presidentially declared
461 disaster.

462 2. Governmental entities or their agents shall have access
463 to such confidential and exempt records and information for the
464 purpose of auditing federal, state, or local housing programs or

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465 housing assistance programs.

466 3. Such confidential and exempt records and information may
467 be used in any administrative or judicial proceeding, provided
468 such records are kept confidential and exempt unless otherwise
469 ordered by a court.

470 4. Sub-subparagraph 1.b. is subject to the Open Government
471 Sunset Review Act in accordance with s. 119.15 and shall stand
472 repealed on October 2, 2025, unless reviewed and saved from
473 repeal through reenactment by the Legislature.

474 Section 17. Subsection (10) of section 120.80, Florida
475 Statutes, is amended to read:

476 120.80 Exceptions and special requirements; agencies.—

477 (10) DEPARTMENT OF COMMERCE ~~ECONOMIC OPPORTUNITY~~.—

478 (a) Notwithstanding s. 120.54, the rulemaking provisions of
479 this chapter do not apply to reemployment assistance appeals
480 referees.

481 (b) Notwithstanding s. 120.54(5), the uniform rules of
482 procedure do not apply to appeal proceedings conducted under
483 chapter 443 by the Reemployment Assistance Appeals Commission,
484 special deputies, or reemployment assistance appeals referees.

485 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
486 443 may not be conducted by an administrative law judge assigned
487 by the division, but instead shall be conducted by the
488 Reemployment Assistance Appeals Commission in reemployment
489 assistance appeals, reemployment assistance appeals referees,
490 and the Department of Commerce ~~Economic Opportunity~~ or its
491 special deputies under s. 443.141.

492 Section 18. Paragraph (a) of subsection (5) of section
493 125.045, Florida Statutes, is amended to read:

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494 125.045 County economic development powers.—

495 (5) (a) By January 15, 2011, and annually thereafter, each
496 county shall report to the Office of Economic and Demographic
497 Research the economic development incentives in excess of
498 \$25,000 given to any business during the county's previous
499 fiscal year. The Office of Economic and Demographic Research
500 shall compile the information from the counties into a report
501 and provide the report to the President of the Senate, the
502 Speaker of the House of Representatives, and the Department of
503 Commerce ~~Economic Opportunity~~. Economic development incentives
504 include:

505 1. Direct financial incentives of monetary assistance
506 provided to a business from the county or through an
507 organization authorized by the county. Such incentives include,
508 but are not limited to, grants, loans, equity investments, loan
509 insurance and guarantees, and training subsidies.

510 2. Indirect incentives in the form of grants and loans
511 provided to businesses and community organizations that provide
512 support to businesses or promote business investment or
513 development.

514 3. Fee-based or tax-based incentives, including, but not
515 limited to, credits, refunds, exemptions, and property tax
516 abatement or assessment reductions.

517 4. Below-market rate leases or deeds for real property.

518 Section 19. Paragraph (a) of subsection (16) and subsection
519 (17) of section 155.40, Florida Statutes, are amended to read:

520 155.40 Sale or lease of county, district, or municipal
521 hospital; effect of sale.—

522 (16) If a county, district, or municipal hospital is sold

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523 or leased, the governing board shall:

524 (a) Deposit 50 percent of the net proceeds of the sale or
525 lease into a health care economic development trust fund, which
526 shall be under the control of the county commission of the
527 county in which the property is located, if the hospital is a
528 county hospital or district hospital whose geographic boundaries
529 extend beyond a single municipality, or, if the hospital is a
530 municipal hospital or district hospital whose geographic
531 boundaries lie entirely within a single municipality, under the
532 control of the city or municipal government in which the
533 hospital is located. The use and distribution of the funds shall
534 be at the discretion of a majority of the county commission if
535 the hospital is a county hospital or district hospital whose
536 geographic boundaries extend beyond a single municipality, or,
537 if the hospital is a municipal hospital or district hospital
538 whose geographic boundaries lie entirely within a single
539 municipality, at the discretion of a majority of the members of
540 the municipal government. The members of the county commission
541 or the municipal government, depending on the type of hospital
542 being sold, shall serve as trustees of the trust fund. The net
543 proceeds in the health care economic development trust fund
544 shall be distributed, in consultation with the Department of
545 Commerce Economic Opportunity, to promote job creation in the
546 health care sector of the economy through new or expanded health
547 care business development, new or expanded health care services,
548 or new or expanded health care education programs or
549 commercialization of health care research within the affected
550 community; and
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552 For the purposes of this subsection, the term "net proceeds"
553 means the sale price after payment of all district debts and
554 obligations.

555 (17) If a county, district, or municipal hospital or health
556 care system is sold or leased to a for-profit corporation or
557 other business entity subject to local taxation, the resulting
558 county and municipal ad valorem tax revenue from the formerly
559 tax-exempt property shall be distributed by the county
560 commission of the county in which the property is located, if
561 the hospital is a county hospital or district hospital whose
562 geographic boundaries extend beyond a single municipality, or,
563 if the hospital is a municipal hospital or district hospital
564 whose geographic boundaries lie entirely within a single
565 municipality, such ad valorem tax revenues shall be distributed
566 by the municipal government. The distribution of such ad valorem
567 tax revenues shall be made in consultation with the Department
568 of Commerce ~~Economic Opportunity~~, for purposes set forth in
569 subsection (16).

570 Section 20. Paragraph (a) of subsection (2) of section
571 159.8081, Florida Statutes, is amended to read:

572 159.8081 Manufacturing facility bond pool.—

573 (2) (a) The first 75 percent of this pool shall be available
574 on a first come, first served basis, except that 15 percent of
575 the state volume limitation allocated to this pool shall be
576 available as provided in paragraph (b). Before issuing any
577 written confirmations for the remaining 25 percent of this pool,
578 the executive director shall forward all notices of intent to
579 issue which are received by the division for manufacturing
580 facility projects to the Department of Commerce ~~Economic~~

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581 ~~Opportunity~~. The Department of Commerce ~~Economic Opportunity~~
582 shall decide, after receipt of the notices of intent to issue,
583 which notices will receive written confirmations. Such decision
584 shall be communicated in writing by the Department of Commerce
585 ~~Economic Opportunity~~ to the executive director within 10 days of
586 receipt of such notices of intent to issue.

587 Section 21. Section 159.8083, Florida Statutes, is amended
588 to read:

589 159.8083 Florida First Business allocation pool.—The
590 Florida First Business allocation pool is hereby established.
591 The Florida First Business allocation pool shall be available
592 solely to provide written confirmation for private activity
593 bonds to finance Florida First Business projects certified by
594 the Department of Commerce ~~Economic Opportunity~~ as eligible to
595 receive a written confirmation. Allocations from such pool shall
596 be awarded statewide pursuant to procedures specified in s.
597 159.805, except that the provisions of s. 159.805(2), (3), and
598 (6) do not apply. Florida First Business projects that are
599 eligible for a carryforward do not lose their allocation
600 pursuant to s. 159.809(3) on October 1, or pursuant to s.
601 159.809(4) on November 16, if they have applied for and have
602 been granted a carryforward by the division pursuant to s.
603 159.81(1). In issuing written confirmations of allocations for
604 Florida First Business projects, the division shall use the
605 Florida First Business allocation pool. If allocation is not
606 available from the Florida First Business allocation pool, the
607 division shall issue written confirmations of allocations for
608 Florida First Business projects pursuant to s. 159.806 or s.
609 159.807, in such order. For the purpose of determining priority

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610 within a regional allocation pool or the state allocation pool,
611 notices of intent to issue bonds for Florida First Business
612 projects to be issued from a regional allocation pool or the
613 state allocation pool shall be considered to have been received
614 by the division at the time it is determined by the division
615 that the Florida First Business allocation pool is unavailable
616 to issue confirmation for such Florida First Business project.
617 If the total amount requested in notices of intent to issue
618 private activity bonds for Florida First Business projects
619 exceeds the total amount of the Florida First Business
620 allocation pool, the director shall forward all timely notices
621 of intent to issue, which are received by the division for such
622 projects, to the Department of Commerce ~~Economic Opportunity~~,
623 which shall render a decision as to which notices of intent to
624 issue are to receive written confirmations.

625 Section 22. Subsection (3) of section 159.809, Florida
626 Statutes, is amended to read:

627 159.809 Recapture of unused amounts.—

628 (3) On October 1 of each year, any portion of the
629 allocation made to the Florida First Business allocation pool
630 pursuant to s. 159.804(5), subsection (1), or subsection (2),
631 which is eligible for carryforward pursuant to s. 146(f) of the
632 Code but which has not been certified for carryforward by the
633 Department of Commerce ~~Economic Opportunity~~, shall be returned
634 to the Florida First Business allocation pool.

635 Section 23. Subsection (1) of section 159.81, Florida
636 Statutes, is amended to read:

637 159.81 Unused allocations; carryforwards.—

638 (1) The division shall, when requested, provide

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639 carryforwards pursuant to s. 146(f) of the Code for written
640 confirmations for priority projects which qualify for a
641 carryforward pursuant to s. 146(f) of the Code, if such request
642 is accompanied by an opinion of bond counsel to that effect. In
643 addition, in the case of Florida First Business projects, the
644 division shall, when requested, grant requests for carryforward
645 only after receipt of a certification from the Department of
646 Commerce ~~Economic Opportunity~~ that the project has been approved
647 by the department to receive carryforward.

648 Section 24. Subsection (4) of section 161.142, Florida
649 Statutes, is amended to read:

650 161.142 Declaration of public policy relating to improved
651 navigation inlets.—The Legislature recognizes the need for
652 maintaining navigation inlets to promote commercial and
653 recreational uses of our coastal waters and their resources. The
654 Legislature further recognizes that inlets interrupt or alter
655 the natural drift of beach-quality sand resources, which often
656 results in these sand resources being deposited in nearshore
657 areas or in the inlet channel, or in the inland waterway
658 adjacent to the inlet, instead of providing natural nourishment
659 to the adjacent eroding beaches. Accordingly, the Legislature
660 finds it is in the public interest to replicate the natural
661 drift of sand which is interrupted or altered by inlets to be
662 replaced and for each level of government to undertake all
663 reasonable efforts to maximize inlet sand bypassing to ensure
664 that beach-quality sand is placed on adjacent eroding beaches.
665 Such activities cannot make up for the historical sand deficits
666 caused by inlets but shall be designed to balance the sediment
667 budget of the inlet and adjacent beaches and extend the life of

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668 proximate beach-restoration projects so that periodic
669 nourishment is needed less frequently. Therefore, in furtherance
670 of this declaration of public policy and the Legislature's
671 intent to redirect and recommit the state's comprehensive beach
672 management efforts to address the beach erosion caused by
673 inlets, the department shall ensure that:

674 (4) The provisions of subsections (1) and (2) shall not be
675 a requirement imposed upon ports listed in s. 403.021(9)(b);
676 however, such ports must demonstrate reasonable effort to place
677 beach-quality sand from construction and maintenance dredging
678 and port-development projects on adjacent eroding beaches in
679 accordance with port master plans approved by the Department of
680 Commerce ~~Economic Opportunity~~, and permits approved and issued
681 by the department, to ensure compliance with this section. Ports
682 may sponsor or cosponsor inlet management projects that are
683 fully eligible for state cost sharing.

684 Section 25. Subsection (10) of section 161.54, Florida
685 Statutes, is amended to read:

686 161.54 Definitions.—In construing ss. 161.52-161.58:

687 (10) "State land planning agency" means the Department of
688 Commerce ~~Economic Opportunity~~.

689 Section 26. Subsection (44) of section 163.3164, Florida
690 Statutes, is amended to read:

691 163.3164 Community Planning Act; definitions.—As used in
692 this act:

693 (44) "State land planning agency" means the Department of
694 Commerce ~~Economic Opportunity~~.

695 Section 27. Subsection (14) of section 163.3221, Florida
696 Statutes, is amended to read:

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697 163.3221 Florida Local Government Development Agreement
698 Act; definitions.—As used in ss. 163.3220–163.3243:

699 (14) “State land planning agency” means the Department of
700 Commerce ~~Economic Opportunity~~.

701 Section 28. Subsection (1) of section 163.3251, Florida
702 Statutes, is amended to read:

703 163.3251 Definitions.—As used in this section and ss.
704 163.3252 and 163.3253, the term:

705 (1) “Department” means the Department of Commerce ~~Economic~~
706 ~~Opportunity~~.

707 Section 29. Subsections (2) and (6) of section 163.3756,
708 Florida Statutes, are amended to read:

709 163.3756 Inactive community redevelopment agencies.—

710 (2) (a) A community redevelopment agency that has reported
711 no revenue, no expenditures, and no debt under s. 189.016(9) or
712 s. 218.32 for 6 consecutive fiscal years beginning no earlier
713 than October 1, 2016, must be declared inactive by the
714 Department of Commerce ~~Economic Opportunity~~, which shall notify
715 the agency of the declaration. If the agency does not have board
716 members or an agent, the notice of the declaration of inactive
717 status must be delivered to the county or municipal governing
718 board or commission that created the agency.

719 (b) The governing board of a community redevelopment agency
720 that is declared inactive under this section may seek to
721 invalidate the declaration by initiating proceedings under s.
722 189.062(5) within 30 days after the date of the receipt of the
723 notice from the Department of Commerce ~~Economic Opportunity~~.

724 (6) The Department of Commerce ~~Economic Opportunity~~ shall
725 maintain on its website a separate list of community

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726 redevelopment agencies declared inactive under this section.

727 Section 30. Subsection (3) of section 163.503, Florida
728 Statutes, is amended to read:

729 163.503 Definitions.—

730 (3) "Department" means the Department of Commerce ~~Economic~~
731 ~~Opportunity~~.

732 Section 31. Subsection (1) of section 163.5055, Florida
733 Statutes, is amended to read:

734 163.5055 Registration of district establishment; notice of
735 dissolution.—

736 (1) (a) Each neighborhood improvement district authorized
737 and established under this part shall within 30 days thereof
738 register with the Department of Commerce ~~Economic Opportunity~~ by
739 providing the department with the district's name, location,
740 size, and type, and such other information as the department may
741 require.

742 (b) Each local governing body that authorizes the
743 dissolution of a district shall notify the Department of
744 Commerce ~~Economic Opportunity~~ within 30 days after the
745 dissolution of the district.

746 Section 32. Paragraph (h) of subsection (1) of section
747 163.506, Florida Statutes, is amended to read:

748 163.506 Local government neighborhood improvement
749 districts; creation; advisory council; dissolution.—

750 (1) After a local planning ordinance has been adopted
751 authorizing the creation of local government neighborhood
752 improvement districts, the local governing body of a
753 municipality or county may create local government neighborhood
754 improvement districts by the enactment of a separate ordinance

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755 for each district, which ordinance:

756 (h) Requires the district to notify the Department of
757 Commerce ~~Economic Opportunity~~ in writing of its establishment
758 within 30 days thereof pursuant to s. 163.5055.

759 Section 33. Paragraph (g) of subsection (1) of section
760 163.508, Florida Statutes, is amended to read:

761 163.508 Property owners' association neighborhood
762 improvement districts; creation; powers and duties; duration.—

763 (1) After a local planning ordinance has been adopted
764 authorizing the creation of property owners' association
765 neighborhood improvement districts, the local governing body of
766 a municipality or county may create property owners' association
767 neighborhood improvement districts by the enactment of a
768 separate ordinance for each district, which ordinance:

769 (g) Requires the district to notify the Department of
770 Commerce ~~Economic Opportunity~~ in writing of its establishment
771 within 30 days thereof pursuant to s. 163.5055.

772 Section 34. Paragraph (i) of subsection (1) of section
773 163.511, Florida Statutes, is amended to read:

774 163.511 Special neighborhood improvement districts;
775 creation; referendum; board of directors; duration; extension.—

776 (1) After a local planning ordinance has been adopted
777 authorizing the creation of special neighborhood improvement
778 districts, the governing body of a municipality or county may
779 declare the need for and create special residential or business
780 neighborhood improvement districts by the enactment of a
781 separate ordinance for each district, which ordinance:

782 (i) Requires the district to notify the Department of
783 Commerce ~~Economic Opportunity~~ in writing of its establishment

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784 within 30 days thereof pursuant to s. 163.5055.

785 Section 35. Paragraph (i) of subsection (1) of section
786 163.512, Florida Statutes, is amended to read:

787 163.512 Community redevelopment neighborhood improvement
788 districts; creation; advisory council; dissolution.—

789 (1) Upon the recommendation of the community redevelopment
790 agency and after a local planning ordinance has been adopted
791 authorizing the creation of community redevelopment neighborhood
792 improvement districts, the local governing body of a
793 municipality or county may create community redevelopment
794 neighborhood improvement districts by the enactment of a
795 separate ordinance for each district, which ordinance:

796 (i) Requires the district to notify the Department of Legal
797 Affairs and the Department of Commerce ~~Economic Opportunity~~ in
798 writing of its establishment within 30 days thereof pursuant to
799 s. 163.5055.

800 Section 36. Paragraph (e) of subsection (8) of section
801 166.021, Florida Statutes, is amended to read:

802 166.021 Powers.—

803 (8)

804 (e)1. By January 15, 2011, and annually thereafter, each
805 municipality having annual revenues or expenditures greater than
806 \$250,000 shall report to the Office of Economic and Demographic
807 Research the economic development incentives in excess of
808 \$25,000 given to any business during the municipality's previous
809 fiscal year. The Office of Economic and Demographic Research
810 shall compile the information from the municipalities into a
811 report and provide the report to the President of the Senate,
812 the Speaker of the House of Representatives, and the Department

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813 of Commerce ~~Economic Opportunity~~. Economic development
814 incentives include:

815 a. Direct financial incentives of monetary assistance
816 provided to a business from the municipality or through an
817 organization authorized by the municipality. Such incentives
818 include, but are not limited to, grants, loans, equity
819 investments, loan insurance and guarantees, and training
820 subsidies.

821 b. Indirect incentives in the form of grants and loans
822 provided to businesses and community organizations that provide
823 support to businesses or promote business investment or
824 development.

825 c. Fee-based or tax-based incentives, including, but not
826 limited to, credits, refunds, exemptions, and property tax
827 abatement or assessment reductions.

828 d. Below-market rate leases or deeds for real property.

829 2. A municipality shall report its economic development
830 incentives in the format specified by the Office of Economic and
831 Demographic Research.

832 3. The Office of Economic and Demographic Research shall
833 compile the economic development incentives provided by each
834 municipality in a manner that shows the total of each class of
835 economic development incentives provided by each municipality
836 and all municipalities.

837 Section 37. Subsection (1) of section 171.204, Florida
838 Statutes, is amended to read:

839 171.204 Prerequisites to annexation under this part.—The
840 interlocal service boundary agreement may describe the character
841 of land that may be annexed under this part and may provide that

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842 the restrictions on the character of land that may be annexed
843 pursuant to part I are not restrictions on land that may be
844 annexed pursuant to this part. As determined in the interlocal
845 service boundary agreement, any character of land may be
846 annexed, including, but not limited to, an annexation of land
847 not contiguous to the boundaries of the annexing municipality,
848 an annexation that creates an enclave, or an annexation where
849 the annexed area is not reasonably compact; however, such area
850 must be "urban in character" as defined in s. 171.031. The
851 interlocal service boundary agreement may not allow for
852 annexation of land within a municipality that is not a party to
853 the agreement or of land that is within another county. Before
854 annexation of land that is not contiguous to the boundaries of
855 the annexing municipality, an annexation that creates an
856 enclave, or an annexation of land that is not currently served
857 by water or sewer utilities, one of the following options must
858 be followed:

859 (1) The municipality shall transmit a comprehensive plan
860 amendment that proposes specific amendments relating to the
861 property anticipated for annexation to the Department of
862 Commerce ~~Economic Opportunity~~ for review under chapter 163.
863 After considering the department's review, the municipality may
864 approve the annexation and comprehensive plan amendment
865 concurrently. The local government must adopt the annexation and
866 the comprehensive plan amendment as separate and distinct
867 actions but may take such actions at a single public hearing; or

868 Section 38. Paragraph (c) of subsection (4) of section
869 186.504, Florida Statutes, is amended to read:

870 186.504 Regional planning councils; creation; membership.-

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871 (4) In addition to voting members appointed pursuant to
872 paragraph (2)(c), the Governor shall appoint the following ex
873 officio nonvoting members to each regional planning council:

874 (c) A representative nominated by the Department of
875 Commerce ~~Economic Opportunity~~.

876
877 The Governor may also appoint ex officio nonvoting members
878 representing appropriate metropolitan planning organizations and
879 regional water supply authorities.

880 Section 39. Subsection (1) of section 189.012, Florida
881 Statutes, is amended to read:

882 189.012 Definitions.—As used in this chapter, the term:

883 (1) "Department" means the Department of Commerce ~~Economic~~
884 ~~Opportunity~~.

885 Section 40. Subsection (2) of section 190.009, Florida
886 Statutes, is amended to read:

887 190.009 Disclosure of public financing.—

888 (2) The Department of Commerce ~~Economic Opportunity~~ shall
889 keep a current list of districts and their disclosures pursuant
890 to this act and shall make such studies and reports and take
891 such actions as it deems necessary.

892 Section 41. Section 190.047, Florida Statutes, is amended
893 to read:

894 190.047 Incorporation or annexation of district.—

895 (1) Upon attaining the population standards for
896 incorporation contained in s. 165.061 and as determined by the
897 Department of Commerce ~~Economic Opportunity~~, any district wholly
898 contained within the unincorporated area of a county that also
899 meets the other requirements for incorporation contained in s.

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900 165.061 shall hold a referendum at a general election on the
901 question of whether to incorporate. However, any district
902 contiguous to the boundary of a municipality may be annexed to
903 such municipality pursuant to the provisions of chapter 171.

904 (2) The Department of Commerce ~~Economic Opportunity~~ shall
905 annually monitor the status of the district for purposes of
906 carrying out the provisions of this section.

907 Section 42. Subsection (1) of section 191.009, Florida
908 Statutes, is amended to read:

909 191.009 Taxes; non-ad valorem assessments; impact fees and
910 user charges.—

911 (1) AD VALOREM TAXES.—An elected board may levy and assess
912 ad valorem taxes on all taxable property in the district to
913 construct, operate, and maintain district facilities and
914 services, to pay the principal of, and interest on, general
915 obligation bonds of the district, and to provide for any sinking
916 or other funds established in connection with such bonds. An ad
917 valorem tax levied by the board for operating purposes,
918 exclusive of debt service on bonds, may not exceed 3.75 mills
919 unless a higher amount has been previously authorized by law,
920 subject to a referendum as required by the State Constitution
921 and this act. The ballot question on such referendum shall state
922 the currently authorized millage rate and the year of its
923 approval by referendum. The levy of ad valorem taxes pursuant to
924 this section must be approved by referendum called by the board
925 when the proposed levy of ad valorem taxes exceeds the amount
926 authorized by prior special act, general law of local
927 application, or county ordinance approved by referendum. Nothing
928 in this act shall require a referendum on the levy of ad valorem

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929 taxes in an amount previously authorized by special act, general
930 law of local application, or county ordinance approved by
931 referendum. Such tax shall be assessed, levied, and collected in
932 the same manner as county taxes. The levy of ad valorem taxes
933 approved by referendum shall be reported within 60 days after
934 the vote to the Department of Commerce ~~Economic Opportunity~~.

935 Section 43. Section 191.015, Florida Statutes, is amended
936 to read:

937 191.015 Codification.—Each fire control district existing
938 on the effective date of this section, by December 1, 2004,
939 shall submit to the Legislature a draft codified charter, at its
940 expense, so that its special acts may be codified into a single
941 act for reenactment by the Legislature, if there is more than
942 one special act for the district. The Legislature may adopt a
943 schedule for individual district codification. Any codified act
944 relating to a district, which act is submitted to the
945 Legislature for reenactment, shall provide for the repeal of all
946 prior special acts of the Legislature relating to the district.
947 The codified act shall be filed with the Department of Commerce
948 ~~Economic Opportunity~~ pursuant to s. 189.016(2).

949 Section 44. Paragraphs (b), (d), and (f) of subsection (4)
950 of section 201.15, Florida Statutes, are amended to read:

951 201.15 Distribution of taxes collected.—All taxes collected
952 under this chapter are hereby pledged and shall be first made
953 available to make payments when due on bonds issued pursuant to
954 s. 215.618 or s. 215.619, or any other bonds authorized to be
955 issued on a parity basis with such bonds. Such pledge and
956 availability for the payment of these bonds shall have priority
957 over any requirement for the costs of collection and enforcement

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958 under this section. Before distribution pursuant to this
959 section, the Department of Revenue shall deduct amounts
960 necessary to pay the costs of the collection and enforcement of
961 the tax levied by this chapter. The costs may not be levied
962 against any portion of taxes pledged to debt service on bonds to
963 the extent that the costs are required to pay any amounts
964 relating to the bonds. All of the costs of the collection and
965 enforcement of the tax levied by this chapter shall be available
966 and transferred to the extent necessary to pay debt service and
967 any other amounts payable with respect to bonds authorized
968 before January 1, 2017, secured by revenues distributed pursuant
969 to this section. All taxes remaining after deduction of costs
970 shall be distributed as follows:

971 (4) After the required distributions to the Land
972 Acquisition Trust Fund pursuant to subsections (1) and (2), the
973 lesser of 8 percent of the remainder or \$150 million in each
974 fiscal year shall be paid into the State Treasury to the credit
975 of the State Housing Trust Fund and shall be expended pursuant
976 to s. 420.50871. If 8 percent of the remainder is greater than
977 \$150 million in any fiscal year, the difference between 8
978 percent of the remainder and \$150 million shall be paid into the
979 State Treasury to the credit of the General Revenue Fund. The
980 remainder shall be distributed as follows:

981 (b) The lesser of 0.1456 percent of the remainder or \$3.25
982 million in each fiscal year shall be paid into the State
983 Treasury to the credit of the Grants and Donations Trust Fund in
984 the Department of Commerce ~~Economic Opportunity~~ to fund
985 technical assistance to local governments.
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987 Moneys distributed pursuant to paragraphs (a) and (b) may not be
988 pledged for debt service unless such pledge is approved by
989 referendum of the voters.

990 (d) An amount equaling 5.20254 percent of the remainder in
991 each fiscal year shall be paid into the State Treasury to the
992 credit of the State Housing Trust Fund. Of such funds:

993 1. Twelve and one-half percent of that amount shall be
994 deposited into the State Housing Trust Fund and expended by the
995 Department of Commerce ~~Economic Opportunity~~ and the Florida
996 Housing Finance Corporation for the purposes for which the State
997 Housing Trust Fund was created and exists by law.

998 2. Eighty-seven and one-half percent of that amount shall
999 be distributed to the Local Government Housing Trust Fund and
1000 used for the purposes for which the Local Government Housing
1001 Trust Fund was created and exists by law. Funds from this
1002 category may also be used to provide for state and local
1003 services to assist the homeless.

1004 (f) A total of \$75 million shall be paid into the State
1005 Treasury to the credit of the State Economic Enhancement and
1006 Development Trust Fund within the Department of Commerce
1007 ~~Economic Opportunity~~.

1008 Section 45. Effective July 1, 2033, paragraphs (b), (d),
1009 and (f) of subsection (4) of section 201.15, Florida Statutes,
1010 as amended by section 11 of chapter 2023-17, Laws of Florida,
1011 are amended to read:

1012 201.15 Distribution of taxes collected.—All taxes collected
1013 under this chapter are hereby pledged and shall be first made
1014 available to make payments when due on bonds issued pursuant to
1015 s. 215.618 or s. 215.619, or any other bonds authorized to be

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1016 issued on a parity basis with such bonds. Such pledge and
1017 availability for the payment of these bonds shall have priority
1018 over any requirement for the payment of service charges or costs
1019 of collection and enforcement under this section. All taxes
1020 collected under this chapter, except taxes distributed to the
1021 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
1022 are subject to the service charge imposed in s. 215.20(1).
1023 Before distribution pursuant to this section, the Department of
1024 Revenue shall deduct amounts necessary to pay the costs of the
1025 collection and enforcement of the tax levied by this chapter.
1026 The costs and service charge may not be levied against any
1027 portion of taxes pledged to debt service on bonds to the extent
1028 that the costs and service charge are required to pay any
1029 amounts relating to the bonds. All of the costs of the
1030 collection and enforcement of the tax levied by this chapter and
1031 the service charge shall be available and transferred to the
1032 extent necessary to pay debt service and any other amounts
1033 payable with respect to bonds authorized before January 1, 2017,
1034 secured by revenues distributed pursuant to this section. All
1035 taxes remaining after deduction of costs shall be distributed as
1036 follows:

1037 (4) After the required distributions to the Land
1038 Acquisition Trust Fund pursuant to subsections (1) and (2) and
1039 deduction of the service charge imposed pursuant to s.
1040 215.20(1), the remainder shall be distributed as follows:

1041 (b) The lesser of 0.1456 percent of the remainder or \$3.25
1042 million in each fiscal year shall be paid into the State
1043 Treasury to the credit of the Grants and Donations Trust Fund in
1044 the Department of Commerce ~~Economic Opportunity~~ to fund

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1045 technical assistance to local governments.

1046

1047 Moneys distributed pursuant to paragraphs (a) and (b) may not be
1048 pledged for debt service unless such pledge is approved by
1049 referendum of the voters.

1050 (d) An amount equaling 5.20254 percent of the remainder in
1051 each fiscal year shall be paid into the State Treasury to the
1052 credit of the State Housing Trust Fund. Of such funds:

1053 1. Twelve and one-half percent of that amount shall be
1054 deposited into the State Housing Trust Fund and expended by the
1055 Department of Commerce ~~Economic Opportunity~~ and the Florida
1056 Housing Finance Corporation for the purposes for which the State
1057 Housing Trust Fund was created and exists by law.

1058 2. Eighty-seven and one-half percent of that amount shall
1059 be distributed to the Local Government Housing Trust Fund and
1060 used for the purposes for which the Local Government Housing
1061 Trust Fund was created and exists by law. Funds from this
1062 category may also be used to provide for state and local
1063 services to assist the homeless.

1064 (f) A total of \$75 million shall be paid into the State
1065 Treasury to the credit of the State Economic Enhancement and
1066 Development Trust Fund within the Department of Commerce
1067 ~~Economic Opportunity~~.

1068 Section 46. Paragraphs (p) and (q) of subsection (5) of
1069 section 212.08, Florida Statutes, are amended to read:

1070 212.08 Sales, rental, use, consumption, distribution, and
1071 storage tax; specified exemptions.—The sale at retail, the
1072 rental, the use, the consumption, the distribution, and the
1073 storage to be used or consumed in this state of the following

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1074 are hereby specifically exempt from the tax imposed by this
1075 chapter.

1076 (5) EXEMPTIONS; ACCOUNT OF USE.—

1077 (p) *Community contribution tax credit for donations.*—

1078 1. Authorization.—Persons who are registered with the
1079 department under s. 212.18 to collect or remit sales or use tax
1080 and who make donations to eligible sponsors are eligible for tax
1081 credits against their state sales and use tax liabilities as
1082 provided in this paragraph:

1083 a. The credit shall be computed as 50 percent of the
1084 person's approved annual community contribution.

1085 b. The credit shall be granted as a refund against state
1086 sales and use taxes reported on returns and remitted in the 12
1087 months preceding the date of application to the department for
1088 the credit as required in sub-subparagraph 3.c. If the annual
1089 credit is not fully used through such refund because of
1090 insufficient tax payments during the applicable 12-month period,
1091 the unused amount may be included in an application for a refund
1092 made pursuant to sub-subparagraph 3.c. in subsequent years
1093 against the total tax payments made for such year. Carryover
1094 credits may be applied for a 3-year period without regard to any
1095 time limitation that would otherwise apply under s. 215.26.

1096 c. A person may not receive more than \$200,000 in annual
1097 tax credits for all approved community contributions made in any
1098 one year.

1099 d. All proposals for the granting of the tax credit require
1100 the prior approval of the Department of Commerce ~~Economic~~
1101 ~~Opportunity~~.

1102 e. The total amount of tax credits which may be granted for

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1103 all programs approved under this paragraph and ss. 220.183 and
1104 624.5105 is \$25 million in the 2023-2024 fiscal year and in each
1105 fiscal year thereafter for projects that provide housing
1106 opportunities for persons with special needs or homeownership
1107 opportunities for low-income households or very-low-income
1108 households and \$4.5 million in the 2022-2023 fiscal year and in
1109 each fiscal year thereafter for all other projects. As used in
1110 this paragraph, the term "person with special needs" has the
1111 same meaning as in s. 420.0004 and the terms "low-income
1112 person," "low-income household," "very-low-income person," and
1113 "very-low-income household" have the same meanings as in s.
1114 420.9071.

1115 f. A person who is eligible to receive the credit provided
1116 in this paragraph, s. 220.183, or s. 624.5105 may receive the
1117 credit only under one section of the person's choice.

1118 2. Eligibility requirements.—

1119 a. A community contribution by a person must be in the
1120 following form:

1121 (I) Cash or other liquid assets;

1122 (II) Real property, including 100 percent ownership of a
1123 real property holding company;

1124 (III) Goods or inventory; or

1125 (IV) Other physical resources identified by the Department
1126 of Commerce ~~Economic Opportunity~~.

1127
1128 For purposes of this sub-subparagraph, the term "real property
1129 holding company" means a Florida entity, such as a Florida
1130 limited liability company, that is wholly owned by the person;
1131 is the sole owner of real property, as defined in s.

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1132 192.001(12), located in this state; is disregarded as an entity
1133 for federal income tax purposes pursuant to 26 C.F.R. s.
1134 301.7701-3(b)(1)(ii); and at the time of contribution to an
1135 eligible sponsor, has no material assets other than the real
1136 property and any other property that qualifies as a community
1137 contribution.

1138 b. All community contributions must be reserved exclusively
1139 for use in a project. As used in this sub-subparagraph, the term
1140 "project" means activity undertaken by an eligible sponsor which
1141 is designed to construct, improve, or substantially rehabilitate
1142 housing that is affordable to low-income households or very-low-
1143 income households; designed to provide housing opportunities for
1144 persons with special needs; designed to provide commercial,
1145 industrial, or public resources and facilities; or designed to
1146 improve entrepreneurial and job-development opportunities for
1147 low-income persons. A project may be the investment necessary to
1148 increase access to high-speed broadband capability in a rural
1149 community that had an enterprise zone designated pursuant to
1150 chapter 290 as of May 1, 2015, including projects that result in
1151 improvements to communications assets that are owned by a
1152 business. A project may include the provision of museum
1153 educational programs and materials that are directly related to
1154 a project approved between January 1, 1996, and December 31,
1155 1999, and located in an area which was in an enterprise zone
1156 designated pursuant to s. 290.0065 as of May 1, 2015. This
1157 paragraph does not preclude projects that propose to construct
1158 or rehabilitate housing for low-income households or very-low-
1159 income households on scattered sites or housing opportunities
1160 for persons with special needs. With respect to housing,

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1161 contributions may be used to pay the following eligible special
1162 needs, low-income, and very-low-income housing-related
1163 activities:

1164 (I) Project development impact and management fees for
1165 special needs, low-income, or very-low-income housing projects;

1166 (II) Down payment and closing costs for persons with
1167 special needs, low-income persons, and very-low-income persons;

1168 (III) Administrative costs, including housing counseling
1169 and marketing fees, not to exceed 10 percent of the community
1170 contribution, directly related to special needs, low-income, or
1171 very-low-income projects; and

1172 (IV) Removal of liens recorded against residential property
1173 by municipal, county, or special district local governments if
1174 satisfaction of the lien is a necessary precedent to the
1175 transfer of the property to a low-income person or very-low-
1176 income person for the purpose of promoting home ownership.
1177 Contributions for lien removal must be received from a
1178 nonrelated third party.

1179 c. The project must be undertaken by an "eligible sponsor,"
1180 which includes:

1181 (I) A community action program;

1182 (II) A nonprofit community-based development organization
1183 whose mission is the provision of housing for persons with
1184 special needs, low-income households, or very-low-income
1185 households or increasing entrepreneurial and job-development
1186 opportunities for low-income persons;

1187 (III) A neighborhood housing services corporation;

1188 (IV) A local housing authority created under chapter 421;

1189 (V) A community redevelopment agency created under s.

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1190 163.356;
1191 (VI) A historic preservation district agency or
1192 organization;
1193 (VII) A local workforce development board;
1194 (VIII) A direct-support organization as provided in s.
1195 1009.983;
1196 (IX) An enterprise zone development agency created under s.
1197 290.0056;
1198 (X) A community-based organization incorporated under
1199 chapter 617 which is recognized as educational, charitable, or
1200 scientific pursuant to s. 501(c) (3) of the Internal Revenue Code
1201 and whose bylaws and articles of incorporation include
1202 affordable housing, economic development, or community
1203 development as the primary mission of the corporation;
1204 (XI) Units of local government;
1205 (XII) Units of state government; or
1206 (XIII) Any other agency that the Department of Commerce
1207 ~~Economic Opportunity~~ designates by rule.
1208
1209 A contributing person may not have a financial interest in the
1210 eligible sponsor.
1211 d. The project must be located in an area which was in an
1212 enterprise zone designated pursuant to chapter 290 as of May 1,
1213 2015, or a Front Porch Florida Community, unless the project
1214 increases access to high-speed broadband capability in a rural
1215 community that had an enterprise zone designated pursuant to
1216 chapter 290 as of May 1, 2015, but is physically located outside
1217 the designated rural zone boundaries. Any project designed to
1218 construct or rehabilitate housing for low-income households or

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1219 very-low-income households or housing opportunities for persons
1220 with special needs is exempt from the area requirement of this
1221 sub-subparagraph.

1222 e.(I) If, during the first 10 business days of the state
1223 fiscal year, eligible tax credit applications for projects that
1224 provide housing opportunities for persons with special needs or
1225 homeownership opportunities for low-income households or very-
1226 low-income households are received for less than the annual tax
1227 credits available for those projects, the Department of Commerce
1228 ~~Economic Opportunity~~ shall grant tax credits for those
1229 applications and grant remaining tax credits on a first-come,
1230 first-served basis for subsequent eligible applications received
1231 before the end of the state fiscal year. If, during the first 10
1232 business days of the state fiscal year, eligible tax credit
1233 applications for projects that provide housing opportunities for
1234 persons with special needs or homeownership opportunities for
1235 low-income households or very-low-income households are received
1236 for more than the annual tax credits available for those
1237 projects, the Department of Commerce ~~Economic Opportunity~~ shall
1238 grant the tax credits for those applications as follows:

1239 (A) If tax credit applications submitted for approved
1240 projects of an eligible sponsor do not exceed \$200,000 in total,
1241 the credits shall be granted in full if the tax credit
1242 applications are approved.

1243 (B) If tax credit applications submitted for approved
1244 projects of an eligible sponsor exceed \$200,000 in total, the
1245 amount of tax credits granted pursuant to sub-sub-sub-
1246 subparagraph (A) shall be subtracted from the amount of
1247 available tax credits, and the remaining credits shall be

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1248 granted to each approved tax credit application on a pro rata
1249 basis.

1250 (II) If, during the first 10 business days of the state
1251 fiscal year, eligible tax credit applications for projects other
1252 than those that provide housing opportunities for persons with
1253 special needs or homeownership opportunities for low-income
1254 households or very-low-income households are received for less
1255 than the annual tax credits available for those projects, the
1256 Department of Commerce ~~Economic Opportunity~~ shall grant tax
1257 credits for those applications and shall grant remaining tax
1258 credits on a first-come, first-served basis for subsequent
1259 eligible applications received before the end of the state
1260 fiscal year. If, during the first 10 business days of the state
1261 fiscal year, eligible tax credit applications for projects other
1262 than those that provide housing opportunities for persons with
1263 special needs or homeownership opportunities for low-income
1264 households or very-low-income households are received for more
1265 than the annual tax credits available for those projects, the
1266 Department of Commerce ~~Economic Opportunity~~ shall grant the tax
1267 credits for those applications on a pro rata basis.

1268 3. Application requirements.—

1269 a. An eligible sponsor seeking to participate in this
1270 program must submit a proposal to the Department of Commerce
1271 ~~Economic Opportunity~~ which sets forth the name of the sponsor, a
1272 description of the project, and the area in which the project is
1273 located, together with such supporting information as is
1274 prescribed by rule. The proposal must also contain a resolution
1275 from the local governmental unit in which the project is located
1276 certifying that the project is consistent with local plans and

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1277 regulations.

1278 b. A person seeking to participate in this program must
1279 submit an application for tax credit to the Department of
1280 Commerce ~~Economic Opportunity~~ which sets forth the name of the
1281 sponsor; a description of the project; and the type, value, and
1282 purpose of the contribution. The sponsor shall verify, in
1283 writing, the terms of the application and indicate its receipt
1284 of the contribution, and such verification must accompany the
1285 application for tax credit. The person must submit a separate
1286 tax credit application to the Department of Commerce ~~Economic~~
1287 ~~Opportunity~~ for each individual contribution that it makes to
1288 each individual project.

1289 c. A person who has received notification from the
1290 Department of Commerce ~~Economic Opportunity~~ that a tax credit
1291 has been approved must apply to the department to receive the
1292 refund. Application must be made on the form prescribed for
1293 claiming refunds of sales and use taxes and be accompanied by a
1294 copy of the notification. A person may submit only one
1295 application for refund to the department within a 12-month
1296 period.

1297 4. Administration.—

1298 a. The Department of Commerce ~~Economic Opportunity~~ may
1299 adopt rules necessary to administer this paragraph, including
1300 rules for the approval or disapproval of proposals by a person.

1301 b. The decision of the Department of Commerce ~~Economic~~
1302 ~~Opportunity~~ must be in writing, and, if approved, the
1303 notification shall state the maximum credit allowable to the
1304 person. Upon approval, the Department of Commerce ~~Economic~~
1305 ~~Opportunity~~ shall transmit a copy of the decision to the

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1306 department.

1307 c. The Department of Commerce ~~Economic Opportunity~~ shall
1308 periodically monitor all projects in a manner consistent with
1309 available resources to ensure that resources are used in
1310 accordance with this paragraph; however, each project must be
1311 reviewed at least once every 2 years.

1312 d. The Department of Commerce ~~Economic Opportunity~~ shall,
1313 in consultation with the statewide and regional housing and
1314 financial intermediaries, market the availability of the
1315 community contribution tax credit program to community-based
1316 organizations.

1317 (q) *Building materials, the rental of tangible personal*
1318 *property, and pest control services used in new construction*
1319 *located in a rural area of opportunity.—*

1320 1. As used in this paragraph, the term:

1321 a. "Building materials" means tangible personal property
1322 that becomes a component part of improvements to real property.

1323 b. "Exempt goods and services" means building materials,
1324 the rental of tangible personal property, and pest control
1325 services used in new construction.

1326 c. "New construction" means improvements to real property
1327 which did not previously exist. The term does not include the
1328 reconstruction, renovation, restoration, rehabilitation,
1329 modification, alteration, or expansion of buildings already
1330 located on the parcel on which the new construction is built.

1331 d. "Pest control" has the same meaning as in s. 482.021.

1332 e. "Real property" has the same meaning as provided in s.
1333 192.001, but does not include a condominium parcel or
1334 condominium property as defined in s. 718.103.

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1335 f. "Substantially completed" has the same meaning as in s.
1336 192.042(1).

1337 2. Building materials, the rental of tangible personal
1338 property, and pest control services used in new construction
1339 located in a rural area of opportunity, as designated by the
1340 Governor pursuant to s. 288.0656, are exempt from the tax
1341 imposed by this chapter if an owner, lessee, or lessor can
1342 demonstrate to the satisfaction of the department that the
1343 requirements of this paragraph have been met. Except as provided
1344 in subparagraph 3., this exemption inures to the owner, lessee,
1345 or lessor at the time the new construction occurs, but only
1346 through a refund of previously paid taxes. To receive a refund
1347 pursuant to this paragraph, the owner, lessee, or lessor of the
1348 new construction must file an application under oath with the
1349 Department of Commerce ~~Economic Opportunity~~. The application
1350 must include all of the following:

1351 a. The name and address of the person claiming the refund.

1352 b. An address and assessment roll parcel number of the real
1353 property that was improved by the new construction for which a
1354 refund of previously paid taxes is being sought.

1355 c. A description of the new construction.

1356 d. A copy of a valid building permit issued by the county
1357 or municipal building department for the new construction.

1358 e. A sworn statement, under penalty of perjury, from the
1359 general contractor licensed in this state with whom the
1360 applicant contracted to build the new construction, which
1361 specifies the exempt goods and services, the actual cost of the
1362 exempt goods and services, and the amount of sales tax paid in
1363 this state on the exempt goods and services, and which states

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1364 that the improvement to the real property was new construction.
1365 If a general contractor was not used, the applicant shall make
1366 the sworn statement required by this sub-subparagraph. Copies of
1367 the invoices evidencing the actual cost of the exempt goods and
1368 services and the amount of sales tax paid on such goods and
1369 services must be attached to the sworn statement provided by the
1370 general contractor or by the applicant. If copies of such
1371 invoices are not attached, the cost of the exempt goods and
1372 services is deemed to be an amount equal to 40 percent of the
1373 increase in assessed value of the property for ad valorem tax
1374 purposes.

1375 f. A certification by the local building code inspector
1376 that the new construction is substantially completed and is new
1377 construction.

1378 3. The exemption under this paragraph inures to a
1379 municipality, county, other governmental unit or agency, or
1380 nonprofit community-based organization through a refund of
1381 previously paid taxes if the exempt goods and services are paid
1382 for from the funds of a community development block grant, the
1383 State Housing Initiatives Partnership Program, or a similar
1384 grant or loan program. To receive a refund, a municipality,
1385 county, other governmental unit or agency, or nonprofit
1386 community-based organization must file an application that
1387 includes the same information required under subparagraph 2. In
1388 addition, the application must include a sworn statement signed
1389 by the chief executive officer of the municipality, county,
1390 other governmental unit or agency, or nonprofit community-based
1391 organization seeking a refund which states that the exempt goods
1392 and services for which a refund is sought were funded by a

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1393 community development block grant, the State Housing Initiatives
1394 Partnership Program, or a similar grant or loan program.

1395 4. Within 10 working days after receiving an application,
1396 the Department of Commerce ~~Economic Opportunity~~ shall review the
1397 application to determine whether it contains all of the
1398 information required by subparagraph 2. or subparagraph 3., as
1399 appropriate, and meets the criteria set out in this paragraph.
1400 The Department of Commerce ~~Economic Opportunity~~ shall certify
1401 all applications that contain the required information and are
1402 eligible to receive a refund. The certification must be in
1403 writing and a copy must be transmitted by the Department of
1404 Commerce ~~Economic Opportunity~~ to the executive director of the
1405 department. The applicant is responsible for forwarding a
1406 certified application to the department within the period
1407 specified in subparagraph 5.

1408 5. An application for a refund must be submitted to the
1409 department within 6 months after the new construction is deemed
1410 to be substantially completed by the local building code
1411 inspector or by November 1 after the improved property is first
1412 subject to assessment.

1413 6. Only one exemption through a refund of previously paid
1414 taxes for the new construction may be claimed for any single
1415 parcel of property unless there is a change in ownership, a new
1416 lessor, or a new lessee of the real property. A refund may not
1417 be granted unless the amount to be refunded exceeds \$500. A
1418 refund may not exceed the lesser of 97.5 percent of the Florida
1419 sales or use tax paid on the cost of the exempt goods and
1420 services as determined pursuant to sub-subparagraph 2.e. or
1421 \$10,000. The department shall issue a refund within 30 days

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1422 after it formally approves a refund application.

1423 7. The department shall deduct 10 percent of each refund
1424 amount granted under this paragraph from the amount transferred
1425 into the Local Government Half-cent Sales Tax Clearing Trust
1426 Fund pursuant to s. 212.20 for the county area in which the new
1427 construction is located and shall transfer that amount to the
1428 General Revenue Fund.

1429 8. The department may adopt rules governing the manner and
1430 format of refund applications and may establish guidelines as to
1431 the requisites for an affirmative showing of qualification for
1432 exemption under this paragraph.

1433 9. This exemption does not apply to improvements for which
1434 construction began before July 1, 2017.

1435 Section 47. Paragraph (d) of subsection (1) of section
1436 212.096, Florida Statutes, is amended to read:

1437 212.096 Sales, rental, storage, use tax; enterprise zone
1438 jobs credit against sales tax.—

1439 (1) For the purposes of the credit provided in this
1440 section:

1441 (d) "Job" means a full-time position, as consistent with
1442 terms used by the Department of Commerce ~~Economic Opportunity~~
1443 and the United States Department of Labor for purposes of
1444 reemployment assistance tax administration and employment
1445 estimation resulting directly from a business operation in this
1446 state. This term does not include a temporary construction job
1447 involved with the construction of facilities or any job that has
1448 previously been included in any application for tax credits
1449 under s. 220.181(1). The term also includes employment of an
1450 employee leased from an employee leasing company licensed under

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1451 chapter 468 if such employee has been continuously leased to the
1452 employer for an average of at least 36 hours per week for more
1453 than 6 months.

1454
1455 A person shall be deemed to be employed if the person performs
1456 duties in connection with the operations of the business on a
1457 regular, full-time basis, provided the person is performing such
1458 duties for an average of at least 36 hours per week each month.
1459 The person must be performing such duties at a business site
1460 located in the enterprise zone.

1461 Section 48. Paragraphs (a) and (e) of subsection (1),
1462 subsections (6) and (7), paragraphs (a) and (c) of subsection
1463 (10), and subsection (11) of section 212.097, Florida Statutes,
1464 are amended to read:

1465 212.097 Urban High-Crime Area Job Tax Credit Program.—

1466 (1) As used in this section, the term:

1467 (a) "Eligible business" means any sole proprietorship,
1468 firm, partnership, or corporation that is located in a qualified
1469 county and is predominantly engaged in, or is headquarters for a
1470 business predominantly engaged in, activities usually provided
1471 for consideration by firms classified within the following
1472 standard industrial classifications: SIC 01-SIC 09 (agriculture,
1473 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
1474 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
1475 storage); SIC 70 (hotels and other lodging places); SIC 7391
1476 (research and development); SIC 781 (motion picture production
1477 and allied services); SIC 7992 (public golf courses); and SIC
1478 7996 (amusement parks). A call center or similar customer
1479 service operation that services a multistate market or

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1480 international market is also an eligible business. In addition,
1481 the Department of Commerce ~~Economic Opportunity~~ may, as part of
1482 its final budget request submitted pursuant to s. 216.023,
1483 recommend additions to or deletions from the list of standard
1484 industrial classifications used to determine an eligible
1485 business, and the Legislature may implement such
1486 recommendations. Excluded from eligible receipts are receipts
1487 from retail sales, except such receipts for SIC 52-SIC 57 and
1488 SIC 59 (retail) hotels and other lodging places classified in
1489 SIC 70, public golf courses in SIC 7992, and amusement parks in
1490 SIC 7996. For purposes of this paragraph, the term
1491 "predominantly" means that more than 50 percent of the
1492 business's gross receipts from all sources is generated by those
1493 activities usually provided for consideration by firms in the
1494 specified standard industrial classification. The determination
1495 of whether the business is located in a qualified high-crime
1496 area and the tier ranking of that area must be based on the date
1497 of application for the credit under this section. Commonly owned
1498 and controlled entities are to be considered a single business
1499 entity.

1500 (e) "Qualified high-crime area" means an area selected by
1501 the Department of Commerce ~~Economic Opportunity~~ in the following
1502 manner: every third year, the Department of Commerce ~~Economic~~
1503 ~~Opportunity~~ shall rank and tier those areas nominated under
1504 subsection (7), according to the following prioritized criteria:

1505 1. Highest arrest rates within the geographic area for
1506 violent crime and for such other crimes as drug sale, drug
1507 possession, prostitution, vandalism, and civil disturbances;

1508 2. Highest reported crime volume and rate of specific

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1509 property crimes such as business and residential burglary, motor
1510 vehicle theft, and vandalism;

1511 3. Highest percentage of reported index crimes that are
1512 violent in nature;

1513 4. Highest overall index crime volume for the area; and

1514 5. Highest overall index crime rate for the geographic
1515 area.

1516

1517 Tier-one areas are ranked 1 through 5 and represent the highest
1518 crime areas according to this ranking. Tier-two areas are ranked
1519 6 through 10 according to this ranking. Tier-three areas are
1520 ranked 11 through 15. Notwithstanding this definition,
1521 "qualified high-crime area" also means an area that has been
1522 designated as a federal Empowerment Zone pursuant to the
1523 Taxpayer Relief Act of 1997. Such a designated area is ranked in
1524 tier three until the areas are reevaluated by the Department of
1525 Commerce ~~Economic Opportunity~~.

1526 (6) Any county or municipality, or a county and one or more
1527 municipalities together, may apply to the Department of Commerce
1528 ~~Economic Opportunity~~ for the designation of an area as a high-
1529 crime area after the adoption by the governing body or bodies of
1530 a resolution that:

1531 (a) Finds that a high-crime area exists in such county or
1532 municipality, or in both the county and one or more
1533 municipalities, which chronically exhibits extreme and
1534 unacceptable levels of poverty, unemployment, physical
1535 deterioration, and economic disinvestment;

1536 (b) Determines that the rehabilitation, conservation, or
1537 redevelopment, or a combination thereof, of such a high-crime

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1538 area is necessary in the interest of the health, safety, and
1539 welfare of the residents of such county or municipality, or such
1540 county and one or more municipalities; and

1541 (c) Determines that the revitalization of such a high-crime
1542 area can occur if the public sector or private sector can be
1543 induced to invest its own resources in productive enterprises
1544 that build or rebuild the economic viability of the area.

1545 (7) The governing body of the entity nominating the area
1546 shall provide to the Department of Commerce ~~Economic Opportunity~~
1547 the following:

1548 (a) The overall index crime rate for the geographic area;

1549 (b) The overall index crime volume for the area;

1550 (c) The percentage of reported index crimes that are
1551 violent in nature;

1552 (d) The reported crime volume and rate of specific property
1553 crimes such as business and residential burglary, motor vehicle
1554 theft, and vandalism; and

1555 (e) The arrest rates within the geographic area for violent
1556 crime and for such other crimes as drug sale, drug possession,
1557 prostitution, disorderly conduct, vandalism, and other public-
1558 order offenses.

1559 (10) (a) In order to claim this credit, an eligible business
1560 must file under oath with the Department of Commerce ~~Economic~~
1561 ~~Opportunity~~ a statement that includes the name and address of
1562 the eligible business and any other information that is required
1563 to process the application.

1564 (c) The maximum credit amount that may be approved during
1565 any calendar year is \$5 million, of which \$1 million shall be
1566 exclusively reserved for tier-one areas. The Department of

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1567 Revenue, in conjunction with the Department of Commerce ~~Economic~~
1568 ~~Opportunity~~, shall notify the governing bodies in areas
1569 designated as urban high-crime areas when the \$5 million maximum
1570 amount has been reached. Applications must be considered for
1571 approval in the order in which they are received without regard
1572 to whether the credit is for a new or existing business. This
1573 limitation applies to the value of the credit as contained in
1574 approved applications. Approved credits may be taken in the time
1575 and manner allowed pursuant to this section.

1576 (11) If the application is insufficient to support the
1577 credit authorized in this section, the Department of Commerce
1578 ~~Economic Opportunity~~ shall deny the credit and notify the
1579 business of that fact. The business may reapply for this credit
1580 within 3 months after such notification.

1581 Section 49. Paragraph (c) of subsection (1), paragraphs
1582 (a), (b), and (c) of subsection (6), and subsection (7) of
1583 section 212.098, Florida Statutes, are amended to read:

1584 212.098 Rural Job Tax Credit Program.—

1585 (1) As used in this section, the term:

1586 (c) "Qualified area" means any area that is contained
1587 within a rural area of opportunity designated under s. 288.0656,
1588 a county that has a population of fewer than 75,000 persons, or
1589 a county that has a population of 125,000 or less and is
1590 contiguous to a county that has a population of less than
1591 75,000, selected in the following manner: every third year, the
1592 Department of Commerce ~~Economic Opportunity~~ shall rank and tier
1593 the state's counties according to the following four factors:

1594 1. Highest unemployment rate for the most recent 36-month
1595 period.

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1596 2. Lowest per capita income for the most recent 36-month
1597 period.

1598 3. Highest percentage of residents whose incomes are below
1599 the poverty level, based upon the most recent data available.

1600 4. Average weekly manufacturing wage, based upon the most
1601 recent data available.

1602 (6) (a) In order to claim this credit, an eligible business
1603 must file under oath with the Department of Commerce ~~Economic~~
1604 ~~Opportunity~~ a statement that includes the name and address of
1605 the eligible business, the starting salary or hourly wages paid
1606 to the new employee, and any other information that the
1607 Department of Revenue requires.

1608 (b) Pursuant to the incentive review process under s.
1609 288.061, the Department of Commerce ~~Economic Opportunity~~ shall
1610 review the application to determine whether it contains all the
1611 information required by this subsection and meets the criteria
1612 set out in this section. Subject to the provisions of paragraph
1613 (c), the Department of Commerce ~~Economic Opportunity~~ shall
1614 approve all applications that contain the information required
1615 by this subsection and meet the criteria set out in this section
1616 as eligible to receive a credit.

1617 (c) The maximum credit amount that may be approved during
1618 any calendar year is \$5 million. The Department of Revenue, in
1619 conjunction with the Department of Commerce ~~Economic~~
1620 ~~Opportunity~~, shall notify the governing bodies in areas
1621 designated as qualified counties when the \$5 million maximum
1622 amount has been reached. Applications must be considered for
1623 approval in the order in which they are received without regard
1624 to whether the credit is for a new or existing business. This

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1625 limitation applies to the value of the credit as contained in
1626 approved applications. Approved credits may be taken in the time
1627 and manner allowed pursuant to this section.

1628 (7) If the application is insufficient to support the
1629 credit authorized in this section, the Department of Commerce
1630 ~~Economic Opportunity~~ shall deny the credit and notify the
1631 business of that fact. The business may reapply for this credit
1632 within 3 months after such notification.

1633 Section 50. Subsection (4) and paragraph (a) of subsection
1634 (7) of section 213.053, Florida Statutes, are amended to read:
1635 213.053 Confidentiality and information sharing.—

1636 (4) The department, while providing reemployment assistance
1637 tax collection services under contract with the Department of
1638 Commerce ~~Economic Opportunity~~ through an interagency agreement
1639 pursuant to s. 443.1316, may release reemployment assistance tax
1640 rate information to the agent of an employer who provides
1641 payroll services for more than 100 employers, pursuant to the
1642 terms of a memorandum of understanding. The memorandum of
1643 understanding must state that the agent affirms, subject to the
1644 criminal penalties contained in ss. 443.171 and 443.1715, that
1645 the agent will retain the confidentiality of the information,
1646 that the agent has in effect a power of attorney from the
1647 employer which permits the agent to obtain reemployment
1648 assistance tax rate information, and that the agent shall
1649 provide the department with a copy of the employer's power of
1650 attorney upon request.

1651 (7) (a) Any information received by the Department of
1652 Revenue in connection with the administration of taxes,
1653 including, but not limited to, information contained in returns,

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1654 reports, accounts, or declarations filed by persons subject to
1655 tax, shall be made available to the following in performance of
1656 their official duties:

- 1657 1. The Auditor General or his or her authorized agent;
- 1658 2. The director of the Office of Program Policy Analysis
1659 and Government Accountability or his or her authorized agent;
- 1660 3. The Chief Financial Officer or his or her authorized
1661 agent;
- 1662 4. The Director of the Office of Insurance Regulation of
1663 the Financial Services Commission or his or her authorized
1664 agent;
- 1665 5. A property appraiser or tax collector or their
1666 authorized agents pursuant to s. 195.084(1);
- 1667 6. Designated employees of the Department of Education
1668 solely for determination of each school district's price level
1669 index pursuant to s. 1011.62(2);
- 1670 7. The Secretary of Commerce ~~Economic Opportunity~~ or his or
1671 her authorized agent;
- 1672 8. The taxpayers' rights advocate or his or her authorized
1673 agent pursuant to s. 20.21(3); and
- 1674 9. The coordinator of the Office of Economic and
1675 Demographic Research or his or her authorized agent.

1676 Section 51. Subsection (1) of section 215.5588, Florida
1677 Statutes, is amended to read:

1678 215.5588 Florida Disaster Recovery Program.—

- 1679 (1) The Department of Commerce ~~Economic Opportunity~~ shall
1680 implement the 2006 Disaster Recovery Program from funds provided
1681 through the Emergency Supplemental Appropriations Act for
1682 Defense, the Global War on Terror, and Hurricane Recovery, 2006,

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1683 for the purpose of assisting local governments in satisfying
1684 disaster recovery needs in the areas of low-income housing and
1685 infrastructure, with a primary focus on the hardening of single-
1686 family and multifamily housing units, not only to ensure that
1687 affordable housing can withstand the effects of hurricane-force
1688 winds, but also to mitigate the increasing costs of insurance,
1689 which may ultimately render existing affordable homes
1690 unaffordable or uninsurable. This section does not create an
1691 entitlement for local governments or property owners or obligate
1692 the state in any way to fund disaster recovery needs.

1693 Section 52. Paragraph (a) of subsection (6) of section
1694 216.292, Florida Statutes, is amended to read:

1695 216.292 Appropriations nontransferable; exceptions.—

1696 (6) The Chief Financial Officer shall transfer from any
1697 available funds of an agency or the judicial branch the
1698 following amounts and shall report all such transfers and the
1699 reasons therefor to the legislative appropriations committees
1700 and the Executive Office of the Governor:

1701 (a) The amount due to the Unemployment Compensation Trust
1702 Fund which is more than 90 days delinquent on reimbursements due
1703 to the Unemployment Compensation Trust Fund. The amount
1704 transferred shall be that certified by the state agency
1705 providing reemployment assistance tax collection services under
1706 contract with the Department of Commerce ~~Economic Opportunity~~
1707 through an interagency agreement pursuant to s. 443.1316.

1708 Section 53. Paragraph (f) of subsection (1), subsection
1709 (2), and paragraph (c) of subsection (3) of section 218.32,
1710 Florida Statutes, are amended to read:

1711 218.32 Annual financial reports; local governmental

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1712 entities.—

1713 (1)

1714 (f) If the department does not receive a completed annual
1715 financial report from a local governmental entity within the
1716 required period, it shall notify the Legislative Auditing
1717 Committee and the Special District Accountability Program of the
1718 Department of Commerce ~~Economic Opportunity~~ of the entity's
1719 failure to comply with the reporting requirements.

1720 (2) The department shall annually by December 1 file a
1721 verified report with the Governor, the Legislature, the Auditor
1722 General, and the Special District Accountability Program of the
1723 Department of Commerce ~~Economic Opportunity~~ showing the
1724 revenues, both locally derived and derived from
1725 intergovernmental transfers, and the expenditures of each local
1726 governmental entity, regional planning council, local government
1727 finance commission, and municipal power corporation that is
1728 required to submit an annual financial report. In preparing the
1729 verified report, the department may request additional
1730 information from the local governmental entity. The information
1731 requested must be provided to the department within 45 days
1732 after the request. If the local governmental entity does not
1733 comply with the request, the department shall notify the
1734 Legislative Auditing Committee, which may take action pursuant
1735 to s. 11.40(2). The report must include, but is not limited to:
1736 (a) The total revenues and expenditures of each local
1737 governmental entity that is a component unit included in the
1738 annual financial report of the reporting entity.

1739 (b) The amount of outstanding long-term debt by each local
1740 governmental entity. For purposes of this paragraph, the term

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1741 "long-term debt" means any agreement or series of agreements to
1742 pay money, which, at inception, contemplate terms of payment
1743 exceeding 1 year in duration.

1744 (3)

1745 (c) By November 1 of each year, the department must provide
1746 the Special District Accountability Program of the Department of
1747 Commerce ~~Economic Opportunity~~ with a list of each community
1748 redevelopment agency that does not report any revenues,
1749 expenditures, or debt for the community redevelopment agency's
1750 previous fiscal year.

1751 Section 54. Paragraph (f) of subsection (1) of section
1752 218.37, Florida Statutes, is amended to read:

1753 218.37 Powers and duties of Division of Bond Finance;
1754 advisory council.—

1755 (1) The Division of Bond Finance of the State Board of
1756 Administration, with respect to both general obligation bonds
1757 and revenue bonds, shall:

1758 (f) By January 1 each year, provide the Special District
1759 Accountability Program of the Department of Commerce ~~Economic~~
1760 ~~Opportunity~~ with a list of special districts that are not in
1761 compliance with the requirements in s. 218.38.

1762 Section 55. Paragraph (c) of subsection (1) of section
1763 218.411, Florida Statutes, is amended to read:

1764 218.411 Authorization for state technical and advisory
1765 assistance.—

1766 (1) The board is authorized, upon request, to assist local
1767 governments in investing funds that are temporarily in excess of
1768 operating needs by:

1769 (c) Providing, in cooperation with the Department of

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1770 Commerce ~~Economic Opportunity~~, technical assistance to local
1771 governments in investment of surplus funds.

1772 Section 56. Paragraph (ff) of subsection (1) of section
1773 220.03, Florida Statutes, is amended to read:

1774 220.03 Definitions.—

1775 (1) SPECIFIC TERMS.—When used in this code, and when not
1776 otherwise distinctly expressed or manifestly incompatible with
1777 the intent thereof, the following terms shall have the following
1778 meanings:

1779 (ff) "Job" means a full-time position, as consistent with
1780 terms used by the Department of Commerce ~~Economic Opportunity~~
1781 and the United States Department of Labor for purposes of
1782 reemployment assistance tax administration and employment
1783 estimation resulting directly from business operations in this
1784 state. The term may not include a temporary construction job
1785 involved with the construction of facilities or any job that has
1786 previously been included in any application for tax credits
1787 under s. 212.096. The term also includes employment of an
1788 employee leased from an employee leasing company licensed under
1789 chapter 468 if the employee has been continuously leased to the
1790 employer for an average of at least 36 hours per week for more
1791 than 6 months.

1792 Section 57. Subsections (2) and (3), paragraphs (b) and (c)
1793 of subsection (4), and subsection (5) of section 220.153,
1794 Florida Statutes, are amended to read:

1795 220.153 Apportionment by sales factor.—

1796 (2) APPORTIONMENT OF TAXES; ELIGIBILITY.—A taxpayer, not
1797 including a financial organization as defined in s. 220.15(6) or
1798 a bank, savings association, international banking facility, or

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1799 banking organization as defined in s. 220.62, doing business
1800 within and without this state, who applies and demonstrates to
1801 the Department of Commerce ~~Economic Opportunity~~ that, within a
1802 2-year period beginning on or after July 1, 2011, it has made
1803 qualified capital expenditures equal to or exceeding \$250
1804 million may apportion its adjusted federal income solely by the
1805 sales factor set forth in s. 220.15(5), commencing in the
1806 taxable year that the Department of Commerce ~~Economic~~
1807 ~~Opportunity~~ approves the application, but not before a taxable
1808 year that begins on or after January 1, 2013. Once approved, a
1809 taxpayer may elect to apportion its adjusted federal income for
1810 any taxable year using the method provided under this section or
1811 the method provided under s. 220.15.

1812 (3) QUALIFICATION PROCESS.—

1813 (a) To qualify as a taxpayer who is eligible to apportion
1814 its adjusted federal income under this section:

1815 1. The taxpayer must notify the Department of Commerce
1816 ~~Economic Opportunity~~ of its intent to submit an application to
1817 apportion its adjusted federal income in order to commence the
1818 2-year period for measuring qualified capital expenditures.

1819 2. The taxpayer must submit an application to apportion its
1820 adjusted federal income under this section to the Department of
1821 Commerce ~~Economic Opportunity~~ within 2 years after notifying the
1822 Department of Commerce ~~Economic Opportunity~~ of the taxpayer's
1823 intent to qualify. The application must be made under oath and
1824 provide such information as the Department of Commerce ~~Economic~~
1825 ~~Opportunity~~ reasonably requires by rule for determining the
1826 applicant's eligibility to apportion adjusted federal income
1827 under this section. The taxpayer is responsible for

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1828 affirmatively demonstrating to the satisfaction of the
1829 Department of Commerce ~~Economic Opportunity~~ that it meets the
1830 eligibility requirements.

1831 (b) The taxpayer notice and application forms shall be
1832 established by the Department of Commerce ~~Economic Opportunity~~
1833 by rule. The Department of Commerce ~~Economic Opportunity~~ shall
1834 acknowledge receipt of the notice and approve or deny the
1835 application in writing within 45 days after receipt.

1836 (4) REVIEW AUTHORITY; RECAPTURE OF TAX.—

1837 (b) The Department of Commerce ~~Economic Opportunity~~ may, by
1838 order, revoke its decision to grant eligibility for
1839 apportionment pursuant to this section, and may also order the
1840 recalculation of apportionment factors to those applicable under
1841 s. 220.15 if, as the result of an audit, investigation, or
1842 examination, it determines that information provided by the
1843 taxpayer in the application, or in a statement, representation,
1844 record, report, plan, or other document provided to the
1845 Department of Commerce ~~Economic Opportunity~~ to become eligible
1846 for apportionment, was materially false at the time it was made
1847 and that an individual acting on behalf of the taxpayer knew, or
1848 should have known, that the information submitted was false. The
1849 taxpayer shall pay such additional taxes and interest as may be
1850 due pursuant to this chapter computed as the difference between
1851 the tax that would have been due under the apportionment formula
1852 provided in s. 220.15 for such years and the tax actually paid.
1853 In addition, the department shall assess a penalty equal to 100
1854 percent of the additional tax due.

1855 (c) The Department of Commerce ~~Economic Opportunity~~ shall
1856 immediately notify the department of an order affecting a

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1857 taxpayer's eligibility to apportion tax pursuant to this
1858 section. A taxpayer who is liable for past tax must file an
1859 amended return with the department, or such other report as the
1860 department prescribes by rule, and pay any required tax,
1861 interest, and penalty within 60 days after the taxpayer receives
1862 notification from the Department of Commerce ~~Economic~~
1863 ~~Opportunity~~ that the previously approved credits have been
1864 revoked. If the revocation is contested, the taxpayer shall file
1865 an amended return or other report within 30 days after an order
1866 becomes final. A taxpayer who fails to pay the past tax,
1867 interest, and penalty by the due date is subject to the
1868 penalties provided in s. 220.803.

1869 (5) RULES.—The Department of Commerce ~~Economic Opportunity~~
1870 and the department may adopt rules to administer this section.

1871 Section 58. Paragraph (d) of subsection (1), paragraphs (b)
1872 and (c) of subsection (2), paragraphs (a) and (b) of subsection
1873 (3), and paragraphs (a), (b), (c), and (e) of subsection (4) of
1874 section 220.183, Florida Statutes, are amended to read:

1875 220.183 Community contribution tax credit.—

1876 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
1877 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
1878 SPENDING.—

1879 (d) All proposals for the granting of the tax credit shall
1880 require the prior approval of the Department of Commerce
1881 ~~Economic Opportunity~~.

1882 (2) ELIGIBILITY REQUIREMENTS.—

1883 (b)1. All community contributions must be reserved
1884 exclusively for use in projects as defined in s. 220.03(1)(t).

1885 2. If, during the first 10 business days of the state

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1886 fiscal year, eligible tax credit applications for projects that
1887 provide housing opportunities for persons with special needs as
1888 defined in s. 420.0004 or homeownership opportunities for low-
1889 income or very-low-income households as defined in s.
1890 420.9071(20) and (30) are received for less than the annual tax
1891 credits available for those projects, the Department of Commerce
1892 ~~Economic Opportunity~~ shall grant tax credits for those
1893 applications and shall grant remaining tax credits on a first-
1894 come, first-served basis for any subsequent eligible
1895 applications received before the end of the state fiscal year.
1896 If, during the first 10 business days of the state fiscal year,
1897 eligible tax credit applications for projects that provide
1898 housing opportunities for persons with special needs as defined
1899 in s. 420.0004 or homeownership opportunities for low-income or
1900 very-low-income households as defined in s. 420.9071(20) and
1901 (30) are received for more than the annual tax credits available
1902 for those projects, the Department of Commerce ~~Economic~~
1903 ~~Opportunity~~ shall grant the tax credits for those applications
1904 as follows:

1905 a. If tax credit applications submitted for approved
1906 projects of an eligible sponsor do not exceed \$200,000 in total,
1907 the credit shall be granted in full if the tax credit
1908 applications are approved.

1909 b. If tax credit applications submitted for approved
1910 projects of an eligible sponsor exceed \$200,000 in total, the
1911 amount of tax credits granted under sub-subparagraph a. shall be
1912 subtracted from the amount of available tax credits, and the
1913 remaining credits shall be granted to each approved tax credit
1914 application on a pro rata basis.

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1915 3. If, during the first 10 business days of the state
1916 fiscal year, eligible tax credit applications for projects other
1917 than those that provide housing opportunities for persons with
1918 special needs as defined in s. 420.0004 or homeownership
1919 opportunities for low-income or very-low-income households as
1920 defined in s. 420.9071(20) and (30) are received for less than
1921 the annual tax credits available for those projects, the
1922 Department of Commerce ~~Economic Opportunity~~ shall grant tax
1923 credits for those applications and shall grant remaining tax
1924 credits on a first-come, first-served basis for any subsequent
1925 eligible applications received before the end of the state
1926 fiscal year. If, during the first 10 business days of the state
1927 fiscal year, eligible tax credit applications for projects other
1928 than those that provide housing opportunities for persons with
1929 special needs as defined in s. 420.0004 or homeownership
1930 opportunities for low-income or very-low-income households as
1931 defined in s. 420.9071(20) and (30) are received for more than
1932 the annual tax credits available for those projects, the
1933 Department of Commerce ~~Economic Opportunity~~ shall grant the tax
1934 credits for those applications on a pro rata basis.

1935 (c) The project must be undertaken by an "eligible
1936 sponsor," defined here as:

- 1937 1. A community action program;
- 1938 2. A nonprofit community-based development organization
1939 whose mission is the provision of housing for persons with
1940 special needs or low-income or very-low-income households or
1941 increasing entrepreneurial and job-development opportunities for
1942 low-income persons;
- 1943 3. A neighborhood housing services corporation;

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- 1944 4. A local housing authority, created pursuant to chapter
1945 421;
- 1946 5. A community redevelopment agency, created pursuant to s.
1947 163.356;
- 1948 6. A historic preservation district agency or organization;
- 1949 7. A local workforce development board;
- 1950 8. A direct-support organization as provided in s.
1951 1009.983;
- 1952 9. An enterprise zone development agency created pursuant
1953 to s. 290.0056;
- 1954 10. A community-based organization incorporated under
1955 chapter 617 which is recognized as educational, charitable, or
1956 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
1957 and whose bylaws and articles of incorporation include
1958 affordable housing, economic development, or community
1959 development as the primary mission of the corporation;
- 1960 11. Units of local government;
- 1961 12. Units of state government; or
- 1962 13. Such other agency as the Department of Commerce
1963 ~~Economic Opportunity~~ may, from time to time, designate by rule.
1964
- 1965 In no event shall a contributing business firm have a financial
1966 interest in the eligible sponsor.
- 1967 (3) APPLICATION REQUIREMENTS.—
- 1968 (a) Any eligible sponsor wishing to participate in this
1969 program must submit a proposal to the Department of Commerce
1970 ~~Economic Opportunity~~ which sets forth the sponsor, the project,
1971 the area in which the project is located, and such supporting
1972 information as may be prescribed by rule. The proposal shall

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1973 also contain a resolution from the local governmental unit in
1974 which it is located certifying that the project is consistent
1975 with local plans and regulations.

1976 (b) Any business wishing to participate in this program
1977 must submit an application for tax credit to the Department of
1978 Commerce ~~Economic Opportunity~~, which application sets forth the
1979 sponsor; the project; and the type, value, and purpose of the
1980 contribution. The sponsor shall verify the terms of the
1981 application and indicate its receipt of the contribution, which
1982 verification must be in writing and accompany the application
1983 for tax credit.

1984 (4) ADMINISTRATION.—

1985 (a) The Department of Commerce ~~Economic Opportunity~~ has
1986 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
1987 to implement the provisions of this section, including rules for
1988 the approval or disapproval of proposals by business firms.

1989 (b) The decision of the Department of Commerce ~~Economic~~
1990 ~~Opportunity~~ shall be in writing, and, if approved, the
1991 notification must state the maximum credit allowable to the
1992 business firm. A copy of the decision shall be transmitted to
1993 the executive director of the Department of Revenue, who shall
1994 apply such credit to the tax liability of the business firm.

1995 (c) The Department of Commerce ~~Economic Opportunity~~ shall
1996 periodically monitor all projects in a manner consistent with
1997 available resources to ensure that resources are utilized in
1998 accordance with this section; however, each project shall be
1999 reviewed no less often than once every 2 years.

2000 (e) The Department of Commerce ~~Economic Opportunity~~ shall,
2001 in consultation with the Florida Housing Finance Corporation and

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2002 the statewide and regional housing and financial intermediaries,
2003 market the availability of the community contribution tax credit
2004 program to community-based organizations.

2005 Section 59. Section 220.1895, Florida Statutes, is amended
2006 to read:

2007 220.1895 Rural Job Tax Credit and Urban High-Crime Area Job
2008 Tax Credit.—There shall be allowed a credit against the tax
2009 imposed by this chapter amounts approved by the Department of
2010 Commerce ~~Economic Opportunity~~ pursuant to the Rural Job Tax
2011 Credit Program in s. 212.098 and the Urban High-Crime Area Job
2012 Tax Credit Program in s. 212.097. A corporation that uses its
2013 credit against the tax imposed by this chapter may not take the
2014 credit against the tax imposed by chapter 212. If any credit
2015 granted under this section is not fully used in the first year
2016 for which it becomes available, the unused amount may be carried
2017 forward for a period not to exceed 5 years. The carryover may be
2018 used in a subsequent year when the tax imposed by this chapter
2019 for such year exceeds the credit for such year under this
2020 section after applying the other credits and unused credit
2021 carryovers in the order provided in s. 220.02(8).

2022 Section 60. Paragraphs (f) and (g) of subsection (1) of
2023 section 220.191, Florida Statutes, are amended to read:

2024 220.191 Capital investment tax credit.—

2025 (1) DEFINITIONS.—For purposes of this section:

2026 (f) "Jobs" means full-time equivalent positions, as that
2027 term is consistent with terms used by the Department of Commerce
2028 ~~Economic Opportunity~~ and the United States Department of Labor
2029 for purposes of reemployment assistance tax administration and
2030 employment estimation, resulting directly from a project in this

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2031 state. The term does not include temporary construction jobs
2032 involved in the construction of the project facility.

2033 (g) "Qualifying business" means a business which
2034 establishes a qualifying project in this state and which is
2035 certified by the Department of Commerce ~~Economic Opportunity~~ to
2036 receive tax credits pursuant to this section.

2037 Section 61. Subsection (2) of section 222.15, Florida
2038 Statutes, is amended to read:

2039 222.15 Wages or reemployment assistance or unemployment
2040 compensation payments due deceased employee may be paid spouse
2041 or certain relatives.—

2042 (2) It is also lawful for the Department of Commerce
2043 ~~Economic Opportunity~~, in case of death of any unemployed
2044 individual, to pay to those persons referred to in subsection
2045 (1) any reemployment assistance or unemployment compensation
2046 payments that may be due to the individual at the time of his or
2047 her death.

2048 Section 62. Subsection (1) of section 252.85, Florida
2049 Statutes, is amended to read:

2050 252.85 Fees.—

2051 (1) Any owner or operator of a facility required under s.
2052 302 or s. 312 of EPCRA, or by s. 252.87, to submit a
2053 notification or an annual inventory form to the commission shall
2054 be required to pay an annual registration fee. The fee for any
2055 company, including all facilities under common ownership or
2056 control, shall not be less than \$25 nor more than \$2,000. The
2057 division shall establish a reduced fee, of not less than \$25 nor
2058 more than \$500, applicable to any owner or operator regulated
2059 under part I of chapter 368, chapter 527, or s. 376.303, which

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2060 does not have present any extremely hazardous substance, as
2061 defined by EPCRA, in excess of a threshold planning quantity, as
2062 established by EPCRA. The division shall establish a reduced fee
2063 of not less than \$25 nor more than \$1,000, applicable to any
2064 owner or operator of a facility with a Standard Industrial
2065 Classification Code of 01, 02, or 07, which is eligible for the
2066 "routine agricultural use" exemption provided in ss. 311 and 312
2067 of EPCRA. The fee under this subsection shall be based on the
2068 number of employees employed within the state at facilities
2069 under the common ownership or control of such owner or operator,
2070 which number shall be determined, to the extent possible, in
2071 accordance with data supplied by the Department of Commerce
2072 ~~Economic Opportunity~~ or its tax collection service provider. In
2073 order to avoid the duplicative reporting of seasonal and
2074 temporary agricultural employees, fees applicable to owners or
2075 operators of agricultural facilities, which are eligible for the
2076 "routine agricultural use" reporting exemption provided in ss.
2077 311 and 312 of EPCRA, shall be based on employee data which most
2078 closely reflects such owner or operator's permanent nonseasonal
2079 workforce. The division shall establish by rule the date by
2080 which the fee is to be paid, as well as a formula or method of
2081 determining the applicable fee under this subsection without
2082 regard to the number of facilities under common ownership or
2083 control. The division may require owners or operators of
2084 multiple facilities to demonstrate common ownership or control
2085 for purposes of this subsection.

2086 Section 63. Paragraph (a) of subsection (21) of section
2087 253.025, Florida Statutes, is amended to read:

2088 253.025 Acquisition of state lands.—

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2089 (21) (a) The board of trustees may acquire, pursuant to s.
2090 288.980(2) (b), nonconservation lands from the annual list
2091 submitted by the Department of Commerce ~~Economic Opportunity~~ for
2092 the purpose of buffering a military installation against
2093 encroachment.

2094 Section 64. Paragraph (b) of subsection (1) of section
2095 255.099, Florida Statutes, is amended to read:

2096 255.099 Preference to state residents.—

2097 (1) Each contract for construction that is funded by state
2098 funds must contain a provision requiring the contractor to give
2099 preference to the employment of state residents in the
2100 performance of the work on the project if state residents have
2101 substantially equal qualifications to those of nonresidents. A
2102 contract for construction funded by local funds may contain such
2103 a provision.

2104 (b) A contractor required to employ state residents must
2105 contact the Department of Commerce ~~Economic Opportunity~~ to post
2106 the contractor's employment needs in the state's job bank
2107 system.

2108 Section 65. Paragraph (b) of subsection (3), paragraph (b)
2109 of subsection (4), subsection (6), paragraph (a) of subsection
2110 (7), and paragraph (c) of subsection (9) of section 258.501,
2111 Florida Statutes, are amended to read:

2112 258.501 Myakka River; wild and scenic segment.—

2113 (3) DEFINITIONS.—As used in this section, the term:

2114 (b) "Agreement" means the interagency operating agreement
2115 between the department, the Department of Commerce ~~Economic~~
2116 ~~Opportunity~~, and Sarasota County or the City of North Port.

2117 (4) DESIGNATION OF WILD AND SCENIC RIVER.—

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2118 (b) The governments of Sarasota County and the City of
2119 North Port shall manage the Myakka River wild and scenic
2120 protection zone under their existing authorities for
2121 comprehensive planning, the regulation of land development
2122 activities, and other necessary or appropriate ordinances and in
2123 conformance with this section, the management plan required
2124 under subsection (5), and the agreements adopted by the
2125 department and the Department of Commerce ~~Economic Opportunity~~
2126 with the city and county pursuant to this section.

2127 (6) AMENDMENT OF REGULATIONS AND COMPREHENSIVE PLANS.—

2128 (a) Sarasota County and the City of North Port shall amend
2129 their comprehensive plans so that the parts of such plans that
2130 affect the wild and scenic protection zone conform to, or are
2131 more stringent than, this section, the river management plan,
2132 and management guidelines and performance standards to be
2133 developed and contained within agreements to be adopted by the
2134 department, the Department of Commerce ~~Economic Opportunity~~, and
2135 the city and county. The guidelines and performance standards
2136 must be used by the department and the Department of Commerce
2137 ~~Economic Opportunity~~ to review and monitor the regulation of
2138 activities by the city and county in the wild and scenic
2139 protection zone. Amendments to those comprehensive plans must
2140 include specific policies and guidelines for minimizing adverse
2141 impacts on resources in the river area and for managing the wild
2142 and scenic protection zone in conformance with this section, the
2143 river management plan, and the agreement. Such comprehensive
2144 plans must be amended within 1 year after the adoption date of
2145 the agreement, and thereafter, within 6 months following an
2146 amendment to this section, the river management plan, or the

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2147 agreement, as may be necessary. For the purposes established in
2148 this subsection, such amendments need not conform to statutory
2149 or local ordinance limitations on the frequency of consideration
2150 of amendments to local comprehensive plans.

2151 (b) Sarasota County and the City of North Port shall adopt
2152 or amend, within 1 year after the department and the Department
2153 of Commerce ~~Economic Opportunity~~ adopt with the city and with
2154 the county agreements for regulating activities in the wild and
2155 scenic protection zone, any necessary ordinances and land
2156 development regulations so that those ordinances and regulations
2157 conform to the purposes of this section, the river management
2158 plan, and the agreement. Thereafter, following any amendment to
2159 this section, the river management plan, or the agreement, the
2160 city and county must amend or adopt, within 1 year, appropriate
2161 ordinances and land development regulations to maintain such
2162 local ordinances and regulations in conformance with this
2163 section, the river management plan, and the agreement. Those
2164 ordinances and regulations must provide that activities must be
2165 prohibited, or must undergo review and either be denied or
2166 permitted with or without conditions, so as to minimize
2167 potential adverse physical and visual impacts on resource values
2168 in the river area and to minimize adverse impacts on private
2169 landowners' use of land for residential purposes. The resource
2170 values of concern are those identified in this section and by
2171 the coordinating council in the river management plan.
2172 Activities which may be prohibited, subject to the agreement,
2173 include, but are not limited to, landfills, clear cuttings,
2174 major new infrastructure facilities, major activities that would
2175 alter historic water or flood flows, multifamily residential

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2176 construction, commercial and industrial development, and mining
2177 and major excavations. However, appurtenant structures for these
2178 activities may be permitted if such structures do not have
2179 adverse visual or measurable adverse environmental impacts to
2180 resource values in the river area.

2181 (c) If the Department of Commerce ~~Economic Opportunity~~
2182 determines that the local comprehensive plan or land development
2183 regulations, as amended or supplemented by the local government,
2184 are not in conformance with the purposes of this section, the
2185 river management plan, and the agreement, the Department of
2186 Commerce ~~Economic Opportunity~~ shall issue a notice of intent to
2187 find the plan not in compliance and such plan shall be subject
2188 to the administrative proceedings in accordance with s.
2189 163.3184.

2190 (7) MANAGEMENT COORDINATING COUNCIL.—

2191 (a) Upon designation, the department shall create a
2192 permanent council to provide interagency and intergovernmental
2193 coordination in the management of the river. The coordinating
2194 council shall be composed of one representative appointed from
2195 each of the following: the department, the Department of
2196 Transportation, the Fish and Wildlife Conservation Commission,
2197 the Department of Commerce ~~Economic Opportunity~~, the Florida
2198 Forest Service of the Department of Agriculture and Consumer
2199 Services, the Division of Historical Resources of the Department
2200 of State, the Tampa Bay Regional Planning Council, the Southwest
2201 Florida Water Management District, the Southwest Florida
2202 Regional Planning Council, Manatee County, Sarasota County,
2203 Charlotte County, the City of Sarasota, the City of North Port,
2204 agricultural interests, environmental organizations, and any

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2205 others deemed advisable by the department.

2206 (9) RULEMAKING AUTHORITY.—

2207 (c) The department and the Department of Commerce ~~Economic~~
2208 ~~Opportunity~~ must enter into agreements with the City of North
2209 Port and Sarasota County which provide for guiding and
2210 monitoring the regulation of activities by the city and county,
2211 in accordance with subsection (6). Such agreements shall include
2212 guidelines and performance standards for regulating proposed
2213 activities so as to minimize adverse environmental and visual
2214 impacts of such activities on the resource values in the river
2215 area, and to minimize adverse impacts to landowners' use of land
2216 for residential purposes.

2217 Section 66. Subsection (3) of section 259.042, Florida
2218 Statutes, is amended to read:

2219 259.042 Tax increment financing for conservation lands.—

2220 (3) The governing body of the jurisdiction that will
2221 administer the separate reserve account shall provide
2222 documentation to the Department of Commerce ~~Economic Opportunity~~
2223 identifying the boundary of the tax increment area. The
2224 department shall determine whether the boundary is appropriate
2225 in that property owners within the boundary will receive a
2226 benefit from the proposed purchase of identified conservation
2227 lands. The department must issue a letter of approval stating
2228 that the establishment of the tax increment area and the
2229 proposed purchases would benefit property owners within the
2230 boundary and serve a public purpose before any tax increment
2231 funds are deposited into the separate reserve account. If the
2232 department fails to provide the required letter within 90 days
2233 after receiving sufficient documentation of the boundary, the

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2234 establishment of the area and the proposed purchases are deemed
2235 to provide such benefit and serve a public purpose.

2236 Section 67. Paragraph (b) of subsection (4) of section
2237 267.0625, Florida Statutes, is amended to read:

2238 267.0625 Abrogation of offensive and derogatory geographic
2239 place names.—

2240 (4) The division shall:

2241 (b) Notify the Department of Transportation, the Department
2242 of Commerce ~~Economic Opportunity~~, the Department of Management
2243 Services, and any other entity that compiles information for or
2244 develops maps or markers for the state of the name change so
2245 that it may be reflected on subsequent editions of any maps,
2246 informational literature, or markers produced by those entities.

2247 Section 68. Subsection (2) of section 288.005, Florida
2248 Statutes, is amended to read:

2249 288.005 Definitions.—As used in this chapter, the term:

2250 (2) "Department" means the Department of Commerce ~~Economic~~
2251 ~~Opportunity~~.

2252 Section 69. Subsection (3), paragraph (a) of subsection
2253 (5), and subsection (6) of section 288.061, Florida Statutes,
2254 are amended to read:

2255 288.061 Economic development incentive application
2256 process.—

2257 (3) Within 10 business days after the department receives
2258 the submitted economic development incentive application, the
2259 Secretary of Commerce ~~Economic Opportunity~~ shall approve or
2260 disapprove the application and issue a letter of certification
2261 to the applicant which includes a justification of that
2262 decision, unless the business requests an extension of that

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2263 time.

2264 (a) The contract or agreement with the applicant must
2265 specify the total amount of the award, the performance
2266 conditions that must be met to obtain the award, the schedule
2267 for payment, and sanctions that would apply for failure to meet
2268 performance conditions. The department may enter into one
2269 agreement or contract covering all of the state incentives that
2270 are being provided to the applicant. The contract must provide
2271 that release of funds is contingent upon sufficient
2272 appropriation of funds by the Legislature.

2273 (b) The release of funds for the incentive or incentives
2274 awarded to the applicant depends upon the statutory requirements
2275 of the particular incentive program.

2276 (5) (a) The Secretary of Commerce ~~Economic Opportunity~~ may
2277 not approve an economic development incentive application unless
2278 the application includes a signed written declaration by the
2279 applicant which states that the applicant has read the
2280 information in the application and that the information is true,
2281 correct, and complete to the best of the applicant's knowledge
2282 and belief.

2283 (6) ~~Beginning July 1, 2020,~~ The Secretary of Commerce
2284 ~~Economic Opportunity~~ may not approve an economic development
2285 incentive application unless the application includes proof to
2286 the department that the applicant business is registered with
2287 and uses the E-Verify system, as defined in s. 448.095, to
2288 verify the work authorization status of all newly hired
2289 employees. If the department determines that an awardee is not
2290 complying with this subsection, the department must notify the
2291 awardee by certified mail of the department's determination of

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2292 noncompliance and the awardee's right to appeal the
2293 determination. Upon a final determination of noncompliance, the
2294 awardee must repay all moneys received as an economic
2295 development incentive to the department within 30 days after the
2296 final determination.

2297 Section 70. Paragraph (a) of subsection (1) of section
2298 288.075, Florida Statutes, is amended to read:

2299 288.075 Confidentiality of records.—

2300 (1) DEFINITIONS.—As used in this section, the term:

2301 (a) "Economic development agency" means:

2302 1. The Department of Commerce ~~Economic Opportunity~~;

2303 2. Any industrial development authority created in
2304 accordance with part III of chapter 159 or by special law;

2305 3. Space Florida created in part II of chapter 331;

2306 4. The public economic development agency of a county or
2307 municipality or, if the county or municipality does not have a
2308 public economic development agency, the county or municipal
2309 officers or employees assigned the duty to promote the general
2310 business interests or industrial interests of that county or
2311 municipality or the responsibilities related thereto;

2312 5. Any research and development authority created in
2313 accordance with part V of chapter 159; or

2314 6. Any private agency, person, partnership, corporation, or
2315 business entity when authorized by the state, a municipality, or
2316 a county to promote the general business interests or industrial
2317 interests of the state or that municipality or county.

2318 Section 71. Subsection (1) of section 288.1201, Florida
2319 Statutes, is amended to read:

2320 288.1201 State Economic Enhancement and Development Trust

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2321 Fund.—

2322 (1) There is created within the Department of Commerce
2323 ~~Economic Opportunity~~ the State Economic Enhancement and
2324 Development Trust Fund. Moneys deposited in the trust fund shall
2325 be used for infrastructure and job creation opportunities and
2326 for the following purposes or programs:

2327 (a) Transportation facilities that meet a strategic and
2328 essential state interest with respect to the economic
2329 development of the state;

2330 (b) Affordable housing programs and projects in accordance
2331 with chapter 420;

2332 (c) Economic development incentives for job creation and
2333 capital investment;

2334 (d) Workforce training associated with locating a new
2335 business or expanding an existing business; and

2336 (e) Tourism promotion and marketing services, functions,
2337 and programs.

2338 Section 72. Subsection (11) of section 288.1226, Florida
2339 Statutes, is amended to read:

2340 288.1226 Florida Tourism Industry Marketing Corporation;
2341 use of property; board of directors; duties; audit.—

2342 (11) PROPOSED OPERATING BUDGET SUBMISSION.—By August 15 of
2343 each fiscal year, the Department of Commerce ~~Economic~~
2344 ~~Opportunity~~ shall submit a proposed operating budget for the
2345 corporation including amounts to be expended on advertising,
2346 marketing, promotions, events, other operating capital outlay,
2347 and salaries and benefits for each employee to the Governor, the
2348 President of the Senate, and the Speaker of the House of
2349 Representatives.

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2350 Section 73. Subsection (2) of section 288.8012, Florida
2351 Statutes, is amended to read:

2352 288.8012 Definitions.—As used in ss. 288.8011-288.8018, the
2353 term:

2354 (2) "Department" means the Department of Commerce ~~Economic~~
2355 ~~Opportunity~~.

2356 Section 74. Subsection (8) of section 288.8014, Florida
2357 Statutes, is amended to read:

2358 288.8014 Triumph Gulf Coast, Inc.; organization; board of
2359 directors.—

2360 (8) The Secretary of Commerce ~~Economic Opportunity~~, or his
2361 or her designee, the Secretary of Environmental Protection, or
2362 his or her designee, and the chair of the Committee of 8
2363 Disproportionally Affected Counties, or his or her designee,
2364 shall be available to consult with the board of directors and
2365 may be requested to attend meetings of the board of directors.
2366 These individuals shall not be permitted to vote on any matter
2367 before the board.

2368 Section 75. Subsection (2) of section 288.9604, Florida
2369 Statutes, is amended to read:

2370 288.9604 Creation of the corporation.—

2371 (2) The board of directors of the corporation shall consist
2372 of seven directors. The Secretary of Commerce ~~Economic~~
2373 ~~Opportunity~~, or his or her designee, shall serve as chair of the
2374 board of directors of the corporation. The director of the
2375 Division of Bond Finance of the State Board of Administration,
2376 or his or her designee, shall serve as a director on the board
2377 of directors of the corporation. The Governor, subject to
2378 confirmation by the Senate, shall appoint the remaining five

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2379 directors of the board of directors of the corporation. The
2380 terms of office for the appointed directors are for 4 years
2381 after the date of their appointment. A vacancy occurring during
2382 a term of an appointed director shall be filled for the
2383 unexpired term. An appointed director is eligible for
2384 reappointment. At least three of the appointed directors of the
2385 corporation must have experience in finance, and one of the
2386 directors must have experience in economic development.

2387 Section 76. Section 288.9610, Florida Statutes, is amended
2388 to read:

2389 288.9610 Annual reports of Florida Development Finance
2390 Corporation.—On or before 90 days after the close of the Florida
2391 Development Finance Corporation's fiscal year, the corporation
2392 shall submit to the Governor, the Legislature, the Auditor
2393 General, the Department of Commerce ~~Economic Opportunity~~, and
2394 the governing body of each public entity for which the
2395 corporation issues revenue bonds pursuant to s. 288.9606 or with
2396 which it has entered into an interlocal agreement a complete and
2397 detailed report setting forth:

2398 (1) The results of any audit conducted under s. 11.45.

2399 (2) The activities, operations, and accomplishments of the
2400 Florida Development Finance Corporation, including the number of
2401 businesses assisted by the corporation.

2402 (3) Its assets, liabilities, income, and operating expenses
2403 at the end of its most recent fiscal year, including a
2404 description of all of its outstanding revenue bonds.

2405 Section 77. Subsection (5) of section 288.987, Florida
2406 Statutes, is amended to read:

2407 288.987 Florida Defense Support Task Force.—

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2408 (5) The Secretary of Commerce ~~Economic Opportunity~~, or his
2409 or her designee, shall serve as the ex officio, nonvoting
2410 executive director of the task force.

2411 Section 78. Paragraph (b) of subsection (2) of section
2412 288.9961, Florida Statutes, is amended to read:

2413 288.9961 Promotion of broadband adoption; Florida Office of
2414 Broadband.—

2415 (2) DEFINITIONS.—As used in this section, the term:

2416 (b) "Department" means the Department of Commerce ~~Economic~~
2417 ~~Opportunity~~.

2418 Section 79. Subsection (2) of section 290.004, Florida
2419 Statutes, is amended to read:

2420 290.004 Definitions relating to Florida Enterprise Zone
2421 Act.—As used in ss. 290.001-290.016:

2422 (2) "Department" means the Department of Commerce ~~Economic~~
2423 ~~Opportunity~~.

2424 Section 80. Paragraph (a) of subsection (6) of section
2425 290.0065, Florida Statutes, is amended to read:

2426 290.0065 State designation of enterprise zones.—

2427 (6) (a) The department may develop guidelines necessary for
2428 the approval of areas under this section by the Secretary of
2429 Commerce ~~Economic Opportunity~~.

2430 Section 81. Section 290.00729, Florida Statutes, is amended
2431 to read:

2432 290.00729 Enterprise zone designation for Charlotte
2433 County.—Charlotte County may apply to the Department of Commerce
2434 ~~Economic Opportunity~~ for designation of one enterprise zone
2435 encompassing an area not to exceed 20 square miles within
2436 Charlotte County. Notwithstanding s. 290.0065 limiting the total

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2437 number of enterprise zones designated and the number of
2438 enterprise zones within a population category, the department
2439 may designate one enterprise zone under this section. The
2440 department shall establish the initial effective date of the
2441 enterprise zone designated under this section.

2442 Section 82. Subsection (3) of section 290.042, Florida
2443 Statutes, is amended to read:

2444 290.042 Definitions relating to Florida Small Cities
2445 Community Development Block Grant Program Act.—As used in ss.
2446 290.0401-290.048, the term:

2447 (3) "Department" means the Department of Commerce ~~Economic~~
2448 ~~Opportunity~~.

2449 Section 83. Subsection (4) of section 290.0455, Florida
2450 Statutes, is amended to read:

2451 290.0455 Small Cities Community Development Block Grant
2452 Loan Guarantee Program; Section 108 loan guarantees.—

2453 (4) An applicant approved by the United States Department
2454 of Housing and Urban Development to receive a Section 108 loan
2455 shall enter into an agreement with the Department of Commerce
2456 ~~Economic Opportunity~~ which requires the applicant to pledge half
2457 of the amount necessary to guarantee the loan in the event of
2458 default.

2459 Section 84. Paragraph (a) of subsection (2) and subsection
2460 (4) of section 290.0491, Florida Statutes, are amended to read:

2461 290.0491 Florida Empowerment Zones.—

2462 (2) DEFINITIONS.—As used in this section, the term:

2463 (a) "Department" means the Department of Commerce ~~Economic~~
2464 ~~Opportunity~~.

2465 (4) EMPOWERMENT ZONE PROGRAM.—There is created an economic

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2466 development program to be known as the Florida Empowerment Zone
2467 Program. The program shall exist for 10 years and, except as
2468 otherwise provided by law, be operated by the Department of
2469 Commerce ~~Economic Opportunity~~ in conjunction with the Federal
2470 Empowerment Zone Program.

2471 Section 85. Section 290.06561, Florida Statutes, is amended
2472 to read:

2473 290.06561 Designation of rural enterprise zone as catalyst
2474 site.—Notwithstanding s. 290.0065(1), the Department of Commerce
2475 ~~Economic Opportunity~~, upon request of the host county, shall
2476 designate as a rural enterprise zone any catalyst site as
2477 defined in s. 288.0656(2)(b) that was approved before January 1,
2478 2010, and that is not located in an existing rural enterprise
2479 zone. The request from the host county must include the legal
2480 description of the catalyst site and the name and contact
2481 information for the county development authority responsible for
2482 managing the catalyst site. The designation shall provide
2483 businesses locating within the catalyst site the same
2484 eligibility for economic incentives and other benefits of a
2485 rural enterprise zone designated under s. 290.0065. The
2486 reporting criteria for a catalyst site designated as a rural
2487 enterprise zone under this section are the same as for other
2488 rural enterprise zones. Host county development authorities may
2489 enter into memoranda of agreement, as necessary, to coordinate
2490 their efforts to implement this section.

2491 Section 86. Subsection (2) of section 311.07, Florida
2492 Statutes, is amended to read:

2493 311.07 Florida seaport transportation and economic
2494 development funding.—

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2495 (2) A minimum of \$25 million per year shall be made
2496 available from the State Transportation Trust Fund to fund the
2497 Florida Seaport Transportation and Economic Development Program.
2498 The Florida Seaport Transportation and Economic Development
2499 Council created in s. 311.09 shall develop guidelines for
2500 project funding. Council staff, the Department of
2501 Transportation, and the Department of Commerce ~~Economic~~
2502 ~~Opportunity~~ shall work in cooperation to review projects and
2503 allocate funds in accordance with the schedule required for the
2504 Department of Transportation to include these projects in the
2505 tentative work program developed pursuant to s. 339.135(4).

2506 Section 87. Subsections (1), (3), (5), (7), (8), and (10)
2507 of section 311.09, Florida Statutes, are amended to read:

2508 311.09 Florida Seaport Transportation and Economic
2509 Development Council.—

2510 (1) The Florida Seaport Transportation and Economic
2511 Development Council is created within the Department of
2512 Transportation. The council consists of the following 18
2513 members: the port director, or the port director's designee, of
2514 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
2515 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
2516 St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City,
2517 Pensacola, Key West, and Fernandina; the secretary of the
2518 Department of Transportation or his or her designee; and the
2519 secretary of the Department of Commerce ~~Economic Opportunity~~ or
2520 his or her designee.

2521 (3) The council shall prepare a 5-year Florida Seaport
2522 Mission Plan defining the goals and objectives of the council
2523 concerning the development of port facilities and an intermodal

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2524 transportation system consistent with the goals of the Florida
2525 Transportation Plan developed pursuant to s. 339.155. The
2526 Florida Seaport Mission Plan shall include specific
2527 recommendations for the construction of transportation
2528 facilities connecting any port to another transportation mode
2529 and for the efficient, cost-effective development of
2530 transportation facilities or port facilities for the purpose of
2531 enhancing trade, promoting cargo flow, increasing cruise
2532 passenger movements, increasing port revenues, and providing
2533 economic benefits to the state. The council shall develop a
2534 priority list of projects based on these recommendations
2535 annually and submit the list to the Department of
2536 Transportation. The council shall update the 5-year Florida
2537 Seaport Mission Plan annually and shall submit the plan no later
2538 than February 1 of each year to the President of the Senate, the
2539 Speaker of the House of Representatives, the Department of
2540 Commerce ~~Economic Opportunity~~, and the Department of
2541 Transportation. The council shall develop programs, based on an
2542 examination of existing programs in Florida and other states,
2543 for the training of minorities and secondary school students in
2544 job skills associated with employment opportunities in the
2545 maritime industry, and report on progress and recommendations
2546 for further action to the President of the Senate and the
2547 Speaker of the House of Representatives annually.

2548 (5) The council shall review and approve or disapprove each
2549 project eligible to be funded pursuant to the Florida Seaport
2550 Transportation and Economic Development Program. The council
2551 shall annually submit to the Secretary of Transportation and the
2552 executive director of the Department of Commerce ~~Economic~~

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2553 ~~Opportunity~~, or his or her designee, a list of projects which
2554 have been approved by the council. The list shall specify the
2555 recommended funding level for each project; and, if staged
2556 implementation of the project is appropriate, the funding
2557 requirements for each stage shall be specified.

2558 (7) The Department of Commerce ~~Economic Opportunity~~ shall
2559 review the list of project applications approved by the council
2560 to evaluate the economic benefit of the project and to determine
2561 whether the project is consistent with the Florida Seaport
2562 Mission Plan and with state economic development goals and
2563 policies. The Department of Commerce ~~Economic Opportunity~~ shall
2564 review the proposed project's consistency with state, regional,
2565 and local plans, as appropriate, and the economic benefits of
2566 each project based upon the rules adopted pursuant to subsection
2567 (4). The Department of Commerce ~~Economic Opportunity~~ shall
2568 identify those projects that it has determined do not offer an
2569 economic benefit to the state, are not consistent with an
2570 appropriate plan, or are not consistent with the Florida Seaport
2571 Mission Plan or state economic development goals and policies
2572 and shall notify the council of its findings.

2573 (8) The council shall review the findings of the Department
2574 of Commerce ~~Economic Opportunity~~ and the Department of
2575 Transportation. Projects found to be inconsistent pursuant to
2576 subsection (6) or subsection (7) or projects that have been
2577 determined not to offer an economic benefit to the state
2578 pursuant to subsection (7) may not be included in the list of
2579 projects to be funded.

2580 (10) The council shall meet at the call of its chairperson,
2581 at the request of a majority of its membership, or at such times

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2582 as may be prescribed in its bylaws. However, the council must
2583 meet at least semiannually. A majority of voting members of the
2584 council constitutes a quorum for the purpose of transacting the
2585 business of the council. All members of the council are voting
2586 members. A vote of the majority of the voting members present is
2587 sufficient for any action of the council, except that a member
2588 representing the Department of Transportation or the Department
2589 of Commerce ~~Economic Opportunity~~ may vote to overrule any action
2590 of the council approving a project pursuant to subsection (5).
2591 The bylaws of the council may require a greater vote for a
2592 particular action.

2593 Section 88. Subsection (2) of section 311.10, Florida
2594 Statutes, is amended to read:

2595 311.10 Strategic Port Investment Initiative.—

2596 (2) Prior to making final project allocations, the
2597 Department of Transportation shall schedule a publicly noticed
2598 workshop with the Department of Commerce ~~Economic Opportunity~~
2599 and the deepwater ports listed in s. 311.09 to review the
2600 proposed projects. After considering the comments received, the
2601 Department of Transportation shall finalize a prioritized list
2602 of potential projects.

2603 Section 89. Subsection (4) of section 311.101, Florida
2604 Statutes, is amended to read:

2605 311.101 Intermodal Logistics Center Infrastructure Support
2606 Program.—

2607 (4) The department shall coordinate and consult with the
2608 Department of Commerce ~~Economic Opportunity~~ in the selection of
2609 projects to be funded by this program.

2610 Section 90. Paragraph (b) of subsection (1) of section

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2611 311.105, Florida Statutes, is amended to read:

2612 311.105 Florida Seaport Environmental Management Committee;
2613 permitting; mitigation.—

2614 (1)

2615 (b) The committee shall consist of the following members:

2616 the Secretary of Environmental Protection, or his or her
2617 designee, as an ex officio, nonvoting member; a designee from
2618 the United States Army Corps of Engineers, as an ex officio,
2619 nonvoting member; a designee from the Florida Inland Navigation
2620 District, as an ex officio, nonvoting member; the Secretary of
2621 Commerce Economic Opportunity, or his or her designee, as an ex
2622 officio, nonvoting member; and five or more port directors, as
2623 voting members, appointed to the committee by the council chair,
2624 who shall also designate one such member as committee chair.

2625 Section 91. Section 311.11, Florida Statutes, is amended to
2626 read:

2627 311.11 Seaport Employment Training Grant Program.—

2628 (1) The Department of Commerce Economic Opportunity, in
2629 cooperation with the Florida Seaport Transportation and Economic
2630 Development Council, shall establish a Seaport Employment
2631 Training Grant Program within the Department of Commerce
2632 Economic Opportunity. The Department of Commerce Economic
2633 Opportunity shall grant funds appropriated by the Legislature to
2634 the program for the purpose of stimulating and supporting
2635 seaport training and employment programs which will seek to
2636 match state and local training programs with identified job
2637 skills associated with employment opportunities in the port,
2638 maritime, and transportation industries, and for the purpose of
2639 providing such other training, educational, and information

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2640 services as required to stimulate jobs in the described
2641 industries. Funds may be used for the purchase of equipment to
2642 be used for training purposes, hiring instructors, and any other
2643 purpose associated with the training program. The contribution
2644 of the Department of Commerce ~~Economic Opportunity~~ to any
2645 specific training program may not exceed 50 percent of the total
2646 cost of the program. Matching contributions may include services
2647 in kind, including, but not limited to, training instructors,
2648 equipment usage, and training facilities.

2649 (2) The Department of Commerce ~~Economic Opportunity~~ shall
2650 adopt criteria to implement this section.

2651 Section 92. Subsection (2) of section 311.22, Florida
2652 Statutes, is amended to read:

2653 311.22 Additional authorization for funding certain
2654 dredging projects.—

2655 (2) The council shall adopt rules for evaluating the
2656 projects that may be funded pursuant to this section. The rules
2657 must provide criteria for evaluating the economic benefit of the
2658 project. The rules must include the creation of an
2659 administrative review process by the council which is similar to
2660 the process described in s. 311.09(5)-(11), and provide for a
2661 review by the Department of Transportation and the Department of
2662 Commerce ~~Economic Opportunity~~ of all projects submitted for
2663 funding under this section.

2664 Section 93. Paragraph (b) of subsection (58) of section
2665 320.08058, Florida Statutes, is amended to read:

2666 320.08058 Specialty license plates.—

2667 (58) PROTECT FLORIDA SPRINGS LICENSE PLATES.—

2668 (b) The annual use fees shall be distributed to the

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2669 Wildlife Foundation of Florida, Inc., a citizen support
2670 organization created pursuant to s. 379.223, which shall
2671 administer the fees as follows:

2672 1. Wildlife Foundation of Florida, Inc., shall retain the
2673 first \$60,000 of the annual use fees as direct reimbursement for
2674 administrative costs, startup costs, and costs incurred in the
2675 development and approval process.

2676 2. Thereafter, a maximum of 10 percent of the fees may be
2677 used for administrative costs directly associated with education
2678 programs, conservation, springs research, and grant
2679 administration of the foundation. A maximum of 15 percent of the
2680 fees may be used for continuing promotion and marketing of the
2681 license plate.

2682 3. At least 55 percent of the fees shall be available for
2683 competitive grants for targeted community-based springs research
2684 not currently available for state funding. The remaining 20
2685 percent shall be directed toward community outreach programs
2686 aimed at implementing such research findings. The competitive
2687 grants shall be administered and approved by the board of
2688 directors of the Wildlife Foundation of Florida. The granting
2689 advisory committee shall be composed of nine members, including
2690 one representative from the Fish and Wildlife Conservation
2691 Commission, one representative from the Department of
2692 Environmental Protection, one representative from the Department
2693 of Health, one representative from the Department of Commerce
2694 ~~Economic Opportunity~~, three citizen representatives, and two
2695 representatives from nonprofit stakeholder groups.

2696 4. The remaining funds shall be distributed with the
2697 approval of and accountability to the board of directors of the

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2698 Wildlife Foundation of Florida, and shall be used to support
2699 activities contributing to education, outreach, and springs
2700 conservation.

2701 Section 94. Paragraph (k) of subsection (4) of section
2702 322.142, Florida Statutes, is amended to read:

2703 322.142 Color photographic or digital imaged licenses.—

2704 (4) The department may maintain a film negative or print
2705 file. The department shall maintain a record of the digital
2706 image and signature of the licensees, together with other data
2707 required by the department for identification and retrieval.
2708 Reproductions from the file or digital record are exempt from
2709 the provisions of s. 119.07(1) and may be made and issued only:

2710 (k) To the Department of Commerce ~~Economic Opportunity~~
2711 pursuant to an interagency agreement to facilitate the
2712 validation of reemployment assistance claims and the
2713 identification of fraudulent or false reemployment assistance
2714 claims;

2715 Section 95. Subsection (3) of section 327.803, Florida
2716 Statutes, is amended to read:

2717 327.803 Boating Advisory Council.—

2718 (3) The purpose of the council is to make recommendations
2719 to the Fish and Wildlife Conservation Commission and the
2720 Department of Commerce ~~Economic Opportunity~~ regarding issues
2721 affecting the boating community, including, but not limited to,
2722 issues related to:

2723 (a) Boating and diving safety education.

2724 (b) Boating-related facilities, including marinas and boat
2725 testing facilities.

2726 (c) Boat usage.

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2727 (d) Boat access.

2728 (e) Working waterfronts.

2729 Section 96. Subsections (2), (3), (6), (13), and (15) of
2730 section 331.3051, Florida Statutes, are amended to read:

2731 331.3051 Duties of Space Florida.—Space Florida shall:

2732 (2) Enter into agreement with the Department of Education,
2733 the Department of Transportation, the Department of Commerce
2734 ~~Economic Opportunity~~, and CareerSource Florida, Inc., for the
2735 purpose of implementing this act.

2736 (3) In cooperation with the Department of Commerce ~~Economic~~
2737 ~~Opportunity~~, develop a plan to retain, expand, attract, and
2738 create aerospace industry entities, public or private, which
2739 results in the creation of high-value-added businesses and jobs
2740 in this state.

2741 (6) Develop, in cooperation with the Department of Commerce
2742 ~~Economic Opportunity~~, a plan to provide financing assistance to
2743 aerospace businesses. The plan may include the following
2744 activities:

2745 (a) Assembling, publishing, and disseminating information
2746 concerning financing opportunities and techniques for aerospace
2747 projects, programs, and activities; sources of public and
2748 private aerospace financing assistance; and sources of
2749 aerospace-related financing.

2750 (b) Organizing, hosting, and participating in seminars and
2751 other forums designed to disseminate information and technical
2752 assistance regarding aerospace-related financing.

2753 (c) Coordinating with programs and goals of the Department
2754 of Defense, the National Aeronautics and Space Administration,
2755 the Export-Import Bank of the United States, the International

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2756 Trade Administration of the United States Department of
2757 Commerce, the Foreign Credit Insurance Association, and other
2758 private and public programs and organizations, domestic and
2759 foreign.

2760 (d) Establishing a network of contacts among those domestic
2761 and foreign public and private organizations that provide
2762 information, technical assistance, and financial support to the
2763 aerospace industry.

2764 (e) Financing aerospace business development projects or
2765 initiatives using funds provided by the Legislature.

2766 (13) Partner with the Division of Workforce Services of the
2767 Department of Commerce ~~Economic Opportunity~~, CareerSource
2768 Florida, Inc., and local workforce development boards to support
2769 initiatives that address the high technology skills and staff
2770 resources needed to better promote the state's efforts in
2771 becoming the nation's leader in aerospace and space exploration.

2772 (15) By October 1, 2023, and each year thereafter, submit
2773 to the Department of Commerce ~~Economic Opportunity~~ for inclusion
2774 in the annual report required under s. 20.60 a complete and
2775 detailed written report setting forth:

2776 (a) Its operations and accomplishments during the fiscal
2777 year.

2778 (b) Accomplishments and progress concerning the
2779 implementation of the spaceport master plan and other measurable
2780 goals, and any updates to such plan and measurable goals.

2781 (c) Any other information required by the Department of
2782 Commerce ~~Economic Opportunity~~.

2783 Section 97. Subsection (6) of section 331.3081, Florida
2784 Statutes, is amended to read:

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2785 331.3081 Board of directors.—

2786 (6) The board shall conduct education for newly appointed
2787 board members as provided by the Department of Commerce ~~Economic~~
2788 ~~Opportunity~~ in accordance with s. 189.063.

2789 Section 98. Paragraphs (b) and (c) of subsection (2) of
2790 section 331.324, Florida Statutes, are amended to read:

2791 331.324 Contracts, grants, and contributions.—

2792 (2)

2793 (b) A final assessment report shall be submitted to the
2794 Space Florida board of directors and the Secretary of Commerce
2795 ~~Economic Opportunity~~ or his or her designee. Within 30 days
2796 after receipt of the final assessment report, the board shall
2797 submit to the Department of Commerce ~~Economic Opportunity~~ a
2798 written statement of explanation or rebuttal concerning findings
2799 requiring corrective action, including corrective action to be
2800 taken to preclude a recurrence.

2801 (c) Beginning October 1, 2023, and every 3 years
2802 thereafter, Space Florida shall complete a risk-based compliance
2803 assessment of all internal contracts executed by Space Florida
2804 for the preceding 3 fiscal years. The assessment must include
2805 steps to reasonably ensure that contracted service
2806 organizations' controls relevant to services provided are
2807 suitably designed and operating effectively. The assessment
2808 findings must be submitted to the board of directors, the
2809 Secretary of Commerce ~~Economic Opportunity~~ or his or her
2810 designee, the Governor, the President of the Senate, and the
2811 Speaker of the House of Representatives.

2812 Section 99. Subsection (1) of section 332.115, Florida
2813 Statutes, is amended to read:

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2814 332.115 Joint project agreement with port district for
2815 transportation corridor between airport and port facility.—

2816 (1) An eligible agency may acquire, construct, and operate
2817 all equipment, appurtenances, and land necessary to establish,
2818 maintain, and operate, or to license others to establish,
2819 maintain, operate, or use, a transportation corridor connecting
2820 an airport operated by such eligible agency with a port
2821 facility, which corridor must be acquired, constructed, and used
2822 for the transportation of persons between the airport and the
2823 port facility, for the transportation of cargo, and for the
2824 location and operation of lines for the transmission of water,
2825 electricity, communications, information, petroleum products,
2826 products of a public utility (including new technologies of a
2827 public utility nature), and materials. However, any such
2828 corridor may be established and operated only pursuant to a
2829 joint project agreement between an eligible agency as defined in
2830 s. 332.004 and a port district as defined in s. 315.02, and such
2831 agreement must be approved by the Department of Transportation
2832 and the Department of Commerce ~~Economic Opportunity~~. Before the
2833 Department of Transportation approves the joint project
2834 agreement, that department must review the public purpose and
2835 necessity for the corridor pursuant to s. 337.273(5) and must
2836 also determine that the proposed corridor is consistent with the
2837 Florida Transportation Plan. Before the Department of Commerce
2838 ~~Economic Opportunity~~ approves the joint project agreement, that
2839 department must determine that the proposed corridor is
2840 consistent with the applicable local government comprehensive
2841 plans. An affected local government may provide its comments
2842 regarding the consistency of the proposed corridor with its

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2843 comprehensive plan to the Department of Commerce ~~Economic~~
2844 ~~Opportunity~~.

2845 Section 100. Subsection (3) of section 334.065, Florida
2846 Statutes, is amended to read:

2847 334.065 Center for Urban Transportation Research.—

2848 (3) An advisory board shall be created to periodically and
2849 objectively review and advise the center concerning its research
2850 program. Except for projects mandated by law, state-funded base
2851 projects shall not be undertaken without approval of the
2852 advisory board. The membership of the board shall consist of
2853 nine experts in transportation-related areas, including the
2854 secretaries of the Department of Transportation, the Department
2855 of Environmental Protection, and the Department of Commerce
2856 ~~Economic Opportunity~~, or their designees, and a member of the
2857 Florida Transportation Commission. The nomination of the
2858 remaining members of the board shall be made to the President of
2859 the University of South Florida by the College of Engineering at
2860 the University of South Florida, and the appointment of these
2861 members must be reviewed and approved by the Florida
2862 Transportation Commission and confirmed by the Board of
2863 Governors.

2864 Section 101. Paragraph (d) of subsection (3) of section
2865 334.066, Florida Statutes, is amended to read:

2866 334.066 Implementing Solutions from Transportation Research
2867 and Evaluating Emerging Technologies Living Lab.—

2868 (3) An advisory board shall be created to periodically
2869 review and advise I-STREET concerning its research program. The
2870 board shall consist of nine members with expertise in
2871 transportation-related areas, as follows:

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2872 (d) The Secretary of Commerce ~~Economic Opportunity~~ or his
2873 or her designee.

2874 Section 102. Paragraph (f) of subsection (4) of section
2875 339.135, Florida Statutes, is amended to read:

2876 339.135 Work program; legislative budget request;
2877 definitions; preparation, adoption, execution, and amendment.—

2878 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

2879 (f) The central office shall submit a preliminary copy of
2880 the tentative work program to the Executive Office of the
2881 Governor, the legislative appropriations committees, the Florida
2882 Transportation Commission, and the Department of Commerce
2883 ~~Economic Opportunity~~ at least 14 days prior to the convening of
2884 the regular legislative session. Prior to the statewide public
2885 hearing required by paragraph (g), the Department of Commerce
2886 ~~Economic Opportunity~~ shall transmit to the Florida
2887 Transportation Commission a list of those projects and project
2888 phases contained in the tentative work program which are
2889 identified as being inconsistent with approved local government
2890 comprehensive plans. For urbanized areas of metropolitan
2891 planning organizations, the list may not contain any project or
2892 project phase that is scheduled in a transportation improvement
2893 program unless such inconsistency has been previously reported
2894 to the affected metropolitan planning organization.

2895 Section 103. Paragraphs (f) and (g) of subsection (8) of
2896 section 339.175, Florida Statutes, are amended to read:

2897 339.175 Metropolitan planning organization.—

2898 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
2899 in cooperation with the state and affected public transportation
2900 operators, develop a transportation improvement program for the

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2901 area within the jurisdiction of the M.P.O. In the development of
2902 the transportation improvement program, each M.P.O. must provide
2903 the public, affected public agencies, representatives of
2904 transportation agency employees, freight shippers, providers of
2905 freight transportation services, private providers of
2906 transportation, representatives of users of public transit, and
2907 other interested parties with a reasonable opportunity to
2908 comment on the proposed transportation improvement program.

2909 (f) The adopted annual transportation improvement program
2910 for M.P.O.'s in nonattainment or maintenance areas must be
2911 submitted to the district secretary and the Department of
2912 Commerce Economic Opportunity at least 90 days before the
2913 submission of the state transportation improvement program by
2914 the department to the appropriate federal agencies. The annual
2915 transportation improvement program for M.P.O.'s in attainment
2916 areas must be submitted to the district secretary and the
2917 Department of Commerce Economic Opportunity at least 45 days
2918 before the department submits the state transportation
2919 improvement program to the appropriate federal agencies;
2920 however, the department, the Department of Commerce Economic
2921 Opportunity, and a metropolitan planning organization may, in
2922 writing, agree to vary this submittal date. The Governor or the
2923 Governor's designee shall review and approve each transportation
2924 improvement program and any amendments thereto.

2925 (g) The Department of Commerce Economic Opportunity shall
2926 review the annual transportation improvement program of each
2927 M.P.O. for consistency with the approved local government
2928 comprehensive plans of the units of local government whose
2929 boundaries are within the metropolitan area of each M.P.O. and

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2930 shall identify those projects that are inconsistent with such
2931 comprehensive plans. The Department of Commerce ~~Economic~~
2932 ~~Opportunity~~ shall notify an M.P.O. of any transportation
2933 projects contained in its transportation improvement program
2934 which are inconsistent with the approved local government
2935 comprehensive plans of the units of local government whose
2936 boundaries are within the metropolitan area of the M.P.O.

2937 Section 104. Paragraph (b) of subsection (1) and
2938 subsections (2) and (6) of section 339.2821, Florida Statutes,
2939 are amended to read:

2940 339.2821 Economic development transportation projects.—

2941 (1)

2942 (b) As used in this section, the term:

2943 1. "Governmental body" means an instrumentality of the
2944 state or a county, municipality, district, authority, board, or
2945 commission, or an agency thereof, within which jurisdiction the
2946 transportation project is located and which is responsible to
2947 the department for the transportation project.

2948 2. "Transportation project" means a transportation
2949 facility, as defined in s. 334.03, which the department, in
2950 consultation with the Department of Commerce ~~Economic~~
2951 ~~Opportunity~~, deems necessary to facilitate the economic
2952 development and growth of the state.

2953 (2) The department, in consultation with the Department of
2954 Commerce ~~Economic Opportunity~~, shall review each transportation
2955 project for approval and funding. In the review, the department
2956 must consider:

2957 (a) The cost per job created or retained considering the
2958 amount of transportation funds requested;

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- 2959 (b) The average hourly rate of wages for jobs created;
2960 (c) The reliance on any program as an inducement for
2961 determining the transportation project's location;
2962 (d) The amount of capital investment to be made by a
2963 business;
2964 (e) The demonstrated local commitment;
2965 (f) The location of the transportation project in an
2966 enterprise zone as designated in s. 290.0055;
2967 (g) The location of the transportation project in a
2968 spaceport territory as defined in s. 331.304;
2969 (h) The unemployment rate of the surrounding area; and
2970 (i) The poverty rate of the community.

2971
2972 The department may contact any agency it deems appropriate for
2973 additional information regarding the approval of a
2974 transportation project. A transportation project must be
2975 approved by the department to be eligible for funding.

2976 (6) Each governmental body receiving funds under this
2977 section shall submit to the department a financial audit of the
2978 governmental body conducted by an independent certified public
2979 accountant. The department, in consultation with the Department
2980 of Commerce ~~Economic Opportunity~~, shall develop procedures to
2981 ensure that audits are received and reviewed in a timely manner
2982 and that deficiencies or questioned costs noted in the audit are
2983 resolved.

2984 Section 105. Subsection (1) of section 342.201, Florida
2985 Statutes, is amended to read:

2986 342.201 Waterfronts Florida Program.—

2987 (1) There is established within the Department of Commerce

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2988 ~~Economic Opportunity~~ the Waterfronts Florida Program to provide
2989 technical assistance and support to communities in revitalizing
2990 waterfront areas in this state.

2991 Section 106. Subsection (3) of section 369.303, Florida
2992 Statutes, is amended to read:

2993 369.303 Definitions.—As used in this part:

2994 (3) "Department" means the Department of Commerce ~~Economic~~
2995 ~~Opportunity~~.

2996 Section 107. Subsection (1) of section 369.318, Florida
2997 Statutes, is amended to read:

2998 369.318 Studies.—

2999 (1) The Department of Environmental Protection shall study
3000 the efficacy and applicability of water quality and wastewater
3001 treatment standards needed to achieve nitrogen reductions
3002 protective of surface and groundwater quality within the Wekiva
3003 Study Area and report to the Governor and the Department of
3004 Commerce ~~Economic Opportunity~~. The Department of Environmental
3005 Protection may adopt rules to implement the specific
3006 recommendations set forth in sections C.2. and C.4. of its
3007 report entitled "A Strategy for Water Quality Protection:
3008 Wastewater Treatment in the Wekiva Study Area," dated December
3009 2004, in order to achieve nitrogen reductions protective of
3010 surface and groundwater quality in the Wekiva Study Area and
3011 implement Recommendation 8 of the Wekiva River Basin
3012 Coordinating Committee's final report dated March 16, 2004. The
3013 rules shall provide an opportunity for relief from such specific
3014 recommendations upon affirmative demonstration by the permittee
3015 or permit applicant, based on water quality data, physical
3016 circumstances, or other credible information, that the discharge

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3017 of treated wastewater is protective of surface water and
3018 groundwater quality with respect to nitrate nitrogen as set
3019 forth in section C.1. of the referenced December 2004 report.

3020 Section 108. Subsections (5) and (7) of section 369.321,
3021 Florida Statutes, are amended to read:

3022 369.321 Comprehensive plan amendments.—Except as otherwise
3023 expressly provided, by January 1, 2006, each local government
3024 within the Wekiva Study Area shall amend its local government
3025 comprehensive plan to include the following:

3026 (5) Comprehensive plans and comprehensive plan amendments
3027 adopted by the local governments to implement this section shall
3028 be reviewed by the Department of Commerce ~~Economic Opportunity~~
3029 pursuant to s. 163.3184.

3030 (7) During the period prior to the adoption of the
3031 comprehensive plan amendments required by this act, any local
3032 comprehensive plan amendment adopted by a city or county that
3033 applies to land located within the Wekiva Study Area shall
3034 protect surface and groundwater resources and be reviewed by the
3035 Department of Commerce ~~Economic Opportunity~~ using best available
3036 data, including the information presented to the Wekiva River
3037 Basin Coordinating Committee.

3038 Section 109. Subsections (1) and (3) of section 369.322,
3039 Florida Statutes, are amended to read:

3040 369.322 Coordination of land use and water supply within
3041 the Wekiva Study Area.—

3042 (1) In their review of local government comprehensive plan
3043 amendments for property located within the Wekiva Study Area
3044 pursuant to s. 163.3184, the Department of Commerce ~~Economic~~
3045 ~~Opportunity~~ and the St. Johns River Water Management District

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3046 shall assure that amendments that increase development potential
3047 demonstrate that adequate potable water consumptive use permit
3048 capacity is available.

3049 (3) In recognition of the need to balance resource
3050 protection, existing infrastructure and improvements planned or
3051 committed as part of approved development, consistent with
3052 existing municipal or county comprehensive plans and economic
3053 development opportunities, planned community development
3054 initiatives that assure protection of surface and groundwater
3055 resources while promoting compact, ecologically and economically
3056 sustainable growth should be encouraged. Small area studies,
3057 sector plans, or similar planning tools should support these
3058 community development initiatives. In addition, the Department
3059 of Commerce ~~Economic Opportunity~~ may make available best
3060 practice guides that demonstrate how to balance resource
3061 protection and economic development opportunities.

3062 Section 110. Section 369.323, Florida Statutes, is amended
3063 to read:

3064 369.323 Compliance.—Comprehensive plans and plan amendments
3065 adopted by the local governments within the Wekiva Study Area to
3066 implement this act shall be reviewed for compliance by the
3067 Department of Commerce ~~Economic Opportunity~~.

3068 Section 111. Subsections (1) and (5) of section 369.324,
3069 Florida Statutes, are amended to read:

3070 369.324 Wekiva River Basin Commission.—

3071 (1) The Wekiva River Basin Commission is created to monitor
3072 and ensure the implementation of the recommendations of the
3073 Wekiva River Basin Coordinating Committee for the Wekiva Study
3074 Area. The East Central Florida Regional Planning Council shall

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3075 provide staff support to the commission with funding assistance
3076 from the Department of Commerce ~~Economic Opportunity~~. The
3077 commission shall be comprised of a total of 18 members appointed
3078 by the Governor, 9 of whom shall be voting members and 9 shall
3079 be ad hoc nonvoting members. The voting members shall include:

3080 (a) One member of each of the Boards of County
3081 Commissioners for Lake, Orange, and Seminole Counties.

3082 (b) One municipal elected official to serve as a
3083 representative of the municipalities located within the Wekiva
3084 Study Area of Lake County.

3085 (c) One municipal elected official to serve as a
3086 representative of the municipalities located within the Wekiva
3087 Study Area of Orange County.

3088 (d) One municipal elected official to serve as a
3089 representative of the municipalities located within the Wekiva
3090 Study Area of Seminole County.

3091 (e) One citizen representing an environmental or
3092 conservation organization, one citizen representing a local
3093 property owner, a land developer, or an agricultural entity, and
3094 one at-large citizen who shall serve as chair of the council.

3095 (f) The ad hoc nonvoting members shall include one
3096 representative from each of the following entities:

- 3097 1. St. Johns River Management District.
- 3098 2. Department of Commerce ~~Economic Opportunity~~.
- 3099 3. Department of Environmental Protection.
- 3100 4. Department of Health.
- 3101 5. Department of Agriculture and Consumer Services.
- 3102 6. Fish and Wildlife Conservation Commission.
- 3103 7. Department of Transportation.

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3104 8. MetroPlan Orlando.

3105 9. Central Florida Expressway Authority.

3106 (5) The commission shall report annually, no later than
3107 December 31 of each year, to the Governor, the President of the
3108 Senate, the Speaker of the House of Representatives, and the
3109 Department of Commerce ~~Economic Opportunity~~ on implementation
3110 progress.

3111 Section 112. Paragraph (b) of subsection (3) of section
3112 373.199, Florida Statutes, is amended to read:

3113 373.199 Florida Forever Water Management District Work
3114 Plan.—

3115 (3) In developing the list, each water management district
3116 shall:

3117 (b) Work cooperatively with the applicable ecosystem
3118 management area teams and other citizen advisory groups, the
3119 Department of Environmental Protection and its district offices,
3120 the Department of Agriculture and Consumer Services, the Fish
3121 and Wildlife Conservation Commission, the Department of Commerce
3122 ~~Economic Opportunity~~, the Department of Transportation, other
3123 state agencies, and federal agencies, where applicable.

3124 Section 113. Subsection (5) of section 373.4149, Florida
3125 Statutes, is amended to read:

3126 373.4149 Miami-Dade County Lake Belt Plan.—

3127 (5) The secretary of the Department of Environmental
3128 Protection, the secretary of the Department of Commerce ~~Economic~~
3129 ~~Opportunity~~, the secretary of the Department of Transportation,
3130 the Commissioner of Agriculture, the executive director of the
3131 Fish and Wildlife Conservation Commission, and the executive
3132 director of the South Florida Water Management District may

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3133 enter into agreements with landowners, developers, businesses,
3134 industries, individuals, and governmental agencies as necessary
3135 to effectuate the Miami-Dade County Lake Belt Plan and the
3136 provisions of this section.

3137 Section 114. Paragraph (a) of subsection (1) of section
3138 373.453, Florida Statutes, is amended to read:

3139 373.453 Surface water improvement and management plans and
3140 programs.—

3141 (1) (a) Each water management district, in cooperation with
3142 the department, the Department of Agriculture and Consumer
3143 Services, the Department of Commerce ~~Economic Opportunity~~, the
3144 Fish and Wildlife Conservation Commission, local governments,
3145 and others, shall maintain a list that prioritizes water bodies
3146 of regional or statewide significance within the water
3147 management district. The list shall be reviewed and updated
3148 every 5 years.

3149 Section 115. Paragraph (f) of subsection (5) of section
3150 373.461, Florida Statutes, is amended to read:

3151 373.461 Lake Apopka improvement and management.—

3152 (5) PURCHASE OF AGRICULTURAL LANDS.—

3153 (f)1. Tangible personal property acquired by the district
3154 as part of related facilities pursuant to this section, and
3155 classified as surplus by the district, shall be sold by the
3156 Department of Management Services. The Department of Management
3157 Services shall deposit the proceeds of such sale in the Economic
3158 Development Trust Fund in the Department of Commerce ~~Economic~~
3159 ~~Opportunity~~. The proceeds shall be used for the purpose of
3160 providing economic and infrastructure development in portions of
3161 northwestern Orange County and east central Lake County which

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3162 will be adversely affected economically due to the acquisition
3163 of lands pursuant to this subsection.

3164 2. The Department of Commerce ~~Economic Opportunity~~ shall,
3165 upon presentation of the appropriate documentation justifying
3166 expenditure of the funds deposited pursuant to this paragraph,
3167 pay any obligation for which it has sufficient funds from the
3168 proceeds of the sale of tangible personal property and which
3169 meets the limitations specified in paragraph (g). The authority
3170 of the Department of Commerce ~~Economic Opportunity~~ to expend
3171 such funds shall expire 5 years from the effective date of this
3172 paragraph. Such expenditures may occur without future
3173 appropriation from the Legislature.

3174 3. Funds deposited under this paragraph may not be used for
3175 any purpose other than those enumerated in paragraph (g).

3176 Section 116. Subsection (1) of section 375.021, Florida
3177 Statutes, is amended to read:

3178 375.021 Comprehensive multipurpose outdoor recreation
3179 plan.—

3180 (1) The department is given the responsibility, authority,
3181 and power to develop and execute a comprehensive multipurpose
3182 outdoor recreation plan for this state with the cooperation of
3183 the Department of Agriculture and Consumer Services, the
3184 Department of Transportation, the Fish and Wildlife Conservation
3185 Commission, the Department of Commerce ~~Economic Opportunity~~, and
3186 the water management districts.

3187 Section 117. Subsection (1), paragraph (c) of subsection
3188 (2), subsection (3), and paragraphs (c) and (d) of subsection
3189 (4) of section 377.809, Florida Statutes, are amended to read:

3190 377.809 Energy Economic Zone Pilot Program.—

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3191 (1) The Department of Commerce ~~Economic Opportunity~~, in
3192 consultation with the Department of Transportation, shall
3193 implement an Energy Economic Zone Pilot Program for the purpose
3194 of developing a model to help communities cultivate green
3195 economic development, encourage renewable electric energy
3196 generation, manufacture products that contribute to energy
3197 conservation and green jobs, and further implement chapter 2008-
3198 191, Laws of Florida, relative to discouraging sprawl and
3199 developing energy-efficient land use patterns and greenhouse gas
3200 reduction strategies. The Department of Agriculture and Consumer
3201 Services shall provide technical assistance to the departments
3202 in developing and administering the program.

3203 (2)

3204 (c) The Department of Commerce ~~Economic Opportunity~~ shall
3205 grant at least one application if the application meets the
3206 requirements of this subsection and the community has
3207 demonstrated a prior commitment to energy conservation, carbon
3208 reduction, green building, and economic development. The
3209 Department of Commerce ~~Economic Opportunity~~ shall provide the
3210 pilot community, including businesses within the energy economic
3211 zone, with technical assistance in identifying and qualifying
3212 for eligible grants and credits in job creation, energy, and
3213 other areas.

3214 (3) The Department of Commerce ~~Economic Opportunity~~ shall
3215 submit a report to the Governor, the President of the Senate,
3216 and the Speaker of the House of Representatives by February 15,
3217 2015, evaluating whether the pilot program has demonstrated
3218 success. The report shall contain recommendations with regard to
3219 whether the program should be expanded for use by other local

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3220 governments and whether state policies should be revised to
3221 encourage the goals of the program.

3222 (4)

3223 (c) Upon approving an incentive for an eligible business,
3224 the governing body that has jurisdiction over the energy
3225 economic zone shall provide the taxpayer with a certificate
3226 indicating the name and federal identification number of the
3227 eligible business, the date the incentive is provided, the name
3228 of the energy economic zone, the incentive type, and the
3229 incentive amount. The local governing body shall certify to the
3230 Department of Revenue or the Department of Commerce ~~Economic~~
3231 ~~Opportunity~~, whichever is applicable, which businesses or
3232 properties are eligible to receive any or all of the state
3233 incentives according to their statutory requirements. The
3234 governing body that has jurisdiction over the energy economic
3235 zone shall provide a copy of the certificate to the Department
3236 of Revenue and the Department of Commerce ~~Economic Opportunity~~
3237 as notification that such incentives were approved for the
3238 specific eligible business or property. For incentives to be
3239 claimed against the sales and use tax under chapter 212, the
3240 Department of Revenue shall send, within 14 days after receipt,
3241 written instructions to an eligible business on how to claim the
3242 credit on a sales and use tax return initiated through an
3243 electronic data interchange. Any credit against the sales and
3244 use tax shall be deducted from any sales and use tax remitted by
3245 the dealer to the Department of Revenue by electronic funds
3246 transfer and may be deducted only on a sales and use tax return
3247 initiated through an electronic data interchange. The dealer
3248 shall separately state the credit on the electronic return. The

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3249 net amount of tax due and payable must be remitted by electronic
3250 funds transfer. If the credit exceeds the amount owed on the
3251 sales and use tax return, such excess amount may be carried
3252 forward for a period not to exceed 12 months after the date that
3253 the credit is initially claimed.

3254 (d) If all conditions are deemed met, the Department of
3255 Commerce ~~Economic Opportunity~~ and the Department of Revenue may
3256 adopt emergency rules pursuant to ss. 120.536(1) and 120.54 to
3257 administer this subsection. The emergency rules shall remain in
3258 effect for 6 months after the rules are adopted, and the rules
3259 may be renewed while the procedures to adopt permanent rules
3260 addressing the subject of the emergency rules are pending.

3261 Section 118. Subsection (3) of section 378.411, Florida
3262 Statutes, is amended to read:

3263 378.411 Certification to receive notices of intent to mine,
3264 to review, and to inspect for compliance.—

3265 (3) In making his or her determination, the secretary shall
3266 consult with the Department of Commerce ~~Economic Opportunity~~,
3267 the appropriate regional planning council, and the appropriate
3268 water management district.

3269 Section 119. Paragraph (c) of subsection (4) of section
3270 379.2291, Florida Statutes, is amended to read:

3271 379.2291 Endangered and Threatened Species Act.—

3272 (4) INTERAGENCY COORDINATION.—

3273 (c) The commission, in consultation with the Department of
3274 Agriculture and Consumer Services, the Department of Commerce
3275 ~~Economic Opportunity~~, or the Department of Transportation, may
3276 establish reduced speed zones along roads, streets, and highways
3277 to protect endangered species or threatened species.

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3278 Section 120. Subsection (18) of section 380.031, Florida
3279 Statutes, is amended to read:

3280 380.031 Definitions.—As used in this chapter:

3281 (18) "State land planning agency" means the Department of
3282 Commerce ~~Economic Opportunity~~ and may be referred to in this
3283 part as the "department."

3284 Section 121. Paragraph (d) of subsection (3) of section
3285 380.093, Florida Statutes, is amended to read:

3286 380.093 Resilient Florida Grant Program; comprehensive
3287 statewide flood vulnerability and sea level rise data set and
3288 assessment; Statewide Flooding and Sea Level Rise Resilience
3289 Plan; regional resilience entities.—

3290 (3) RESILIENT FLORIDA GRANT PROGRAM.—

3291 (d) A vulnerability assessment conducted pursuant to
3292 paragraph (b) must include all of the following:

3293 1. Peril of flood comprehensive plan amendments that
3294 address the requirements of s. 163.3178(2)(f), if the county or
3295 municipality is subject to such requirements and has not
3296 complied with such requirements as determined by the Department
3297 of Commerce ~~Economic Opportunity~~.

3298 2. If applicable, the depth of:

3299 a. Tidal flooding, including future high tide flooding,
3300 which must use thresholds published and provided by the
3301 department. To the extent practicable, the analysis should also
3302 geographically display the number of tidal flood days expected
3303 for each scenario and planning horizon.

3304 b. Current and future storm surge flooding using publicly
3305 available National Oceanic and Atmospheric Administration or
3306 Federal Emergency Management Agency storm surge data. The

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3307 initial storm surge event used must equal or exceed the current
3308 100-year flood event. Higher frequency storm events may be
3309 analyzed to understand the exposure of a critical asset.

3310 c. To the extent practicable, rainfall-induced flooding
3311 using spatiotemporal analysis or existing hydrologic and
3312 hydraulic modeling results. Future boundary conditions should be
3313 modified to consider sea level rise and high tide conditions.
3314 Vulnerability assessments for rainfall-induced flooding must
3315 include the depth of rainfall-induced flooding for a 100-year
3316 storm and a 500-year storm, as defined by the applicable water
3317 management district or, if necessary, the appropriate federal
3318 agency. Future rainfall conditions should be used, if available.
3319 Noncoastal communities must perform a rainfall-induced flooding
3320 assessment.

3321 d. To the extent practicable, compound flooding or the
3322 combination of tidal, storm surge, and rainfall-induced
3323 flooding.

3324 3. The following scenarios and standards:

3325 a. All analyses in the North American Vertical Datum of
3326 1988.

3327 b. At least two local sea level rise scenarios, which must
3328 include the 2017 National Oceanic and Atmospheric Administration
3329 intermediate-low and intermediate-high sea level rise
3330 projections.

3331 c. At least two planning horizons that include planning
3332 horizons for the years 2040 and 2070.

3333 d. Local sea level data that has been interpolated between
3334 the two closest National Oceanic and Atmospheric Administration
3335 tide gauges. Local sea level data may be taken from one such

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3336 gauge if the gauge has a higher mean sea level. Data taken from
3337 an alternate tide gauge may be used with appropriate rationale
3338 and department approval, as long as it is publicly available or
3339 submitted to the department pursuant to paragraph (b).

3340 Section 122. Subsection (6) of section 381.0086, Florida
3341 Statutes, is amended to read:

3342 381.0086 Rules; variances; penalties.—

3343 (6) For the purposes of filing an interstate clearance
3344 order with the Department of Commerce ~~Economic Opportunity~~, if
3345 the housing is covered by 20 C.F.R. part 654, subpart E, no
3346 permanent structural variance referred to in subsection (2) is
3347 allowed.

3348 Section 123. Subsection (6) of section 397.754, Florida
3349 Statutes, is amended to read:

3350 397.754 Duties and responsibilities of the Department of
3351 Corrections.—The Department of Corrections shall:

3352 (6) In cooperation with other agencies, actively seek to
3353 enhance resources for the provision of treatment services for
3354 inmates and to develop partnerships with other state agencies,
3355 including but not limited to the Departments of Children and
3356 Families, Education, Commerce ~~Economic Opportunity~~, and Law
3357 Enforcement.

3358 Section 124. Subsection (5) of section 403.0752, Florida
3359 Statutes, is amended to read:

3360 403.0752 Ecosystem management agreements.—

3361 (5) The Secretary of Commerce ~~Economic Opportunity~~, the
3362 Secretary of Transportation, the Commissioner of Agriculture,
3363 the Executive Director of the Fish and Wildlife Conservation
3364 Commission, and the executive directors of the water management

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3365 districts are authorized to participate in the development of
3366 ecosystem management agreements with regulated entities and
3367 other governmental agencies as necessary to effectuate the
3368 provisions of this section. Local governments are encouraged to
3369 participate in ecosystem management agreements.

3370 Section 125. Subsection (6) of section 403.0891, Florida
3371 Statutes, is amended to read:

3372 403.0891 State, regional, and local stormwater management
3373 plans and programs.—The department, the water management
3374 districts, and local governments shall have the responsibility
3375 for the development of mutually compatible stormwater management
3376 programs.

3377 (6) The department and the Department of Commerce Economic
3378 ~~Opportunity~~, in cooperation with local governments in the
3379 coastal zone, shall develop a model stormwater management
3380 program that could be adopted by local governments. The model
3381 program must contain model ordinances that target nutrient
3382 reduction practices and use green infrastructure. The model
3383 program shall contain dedicated funding options, including a
3384 stormwater utility fee system based upon an equitable unit cost
3385 approach. Funding options shall be designed to generate capital
3386 to retrofit existing stormwater management systems, build new
3387 treatment systems, operate facilities, and maintain and service
3388 debt.

3389 Section 126. Paragraph (a) of subsection (2) of section
3390 403.507, Florida Statutes, is amended to read:

3391 403.507 Preliminary statements of issues, reports, project
3392 analyses, and studies.—

3393 (2) (a) No later than 100 days after the certification

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3394 application has been determined complete, the following agencies
3395 shall prepare reports as provided below and shall submit them to
3396 the department and the applicant, unless a final order denying
3397 the determination of need has been issued under s. 403.519:

3398 1. The Department of Commerce ~~Economic Opportunity~~ shall
3399 prepare a report containing recommendations which address the
3400 impact upon the public of the proposed electrical power plant,
3401 based on the degree to which the electrical power plant is
3402 consistent with the applicable portions of the state
3403 comprehensive plan, emergency management, and other such matters
3404 within its jurisdiction. The Department of Commerce ~~Economic~~
3405 ~~Opportunity~~ may also comment on the consistency of the proposed
3406 electrical power plant with applicable strategic regional policy
3407 plans or local comprehensive plans and land development
3408 regulations.

3409 2. The water management district shall prepare a report as
3410 to matters within its jurisdiction, including but not limited
3411 to, the impact of the proposed electrical power plant on water
3412 resources, regional water supply planning, and district-owned
3413 lands and works.

3414 3. Each local government in whose jurisdiction the proposed
3415 electrical power plant is to be located shall prepare a report
3416 as to the consistency of the proposed electrical power plant
3417 with all applicable local ordinances, regulations, standards, or
3418 criteria that apply to the proposed electrical power plant,
3419 including any applicable local environmental regulations adopted
3420 pursuant to s. 403.182 or by other means.

3421 4. The Fish and Wildlife Conservation Commission shall
3422 prepare a report as to matters within its jurisdiction.

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3423 5. The Department of Transportation shall address the
3424 impact of the proposed electrical power plant on matters within
3425 its jurisdiction.

3426 Section 127. Paragraph (a) of subsection (3) of section
3427 403.508, Florida Statutes, is amended to read:

3428 403.508 Land use and certification hearings, parties,
3429 participants.—

3430 (3) (a) Parties to the proceeding shall include:

3431 1. The applicant.

3432 2. The Public Service Commission.

3433 3. The Department of Commerce ~~Economic Opportunity~~.

3434 4. The Fish and Wildlife Conservation Commission.

3435 5. The water management district.

3436 6. The department.

3437 7. The local government.

3438 8. The Department of Transportation.

3439 Section 128. Paragraph (b) of subsection (2) of section
3440 403.524, Florida Statutes, is amended to read:

3441 403.524 Applicability; certification; exemptions.—

3442 (2) Except as provided in subsection (1), construction of a
3443 transmission line may not be undertaken without first obtaining
3444 certification under this act, but this act does not apply to:

3445 (b) Transmission lines that have been exempted by a binding
3446 letter of interpretation issued under s. 380.06(3), or in which
3447 the Department of Commerce ~~Economic Opportunity~~ or its
3448 predecessor agency has determined the utility to have vested
3449 development rights within the meaning of s. 380.05(18) or s.
3450 380.06(8).

3451 Section 129. Paragraph (a) of subsection (2) of section

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3452 403.526, Florida Statutes, is amended to read:

3453 403.526 Preliminary statements of issues, reports, and
3454 project analyses; studies.—

3455 (2) (a) No later than 90 days after the filing of the
3456 application, the following agencies shall prepare reports as
3457 provided below, unless a final order denying the determination
3458 of need has been issued under s. 403.537:

3459 1. The department shall prepare a report as to the impact
3460 of each proposed transmission line or corridor as it relates to
3461 matters within its jurisdiction.

3462 2. Each water management district in the jurisdiction of
3463 which a proposed transmission line or corridor is to be located
3464 shall prepare a report as to the impact on water resources and
3465 other matters within its jurisdiction.

3466 3. The Department of Commerce ~~Economic Opportunity~~ shall
3467 prepare a report containing recommendations which address the
3468 impact upon the public of the proposed transmission line or
3469 corridor, based on the degree to which the proposed transmission
3470 line or corridor is consistent with the applicable portions of
3471 the state comprehensive plan, emergency management, and other
3472 matters within its jurisdiction. The Department of Commerce
3473 ~~Economic Opportunity~~ may also comment on the consistency of the
3474 proposed transmission line or corridor with applicable strategic
3475 regional policy plans or local comprehensive plans and land
3476 development regulations.

3477 4. The Fish and Wildlife Conservation Commission shall
3478 prepare a report as to the impact of each proposed transmission
3479 line or corridor on fish and wildlife resources and other
3480 matters within its jurisdiction.

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3481 5. Each local government shall prepare a report as to the
3482 impact of each proposed transmission line or corridor on matters
3483 within its jurisdiction, including the consistency of the
3484 proposed transmission line or corridor with all applicable local
3485 ordinances, regulations, standards, or criteria that apply to
3486 the proposed transmission line or corridor, including local
3487 comprehensive plans, zoning regulations, land development
3488 regulations, and any applicable local environmental regulations
3489 adopted pursuant to s. 403.182 or by other means. A change by
3490 the responsible local government or local agency in local
3491 comprehensive plans, zoning ordinances, or other regulations
3492 made after the date required for the filing of the local
3493 government's report required by this section is not applicable
3494 to the certification of the proposed transmission line or
3495 corridor unless the certification is denied or the application
3496 is withdrawn.

3497 6. The Department of Transportation shall prepare a report
3498 as to the impact of the proposed transmission line or corridor
3499 on state roads, railroads, airports, aeronautics, seaports, and
3500 other matters within its jurisdiction.

3501 7. The commission shall prepare a report containing its
3502 determination under s. 403.537, and the report may include the
3503 comments from the commission with respect to any other subject
3504 within its jurisdiction.

3505 8. Any other agency, if requested by the department, shall
3506 also perform studies or prepare reports as to subjects within
3507 the jurisdiction of the agency which may potentially be affected
3508 by the proposed transmission line.

3509 Section 130. Paragraph (a) of subsection (2) of section

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3510 403.527, Florida Statutes, is amended to read:
3511 403.527 Certification hearing, parties, participants.—
3512 (2) (a) Parties to the proceeding shall be:
3513 1. The applicant.
3514 2. The department.
3515 3. The commission.
3516 4. The Department of Commerce ~~Economic Opportunity~~.
3517 5. The Fish and Wildlife Conservation Commission.
3518 6. The Department of Transportation.
3519 7. Each water management district in the jurisdiction of
3520 which the proposed transmission line or corridor is to be
3521 located.
3522 8. The local government.
3523 Section 131. Subsection (1) of section 403.757, Florida
3524 Statutes, is amended to read:
3525 403.757 Coordination with other state agencies.—
3526 (1) The department shall coordinate its activities and
3527 functions under ss. 403.75-403.769 and s. 526.01, as amended by
3528 chapter 84-338, Laws of Florida, with the Department of Commerce
3529 ~~Economic Opportunity~~ and other state agencies to avoid
3530 duplication in reporting and information gathering.
3531 Section 132. Paragraph (a) of subsection (2) of section
3532 403.941, Florida Statutes, is amended to read:
3533 403.941 Preliminary statements of issues, reports, and
3534 studies.—
3535 (2) (a) The affected agencies shall prepare reports as
3536 provided in this paragraph and shall submit them to the
3537 department and the applicant within 60 days after the
3538 application is determined sufficient:

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3539 1. The department shall prepare a report as to the impact
3540 of each proposed natural gas transmission pipeline or corridor
3541 as it relates to matters within its jurisdiction.

3542 2. Each water management district in the jurisdiction of
3543 which a proposed natural gas transmission pipeline or corridor
3544 is to be located shall prepare a report as to the impact on
3545 water resources and other matters within its jurisdiction.

3546 3. The Department of Commerce ~~Economic Opportunity~~ shall
3547 prepare a report containing recommendations which address the
3548 impact upon the public of the proposed natural gas transmission
3549 pipeline or corridor, based on the degree to which the proposed
3550 natural gas transmission pipeline or corridor is consistent with
3551 the applicable portions of the state comprehensive plan and
3552 other matters within its jurisdiction. The Department of
3553 Commerce ~~Economic Opportunity~~ may also comment on the
3554 consistency of the proposed natural gas transmission pipeline or
3555 corridor with applicable strategic regional policy plans or
3556 local comprehensive plans and land development regulations.

3557 4. The Fish and Wildlife Conservation Commission shall
3558 prepare a report as to the impact of each proposed natural gas
3559 transmission pipeline or corridor on fish and wildlife resources
3560 and other matters within its jurisdiction.

3561 5. Each local government in which the natural gas
3562 transmission pipeline or natural gas transmission pipeline
3563 corridor will be located shall prepare a report as to the impact
3564 of each proposed natural gas transmission pipeline or corridor
3565 on matters within its jurisdiction, including the consistency of
3566 the proposed natural gas transmission pipeline or corridor with
3567 all applicable local ordinances, regulations, standards, or

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3568 criteria that apply to the proposed natural gas transmission
3569 pipeline or corridor, including local comprehensive plans,
3570 zoning regulations, land development regulations, and any
3571 applicable local environmental regulations adopted pursuant to
3572 s. 403.182 or by other means. No change by the responsible local
3573 government or local agency in local comprehensive plans, zoning
3574 ordinances, or other regulations made after the date required
3575 for the filing of the local government's report required by this
3576 section shall be applicable to the certification of the proposed
3577 natural gas transmission pipeline or corridor unless the
3578 certification is denied or the application is withdrawn.

3579 6. The Department of Transportation shall prepare a report
3580 on the effect of the natural gas transmission pipeline or
3581 natural gas transmission pipeline corridor on matters within its
3582 jurisdiction, including roadway crossings by the pipeline. The
3583 report shall contain at a minimum:

3584 a. A report by the applicant to the department stating that
3585 all requirements of the department's utilities accommodation
3586 guide have been or will be met in regard to the proposed
3587 pipeline or pipeline corridor; and

3588 b. A statement by the department as to the adequacy of the
3589 report to the department by the applicant.

3590 7. The Department of State, Division of Historical
3591 Resources, shall prepare a report on the impact of the natural
3592 gas transmission pipeline or natural gas transmission pipeline
3593 corridor on matters within its jurisdiction.

3594 8. The commission shall prepare a report addressing matters
3595 within its jurisdiction. The commission's report shall include
3596 its determination of need issued pursuant to s. 403.9422.

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3597 Section 133. Paragraph (a) of subsection (4) of section
3598 403.9411, Florida Statutes, is amended to read:
3599 403.9411 Notice; proceedings; parties and participants.—
3600 (4) (a) Parties to the proceeding shall be:
3601 1. The applicant.
3602 2. The department.
3603 3. The commission.
3604 4. The Department of Commerce ~~Economic Opportunity~~.
3605 5. The Fish and Wildlife Conservation Commission.
3606 6. Each water management district in the jurisdiction of
3607 which the proposed natural gas transmission pipeline or corridor
3608 is to be located.
3609 7. The local government.
3610 8. The Department of Transportation.
3611 9. The Department of State, Division of Historical
3612 Resources.

3613 Section 134. Paragraphs (b) and (c) of subsection (3) and
3614 subsection (17) of section 403.973, Florida Statutes, are
3615 amended to read:
3616 403.973 Expedited permitting; amendments to comprehensive
3617 plans.—
3618 (3)
3619 (b) On a case-by-case basis and at the request of a county
3620 or municipal government, the Department of Commerce ~~Economic~~
3621 ~~Opportunity~~ may certify as eligible for expedited review a
3622 project not meeting the minimum job creation thresholds but
3623 creating a minimum of 10 jobs. The recommendation from the
3624 governing body of the county or municipality in which the
3625 project may be located is required in order for the Department

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3626 of Commerce ~~Economic Opportunity~~ to certify that any project is
3627 eligible for expedited review under this paragraph. When
3628 considering projects that do not meet the minimum job creation
3629 thresholds but that are recommended by the governing body in
3630 which the project may be located, the Department of Commerce
3631 ~~Economic Opportunity~~ shall consider economic impact factors that
3632 include, but are not limited to:

- 3633 1. The proposed wage and skill levels relative to those
3634 existing in the area in which the project may be located;
3635 2. The project's potential to diversify and strengthen the
3636 area's economy;
3637 3. The amount of capital investment; and
3638 4. The number of jobs that will be made available for
3639 persons served by the welfare transition program.

3640 (c) At the request of a county or municipal government, the
3641 Department of Commerce ~~Economic Opportunity~~ or a Quick
3642 Permitting County may certify projects located in counties where
3643 the ratio of new jobs per participant in the welfare transition
3644 program, as determined by CareerSource Florida, Inc., is less
3645 than one or otherwise critical, as eligible for the expedited
3646 permitting process. Such projects must meet the numerical
3647 criteria for job creation specified in this subsection, but the
3648 jobs created by the project do not have to be high-wage jobs
3649 that diversify the state's economy.

3650 (17) The Department of Commerce ~~Economic Opportunity~~,
3651 working with the Rural Economic Development Initiative, shall
3652 provide technical assistance in preparing permit applications
3653 and local comprehensive plan amendments for counties having a
3654 population of fewer than 75,000 residents, or counties having

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3655 fewer than 125,000 residents which are contiguous to counties
3656 having fewer than 75,000 residents. Additional assistance may
3657 include, but not be limited to, guidance in land development
3658 regulations and permitting processes, working cooperatively with
3659 state, regional, and local entities to identify areas within
3660 these counties which may be suitable or adaptable for
3661 preclearance review of specified types of land uses and other
3662 activities requiring permits.

3663 Section 135. Paragraph (d) of subsection (4) of section
3664 404.0617, Florida Statutes, is amended to read:

3665 404.0617 Siting of commercial low-level radioactive waste
3666 management facilities.—

3667 (4) The Governor and Cabinet shall consider the following
3668 when determining whether to grant a petition for a variance from
3669 local ordinances, regulations, or plans:

3670 (d) Such studies, reports, and information as the Governor
3671 and Cabinet may request of the Department of Commerce ~~Economic~~
3672 ~~Opportunity~~ addressing whether or not the proposed facility
3673 unreasonably interferes with the achievement of the goals and
3674 objectives of any adopted state or local comprehensive plan and
3675 any other matter within its jurisdiction.

3676 Section 136. Paragraph (c) of subsection (7) of section
3677 409.1451, Florida Statutes, is amended to read:

3678 409.1451 The Road-to-Independence Program.—

3679 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
3680 secretary shall establish the Independent Living Services
3681 Advisory Council for the purpose of reviewing and making
3682 recommendations concerning the implementation and operation of
3683 s. 39.6251 and the Road-to-Independence Program.

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3684 (c) Members of the advisory council shall be appointed by
3685 the secretary of the department. The membership of the advisory
3686 council must include, at a minimum, young adults who receive
3687 services and funding through the Road-to-Independence Program,
3688 representatives from the headquarters and regional offices of
3689 the department, community-based care lead agencies, the
3690 Department of Juvenile Justice, the Department of Commerce
3691 ~~Economic Opportunity~~, the Department of Education, the Agency
3692 for Health Care Administration, the State Youth Advisory Board,
3693 CareerSource Florida, Inc., the Statewide Guardian Ad Litem
3694 Office, foster parents, and advocates for children in care. The
3695 secretary shall determine the length of the term to be served by
3696 each member appointed to the advisory council, which may not
3697 exceed 4 years.

3698 Section 137. Subsection (8) of section 409.2576, Florida
3699 Statutes, is amended to read:

3700 409.2576 State Directory of New Hires.—

3701 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State
3702 Directory of New Hires must furnish information regarding newly
3703 hired or rehired employees and other individuals subject to
3704 reporting to the National Directory of New Hires for matching
3705 with the records of other state case registries within 3
3706 business days of entering such information into the State
3707 Directory of New Hires. The State Directory of New Hires shall
3708 enter into an agreement with the Department of Commerce ~~Economic~~
3709 ~~Opportunity~~ or its tax collection service provider for the
3710 quarterly reporting to the National Directory of New Hires
3711 information on wages and reemployment assistance taken from the
3712 quarterly report to the Secretary of Labor, now required by

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3713 Title III of the Social Security Act, except that no report
3714 shall be filed with respect to an employee of a state or local
3715 agency performing intelligence or counterintelligence functions,
3716 if the head of such agency has determined that filing such a
3717 report could endanger the safety of the employee or compromise
3718 an ongoing investigation or intelligence mission.

3719 Section 138. Section 409.25996, Florida Statutes, is
3720 amended to read:

3721 409.25996 Organizations that assist noncustodial parents.—
3722 The Department of Commerce ~~Economic Opportunity~~ shall award
3723 grants to organizations that assist noncustodial parents who are
3724 unemployed or underemployed and have difficulty meeting child
3725 support obligations to become self-sufficient and establish a
3726 successful pattern of paying child support obligations.

3727 Section 139. Subsections (2), (3), and (4) of section
3728 409.508, Florida Statutes, are amended to read:

3729 409.508 Low-income home energy assistance program.—

3730 (2) The Department of Commerce ~~Economic Opportunity~~ is
3731 designated as the state agency to administer the Low-income Home
3732 Energy Assistance Act of 1981, 42 U.S.C. ss. 8621 et seq. The
3733 Department of Commerce ~~Economic Opportunity~~ is authorized to
3734 provide home energy assistance benefits to eligible households
3735 which may be in the form of cash, vouchers, certificates, or
3736 direct payments to electric or natural gas utilities or other
3737 energy suppliers and operators of low-rent, subsidized housing
3738 in behalf of eligible households. Priority shall be given to
3739 eligible households having at least one elderly or handicapped
3740 individual and to eligible households with the lowest incomes.

3741 (3) Agreements may be established between electric or

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3742 natural gas utility companies, other energy suppliers, the
3743 Department of Revenue, and the Department of Commerce ~~Economic~~
3744 ~~Opportunity~~ for the purpose of providing payments to energy
3745 suppliers in the form of a credit against sales and use taxes
3746 due or direct payments to energy suppliers for services rendered
3747 to low-income, eligible households.

3748 (4) The Department of Commerce ~~Economic Opportunity~~ shall
3749 adopt rules to carry out the provisions of this act.

3750 Section 140. Subsection (2) of section 409.509, Florida
3751 Statutes, is amended to read:

3752 409.509 Definitions; weatherization of low-income
3753 residences.—As used in this act, the term:

3754 (2) "Department" means the Department of Commerce ~~Economic~~
3755 ~~Opportunity~~.

3756 Section 141. Subsection (2) and paragraph (f) of subsection
3757 (3) of section 410.502, Florida Statutes, are amended to read:

3758 410.502 Housing and living arrangements; special needs of
3759 the elderly; services.—The Department of Elderly Affairs shall
3760 provide services related to housing and living arrangements
3761 which meet the special needs of the elderly. Such services shall
3762 include, but not be limited to:

3763 (2) Coordinating with the Department of Commerce ~~Economic~~
3764 ~~Opportunity~~ to gather and maintain data on living arrangements
3765 which meet the special needs of the elderly and to disseminate
3766 such information to the public. Such information shall include
3767 types of facilities, cost of care, services provided, and
3768 possible sources of help in meeting the cost of care for
3769 indigent individuals.

3770 (3) Promoting, through the Department of Elderly Affairs

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3771 staff activities and area agencies on aging, the development of
3772 a variety of living arrangements through public and private
3773 auspices to meet the various needs and desires of the elderly,
3774 including, but not limited to:

3775 (f) Retirement communities for independent communal living,
3776 to be developed in conjunction with the Department of Commerce
3777 ~~Economic Opportunity~~.

3778
3779 Demonstration projects must be used advisedly to test the extent
3780 to which these and other innovative housing and living
3781 arrangements do meet the basic and special needs of the elderly.

3782 Section 142. Paragraph (f) of subsection (4) of section
3783 413.80, Florida Statutes, is amended to read:

3784 413.80 Employment First Act.—

3785 (4) INTERAGENCY COOPERATIVE AGREEMENT.—The following state
3786 agencies and organizations, and others, as appropriate, shall
3787 develop an interagency cooperative agreement to implement this
3788 act:

3789 (f) The Department of Commerce ~~Economic Opportunity~~.

3790 Section 143. Subsection (1) and paragraph (a) of subsection
3791 (2) of section 413.801, Florida Statutes, are amended to read:

3792 413.801 Florida Unique Abilities Partner Program.—

3793 (1) CREATION AND PURPOSE.—The Department of Commerce
3794 ~~Economic Opportunity~~ shall establish the Florida Unique
3795 Abilities Partner Program to designate a business entity as a
3796 Florida Unique Abilities Partner if the business entity
3797 demonstrates commitment, through employment or support, to the
3798 independence of individuals who have a disability. The
3799 department shall consult with the Agency for Persons with

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3800 Disabilities, the Division of Vocational Rehabilitation of the
3801 Department of Education, the Division of Blind Services of the
3802 Department of Education, and CareerSource Florida, Inc., in
3803 creating the program.

3804 (2) DEFINITIONS.—As used in this section, the term:

3805 (a) "Department" means the Department of Commerce ~~Economic~~
3806 ~~Opportunity~~.

3807 Section 144. Section 414.24, Florida Statutes, is amended
3808 to read:

3809 414.24 Integrated welfare reform and child welfare
3810 services.—The department shall develop integrated service
3811 delivery strategies to better meet the needs of families subject
3812 to work activity requirements who are involved in the child
3813 welfare system or are at high risk of involvement in the child
3814 welfare system. To the extent that resources are available, the
3815 department and the Department of Commerce ~~Economic Opportunity~~
3816 shall provide funds to one or more service districts to promote
3817 development of integrated, nonduplicative case management within
3818 the department, the Department of Commerce ~~Economic Opportunity~~,
3819 other participating government agencies, and community partners.
3820 Alternative delivery systems shall be encouraged which include
3821 well-defined, pertinent outcome measures. Other factors to be
3822 considered shall include innovation regarding training,
3823 enhancement of existing resources, and increased private sector
3824 and business sector participation.

3825 Section 145. Paragraph (d) of subsection (2) of section
3826 414.40, Florida Statutes, is amended to read:

3827 414.40 Stop Inmate Fraud Program established; guidelines.—

3828 (2) The Department of Financial Services is directed to

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3829 implement the Stop Inmate Fraud Program in accordance with the
3830 following guidelines:

3831 (d) Data obtained from correctional institutions or other
3832 detention facilities shall be compared with the client files of
3833 the Department of Children and Families, the Department of
3834 Commerce Economic Opportunity, and other state or local agencies
3835 as needed to identify persons wrongfully obtaining benefits.
3836 Data comparisons shall be accomplished during periods of low
3837 information demand by agency personnel to minimize inconvenience
3838 to the agency.

3839 Section 146. Subsection (6) of section 420.0004, Florida
3840 Statutes, is amended to read:

3841 420.0004 Definitions.—As used in this part, unless the
3842 context otherwise indicates:

3843 (6) "Department" means the Department of Commerce ~~Economic~~
3844 ~~Opportunity~~.

3845 Section 147. Subsection (1) of section 420.0005, Florida
3846 Statutes, is amended to read:

3847 420.0005 State Housing Trust Fund; State Housing Fund.—

3848 (1) There is established in the State Treasury a separate
3849 trust fund to be named the "State Housing Trust Fund." There
3850 shall be deposited in the fund all moneys appropriated by the
3851 Legislature, or moneys received from any other source, for the
3852 purpose of this chapter, and all proceeds derived from the use
3853 of such moneys. The fund shall be administered by the Florida
3854 Housing Finance Corporation on behalf of the department, as
3855 specified in this chapter. Money deposited to the fund and
3856 appropriated by the Legislature must, notwithstanding the
3857 provisions of chapter 216 or s. 420.504(3), be transferred

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3858 quarterly in advance, to the extent available, or, if not so
3859 available, as soon as received into the State Housing Trust
3860 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)
3861 by the Chief Financial Officer to the corporation upon
3862 certification by the Secretary of Commerce ~~Economic Opportunity~~
3863 that the corporation is in compliance with the requirements of
3864 s. 420.0006. The certification made by the secretary shall also
3865 include the split of funds among programs administered by the
3866 corporation and the department as specified in chapter 92-317,
3867 Laws of Florida, as amended. Moneys advanced by the Chief
3868 Financial Officer must be deposited by the corporation into a
3869 separate fund established with a qualified public depository
3870 meeting the requirements of chapter 280 to be named the "State
3871 Housing Fund" and used for the purposes of this chapter.
3872 Administrative and personnel costs incurred in implementing this
3873 chapter may be paid from the State Housing Fund, but such costs
3874 may not exceed 5 percent of the moneys deposited into such fund.
3875 To the State Housing Fund shall be credited all loan repayments,
3876 penalties, and other fees and charges accruing to such fund
3877 under this chapter. It is the intent of this chapter that all
3878 loan repayments, penalties, and other fees and charges collected
3879 be credited in full to the program account from which the loan
3880 originated. Moneys in the State Housing Fund which are not
3881 currently needed for the purposes of this chapter shall be
3882 invested in such manner as is provided for by statute. The
3883 interest received on any such investment shall be credited to
3884 the State Housing Fund.

3885 Section 148. Section 420.0006, Florida Statutes, is amended
3886 to read:

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3887 420.0006 Authority to contract with corporation; contract
3888 requirements; nonperformance.—The Secretary of Commerce Economic
3889 ~~Opportunity~~ shall contract, notwithstanding part I of chapter
3890 287, with the Florida Housing Finance Corporation on a multiyear
3891 basis to stimulate, provide, and foster affordable housing in
3892 the state. The contract must incorporate the performance
3893 measures required by s. 420.511 and be consistent with the
3894 corporation's strategic business plan prepared in accordance
3895 with s. 420.511. The contract must provide that if the
3896 corporation fails to comply with a performance measure required
3897 by s. 420.511, the secretary shall notify the Governor and refer
3898 the nonperformance to the department's inspector general for
3899 review and determination as to whether such failure is due to
3900 forces beyond the corporation's control or whether such failure
3901 is due to inadequate management of the corporation's resources.
3902 Advances shall continue to be made pursuant to s. 420.0005
3903 during the pendency of the review. If such failure is due to
3904 outside forces, it may not be deemed a violation of the
3905 contract. If such failure is due to inadequate management, the
3906 department's inspector general shall provide recommendations
3907 regarding solutions. The Governor may resolve differences of
3908 opinion with respect to performance under the contract and may
3909 request that advances continue in the event of a failure under
3910 the contract due to inadequate management. The Chief Financial
3911 Officer shall approve the request absent a finding by the Chief
3912 Financial Officer that continuing such advances would adversely
3913 impact the state; however, the Chief Financial Officer shall
3914 provide advances sufficient to meet the debt service
3915 requirements of the corporation and sufficient to fund contracts

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3916 committing funds from the State Housing Trust Fund if such
3917 contracts are in accordance with the laws of this state.

3918 Section 149. Paragraph (d) of subsection (1) of section
3919 420.101, Florida Statutes, is amended to read:

3920 420.101 Housing Development Corporation of Florida;
3921 creation, membership, and purposes.—

3922 (1) Twenty-five or more persons, a majority of whom shall
3923 be residents of this state, who may desire to create a housing
3924 development corporation under the provisions of this part for
3925 the purpose of promoting and developing housing and advancing
3926 the prosperity and economic welfare of the state and, to that
3927 end, to exercise the powers and privileges hereinafter provided,
3928 may be incorporated by filing in the Department of State, as
3929 hereinafter provided, articles of incorporation. The articles of
3930 incorporation shall contain:

3931 (d) The names and post office addresses of the members of
3932 the first board of directors. The first board of directors shall
3933 be elected by and from the stockholders of the corporation and
3934 shall consist of 21 members. However, five of such members shall
3935 consist of the following persons, who shall be nonvoting
3936 members: the Secretary of Commerce ~~Economic Opportunity~~ or her
3937 or his designee; the head of the Department of Financial
3938 Services or her or his designee with expertise in banking
3939 matters; a designee of the head of the Department of Financial
3940 Services with expertise in insurance matters; one state senator
3941 appointed by the President of the Senate; and one representative
3942 appointed by the Speaker of the House of Representatives.

3943 Section 150. Subsection (8) of section 420.111, Florida
3944 Statutes, is amended to read:

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3945 420.111 Housing Development Corporation of Florida;
3946 additional powers.—In furtherance of its purposes and in
3947 addition to the powers now or hereafter conferred on business
3948 corporations by part I of chapter 607, the corporation shall,
3949 subject to the restrictions and limitations contained in this
3950 section, have the following powers:

3951 (8) To cooperate with, and avail itself of the facilities
3952 of, the United States Department of Housing and Urban
3953 Development, the Department of Commerce ~~Economic Opportunity~~,
3954 and any other similar local, state, or Federal Government
3955 agency; and to cooperate with and assist, and otherwise
3956 encourage, organizations in the various communities of the state
3957 on the promotion, assistance, and development of the housing and
3958 economic welfare of such communities or of this state or any
3959 part thereof.

3960 Section 151. Section 420.36, Florida Statutes, is amended
3961 to read:

3962 420.36 Low-income Emergency Home Repair Program.—There is
3963 established within the Department of Commerce ~~Economic~~
3964 ~~Opportunity~~ the Low-income Emergency Home Repair Program to
3965 assist low-income persons, especially the elderly and physically
3966 disabled, in making emergency repairs which directly affect
3967 their health and safety.

3968 (1) As used in this section, the term:

3969 (a) "Grantee" means a local public or private nonprofit
3970 agency currently receiving funds from the department to conduct
3971 a weatherization assistance program in one or more counties or a
3972 public or nonprofit agency chosen as outlined in subparagraph

3973 (4) (c) 4.

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3974 (b) "Subgrantee" means a local public or private nonprofit
3975 agency experienced in weatherization, emergency repairs, or
3976 rehabilitation of housing.

3977 (2) A person is eligible to receive assistance if that
3978 person has an income in relation to that person's family size
3979 which is at or below 125 percent of the poverty level as
3980 specified annually in the federal Office of Management and
3981 Budget Poverty Guidelines. Eligible persons over 60 years of age
3982 and eligible persons who are physically disabled shall be given
3983 priority in the program.

3984 (3)(a) Allowable repairs, including materials and labor,
3985 which may be charged under the program include:

3986 1. Correcting deficiencies in support beams, load-bearing
3987 walls, and floor joists.

3988 2. Repair or replacement of unsafe or nonfunctional space
3989 heating or water heating systems.

3990 3. Egress or physically disabled accessibility repairs,
3991 improvements, or assistive devices, including wheelchair ramps,
3992 steps, porches, handrails, or other health and safety measures.

3993 4. Plumbing, pump, well, and line repairs to ensure safe
3994 drinking water and sanitary sewage.

3995 5. Electrical repairs.

3996 6. Repairs to deteriorating walls, floors, and roofs.

3997 7. Other interior and exterior repairs as necessary for the
3998 health and safety of the resident.

3999 (b) Administrative expenses may not exceed 10 percent of
4000 the total grant funds.

4001 (c) Each grantee shall be required to provide an in-kind or
4002 cash match of at least 20 percent of the funds granted. Grantees

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4003 and subgrantees shall be encouraged to use community resources
4004 to provide such match, including family, church, and
4005 neighborhood volunteers and materials provided by local groups
4006 and businesses. Grantees shall coordinate with local governments
4007 through their community development block grant entitlement
4008 programs and other housing programs, local housing partnerships,
4009 and agencies under contract to a lead agency for the provisions
4010 of services under the Community Care for the Elderly Act, ss.
4011 430.201-430.207.

4012 (4) (a) Funds appropriated to the department for the program
4013 shall be deposited in the Federal Grants Trust Fund.
4014 Administrative and personnel costs incurred by the department in
4015 implementing the provisions of this section may be paid from the
4016 fund.

4017 (b) The grantee may subgrant these funds to a subgrantee if
4018 the grantee is unable to serve all of the county or the target
4019 population. Grantee and subgrantee eligibility shall be
4020 determined by the department.

4021 (c) Funds shall be distributed to grantees and subgrantees
4022 as follows:

4023 1. For each county, a base amount of at least \$3,000 shall
4024 be set aside from the total funds available, and such amount
4025 shall be deducted from the total amount appropriated by the
4026 Legislature.

4027 2. The balance of the funds appropriated by the Legislature
4028 shall be divided by the total poverty population of the state,
4029 and this quotient shall be multiplied by each county's share of
4030 the poverty population. That amount plus the base of at least
4031 \$3,000 constitutes each county's share. A grantee that serves

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4032 more than one county shall receive the base amount plus the
4033 poverty population share for each county to be served. Contracts
4034 with grantees may be renewed annually.

4035 3. The funds allocated to each county shall be offered
4036 first to an existing weatherization assistance program grantee
4037 in good standing, as determined by the department, which can
4038 provide services to the target population of low-income persons,
4039 low-income elderly persons, and low-income physically disabled
4040 persons throughout the county.

4041 4. If a weatherization assistance program grantee is not
4042 available to serve the entire county area, the funds shall be
4043 distributed through the following process:

4044 a. An announcement of funding availability shall be
4045 provided to the county. The county may elect to administer the
4046 program.

4047 b. If the county elects not to administer the program, the
4048 department shall establish rules to address the selection of one
4049 or more public or private not-for-profit agencies that are
4050 experienced in weatherization, rehabilitation, or emergency
4051 repair to administer the program.

4052 5. If no eligible agency agrees to serve a county, the
4053 funds for that county shall be distributed to grantees having
4054 the best performance record as determined by department rule. At
4055 the end of the contract year, any uncontracted or unexpended
4056 funds shall be returned to the Federal Grants Trust Fund and
4057 reallocated under the next year's contracting cycle.

4058 (5) The department may perform all actions appropriate and
4059 necessary to carry out the purposes of this section, including,
4060 but not limited to:

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4061 (a) Entering into contracts and agreements with the Federal
4062 Government, agencies of the state, local governments, or any
4063 person, association, corporation, or entity.

4064 (b) Seeking and accepting funding from any public or
4065 private source.

4066 (c) Adopting and enforcing rules consistent with this
4067 section.

4068 Section 152. Subsection (1) of section 420.424, Florida
4069 Statutes, is amended to read:

4070 420.424 Definitions.—As used in ss. 420.421-420.429:

4071 (1) "Department" means the Department of Commerce ~~Economic~~
4072 ~~Opportunity~~.

4073 Section 153. Subsections (9) and (13) of section 420.503,
4074 Florida Statutes, are amended to read:

4075 420.503 Definitions.—As used in this part, the term:

4076 (9) "Contract" means the contract between the Secretary of
4077 Commerce ~~Economic Opportunity~~ and the corporation for provision
4078 of housing services referenced in s. 420.0006.

4079 (13) "Department" means the Department of Commerce ~~Economic~~
4080 ~~Opportunity~~.

4081 Section 154. Subsections (1) and (3) of section 420.504,
4082 Florida Statutes, are amended to read:

4083 420.504 Public corporation; creation, membership, terms,
4084 expenses.—

4085 (1) A public corporation and a public body corporate and
4086 politic, to be known as the "Florida Housing Finance
4087 Corporation," is created within the Department of Commerce
4088 ~~Economic Opportunity~~. It is declared to be the intent of and
4089 constitutional construction by the Legislature that the Florida

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4090 Housing Finance Corporation constitutes an entrepreneurial
4091 public corporation organized to provide and promote the public
4092 welfare by administering the governmental function of financing
4093 or refinancing housing and related facilities in this state and
4094 that the corporation is not a department of the executive branch
4095 of state government within the scope and meaning of s. 6, Art.
4096 IV of the State Constitution, but is functionally related to the
4097 Department of Commerce ~~Economic Opportunity~~ in which it is
4098 placed. The executive function of state government to be
4099 performed by the Secretary of Commerce ~~Economic Opportunity~~ in
4100 the conduct of the business of the Florida Housing Finance
4101 Corporation must be performed pursuant to a contract to monitor
4102 and set performance standards for the implementation of the
4103 business plan for the provision of housing approved for the
4104 corporation as provided in s. 420.0006. This contract must
4105 include performance standards for the provision of affordable
4106 housing in this state established in the strategic business plan
4107 described in s. 420.511.

4108 (3) The corporation is a separate budget entity and is not
4109 subject to control, supervision, or direction by the department
4110 in any manner, including, but not limited to, personnel,
4111 purchasing, transactions involving real or personal property,
4112 and budgetary matters. The corporation shall consist of a board
4113 of directors composed of the Secretary of Commerce ~~Economic~~
4114 ~~Opportunity~~ as an ex officio and voting member, or a senior-
4115 level agency employee designated by the secretary, one member
4116 appointed by the President of the Senate, one member appointed
4117 by the Speaker of the House of Representatives, and eight
4118 members appointed by the Governor subject to confirmation by the

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4119 Senate from the following:

4120 (a) One citizen actively engaged in the residential home
4121 building industry.

4122 (b) One citizen actively engaged in the banking or mortgage
4123 banking industry.

4124 (c) One citizen who is a representative of those areas of
4125 labor engaged in home building.

4126 (d) One citizen with experience in housing development who
4127 is an advocate for low-income persons.

4128 (e) One citizen actively engaged in the commercial building
4129 industry.

4130 (f) One citizen who is a former local government elected
4131 official.

4132 (g) Two citizens of the state who are not principally
4133 employed as members or representatives of any of the groups
4134 specified in paragraphs (a)-(f).

4135 Section 155. Subsection (1) of section 420.506, Florida
4136 Statutes, is amended to read:

4137 420.506 Executive director; agents and employees; inspector
4138 general.—

4139 (1) The appointment and removal of an executive director
4140 shall be by the Secretary of Commerce ~~Economic Opportunity~~, with
4141 the advice and consent of the corporation's board of directors.
4142 The executive director shall employ legal and technical experts
4143 and such other agents and employees, permanent and temporary, as
4144 the corporation may require, and shall communicate with and
4145 provide information to the Legislature with respect to the
4146 corporation's activities. Notwithstanding s. 216.262, the board
4147 may develop and implement rules regarding the employment of

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4148 employees of the corporation and service providers, including
4149 legal counsel. The board is entitled to establish travel
4150 procedures and guidelines for employees of the corporation,
4151 subject to s. 112.061(6) and (7). The executive director's
4152 office and the corporation's files and records must be located
4153 in Leon County.

4154 Section 156. Subsection (30) of section 420.507, Florida
4155 Statutes, is amended to read:

4156 420.507 Powers of the corporation.—The corporation shall
4157 have all the powers necessary or convenient to carry out and
4158 effectuate the purposes and provisions of this part, including
4159 the following powers which are in addition to all other powers
4160 granted by other provisions of this part:

4161 (30) To prepare and submit to the Secretary of Commerce
4162 ~~Economic Opportunity~~ a budget request for purposes of the
4163 corporation, which request must, notwithstanding the provisions
4164 of chapter 216 and in accordance with s. 216.351, contain a
4165 request for operational expenditures and separate requests for
4166 other authorized corporation programs. The request must include,
4167 for informational purposes, the amount of state funds necessary
4168 to use all federal housing funds anticipated to be received by,
4169 or allocated to, the state in the fiscal year in order to
4170 maximize the production of new, affordable multifamily housing
4171 units in this state. The request need not contain information on
4172 the number of employees, salaries, or any classification
4173 thereof, and the approved operating budget therefor need not
4174 comply with s. 216.181(8)-(10). The secretary may include within
4175 the department's budget request the corporation's budget request
4176 in the form as authorized by this section.

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4177 Section 157. Effective July 1, 2033, subsection (30) of
4178 section 420.507, Florida Statutes, as amended by section 30 of
4179 chapter 2023-17, Laws of Florida, is amended to read:

4180 420.507 Powers of the corporation.—The corporation shall
4181 have all the powers necessary or convenient to carry out and
4182 effectuate the purposes and provisions of this part, including
4183 the following powers which are in addition to all other powers
4184 granted by other provisions of this part:

4185 (30) To prepare and submit to the Secretary of Commerce
4186 ~~Economic Opportunity~~ a budget request for purposes of the
4187 corporation, which request shall, notwithstanding the provisions
4188 of chapter 216 and in accordance with s. 216.351, contain a
4189 request for operational expenditures and separate requests for
4190 other authorized corporation programs. The request need not
4191 contain information on the number of employees, salaries, or any
4192 classification thereof, and the approved operating budget
4193 therefor need not comply with s. 216.181(8)-(10). The secretary
4194 may include within the department's budget request the
4195 corporation's budget request in the form as authorized by this
4196 section.

4197 Section 158. Subsection (2) of section 420.511, Florida
4198 Statutes, is amended to read:

4199 420.511 Strategic business plan; long-range program plan;
4200 annual report; audited financial statements.—

4201 (2) The corporation, in coordination with the department,
4202 shall annually develop a long-range program plan for the
4203 provision of affordable housing in this state as required
4204 pursuant to chapter 186. In part, the plan must include
4205 provisions that maximize the abilities of the corporation to

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4206 implement the state housing strategy established under s.
4207 420.0003, to respond to federal housing initiatives, and to
4208 develop programs in a manner that is more responsive to the
4209 needs of public and private partners. The plan shall be
4210 developed on a schedule consistent with that established by s.
4211 186.021. For purposes of this section, the Secretary of Commerce
4212 ~~Economic Opportunity~~ or his or her designee shall serve as the
4213 corporation's representative to achieve a coordinated and
4214 integrated planning relationship with the department.

4215 Section 159. Subsection (6) of section 420.602, Florida
4216 Statutes, is amended to read:

4217 420.602 Definitions.—As used in this part, the following
4218 terms shall have the following meanings, unless the context
4219 otherwise requires:

4220 (6) "Department" means the Department of Commerce ~~Economic~~
4221 ~~Opportunity~~.

4222 Section 160. Subsections (3) and (4) of section 420.606,
4223 Florida Statutes, are amended to read:

4224 420.606 Training and technical assistance program.—

4225 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The
4226 Department of Commerce ~~Economic Opportunity~~ shall be responsible
4227 for securing the necessary expertise to provide training and
4228 technical assistance to:

4229 (a) Staff of local governments, to staff of state agencies,
4230 as appropriate, to community-based organizations, and to persons
4231 forming such organizations, which are formed for the purpose of
4232 developing new housing and rehabilitating existing housing that
4233 is affordable for very-low-income persons, low-income persons,
4234 and moderate-income persons.

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4235 1. The training component of the program shall be designed
4236 to build the housing development capacity of community-based
4237 organizations and local governments as a permanent resource for
4238 the benefit of communities in this state.

4239 a. The scope of training must include, but need not be
4240 limited to, real estate development skills related to affordable
4241 housing, including the construction process and property
4242 management and disposition, the development of public-private
4243 partnerships to reduce housing costs, model housing projects,
4244 and management and board responsibilities of community-based
4245 organizations.

4246 b. Training activities may include, but are not limited to,
4247 materials for self-instruction, workshops, seminars,
4248 internships, coursework, and special programs developed in
4249 conjunction with state universities and community colleges.

4250 2. The technical assistance component of the program shall
4251 be designed to assist applicants for state-administered programs
4252 in developing applications and in expediting project
4253 implementation. Technical assistance activities for the staffs
4254 of community-based organizations and local governments who are
4255 directly involved in the production of affordable housing may
4256 include, but are not limited to, workshops for program
4257 applicants, onsite visits, guidance in achieving project
4258 completion, and a newsletter to community-based organizations
4259 and local governments.

4260 (b) Designated lead agencies of homeless assistance
4261 continuums of care which receive funding from the Department of
4262 Children and Families to provide or secure housing, programs,
4263 and other services for homeless persons. Such training and

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4264 technical assistance, subject to a specific appropriation in the
4265 General Appropriations Act for that purpose, must be provided by
4266 a nonprofit entity that meets the requirements for providing
4267 training and technical assistance under s. 420.531.

4268 (4) POWERS.—The Department of Commerce ~~Economic Opportunity~~
4269 may do all things necessary or appropriate to carry out the
4270 purposes of this section, including exercising the power to:

4271 (a) Enter into contracts and agreements with the Federal
4272 Government or with other agencies of the state, with local
4273 governments, or with any other person, association, corporation,
4274 or entity;

4275 (b) Seek and accept funding from any public or private
4276 source; and

4277 (c) Adopt and enforce rules consistent with this section.

4278 Section 161. Subsection (5) of section 420.609, Florida
4279 Statutes, is amended to read:

4280 420.609 Affordable Housing Study Commission.—Because the
4281 Legislature firmly supports affordable housing in Florida for
4282 all economic classes:

4283 (5) The commission shall review, evaluate, and make
4284 recommendations regarding existing and proposed housing programs
4285 and initiatives. The commission shall provide these and any
4286 other housing recommendations to the Secretary of Commerce
4287 ~~Economic Opportunity~~ and the executive director of the
4288 corporation.

4289 Section 162. Subsection (2) of section 420.622, Florida
4290 Statutes, is amended to read:

4291 420.622 State Office on Homelessness; Council on
4292 Homelessness.—

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4293 (2) The Council on Homelessness is created to consist of 19
4294 representatives of public and private agencies who shall develop
4295 policy and advise the State Office on Homelessness. The council
4296 members shall be: the Secretary of Children and Families, or his
4297 or her designee; the Secretary of Commerce ~~Economic Opportunity~~,
4298 or his or her designee, who shall advise the council on issues
4299 related to rural development; the State Surgeon General, or his
4300 or her designee; the Executive Director of Veterans' Affairs, or
4301 his or her designee; the Secretary of Corrections, or his or her
4302 designee; the Secretary of Health Care Administration, or his or
4303 her designee; the Commissioner of Education, or his or her
4304 designee; the Executive Director of CareerSource Florida, Inc.,
4305 or his or her designee; one representative of the Florida
4306 Association of Counties; one representative of the Florida
4307 League of Cities; one representative of the Florida Supportive
4308 Housing Coalition; one representative of the Florida Housing
4309 Coalition; the Executive Director of the Florida Housing Finance
4310 Corporation, or his or her designee; one representative of the
4311 Florida Coalition for the Homeless; the secretary of the
4312 Department of Elder Affairs, or his or her designee; and four
4313 members appointed by the Governor. The council members shall be
4314 nonpaid volunteers and shall be reimbursed only for travel
4315 expenses. The appointed members of the council shall be
4316 appointed to staggered 2-year terms and are encouraged to have
4317 experience in the administration or provision of resources,
4318 services, or housing that addresses the needs of persons
4319 experiencing homelessness. The council shall meet at least four
4320 times per year. The importance of minority, gender, and
4321 geographic representation shall be considered in appointing

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4322 members to the council.

4323 Section 163. Subsection (6) of section 420.631, Florida
4324 Statutes, is amended to read:

4325 420.631 Definitions relating to Urban Homesteading Act.—As
4326 used in ss. 420.630–420.635:

4327 (6) “Office” means the Office of Urban Opportunity within
4328 the Department of Commerce ~~Economic Opportunity~~.

4329 Section 164. Section 420.635, Florida Statutes, is amended
4330 to read:

4331 420.635 Loans to qualified buyers.—Contingent upon an
4332 appropriation, the Department of Commerce ~~Economic Opportunity~~,
4333 in consultation with the Office of Urban Opportunity, shall
4334 provide loans to qualified buyers who are required to pay the
4335 pro rata portion of the bonded debt on single-family housing
4336 pursuant to s. 420.634. Loans provided under this section shall
4337 be made at a rate of interest which does not exceed the
4338 qualified loan rate. A buyer must maintain the qualifications
4339 specified in s. 420.633 for the full term of the loan. The loan
4340 agreement may contain additional terms and conditions as
4341 determined by the department.

4342 Section 165. Section 421.001, Florida Statutes, is amended
4343 to read:

4344 421.001 State role in housing and urban development.—The
4345 role of state government required by part I of chapter 421
4346 (Housing Authorities Law), chapter 422 (Housing Cooperation
4347 Law), and chapter 423 (Tax Exemption of Housing Authorities) is
4348 the responsibility of the Department of Commerce ~~Economic~~
4349 ~~Opportunity~~; and the department is the agency of state
4350 government responsible for the state’s role in housing and urban

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4351 development.

4352 Section 166. Section 422.001, Florida Statutes, is amended
4353 to read:

4354 422.001 State role in housing and urban development.—The
4355 role of state government required by part I of chapter 421
4356 (Housing Authorities Law), chapter 422 (Housing Cooperation
4357 Law), and chapter 423 (Tax Exemption of Housing Authorities) is
4358 the responsibility of the Department of Commerce ~~Economic~~
4359 ~~Opportunity~~; and the department is the agency of state
4360 government responsible for the state's role in housing and urban
4361 development.

4362 Section 167. Section 423.001, Florida Statutes, is amended
4363 to read:

4364 423.001 State role in housing and urban development.—The
4365 role of state government required by part I of chapter 421
4366 (Housing Authorities Law), chapter 422 (Housing Cooperation
4367 Law), and chapter 423 (Tax Exemption of Housing Authorities) is
4368 the responsibility of the Department of Commerce ~~Economic~~
4369 ~~Opportunity~~; and the department is the agency of state
4370 government responsible for the state's role in housing and urban
4371 development.

4372 Section 168. Paragraph (g) of subsection (1) of section
4373 427.012, Florida Statutes, is amended to read:

4374 427.012 The Commission for the Transportation
4375 Disadvantaged.—There is created the Commission for the
4376 Transportation Disadvantaged in the Department of
4377 Transportation.

4378 (1) The commission shall consist of seven members, all of
4379 whom shall be appointed by the Governor, in accordance with the

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4380 requirements of s. 20.052.

4381 (g) The Secretary of Transportation, the Secretary of
4382 Children and Families, the Secretary of Commerce ~~Economic~~
4383 ~~Opportunity~~, the executive director of the Department of
4384 Veterans' Affairs, the Secretary of Elderly Affairs, the
4385 Secretary of Health Care Administration, the director of the
4386 Agency for Persons with Disabilities, and a county manager or
4387 administrator who is appointed by the Governor, or a senior
4388 management level representative of each, shall serve as ex
4389 officio, nonvoting advisors to the commission.

4390 Section 169. Subsection (2) of section 440.12, Florida
4391 Statutes, is amended to read:

4392 440.12 Time for commencement and limits on weekly rate of
4393 compensation.—

4394 (2) Compensation for disability resulting from injuries
4395 which occur after December 31, 1974, shall not be less than \$20
4396 per week. However, if the employee's wages at the time of injury
4397 are less than \$20 per week, he or she shall receive his or her
4398 full weekly wages. If the employee's wages at the time of the
4399 injury exceed \$20 per week, compensation shall not exceed an
4400 amount per week which is:

4401 (a) Equal to 100 percent of the statewide average weekly
4402 wage, determined as hereinafter provided for the year in which
4403 the injury occurred; however, the increase to 100 percent from
4404 66 2/3 percent of the statewide average weekly wage shall apply
4405 only to injuries occurring on or after August 1, 1979; and

4406 (b) Adjusted to the nearest dollar.

4407

4408 For the purpose of this subsection, the "statewide average

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4409 weekly wage” means the average weekly wage paid by employers
4410 subject to the Florida Reemployment Assistance Program Law as
4411 reported to the Department of Commerce ~~Economic Opportunity~~ for
4412 the four calendar quarters ending each June 30, which average
4413 weekly wage shall be determined by the Department of Commerce
4414 ~~Economic Opportunity~~ on or before November 30 of each year and
4415 shall be used in determining the maximum weekly compensation
4416 rate with respect to injuries occurring in the calendar year
4417 immediately following. The statewide average weekly wage
4418 determined by the Department of Commerce ~~Economic Opportunity~~
4419 shall be reported annually to the Legislature.

4420 Section 170. Paragraph (c) of subsection (9) of section
4421 440.15, Florida Statutes, is amended to read:

4422 440.15 Compensation for disability.—Compensation for
4423 disability shall be paid to the employee, subject to the limits
4424 provided in s. 440.12(2), as follows:

4425 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
4426 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

4427 (c) Disability compensation benefits payable for any week,
4428 including those benefits provided by paragraph (1)(f), may not
4429 be reduced pursuant to this subsection until the Social Security
4430 Administration determines the amount otherwise payable to the
4431 employee under 42 U.S.C. ss. 402 and 423 and the employee has
4432 begun receiving such social security benefit payments. The
4433 employee shall, upon demand by the department, the employer, or
4434 the carrier, authorize the Social Security Administration to
4435 release disability information relating to her or him and
4436 authorize the Department of Commerce ~~Economic Opportunity~~ to
4437 release reemployment assistance information relating to her or

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4438 him, in accordance with rules to be adopted by the department
4439 prescribing the procedure and manner for requesting the
4440 authorization and for compliance by the employee. The department
4441 or the employer or carrier may not make any payment of benefits
4442 for total disability or those additional benefits provided by
4443 paragraph (1) (f) for any period during which the employee
4444 willfully fails or refuses to authorize the release of
4445 information in the manner and within the time prescribed by such
4446 rules. The authority for release of disability information
4447 granted by an employee under this paragraph is effective for a
4448 period not to exceed 12 months and such authority may be
4449 renewed, as the department prescribes by rule.

4450 Section 171. Subsections (4) and (7) of section 440.381,
4451 Florida Statutes, are amended to read:

4452 440.381 Application for coverage; reporting payroll;
4453 payroll audit procedures; penalties.—

4454 (4) Each employer must submit a copy of the quarterly
4455 earnings report required by chapter 443 at the end of each
4456 quarter to the carrier and submit self-audits supported by the
4457 quarterly earnings reports required by chapter 443 and the rules
4458 adopted by the Department of Commerce ~~Economic Opportunity~~ or by
4459 the state agency providing reemployment assistance tax
4460 collection services under contract with the Department of
4461 Commerce ~~Economic Opportunity~~ through an interagency agreement
4462 pursuant to s. 443.1316. The reports must include a sworn
4463 statement by an officer or principal of the employer attesting
4464 to the accuracy of the information contained in the report.

4465 (7) If an employee suffering a compensable injury was not
4466 reported as earning wages on the last quarterly earnings report

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4467 filed with the Department of Commerce ~~Economic Opportunity~~ or
4468 the state agency providing reemployment assistance tax
4469 collection services under contract with the Department of
4470 Commerce ~~Economic Opportunity~~ through an interagency agreement
4471 pursuant to s. 443.1316 before the accident, the employer shall
4472 indemnify the carrier for all workers' compensation benefits
4473 paid to or on behalf of the employee unless the employer
4474 establishes that the employee was hired after the filing of the
4475 quarterly report, in which case the employer and employee shall
4476 attest to the fact that the employee was employed by the
4477 employer at the time of the injury. Failure of the employer to
4478 indemnify the insurer within 21 days after demand by the insurer
4479 is grounds for the insurer to immediately cancel coverage. Any
4480 action for indemnification brought by the carrier is cognizable
4481 in the circuit court having jurisdiction where the employer or
4482 carrier resides or transacts business. The insurer is entitled
4483 to a reasonable attorney's fee if it recovers any portion of the
4484 benefits paid in the action.

4485 Section 172. Subsections (1), (4), and (5) of section
4486 443.012, Florida Statutes, are amended to read:

4487 443.012 Reemployment Assistance Appeals Commission.—

4488 (1) There is created within the Division of Workforce
4489 Services of the Department of Commerce ~~Economic Opportunity~~ a
4490 Reemployment Assistance Appeals Commission. The commission is
4491 composed of a chair and two other members appointed by the
4492 Governor, subject to confirmation by the Senate. Only one
4493 appointee may be a representative of employers, as demonstrated
4494 by his or her previous vocation, employment, or affiliation; and
4495 only one appointee may be a representative of employees, as

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4496 demonstrated by his or her previous vocation, employment, or
4497 affiliation.

4498 (a) The chair shall devote his or her entire time to
4499 commission duties and is responsible for the administrative
4500 functions of the commission.

4501 (b) The chair has authority to appoint a general counsel
4502 and other personnel to carry out the duties and responsibilities
4503 of the commission.

4504 (c) The chair must have the qualifications required by law
4505 for a judge of the circuit court and may not engage in any other
4506 business vocation or employment. Notwithstanding any other law,
4507 the chair shall be paid a salary equal to that paid under state
4508 law to a judge of the circuit court.

4509 (d) The remaining members shall be paid a stipend of \$100
4510 for each day they are engaged in the work of the commission. The
4511 chair and other members are entitled to be reimbursed for travel
4512 expenses, as provided in s. 112.061.

4513 (e) The total salary and travel expenses of each member of
4514 the commission shall be paid from the Employment Security
4515 Administration Trust Fund.

4516 (4) The property, personnel, and appropriations relating to
4517 the specified authority, powers, duties, and responsibilities of
4518 the commission shall be provided to the commission by the
4519 Department of Commerce ~~Economic Opportunity~~.

4520 (5) The commission is not subject to control, supervision,
4521 or direction by the Department of Commerce ~~Economic Opportunity~~
4522 in performing its powers or duties under this chapter.

4523 Section 173. Subsections (9), (42), (44), and (46) of
4524 section 443.036, Florida Statutes, are amended to read:

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4525 443.036 Definitions.—As used in this chapter, the term:
4526 (9) “Benefit year” means, for an individual, the 1-year
4527 period beginning with the first day of the first week for which
4528 the individual first files a valid claim for benefits and,
4529 thereafter, the 1-year period beginning with the first day of
4530 the first week for which the individual next files a valid claim
4531 for benefits after the termination of his or her last preceding
4532 benefit year. Each claim for benefits made in accordance with s.
4533 443.151(2) is a valid claim if the individual was paid wages for
4534 insured work in accordance with s. 443.091(1)(g) and is
4535 unemployed at the time of filing the claim. However, the
4536 Department of Commerce ~~Economic Opportunity~~ may adopt rules
4537 providing for the establishment of a uniform benefit year for
4538 all workers in one or more groups or classes of service or
4539 within a particular industry if the department determines, after
4540 notice to the industry and to the workers in the industry and an
4541 opportunity to be heard in the matter, that those groups or
4542 classes of workers in a particular industry periodically
4543 experience unemployment resulting from layoffs or shutdowns for
4544 limited periods of time.

4545 (42) “Tax collection service provider” or “service
4546 provider” means the state agency providing reemployment
4547 assistance tax collection services under contract with the
4548 Department of Commerce ~~Economic Opportunity~~ through an
4549 interagency agreement pursuant to s. 443.1316.

4550 (44) “Unemployment” or “unemployed” means:

4551 (a) An individual is “totally unemployed” in any week
4552 during which he or she does not perform any services and for
4553 which earned income is not payable to him or her. An individual

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4554 is "partially unemployed" in any week of less than full-time
4555 work if the earned income payable to him or her for that week is
4556 less than his or her weekly benefit amount. The Department of
4557 Commerce ~~Economic Opportunity~~ may adopt rules prescribing
4558 distinctions in the procedures for unemployed individuals based
4559 on total unemployment, part-time unemployment, partial
4560 unemployment of individuals attached to their regular jobs, and
4561 other forms of short-time work.

4562 (b) An individual's week of unemployment commences only
4563 after registration with the Department of Commerce ~~Economic~~
4564 ~~Opportunity~~ as required in s. 443.091.

4565 (46) "Week" means a period of 7 consecutive days as defined
4566 in the rules of the Department of Commerce ~~Economic Opportunity~~.
4567 The department may by rule prescribe that a week is deemed to be
4568 "in," "within," or "during" the benefit year that contains the
4569 greater part of the week.

4570 Section 174. Paragraph (a) of subsection (2) and subsection
4571 (3) of section 443.041, Florida Statutes, are amended to read:

4572 443.041 Waiver of rights; fees; privileged communications.—

4573 (2) FEES.—

4574 (a) Except as otherwise provided in this chapter, an
4575 individual claiming benefits may not be charged fees of any kind
4576 in any proceeding under this chapter by the commission or the
4577 Department of Commerce ~~Economic Opportunity~~, or their
4578 representatives, or by any court or any officer of the court. An
4579 individual claiming benefits in any proceeding before the
4580 commission or the department, or representatives of either, or a
4581 court may be represented by counsel or an authorized
4582 representative, but the counsel or representative may not charge

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4583 or receive for those services more than an amount approved by
4584 the commission, the department, or the court.

4585 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,
4586 communications, or any other matters, either oral or written,
4587 between an employer and an employee or between the Department of
4588 Commerce Economic Opportunity or its tax collection service
4589 provider and any of their agents, representatives, or employees
4590 which are written, sent, delivered, or made in connection with
4591 this chapter, are privileged and may not be the subject matter
4592 or basis for any suit for slander or libel in any court of the
4593 state.

4594 Section 175. Paragraph (a) of subsection (3) of section
4595 443.051, Florida Statutes, is amended to read:

4596 443.051 Benefits not alienable; exception, child support
4597 intercept.—

4598 (3) EXCEPTION, SUPPORT INTERCEPT.—

4599 (a) The Department of Revenue shall, at least biweekly,
4600 provide the Department of Commerce Economic Opportunity with a
4601 magnetic tape or other electronic data file disclosing the
4602 individuals who owe support obligations and the amount of any
4603 legally required deductions.

4604 Section 176. Subsections (3) and (4), paragraph (b) of
4605 subsection (5), and subsections (6) and (8) of section 443.071,
4606 Florida Statutes, are amended to read:

4607 443.071 Penalties.—

4608 (3) Any employing unit or any officer or agent of any
4609 employing unit or any other person who fails to furnish any
4610 reports required under this chapter or to produce or permit the
4611 inspection of or copying of records as required under this

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4612 chapter, who fails or refuses, within 6 months after written
4613 demand by the Department of Commerce ~~Economic Opportunity~~ or its
4614 tax collection service provider, to keep and maintain the
4615 payroll records required by this chapter or by rule of the
4616 department or the state agency providing tax collection
4617 services, or who willfully fails or refuses to make any
4618 contribution, reimbursement, or other payment required from an
4619 employer under this chapter commits a misdemeanor of the second
4620 degree, punishable as provided in s. 775.082 or s. 775.083.

4621 (4) Any person who establishes a fictitious employing unit
4622 by submitting to the Department of Commerce ~~Economic Opportunity~~
4623 or its tax collection service provider fraudulent employing unit
4624 records or tax or wage reports by the introduction of fraudulent
4625 records into a computer system, the intentional or deliberate
4626 alteration or destruction of computerized information or files,
4627 or the theft of financial instruments, data, and other assets,
4628 for the purpose of enabling herself or himself or any other
4629 person to receive benefits under this chapter to which such
4630 person is not entitled, commits a felony of the third degree,
4631 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4632 (5) In any prosecution or action under this section, the
4633 entry into evidence of the signature of a person on a document,
4634 letter, or other writing constitutes prima facie evidence of the
4635 person's identity if the following conditions exist:

4636 (b) The signature of the person is witnessed by an agent or
4637 employee of the Department of Commerce ~~Economic Opportunity~~ or
4638 its tax collection service provider at the time the document,
4639 letter, or other writing is filed.

4640 (6) The entry into evidence of an application for

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4641 reemployment assistance benefits initiated by the use of the
4642 Internet claims program or the interactive voice response system
4643 telephone claims program of the Department of Commerce ~~Economic~~
4644 ~~Opportunity~~ constitutes prima facie evidence of the
4645 establishment of a personal benefit account by or for an
4646 individual if the following information is provided: the
4647 applicant's name, residence address, date of birth, social
4648 security number, and present or former place of work.

4649 (8) All records relating to investigations of reemployment
4650 assistance fraud in the custody of the Department of Commerce
4651 ~~Economic Opportunity~~ or its tax collection service provider are
4652 available for examination by the Department of Law Enforcement,
4653 the state attorneys, or the Office of the Statewide Prosecutor
4654 in the prosecution of offenses under s. 817.568 or in
4655 proceedings brought under this chapter.

4656 Section 177. Paragraph (a) of subsection (1), subsections
4657 (2), (6), and (7), and paragraph (a) of subsection (9) of
4658 section 443.101, Florida Statutes, are amended to read:

4659 443.101 Disqualification for benefits.—An individual shall
4660 be disqualified for benefits:

4661 (1) (a) For the week in which he or she has voluntarily left
4662 work without good cause attributable to his or her employing
4663 unit or for the week in which he or she has been discharged by
4664 the employing unit for misconduct connected with his or her
4665 work, based on a finding by the Department of Commerce ~~Economic~~
4666 ~~Opportunity~~. As used in this paragraph, the term "work" means
4667 any work, whether full-time, part-time, or temporary.

4668 1. Disqualification for voluntarily quitting continues for
4669 the full period of unemployment next ensuing after the

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4670 individual has left his or her full-time, part-time, or
4671 temporary work voluntarily without good cause and until the
4672 individual has earned income equal to or greater than 17 times
4673 his or her weekly benefit amount. As used in this subsection,
4674 the term "good cause" includes only that cause attributable to
4675 the employing unit which would compel a reasonable employee to
4676 cease working or attributable to the individual's illness or
4677 disability requiring separation from his or her work. Any other
4678 disqualification may not be imposed.

4679 2. An individual is not disqualified under this subsection
4680 for:

4681 a. Voluntarily leaving temporary work to return immediately
4682 when called to work by the permanent employing unit that
4683 temporarily terminated his or her work within the previous 6
4684 calendar months;

4685 b. Voluntarily leaving work to relocate as a result of his
4686 or her military-connected spouse's permanent change of station
4687 orders, activation orders, or unit deployment orders; or

4688 c. Voluntarily leaving work if he or she proves that his or
4689 her discontinued employment is a direct result of circumstances
4690 related to domestic violence as defined in s. 741.28. An
4691 individual who voluntarily leaves work under this sub-
4692 subparagraph must:

4693 (I) Make reasonable efforts to preserve employment, unless
4694 the individual establishes that such remedies are likely to be
4695 futile or to increase the risk of future incidents of domestic
4696 violence. Such efforts may include seeking a protective
4697 injunction, relocating to a secure place, or seeking reasonable
4698 accommodation from the employing unit, such as a transfer or

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4699 change of assignment;

4700 (II) Provide evidence such as an injunction, a protective
4701 order, or other documentation authorized by state law which
4702 reasonably proves that domestic violence has occurred; and

4703 (III) Reasonably believe that he or she is likely to be the
4704 victim of a future act of domestic violence at, in transit to,
4705 or departing from his or her place of employment.

4706 3. The employment record of an employing unit may not be
4707 charged for the payment of benefits to an individual who has
4708 voluntarily left work under sub-subparagraph 2.c.

4709 4. Disqualification for being discharged for misconduct
4710 connected with his or her work continues for the full period of
4711 unemployment next ensuing after having been discharged and until
4712 the individual is reemployed and has earned income of at least
4713 17 times his or her weekly benefit amount and for not more than
4714 52 weeks immediately following that week, as determined by the
4715 department in each case according to the circumstances or the
4716 seriousness of the misconduct, under the department's rules for
4717 determining disqualification for benefits for misconduct.

4718 5. If an individual has provided notification to the
4719 employing unit of his or her intent to voluntarily leave work
4720 and the employing unit discharges the individual for reasons
4721 other than misconduct before the date the voluntary quit was to
4722 take effect, the individual, if otherwise entitled, shall
4723 receive benefits from the date of the employer's discharge until
4724 the effective date of his or her voluntary quit.

4725 6. If an individual is notified by the employing unit of
4726 the employer's intent to discharge the individual for reasons
4727 other than misconduct and the individual quits without good

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4728 cause before the date the discharge was to take effect, the
4729 claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
4730 for failing to be available for work for the week or weeks of
4731 unemployment occurring before the effective date of the
4732 discharge.

4733 (2) If the Department of Commerce ~~Economic Opportunity~~
4734 finds that the individual has failed without good cause to apply
4735 for available suitable work, accept suitable work when offered
4736 to him or her, or return to the individual's customary self-
4737 employment when directed by the department, the disqualification
4738 continues for the full period of unemployment next ensuing after
4739 he or she failed without good cause to apply for available
4740 suitable work, accept suitable work, or return to his or her
4741 customary self-employment, and until the individual has earned
4742 income of at least 17 times his or her weekly benefit amount.
4743 The department shall by rule adopt criteria for determining the
4744 "suitability of work," as used in this section. In developing
4745 these rules, the department shall consider the duration of a
4746 claimant's unemployment in determining the suitability of work
4747 and the suitability of proposed rates of compensation for
4748 available work. Further, after an individual has received 25
4749 weeks of benefits in a single year, suitable work is a job that
4750 pays the minimum wage and is 120 percent or more of the weekly
4751 benefit amount the individual is drawing.

4752 (a) In determining whether or not any work is suitable for
4753 an individual, the department shall consider the degree of risk
4754 to the individual's health, safety, and morals; the individual's
4755 physical fitness, prior training, experience, prior earnings,
4756 length of unemployment, and prospects for securing local work in

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4757 his or her customary occupation; and the distance of the
4758 available work from his or her residence.

4759 (b) Notwithstanding any other provisions of this chapter,
4760 work is not deemed suitable and benefits may not be denied to
4761 any otherwise eligible individual for refusing to accept new
4762 work under any of the following conditions:

4763 1. The position offered is vacant due directly to a strike,
4764 lockout, or other labor dispute.

4765 2. The wages, hours, or other conditions of the work
4766 offered are substantially less favorable to the individual than
4767 those prevailing for similar work in the locality.

4768 3. As a condition of being employed, the individual is
4769 required to join a company union or to resign from or refrain
4770 from joining any bona fide labor organization.

4771 (c) If the department finds that an individual was rejected
4772 for offered employment as the direct result of a positive,
4773 confirmed drug test required as a condition of employment, the
4774 individual is disqualified for refusing to accept an offer of
4775 suitable work.

4776 (6) For making any false or fraudulent representation for
4777 the purpose of obtaining benefits contrary to this chapter,
4778 constituting a violation under s. 443.071. The disqualification
4779 imposed under this subsection shall begin with the week for
4780 which the false or fraudulent representation was made and shall
4781 continue for a period not to exceed 1 year after the date the
4782 Department of Commerce ~~Economic Opportunity~~ discovers the false
4783 or fraudulent representation and until any overpayment of
4784 benefits resulting from such representation has been repaid in
4785 full. This disqualification may be appealed in the same manner

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4786 as any other disqualification imposed under this section. A
4787 conviction by any court of competent jurisdiction in this state
4788 of the offense prohibited or punished by s. 443.071 is
4789 conclusive upon the appeals referee and the commission of the
4790 making of the false or fraudulent representation for which
4791 disqualification is imposed under this section.

4792 (7) If the Department of Commerce ~~Economic Opportunity~~
4793 finds that the individual is an alien, unless the alien is an
4794 individual who has been lawfully admitted for permanent
4795 residence or otherwise is permanently residing in the United
4796 States under color of law, including an alien who is lawfully
4797 present in the United States as a result of the application of
4798 s. 203(a) (7) or s. 212(d) (5) of the Immigration and Nationality
4799 Act, if any modifications to s. 3304(a) (14) of the Federal
4800 Unemployment Tax Act, as provided by Pub. L. No. 94-566, which
4801 specify other conditions or other effective dates than those
4802 stated under federal law for the denial of benefits based on
4803 services performed by aliens, and which modifications are
4804 required to be implemented under state law as a condition for
4805 full tax credit against the tax imposed by the Federal
4806 Unemployment Tax Act, are deemed applicable under this section,
4807 if:

4808 (a) Any data or information required of individuals
4809 applying for benefits to determine whether benefits are not
4810 payable to them because of their alien status is uniformly
4811 required from all applicants for benefits; and

4812 (b) In the case of an individual whose application for
4813 benefits would otherwise be approved, a determination that
4814 benefits to such individual are not payable because of his or

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4815 her alien status may not be made except by a preponderance of
4816 the evidence.

4817
4818 If the department finds that the individual has refused without
4819 good cause an offer of resettlement or relocation, which offer
4820 provides for suitable employment for the individual
4821 notwithstanding the distance of relocation, resettlement, or
4822 employment from the current location of the individual in this
4823 state, this disqualification continues for the week in which the
4824 failure occurred and for not more than 17 weeks immediately
4825 after that week, or a reduction by not more than 5 weeks from
4826 the duration of benefits, as determined by the department in
4827 each case.

4828 (9) If the individual was terminated from his or her work
4829 as follows:

4830 (a) If the Department of Commerce ~~Economic Opportunity~~ or
4831 the Reemployment Assistance Appeals Commission finds that the
4832 individual was terminated from work for violation of any
4833 criminal law, under any jurisdiction, which was in connection
4834 with his or her work, and the individual was convicted, or
4835 entered a plea of guilty or nolo contendere, the individual is
4836 not entitled to reemployment assistance benefits for up to 52
4837 weeks, pursuant to rules adopted by the department, and until he
4838 or she has earned income of at least 17 times his or her weekly
4839 benefit amount. If, before an adjudication of guilt, an
4840 admission of guilt, or a plea of nolo contendere, the employer
4841 proves by competent substantial evidence to the department that
4842 the arrest was due to a crime against the employer or the
4843 employer's business, customers, or invitees, the individual is

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4844 not entitled to reemployment assistance benefits.

4845

4846 If an individual is disqualified for benefits, the account of
4847 the terminating employer, if the employer is in the base period,
4848 is noncharged at the time the disqualification is imposed.

4849 Section 178. Subsection (1) and paragraph (a) of subsection
4850 (5) of section 443.111, Florida Statutes, are amended to read:

4851 443.111 Payment of benefits.—

4852 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
4853 in accordance with rules adopted by the Department of Commerce
4854 ~~Economic Opportunity~~, subject to the following requirements:

4855 (a) Benefits are payable electronically, except that an
4856 individual being paid by paper warrant on July 1, 2011, may
4857 continue to be paid in that manner until the expiration of the
4858 claim. The department may develop a system for the payment of
4859 benefits by electronic funds transfer, including, but not
4860 limited to, debit cards, electronic payment cards, or any other
4861 means of electronic payment that the department deems to be
4862 commercially viable or cost-effective. Commodities or services
4863 related to the development of such a system shall be procured by
4864 competitive solicitation, unless they are purchased from a state
4865 term contract pursuant to s. 287.056. The department shall adopt
4866 rules necessary to administer this paragraph.

4867 (b) As required under s. 443.091(1), each claimant must
4868 report at least biweekly to receive reemployment assistance
4869 benefits and to attest to the fact that she or he is able and
4870 available for work, has not refused suitable work, is seeking
4871 work and has met the requirements of s. 443.091(1)(d), and, if
4872 she or he has worked, to report earnings from that work. Each

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4873 claimant must continue to report regardless of any appeal or
4874 pending appeal relating to her or his eligibility or
4875 disqualification for benefits.

4876 (5) DURATION OF BENEFITS.—

4877 (a) As used in this section, the term “Florida average
4878 unemployment rate” means the average of the 3 months for the
4879 most recent third calendar year quarter of the seasonally
4880 adjusted statewide unemployment rates as published by the
4881 Department of Commerce ~~Economic Opportunity~~.

4882 Section 179. Subsection (1), paragraph (a) of subsection
4883 (4), and subsection (5) of section 443.1113, Florida Statutes,
4884 are amended to read:

4885 443.1113 Reemployment Assistance Claims and Benefits
4886 Information System.—

4887 (1) The Department of Commerce ~~Economic Opportunity~~ shall
4888 implement an integrated, modular system hosted in a cloud
4889 computing service, as defined in s. 282.0041, that provides for
4890 rapid provisioning of additional data processing when necessary.
4891 The system must support the efficient distribution of benefits
4892 and the effective operation and management of the reemployment
4893 assistance program. The system may be cited as the “Reemployment
4894 Assistance Claims and Benefits Information System” and must:

4895 (a) Be accessible through the Internet on both mobile
4896 devices and personal computers.

4897 (b) Process reemployment assistance claims.

4898 (c) Process benefit payments.

4899 (d) Process and manage overpayments.

4900 (e) Perform adjudication functions.

4901 (f) Process appeals and manage appeal hearings.

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4902 (g) Manage and process employer charging.

4903 (4) (a) The Department of Commerce ~~Economic Opportunity~~
4904 shall perform an annual review of the system and identify
4905 enhancements or modernization efforts that improve the delivery
4906 of services to claimants and employers and reporting to state
4907 and federal entities. These improvements must include, but need
4908 not be limited to:

4909 1. Infrastructure upgrades through cloud services.

4910 2. Software improvements.

4911 3. Enhanced data analytics and reporting.

4912 4. Increased cybersecurity pursuant to s. 282.318.

4913 (5) By October 1, 2023, and each year thereafter, the
4914 Department of Commerce ~~Economic Opportunity~~ shall submit a
4915 Reemployment Assistance Claims and Benefits Information System
4916 report to the Governor, the President of the Senate, and the
4917 Speaker of the House of Representatives. The report must, at a
4918 minimum, include:

4919 (a) A summary of maintenance, enhancement, and
4920 modernization efforts over the last fiscal year.

4921 (b) A 3-year outlook of recommended enhancements or
4922 modernization efforts that includes projected costs and
4923 timeframes for completion.

4924 Section 180. Paragraph (d) of subsection (1), subsection
4925 (2), paragraph (a) of subsection (3), and subsection (6) of
4926 section 443.1115, Florida Statutes, are amended to read:

4927 443.1115 Extended benefits.—

4928 (1) DEFINITIONS.—As used in this section, the term:

4929 (d) "Rate of insured unemployment" means the percentage
4930 derived by dividing the average weekly number of individuals

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4931 filing claims for regular compensation in this state, excluding
4932 extended-benefit claimants for weeks of unemployment with
4933 respect to the most recent 13-consecutive-week period, as
4934 determined by the Department of Commerce ~~Economic Opportunity~~ on
4935 the basis of its reports to the United States Secretary of
4936 Labor, by the average monthly employment covered under this
4937 chapter for the first four of the most recent six completed
4938 calendar quarters ending before the end of that 13-week period.

4939 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,
4940 EXTENDED BENEFITS.—Except when the result is inconsistent with
4941 the other provisions of this section and as provided in the
4942 rules of the Department of Commerce ~~Economic Opportunity~~, the
4943 provisions of this chapter applying to claims for, or the
4944 payment of, regular benefits apply to claims for, and the
4945 payment of, extended benefits. These extended benefits are
4946 charged to the employment records of employers to the extent
4947 that the share of those extended benefits paid from this state's
4948 Unemployment Compensation Trust Fund is not eligible to be
4949 reimbursed from federal sources.

4950 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

4951 (a) An individual is eligible to receive extended benefits
4952 for any week of unemployment in her or his eligibility period
4953 only if the Department of Commerce ~~Economic Opportunity~~ finds
4954 that, for that week:

- 4955 1. She or he is an exhaustee as defined in subsection (1).
- 4956 2. She or he satisfies the requirements of this chapter for
4957 the receipt of regular benefits applicable to individuals
4958 claiming extended benefits, including not being subject to
4959 disqualification from the receipt of benefits. An individual

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4960 disqualified from receiving regular benefits may not receive
4961 extended benefits after the disqualification period terminates
4962 if he or she was disqualified for voluntarily leaving work,
4963 being discharged from work for misconduct, or refusing suitable
4964 work. However, if the disqualification period for regular
4965 benefits terminates because the individual received the required
4966 amount of remuneration for services rendered as a common-law
4967 employee, she or he may receive extended benefits.

4968 3. The individual was paid wages for insured work for the
4969 applicable benefit year equal to 1.5 times the high quarter
4970 earnings during the base period.

4971 (6) COMPUTATIONS.—The Department of Commerce ~~Economic~~
4972 ~~Opportunity~~ shall perform the computations required under
4973 paragraph (1)(d) in accordance with regulations of the United
4974 States Secretary of Labor.

4975 Section 181. Subsections (2), (3), and (4) and paragraph
4976 (a) of subsection (5) of section 443.1116, Florida Statutes, are
4977 amended to read:

4978 443.1116 Short-time compensation.—

4979 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
4980 wishing to participate in the short-time compensation program
4981 must submit a signed, written, short-time plan to the Department
4982 of Commerce ~~Economic Opportunity~~ for approval. The Secretary of
4983 Commerce ~~Economic Opportunity~~ or his or her designee shall
4984 approve the plan if:

4985 (a) The plan applies to and identifies each specific
4986 affected unit;

4987 (b) The individuals in the affected unit are identified by
4988 name and social security number;

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4989 (c) The normal weekly hours of work for individuals in the
4990 affected unit are reduced by at least 10 percent and by not more
4991 than 40 percent;

4992 (d) The plan includes a certified statement by the employer
4993 that the aggregate reduction in work hours is in lieu of layoffs
4994 that would affect at least 10 percent of the employees in the
4995 affected unit and that would have resulted in an equivalent
4996 reduction in work hours;

4997 (e) The plan applies to at least 10 percent of the
4998 employees in the affected unit;

4999 (f) The plan is approved in writing by the collective
5000 bargaining agent for each collective bargaining agreement
5001 covering any individual in the affected unit;

5002 (g) The plan does not serve as a subsidy to seasonal
5003 employers during the off-season or as a subsidy to employers who
5004 traditionally use part-time employees;

5005 (h) The plan certifies that, if the employer provides
5006 fringe benefits to any employee whose workweek is reduced under
5007 the program, the fringe benefits will continue to be provided to
5008 the employee participating in the short-time compensation
5009 program under the same terms and conditions as though the
5010 workweek of such employee had not been reduced or to the same
5011 extent as other employees not participating in the short-time
5012 compensation program. As used in this paragraph, the term
5013 "fringe benefits" includes, but is not limited to, health
5014 insurance, retirement benefits under defined benefit pension
5015 plans as defined in the Employee Retirement Income Security Act
5016 of 1974, 29 U.S.C. s. 1002(35), contributions under a defined
5017 contribution plan as defined in s. 414(i) of the Internal

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5018 Revenue Code, paid vacation and holidays, and sick leave;

5019 (i) The plan describes the manner in which the requirements
5020 of this subsection will be implemented, including a plan for
5021 giving notice, if feasible, to an employee whose workweek is to
5022 be reduced, together with an estimate of the number of layoffs
5023 that would have occurred absent the ability to participate in
5024 short-time compensation; and

5025 (j) The terms of the employer's written plan and
5026 implementation are consistent with employer obligations under
5027 applicable federal laws and laws of this state.

5028 (3) APPROVAL OR DISAPPROVAL OF THE PLAN.—The Secretary of
5029 Commerce Economic Opportunity or his or her designee shall
5030 approve or disapprove a short-time compensation plan in writing
5031 within 15 days after its receipt. If the plan is denied, the
5032 secretary or his or her designee shall notify the employer of
5033 the reasons for disapproval.

5034 (4) BEGINNING AND TERMINATION OF SHORT-TIME COMPENSATION
5035 BENEFIT PERIOD.—A plan takes effect on the date of its approval
5036 by the Secretary of Commerce Economic Opportunity or his or her
5037 designee and expires at the end of the 12th full calendar month
5038 after its effective date.

5039 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
5040 BENEFITS.—

5041 (a) Except as provided in this subsection, an individual is
5042 eligible to receive short-time compensation benefits for any
5043 week only if she or he complies with this chapter and the
5044 Department of Commerce Economic Opportunity finds that:

5045 1. The individual is employed as a member of an affected
5046 unit in an approved plan that was approved before the week and

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5047 is in effect for the week;

5048 2. The individual is able to work and is available for
5049 additional hours of work or for full-time work with the short-
5050 time employer; and

5051 3. The normal weekly hours of work of the individual are
5052 reduced by at least 10 percent but not by more than 40 percent,
5053 with a corresponding reduction in wages.

5054 Section 182. Paragraph (a) of subsection (1) of section
5055 443.1118, Florida Statutes, is amended to read:

5056 443.1118 Employer-assisted claims.—

5057 (1) DEFINITIONS.—For purposes of this section:

5058 (a) "Department" means the Department of Commerce ~~Economic~~
5059 ~~Opportunity~~.

5060 Section 183. Subsection (3) of section 443.1215, Florida
5061 Statutes, is amended to read:

5062 443.1215 Employers.—

5063 (3) An employing unit that fails to keep the records of
5064 employment required by this chapter and by the rules of the
5065 Department of Commerce ~~Economic Opportunity~~ and the state agency
5066 providing reemployment assistance tax collection services is
5067 presumed to be an employer liable for the payment of
5068 contributions under this chapter, regardless of the number of
5069 individuals employed by the employing unit. However, the tax
5070 collection service provider shall make written demand that the
5071 employing unit keep and maintain required payroll records. The
5072 demand must be made at least 6 months before assessing
5073 contributions against an employing unit determined to be an
5074 employer that is subject to this chapter solely by reason of
5075 this subsection.

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5076 Section 184. Paragraph (a) of subsection (1), subsection
5077 (12), and paragraph (p) of subsection (13) of section 443.1216,
5078 Florida Statutes, are amended to read:

5079 443.1216 Employment.—Employment, as defined in s. 443.036,
5080 is subject to this chapter under the following conditions:

5081 (1) (a) The employment subject to this chapter includes a
5082 service performed, including a service performed in interstate
5083 commerce, by:

5084 1. An officer of a corporation.

5085 2. An individual who, under the usual common-law rules
5086 applicable in determining the employer-employee relationship, is
5087 an employee. However, whenever a client, as defined in s.
5088 443.036(18), which would otherwise be designated as an employing
5089 unit has contracted with an employee leasing company to supply
5090 it with workers, those workers are considered employees of the
5091 employee leasing company. An employee leasing company may lease
5092 corporate officers of the client to the client and other workers
5093 to the client, except as prohibited by regulations of the
5094 Internal Revenue Service. Employees of an employee leasing
5095 company must be reported under the employee leasing company's
5096 tax identification number and contribution rate for work
5097 performed for the employee leasing company.

5098 a. However, except for the internal employees of an
5099 employee leasing company, each employee leasing company may make
5100 a separate one-time election to report and pay contributions
5101 under the tax identification number and contribution rate for
5102 each client of the employee leasing company. Under the client
5103 method, an employee leasing company choosing this option must
5104 assign leased employees to the client company that is leasing

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5105 the employees. The client method is solely a method to report
5106 and pay unemployment contributions, and, whichever method is
5107 chosen, such election may not impact any other aspect of state
5108 law. An employee leasing company that elects the client method
5109 must pay contributions at the rates assigned to each client
5110 company.

5111 (I) The election applies to all of the employee leasing
5112 company's current and future clients.

5113 (II) The employee leasing company must notify the
5114 Department of Revenue of its election by July 1, 2012, and such
5115 election applies to reports and contributions for the first
5116 quarter of the following calendar year. The notification must
5117 include:

5118 (A) A list of each client company and the unemployment
5119 account number or, if one has not yet been issued, the federal
5120 employment identification number, as established by the employee
5121 leasing company upon the election to file by client method;

5122 (B) A list of each client company's current and previous
5123 employees and their respective social security numbers for the
5124 prior 3 state fiscal years or, if the client company has not
5125 been a client for the prior 3 state fiscal years, such portion
5126 of the prior 3 state fiscal years that the client company has
5127 been a client must be supplied;

5128 (C) The wage data and benefit charges associated with each
5129 client company for the prior 3 state fiscal years or, if the
5130 client company has not been a client for the prior 3 state
5131 fiscal years, such portion of the prior 3 state fiscal years
5132 that the client company has been a client must be supplied. If
5133 the client company's employment record is chargeable with

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5134 benefits for less than 8 calendar quarters while being a client
5135 of the employee leasing company, the client company must pay
5136 contributions at the initial rate of 2.7 percent; and

5137 (D) The wage data and benefit charges for the prior 3 state
5138 fiscal years that cannot be associated with a client company
5139 must be reported and charged to the employee leasing company.

5140 (III) Subsequent to choosing the client method, the
5141 employee leasing company may not change its reporting method.

5142 (IV) The employee leasing company shall file a Florida
5143 Department of Revenue Employer's Quarterly Report for each
5144 client company by approved electronic means, and pay all
5145 contributions by approved electronic means.

5146 (V) For the purposes of calculating experience rates when
5147 the client method is chosen, each client's own benefit charges
5148 and wage data experience while with the employee leasing company
5149 determines each client's tax rate where the client has been a
5150 client of the employee leasing company for at least 8 calendar
5151 quarters before the election. The client company shall continue
5152 to report the nonleased employees under its tax rate.

5153 (VI) The election is binding on each client of the employee
5154 leasing company for as long as a written agreement is in effect
5155 between the client and the employee leasing company pursuant to
5156 s. 468.525(3)(a). If the relationship between the employee
5157 leasing company and the client terminates, the client retains
5158 the wage and benefit history experienced under the employee
5159 leasing company.

5160 (VII) Notwithstanding which election method the employee
5161 leasing company chooses, the applicable client company is an
5162 employing unit for purposes of s. 443.071. The employee leasing

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5163 company or any of its officers or agents are liable for any
5164 violation of s. 443.071 engaged in by such persons or entities.
5165 The applicable client company or any of its officers or agents
5166 are liable for any violation of s. 443.071 engaged in by such
5167 persons or entities. The employee leasing company or its
5168 applicable client company is not liable for any violation of s.
5169 443.071 engaged in by the other party or by the other party's
5170 officers or agents.

5171 (VIII) If an employee leasing company fails to select the
5172 client method of reporting not later than July 1, 2012, the
5173 entity is required to report under the employee leasing
5174 company's tax identification number and contribution rate.

5175 (IX) After an employee leasing company is licensed pursuant
5176 to part XI of chapter 468, each newly licensed entity has 30
5177 days after the date the license is granted to notify the tax
5178 collection service provider in writing of their selection of the
5179 client method. A newly licensed employee leasing company that
5180 fails to timely select reporting pursuant to the client method
5181 of reporting must report under the employee leasing company's
5182 tax identification number and contribution rate.

5183 (X) Irrespective of the election, each transfer of trade or
5184 business, including workforce, or a portion thereof, between
5185 employee leasing companies is subject to the provisions of s.
5186 443.131(3)(h) if, at the time of the transfer, there is common
5187 ownership, management, or control between the entities.

5188 b. In addition to any other report required to be filed by
5189 law, an employee leasing company shall submit a report to the
5190 Labor Market Statistics Center within the Department of Commerce
5191 ~~Economic Opportunity~~ which includes each client establishment

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5192 and each establishment of the leasing company, or as otherwise
5193 directed by the department. The report must include the
5194 following information for each establishment:
5195 (I) The trade or establishment name;
5196 (II) The former reemployment assistance account number, if
5197 available;
5198 (III) The former federal employer's identification number,
5199 if available;
5200 (IV) The industry code recognized and published by the
5201 United States Office of Management and Budget, if available;
5202 (V) A description of the client's primary business activity
5203 in order to verify or assign an industry code;
5204 (VI) The address of the physical location;
5205 (VII) The number of full-time and part-time employees who
5206 worked during, or received pay that was subject to reemployment
5207 assistance taxes for, the pay period including the 12th of the
5208 month for each month of the quarter;
5209 (VIII) The total wages subject to reemployment assistance
5210 taxes paid during the calendar quarter;
5211 (IX) An internal identification code to uniquely identify
5212 each establishment of each client;
5213 (X) The month and year that the client entered into the
5214 contract for services; and
5215 (XI) The month and year that the client terminated the
5216 contract for services.
5217 c. The report must be submitted electronically or in a
5218 manner otherwise prescribed by the Department of Commerce
5219 ~~Economic Opportunity~~ in the format specified by the Bureau of
5220 Labor Statistics of the United States Department of Labor for

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5221 its Multiple Worksite Report for Professional Employer
5222 Organizations. The report must be provided quarterly to the
5223 Labor Market Statistics Center within the department, or as
5224 otherwise directed by the department, and must be filed by the
5225 last day of the month immediately after the end of the calendar
5226 quarter. The information required in sub-sub-subparagraphs b. (X)
5227 and (XI) need be provided only in the quarter in which the
5228 contract to which it relates was entered into or terminated. The
5229 sum of the employment data and the sum of the wage data in this
5230 report must match the employment and wages reported in the
5231 reemployment assistance quarterly tax and wage report.

5232 d. The department shall adopt rules as necessary to
5233 administer this subparagraph, and may administer, collect,
5234 enforce, and waive the penalty imposed by s. 443.141(1)(b) for
5235 the report required by this subparagraph.

5236 e. For the purposes of this subparagraph, the term
5237 "establishment" means any location where business is conducted
5238 or where services or industrial operations are performed.

5239 3. An individual other than an individual who is an
5240 employee under subparagraph 1. or subparagraph 2., who performs
5241 services for remuneration for any person:

5242 a. As an agent-driver or commission-driver engaged in
5243 distributing meat products, vegetable products, fruit products,
5244 bakery products, beverages other than milk, or laundry or
5245 drycleaning services for his or her principal.

5246 b. As a traveling or city salesperson engaged on a full-
5247 time basis in the solicitation on behalf of, and the
5248 transmission to, his or her principal of orders from
5249 wholesalers, retailers, contractors, or operators of hotels,

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5250 restaurants, or other similar establishments for merchandise for
5251 resale or supplies for use in the business operations. This sub-
5252 subparagraph does not apply to an agent-driver or a commission-
5253 driver and does not apply to sideline sales activities performed
5254 on behalf of a person other than the salesperson's principal.

5255 4. The services described in subparagraph 3. are employment
5256 subject to this chapter only if:

5257 a. The contract of service contemplates that substantially
5258 all of the services are to be performed personally by the
5259 individual;

5260 b. The individual does not have a substantial investment in
5261 facilities used in connection with the services, other than
5262 facilities used for transportation; and

5263 c. The services are not in the nature of a single
5264 transaction that is not part of a continuing relationship with
5265 the person for whom the services are performed.

5266 (12) The employment subject to this chapter includes
5267 services covered by a reciprocal arrangement under s. 443.221
5268 between the Department of Commerce ~~Economic Opportunity~~ or its
5269 tax collection service provider and the agency charged with the
5270 administration of another state reemployment assistance or
5271 unemployment compensation law or a federal reemployment
5272 assistance or unemployment compensation law, under which all
5273 services performed by an individual for an employing unit are
5274 deemed to be performed entirely within this state, if the
5275 department or its tax collection service provider approved an
5276 election of the employing unit in which all of the services
5277 performed by the individual during the period covered by the
5278 election are deemed to be insured work.

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5279 (13) The following are exempt from coverage under this
5280 chapter:

5281 (p) Service covered by an arrangement between the
5282 Department of Commerce ~~Economic Opportunity~~, or its tax
5283 collection service provider, and the agency charged with the
5284 administration of another state or federal reemployment
5285 assistance or unemployment compensation law under which all
5286 services performed by an individual for an employing unit during
5287 the period covered by the employing unit's duly approved
5288 election is deemed to be performed entirely within the other
5289 agency's state or under the federal law.

5290 Section 185. Subsection (1) of section 443.1217, Florida
5291 Statutes, is amended to read:

5292 443.1217 Wages.—

5293 (1) The wages subject to this chapter include all
5294 remuneration for employment, including commissions, bonuses,
5295 back pay awards, and the cash value of all remuneration paid in
5296 any medium other than cash. The reasonable cash value of
5297 remuneration in any medium other than cash must be estimated and
5298 determined in accordance with rules adopted by the Department of
5299 Commerce ~~Economic Opportunity~~ or the state agency providing tax
5300 collection services. The wages subject to this chapter include
5301 tips or gratuities received while performing services that
5302 constitute employment and are included in a written statement
5303 furnished to the employer under s. 6053(a) of the Internal
5304 Revenue Code of 1954. As used in this section only, the term
5305 "employment" includes services constituting employment under any
5306 employment security law of another state or of the Federal
5307 Government.

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5308 Section 186. Subsection (1) and paragraphs (a), (e), (i),
5309 and (j) of subsection (3) of section 443.131, Florida Statutes,
5310 are amended to read:

5311 443.131 Contributions.—

5312 (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are
5313 payable by each employer for each calendar quarter he or she is
5314 subject to this chapter for wages paid during each calendar
5315 quarter for employment. Contributions are due and payable by
5316 each employer to the tax collection service provider, in
5317 accordance with the rules adopted by the Department of Commerce
5318 ~~Economic Opportunity~~ or the state agency providing tax
5319 collection services. This subsection does not prohibit the tax
5320 collection service provider from allowing, at the request of the
5321 employer, employers of employees performing domestic services,
5322 as defined in s. 443.1216(6), to pay contributions or report
5323 wages at intervals other than quarterly when the nonquarterly
5324 payment or reporting assists the service provider and when
5325 nonquarterly payment and reporting is authorized under federal
5326 law. Employers of employees performing domestic services may
5327 report wages and pay contributions annually, with a due date of
5328 no later than January 31, unless that day is a Saturday, Sunday,
5329 or holiday, in which event the due date is the next day that is
5330 not a Saturday, Sunday, or holiday. For purposes of this
5331 subsection, the term "holiday" means a day designated under s.
5332 110.117(1) and (2) or any other day when the offices of the
5333 United States Postal Service are closed. To qualify for this
5334 election, the employer must employ only employees performing
5335 domestic services, be eligible for a variation from the standard
5336 rate computed under subsection (3), apply to this program no

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5337 later than December 1 of the preceding calendar year, and agree
5338 to provide the department or its tax collection service provider
5339 with any special reports that are requested, including copies of
5340 all federal employment tax forms. An employer who fails to
5341 timely furnish any wage information required by the department
5342 or its tax collection service provider loses the privilege to
5343 participate in this program, effective the calendar quarter
5344 immediately after the calendar quarter the failure occurred. The
5345 employer may reapply for annual reporting when a complete
5346 calendar year elapses after the employer's disqualification if
5347 the employer timely furnished any requested wage information
5348 during the period in which annual reporting was denied. An
5349 employer may not deduct contributions, interests, penalties,
5350 fines, or fees required under this chapter from any part of the
5351 wages of his or her employees. A fractional part of a cent less
5352 than one-half cent shall be disregarded from the payment of
5353 contributions, but a fractional part of at least one-half cent
5354 shall be increased to 1 cent.

5355 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
5356 EXPERIENCE.—

5357 (a) *Employment records.*—The regular and short-time
5358 compensation benefits paid to an eligible individual shall be
5359 charged to the employment record of each employer who paid the
5360 individual wages of at least \$100 during the individual's base
5361 period in proportion to the total wages paid by all employers
5362 who paid the individual wages during the individual's base
5363 period. Benefits may not be charged to the employment record of
5364 an employer who furnishes part-time work to an individual who,
5365 because of loss of employment with one or more other employers,

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5366 is eligible for partial benefits while being furnished part-time
5367 work by the employer on substantially the same basis and in
5368 substantially the same amount as the individual's employment
5369 during his or her base period, regardless of whether this part-
5370 time work is simultaneous or successive to the individual's lost
5371 employment. Further, as provided in s. 443.151(3), benefits may
5372 not be charged to the employment record of an employer who
5373 furnishes the Department of Commerce ~~Economic Opportunity~~ with
5374 notice, as prescribed in rules of the department, that any of
5375 the following apply:

5376 1. If an individual leaves his or her work without good
5377 cause attributable to the employer or is discharged by the
5378 employer for misconduct connected with his or her work, benefits
5379 subsequently paid to the individual based on wages paid by the
5380 employer before the separation may not be charged to the
5381 employment record of the employer.

5382 2. If an individual is discharged by the employer for
5383 unsatisfactory performance during an initial employment
5384 probationary period, benefits subsequently paid to the
5385 individual based on wages paid during the probationary period by
5386 the employer before the separation may not be charged to the
5387 employer's employment record. As used in this subparagraph, the
5388 term "initial employment probationary period" means an
5389 established probationary plan that applies to all employees or a
5390 specific group of employees and that does not exceed 90 calendar
5391 days following the first day a new employee begins work. The
5392 employee must be informed of the probationary period within the
5393 first 7 days of work. The employer must demonstrate by
5394 conclusive evidence that the individual was separated because of

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5395 unsatisfactory work performance and not because of lack of work
5396 due to temporary, seasonal, casual, or other similar employment
5397 that is not of a regular, permanent, and year-round nature.

5398 3. Benefits subsequently paid to an individual after his or
5399 her refusal without good cause to accept suitable work from an
5400 employer may not be charged to the employment record of the
5401 employer if any part of those benefits are based on wages paid
5402 by the employer before the individual's refusal to accept
5403 suitable work. As used in this subparagraph, the term "good
5404 cause" does not include distance to employment caused by a
5405 change of residence by the individual. The department shall
5406 adopt rules prescribing for the payment of all benefits whether
5407 this subparagraph applies regardless of whether a
5408 disqualification under s. 443.101 applies to the claim.

5409 4. If an individual is separated from work as a direct
5410 result of a natural disaster declared under the Robert T.
5411 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
5412 ss. 5121 et seq., benefits subsequently paid to the individual
5413 based on wages paid by the employer before the separation may
5414 not be charged to the employment record of the employer.

5415 5. If an individual is separated from work as a direct
5416 result of an oil spill, terrorist attack, or other similar
5417 disaster of national significance not subject to a declaration
5418 under the Robert T. Stafford Disaster Relief and Emergency
5419 Assistance Act, benefits subsequently paid to the individual
5420 based on wages paid by the employer before the separation may
5421 not be charged to the employment record of the employer.

5422 6. If an individual is separated from work as a direct
5423 result of domestic violence and meets all requirements in s.

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5424 443.101(1)(a)2.c., benefits subsequently paid to the individual
5425 based on wages paid by the employer before separation may not be
5426 charged to the employment record of the employer.

5427 (e) *Assignment of variations from the standard rate.*—

5428 1. As used in this paragraph, the terms “total benefit
5429 payments,” “benefits paid to an individual,” and “benefits
5430 charged to the employment record of an employer” mean the amount
5431 of benefits paid to individuals multiplied by:

5432 a. For benefits paid prior to July 1, 2007, 1.

5433 b. For benefits paid during the period beginning on July 1,
5434 2007, and ending March 31, 2011, 0.90.

5435 c. For benefits paid after March 31, 2011, 1.

5436 d. For benefits paid during the period beginning April 1,
5437 2020, and ending December 31, 2020, 0.

5438 e. For benefits paid during the period beginning January 1,
5439 2021, and ending June 30, 2021, 1, except as otherwise adjusted
5440 in accordance with paragraph (f).

5441 2. For the calculation of contribution rates effective
5442 January 1, 2012, and thereafter:

5443 a. The tax collection service provider shall assign a
5444 variation from the standard rate of contributions for each
5445 calendar year to each eligible employer. In determining the
5446 contribution rate, varying from the standard rate to be assigned
5447 each employer, adjustment factors computed under sub-sub-
5448 subparagraphs (I)-(IV) are added to the benefit ratio. This
5449 addition shall be accomplished in two steps by adding a variable
5450 adjustment factor and a final adjustment factor. The sum of
5451 these adjustment factors computed under sub-sub-subparagraphs
5452 (I)-(IV) shall first be algebraically summed. The sum of these

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5453 adjustment factors shall next be divided by a gross benefit
5454 ratio determined as follows: Total benefit payments for the 3-
5455 year period described in subparagraph (b)3. are charged to
5456 employers eligible for a variation from the standard rate, minus
5457 excess payments for the same period, divided by taxable payroll
5458 entering into the computation of individual benefit ratios for
5459 the calendar year for which the contribution rate is being
5460 computed. The ratio of the sum of the adjustment factors
5461 computed under sub-sub-subparagraphs (I)-(IV) to the gross
5462 benefit ratio is multiplied by each individual benefit ratio
5463 that is less than the maximum contribution rate to obtain
5464 variable adjustment factors; except that if the sum of an
5465 employer's individual benefit ratio and variable adjustment
5466 factor exceeds the maximum contribution rate, the variable
5467 adjustment factor is reduced in order for the sum to equal the
5468 maximum contribution rate. The variable adjustment factor for
5469 each of these employers is multiplied by his or her taxable
5470 payroll entering into the computation of his or her benefit
5471 ratio. The sum of these products is divided by the taxable
5472 payroll of the employers who entered into the computation of
5473 their benefit ratios. The resulting ratio is subtracted from the
5474 sum of the adjustment factors computed under sub-sub-
5475 subparagraphs (I)-(IV) to obtain the final adjustment factor.
5476 The variable adjustment factors and the final adjustment factor
5477 must be computed to five decimal places and rounded to the
5478 fourth decimal place. This final adjustment factor is added to
5479 the variable adjustment factor and benefit ratio of each
5480 employer to obtain each employer's contribution rate. An
5481 employer's contribution rate may not, however, be rounded to

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5482 less than 0.1 percent. In determining the contribution rate,
5483 varying from the standard rate to be assigned, the computation
5484 shall exclude any benefit that is excluded by the multipliers
5485 under subparagraph (b)2. and subparagraph 1. The computation of
5486 the contribution rate, varying from the standard rate to be
5487 assigned, shall also exclude any benefit paid as a result of a
5488 governmental order related to COVID-19 to close or reduce
5489 capacity of a business. In addition, the contribution rate for
5490 the 2021 and 2022 calendar years shall be calculated without the
5491 application of the positive adjustment factor in sub-sub-
5492 subparagraph (III).

5493 (I) An adjustment factor for noncharge benefits is computed
5494 to the fifth decimal place and rounded to the fourth decimal
5495 place by dividing the amount of noncharge benefits during the 3-
5496 year period described in subparagraph (b)3. by the taxable
5497 payroll of employers eligible for a variation from the standard
5498 rate who have a benefit ratio for the current year which is less
5499 than the maximum contribution rate. For purposes of computing
5500 this adjustment factor, the taxable payroll of these employers
5501 is the taxable payrolls for the 3 years ending June 30 of the
5502 current calendar year as reported to the tax collection service
5503 provider by September 30 of the same calendar year. As used in
5504 this sub-sub-subparagraph, the term "noncharge benefits" means
5505 benefits paid to an individual, as adjusted pursuant to
5506 subparagraph (b)2. and subparagraph 1., from the Unemployment
5507 Compensation Trust Fund which were not charged to the employment
5508 record of any employer, but excluding any benefit paid as a
5509 result of a governmental order related to COVID-19 to close or
5510 reduce capacity of a business.

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5511 (II) An adjustment factor for excess payments is computed
5512 to the fifth decimal place, and rounded to the fourth decimal
5513 place by dividing the total excess payments during the 3-year
5514 period described in subparagraph (b)3. by the taxable payroll of
5515 employers eligible for a variation from the standard rate who
5516 have a benefit ratio for the current year which is less than the
5517 maximum contribution rate. For purposes of computing this
5518 adjustment factor, the taxable payroll of these employers is the
5519 same figure used to compute the adjustment factor for noncharge
5520 benefits under sub-sub-subparagraph (I). As used in this sub-
5521 subparagraph, the term "excess payments" means the amount of
5522 benefits charged to the employment record of an employer, as
5523 adjusted pursuant to subparagraph (b)2. and subparagraph 1.,
5524 during the 3-year period described in subparagraph (b)3., but
5525 excluding any benefit paid as a result of a governmental order
5526 related to COVID-19 to close or reduce capacity of a business,
5527 less the product of the maximum contribution rate and the
5528 employer's taxable payroll for the 3 years ending June 30 of the
5529 current calendar year as reported to the tax collection service
5530 provider by September 30 of the same calendar year. As used in
5531 this sub-sub-subparagraph, the term "total excess payments"
5532 means the sum of the individual employer excess payments for
5533 those employers that were eligible for assignment of a
5534 contribution rate different from the standard rate.

5535 (III) With respect to computing a positive adjustment
5536 factor:

5537 (A) Beginning January 1, 2012, if the balance of the
5538 Unemployment Compensation Trust Fund on September 30 of the
5539 calendar year immediately preceding the calendar year for which

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5540 the contribution rate is being computed is less than 4 percent
5541 of the taxable payrolls for the year ending June 30 as reported
5542 to the tax collection service provider by September 30 of that
5543 calendar year, a positive adjustment factor shall be computed.
5544 The positive adjustment factor is computed annually to the fifth
5545 decimal place and rounded to the fourth decimal place by
5546 dividing the sum of the total taxable payrolls for the year
5547 ending June 30 of the current calendar year as reported to the
5548 tax collection service provider by September 30 of that calendar
5549 year into a sum equal to one-fifth of the difference between the
5550 balance of the fund as of September 30 of that calendar year and
5551 the sum of 5 percent of the total taxable payrolls for that
5552 year. The positive adjustment factor remains in effect for
5553 subsequent years until the balance of the Unemployment
5554 Compensation Trust Fund as of September 30 of the year
5555 immediately preceding the effective date of the contribution
5556 rate equals or exceeds 4 percent of the taxable payrolls for the
5557 year ending June 30 of the current calendar year as reported to
5558 the tax collection service provider by September 30 of that
5559 calendar year.

5560 (B) Beginning January 1, 2018, and for each year
5561 thereafter, the positive adjustment shall be computed by
5562 dividing the sum of the total taxable payrolls for the year
5563 ending June 30 of the current calendar year as reported to the
5564 tax collection service provider by September 30 of that calendar
5565 year into a sum equal to one-fourth of the difference between
5566 the balance of the fund as of September 30 of that calendar year
5567 and the sum of 5 percent of the total taxable payrolls for that
5568 year. The positive adjustment factor remains in effect for

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5569 subsequent years until the balance of the Unemployment
5570 Compensation Trust Fund as of September 30 of the year
5571 immediately preceding the effective date of the contribution
5572 rate equals or exceeds 4 percent of the taxable payrolls for the
5573 year ending June 30 of the current calendar year as reported to
5574 the tax collection service provider by September 30 of that
5575 calendar year.

5576 (IV) If, beginning January 1, 2015, and each year
5577 thereafter, the balance of the Unemployment Compensation Trust
5578 Fund as of September 30 of the year immediately preceding the
5579 calendar year for which the contribution rate is being computed
5580 exceeds 5 percent of the taxable payrolls for the year ending
5581 June 30 of the current calendar year as reported to the tax
5582 collection service provider by September 30 of that calendar
5583 year, a negative adjustment factor must be computed. The
5584 negative adjustment factor shall be computed annually beginning
5585 on January 1, 2015, and each year thereafter, to the fifth
5586 decimal place and rounded to the fourth decimal place by
5587 dividing the sum of the total taxable payrolls for the year
5588 ending June 30 of the current calendar year as reported to the
5589 tax collection service provider by September 30 of the calendar
5590 year into a sum equal to one-fourth of the difference between
5591 the balance of the fund as of September 30 of the current
5592 calendar year and 5 percent of the total taxable payrolls of
5593 that year. The negative adjustment factor remains in effect for
5594 subsequent years until the balance of the Unemployment
5595 Compensation Trust Fund as of September 30 of the year
5596 immediately preceding the effective date of the contribution
5597 rate is less than 5 percent, but more than 4 percent of the

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5598 taxable payrolls for the year ending June 30 of the current
5599 calendar year as reported to the tax collection service provider
5600 by September 30 of that calendar year. The negative adjustment
5601 authorized by this section is suspended in any calendar year in
5602 which repayment of the principal amount of an advance received
5603 from the federal Unemployment Compensation Trust Fund under 42
5604 U.S.C. s. 1321 is due to the Federal Government.

5605 (V) The maximum contribution rate that may be assigned to
5606 an employer is 5.4 percent, except employers participating in an
5607 approved short-time compensation plan may be assigned a maximum
5608 contribution rate that is 1 percent greater than the maximum
5609 contribution rate for other employers in any calendar year in
5610 which short-time compensation benefits are charged to the
5611 employer's employment record.

5612 (VI) As used in this subsection, "taxable payroll" shall be
5613 determined by excluding any part of the remuneration paid to an
5614 individual by an employer for employment during a calendar year
5615 in excess of the first \$7,000. Beginning January 1, 2012,
5616 "taxable payroll" shall be determined by excluding any part of
5617 the remuneration paid to an individual by an employer for
5618 employment during a calendar year as described in s.

5619 443.1217(2). For the purposes of the employer rate calculation
5620 that will take effect in January 1, 2012, and in January 1,
5621 2013, the tax collection service provider shall use the data
5622 available for taxable payroll from 2009 based on excluding any
5623 part of the remuneration paid to an individual by an employer
5624 for employment during a calendar year in excess of the first
5625 \$7,000, and from 2010 and 2011, the data available for taxable
5626 payroll based on excluding any part of the remuneration paid to

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5627 an individual by an employer for employment during a calendar
5628 year in excess of the first \$8,500.

5629 b. If the transfer of an employer's employment record to an
5630 employing unit under paragraph (g) which, before the transfer,
5631 was an employer, the tax collection service provider shall
5632 recompute a benefit ratio for the successor employer based on
5633 the combined employment records and reassign an appropriate
5634 contribution rate to the successor employer effective on the
5635 first day of the calendar quarter immediately after the
5636 effective date of the transfer.

5637 3. The tax collection service provider shall reissue rates
5638 for the 2021 calendar year. However, an employer shall continue
5639 to timely file its employer's quarterly reports and pay the
5640 contributions due in a timely manner in accordance with the
5641 rules of the Department of Commerce ~~Economic Opportunity~~. The
5642 Department of Revenue shall post the revised rates on its
5643 website to enable employers to securely review the revised
5644 rates. For contributions for the first quarter of the 2021
5645 calendar year, if any employer remits to the tax collection
5646 service provider an amount in excess of the amount that would be
5647 due as calculated pursuant to this paragraph, the tax collection
5648 service provider shall refund the excess amount from the amount
5649 erroneously collected. Notwithstanding s. 443.141(6), refunds
5650 issued through August 31, 2021, for first quarter 2021
5651 contributions must be paid from the General Revenue Fund.

5652 4. The tax collection service provider shall calculate and
5653 assign contribution rates effective January 1, 2022, through
5654 December 31, 2022, excluding any benefit charge that is excluded
5655 by the multipliers under subparagraph (b)2. and subparagraph 1.;

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5656 without the application of the positive adjustment factor in
5657 sub-sub-subparagraph 2.a.(III); and without the inclusion of any
5658 benefit charge directly related to COVID-19 as a result of a
5659 governmental order to close or reduce capacity of a business, as
5660 determined by the Department of Commerce ~~Economic Opportunity~~,
5661 for each employer who is eligible for a variation from the
5662 standard rate pursuant to paragraph (d). The Department of
5663 Commerce ~~Economic Opportunity~~ shall provide the tax collection
5664 service provider with all necessary benefit charge information
5665 by August 1, 2021, including specific information for
5666 adjustments related to COVID-19 charges resulting from a
5667 governmental order to close or reduce capacity of a business, to
5668 enable the tax collection service provider to calculate and
5669 issue tax rates effective January 1, 2022. The tax collection
5670 service provider shall calculate and post rates for the 2022
5671 calendar year by March 1, 2022.

5672 5. Subject to subparagraph 6., the tax collection service
5673 provider shall calculate and assign contribution rates effective
5674 January 1, 2023, through December 31, 2025, excluding any
5675 benefit charge that is excluded by the multipliers under
5676 subparagraph (b)2. and subparagraph 1.; without the application
5677 of the positive adjustment factor in sub-sub-subparagraph
5678 2.a.(III); and without the inclusion of any benefit charge
5679 directly related to COVID-19 as a result of a governmental order
5680 to close or reduce capacity of a business, as determined by the
5681 Department of Commerce ~~Economic Opportunity~~, for each employer
5682 who is eligible for a variation from the standard rate pursuant
5683 to paragraph (d). The Department of Commerce ~~Economic~~
5684 ~~Opportunity~~ shall provide the tax collection service provider

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5685 with all necessary benefit charge information by August 1 of
5686 each year, including specific information for adjustments
5687 related to COVID-19 charges resulting from a governmental order
5688 to close or reduce capacity of a business, to enable the tax
5689 collection service provider to calculate and issue tax rates
5690 effective the following January.

5691 6. If the balance of the Unemployment Compensation Trust
5692 Fund on June 30 of any year exceeds \$4,071,519,600, subparagraph
5693 5. is repealed for rates effective the following years. The
5694 Office of Economic and Demographic Research shall advise the tax
5695 collection service provider of the balance of the trust fund on
5696 June 30 by August 1 of that year. After the repeal of
5697 subparagraph 5. and notwithstanding the dates specified in that
5698 subparagraph, the tax collection service provider shall
5699 calculate and assign contribution rates for each subsequent
5700 calendar year as otherwise provided in this section.

5701 (i) *Additional conditions for variation from the standard*
5702 *rate.*—An employer's contribution rate may not be reduced below
5703 the standard rate under this section unless:

5704 1. All contributions, reimbursements, interest, and
5705 penalties incurred by the employer for wages paid by him or her
5706 in all previous calendar quarters, except the 4 calendar
5707 quarters immediately preceding the calendar quarter or calendar
5708 year for which the benefit ratio is computed, are paid;

5709 2. The employer has produced for inspection and copying all
5710 work records in his or her possession, custody, or control which
5711 were requested by the Department of Commerce ~~Economic~~
5712 ~~Opportunity~~ or its tax collection service provider pursuant to
5713 s. 443.171(5). An employer shall have at least 60 days to

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5714 provide the requested work records before the employer is
5715 assigned the standard rate; and

5716 3. The employer entitled to a rate reduction has at least
5717 one annual payroll as defined in subparagraph (b)1. unless the
5718 employer is eligible for additional credit under the Federal
5719 Unemployment Tax Act. If the Federal Unemployment Tax Act is
5720 amended or repealed in a manner affecting credit under the
5721 federal act, this section applies only to the extent that
5722 additional credit is allowed against the payment of the tax
5723 imposed by the act.

5724
5725 The tax collection service provider shall assign an earned
5726 contribution rate to an employer for the quarter immediately
5727 after the quarter in which all contributions, reimbursements,
5728 interest, and penalties are paid in full and all work records
5729 requested pursuant to s. 443.171(5) are produced for inspection
5730 and copying by the Department of Commerce ~~Economic Opportunity~~
5731 or the tax collection service provider.

5732 (j) *Notice of determinations of contribution rates;*
5733 *redeterminations.*—The state agency providing tax collection
5734 services:

5735 1. Shall promptly notify each employer of his or her
5736 contribution rate as determined for any calendar year under this
5737 section. The determination is conclusive and binding on the
5738 employer unless within 20 days after mailing the notice of
5739 determination to the employer's last known address, or, in the
5740 absence of mailing, within 20 days after delivery of the notice,
5741 the employer files an application for review and redetermination
5742 setting forth the grounds for review. An employer may not, in

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5743 any proceeding involving his or her contribution rate or
5744 liability for contributions, contest the chargeability to his or
5745 her employment record of any benefits paid in accordance with a
5746 determination, redetermination, or decision under s. 443.151,
5747 except on the ground that the benefits charged were not based on
5748 services performed in employment for him or her and then only if
5749 the employer was not a party to the determination,
5750 redetermination, or decision, or to any other proceeding under
5751 this chapter, in which the character of those services was
5752 determined.

5753 2. Shall, upon discovery of an error in computation,
5754 reconsider any prior determination or redetermination of a
5755 contribution rate after the 20-day period has expired and issue
5756 a revised notice of contribution rate as redetermined. A
5757 redetermination is subject to review, and is conclusive and
5758 binding if review is not sought, in the same manner as review of
5759 a determination under subparagraph 1. A reconsideration may not
5760 be made after March 31 of the calendar year immediately after
5761 the calendar year for which the contribution rate is applicable,
5762 and interest may not accrue on any additional contributions
5763 found to be due until 30 days after the employer is mailed
5764 notice of his or her revised contribution rate.

5765 3. May adopt rules providing for periodic notification to
5766 employers of benefits paid and charged to their employment
5767 records or of the status of those employment records. A
5768 notification, unless an application for redetermination is filed
5769 in the manner and within the time limits prescribed by the
5770 Department of Commerce ~~Economic Opportunity~~, is conclusive and
5771 binding on the employer under this chapter. The redetermination,

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5772 and the finding of fact of the department in connection with the
5773 redetermination, may be introduced in any subsequent
5774 administrative or judicial proceeding involving the
5775 determination of the contribution rate of an employer for any
5776 calendar year. A redetermination becomes final in the same
5777 manner provided in this subsection for findings of fact made by
5778 the department in proceedings to redetermine the contribution
5779 rate of an employer. Pending a redetermination or an
5780 administrative or judicial proceeding, the employer must file
5781 reports and pay contributions in accordance with this section.

5782 Section 187. Paragraph (d) of subsection (2) and paragraph
5783 (d) of subsection (3) of section 443.1312, Florida Statutes, are
5784 amended to read:

5785 443.1312 Reimbursements; nonprofit organizations.—Benefits
5786 paid to employees of nonprofit organizations shall be financed
5787 in accordance with this section.

5788 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
5789 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
5790 subject to this chapter under s. 443.1215(1)(c) or s.
5791 443.121(3)(a) must pay contributions under s. 443.131 unless it
5792 elects, in accordance with this subsection, to reimburse the
5793 Unemployment Compensation Trust Fund for all of the regular
5794 benefits, short-time compensation benefits, and one-half of the
5795 extended benefits paid, which are attributable to service in the
5796 employ of the nonprofit organization, to individuals for weeks
5797 of unemployment which begin during the effective period of the
5798 election.

5799 (d) In accordance with rules adopted by the Department of
5800 Commerce ~~Economic Opportunity~~ or the state agency providing

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5801 reemployment assistance tax collection services, the tax
5802 collection service provider shall notify each nonprofit
5803 organization of any determination of the organization's status
5804 as an employer, the effective date of any election the
5805 organization makes, and the effective date of any termination of
5806 the election. Each determination is subject to reconsideration,
5807 appeal, and review under s. 443.141(2)(c).

5808 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of
5809 contributions must be paid in accordance with this subsection.

5810 (d) The amount due, as specified in any bill from the tax
5811 collection service provider, is conclusive, and the nonprofit
5812 organization is liable for payment of that amount unless, within
5813 20 days after the bill is mailed to the organization's last
5814 known address or otherwise delivered to the organization, the
5815 organization files an application for redetermination by the
5816 Department of Commerce ~~Economic Opportunity~~, setting forth the
5817 grounds for the application. The department shall promptly
5818 review and reconsider the amount due, as specified in the bill,
5819 and shall issue a redetermination in each case in which an
5820 application for redetermination is filed. The redetermination is
5821 conclusive and the nonprofit organization is liable for payment
5822 of the amount due, as specified in the redetermination, unless,
5823 within 20 days after the redetermination is mailed to the
5824 organization's last known address or otherwise delivered to the
5825 organization, the organization files a protest, setting forth
5826 the grounds for the appeal. Proceedings on the protest shall be
5827 conducted in accordance with s. 443.141(2).

5828 Section 188. Paragraph (b) of subsection (1) of section
5829 443.1313, Florida Statutes, is amended to read:

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5830 443.1313 Public employers; reimbursements; election to pay
5831 contributions.—Benefits paid to employees of a public employer,
5832 as defined in s. 443.036, based on service described in s.
5833 443.1216(2) shall be financed in accordance with this section.

5834 (1) PAYMENT OF REIMBURSEMENTS.—

5835 (b) If a state agency is more than 120 days delinquent on
5836 reimbursements due to the Unemployment Compensation Trust Fund,
5837 the tax collection service provider shall certify to the Chief
5838 Financial Officer the amount due and the Chief Financial Officer
5839 shall transfer the amount due to the Unemployment Compensation
5840 Trust Fund from the funds of the agency which legally may be
5841 used for that purpose. If a public employer other than a state
5842 agency is more than 120 days delinquent on reimbursements due to
5843 the Unemployment Compensation Trust Fund, upon request by the
5844 tax collection service provider after a hearing, the Department
5845 of Revenue or the Department of Financial Services, as
5846 applicable, shall deduct the amount owed by the public employer
5847 from any funds to be distributed by the applicable department to
5848 the public employer for further distribution to the trust fund
5849 in accordance with this chapter. If an employer for whom the
5850 municipal or county tax collector collects taxes fails to make
5851 the reimbursements to the Unemployment Compensation Trust Fund
5852 required by this chapter, the tax collector after a hearing, at
5853 the request of the tax collection service provider and upon
5854 receipt of a certificate showing the amount owed by the
5855 employer, shall deduct the certified amount from any taxes
5856 collected for the employer and remit that amount to the tax
5857 collection service provider for further distribution to the
5858 trust fund in accordance with this chapter. This paragraph does

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5859 not apply to amounts owed by a political subdivision of the
5860 state for benefits erroneously paid in which the claimant must
5861 repay to the Department of Commerce ~~Economic Opportunity~~ under
5862 s. 443.151(6) (a) or (b) any sum as benefits received.

5863 Section 189. Paragraph (b) of subsection (4) and subsection
5864 (7) of section 443.1315, Florida Statutes, are amended to read:
5865 443.1315 Treatment of Indian tribes.—

5866 (4)

5867 (b)1. Services performed for an Indian tribe or tribal unit
5868 that fails to make required reimbursements, including
5869 assessments of interest and penalty, after all collection
5870 activities deemed necessary by the tax collection service
5871 provider, subject to approval by the Department of Commerce
5872 ~~Economic Opportunity~~, are exhausted may not be treated as
5873 employment for purposes of paragraph (1) (b).

5874 2. The tax collection service provider may determine that
5875 any Indian tribe that loses coverage under subparagraph 1. may
5876 have services performed for the tribe subsequently included as
5877 employment for purposes of paragraph (1) (b) if all
5878 contributions, reimbursements, penalties, and interest are paid.

5879 (7) The Department of Commerce ~~Economic Opportunity~~ and the
5880 state agency providing reemployment assistance tax collection
5881 services shall adopt rules necessary to administer this section.

5882 Section 190. Subsection (1) of section 443.1316, Florida
5883 Statutes, is amended to read:

5884 443.1316 Reemployment assistance tax collection services;
5885 interagency agreement.—

5886 (1) The Department of Commerce ~~Economic Opportunity~~ shall
5887 contract with the Department of Revenue, through an interagency

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5888 agreement, to perform the duties of the tax collection service
5889 provider and provide other reemployment assistance tax
5890 collection services under this chapter. Under the interagency
5891 agreement, the tax collection service provider may only
5892 implement:

5893 (a) The provisions of this chapter conferring duties upon
5894 the tax collection service provider.

5895 (b) The provisions of law conferring duties upon the
5896 department which are specifically delegated to the tax
5897 collection service provider in the interagency agreement.

5898 Section 191. Section 443.1317, Florida Statutes, is amended
5899 to read:

5900 443.1317 Rulemaking authority; enforcement of rules.—

5901 (1) DEPARTMENT OF COMMERCE ~~ECONOMIC OPPORTUNITY~~.—

5902 (a) Except as otherwise provided in s. 443.012, the
5903 Department of Commerce ~~Economic Opportunity~~ has ultimate
5904 authority over the administration of the Reemployment Assistance
5905 Program.

5906 (b) The department may adopt rules under ss. 120.536(1) and
5907 120.54 to administer the provisions of this chapter conferring
5908 duties upon either the department or its tax collection service
5909 provider.

5910 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
5911 providing reemployment assistance tax collection services under
5912 contract with the Department of Commerce ~~Economic Opportunity~~
5913 through an interagency agreement pursuant to s. 443.1316 may
5914 adopt rules under ss. 120.536(1) and 120.54, subject to approval
5915 by the department, to administer the provisions of law described
5916 in s. 443.1316(1) (a) and (b) which are within this chapter.

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5917 These rules must not conflict with the rules adopted by the
5918 department or with the interagency agreement.

5919 (3) ENFORCEMENT OF RULES.—The Department of Commerce
5920 ~~Economic Opportunity~~ may enforce any rule adopted by the state
5921 agency providing reemployment assistance tax collection services
5922 to administer this chapter. The tax collection service provider
5923 may enforce any rule adopted by the department to administer the
5924 provisions of law described in s. 443.1316(1) (a) and (b).

5925 Section 192. Paragraph (b) of subsection (1), paragraph (a)
5926 of subsection (2), paragraphs (f) and (g) of subsection (3), and
5927 paragraph (c) of subsection (4) of section 443.141, Florida
5928 Statutes, are amended to read:

5929 443.141 Collection of contributions and reimbursements.—

5930 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
5931 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

5932 (b) *Penalty for delinquent, erroneous, incomplete, or*
5933 *insufficient reports.*—

5934 1. An employing unit that fails to file any report required
5935 by the Department of Commerce ~~Economic Opportunity~~ or its tax
5936 collection service provider, in accordance with rules for
5937 administering this chapter, shall pay to the service provider
5938 for each delinquent report the sum of \$25 for each 30 days or
5939 fraction thereof that the employing unit is delinquent, unless
5940 the department or its service provider, whichever required the
5941 report, finds that the employing unit has good reason for
5942 failing to file the report. The department or its service
5943 provider may assess penalties only through the date of the
5944 issuance of the final assessment notice. However, additional
5945 penalties accrue if the delinquent report is subsequently filed.

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5946 2.a. An employing unit that files an erroneous, incomplete,
5947 or insufficient report with the department or its tax collection
5948 service provider shall pay a penalty. The amount of the penalty
5949 is \$50 or 10 percent of any tax due, whichever is greater, but
5950 no more than \$300 per report. The penalty shall be added to any
5951 tax, penalty, or interest otherwise due.

5952 b. The department or its tax collection service provider
5953 shall waive the penalty if the employing unit files an accurate,
5954 complete, and sufficient report within 30 days after a penalty
5955 notice is issued to the employing unit. The penalty may not be
5956 waived pursuant to this subparagraph more than one time during a
5957 12-month period.

5958 c. As used in this subsection, the term "erroneous,
5959 incomplete, or insufficient report" means a report so lacking in
5960 information, completeness, or arrangement that the report cannot
5961 be readily understood, verified, or reviewed. Such reports
5962 include, but are not limited to, reports having missing wage or
5963 employee information, missing or incorrect social security
5964 numbers, or illegible entries; reports submitted in a format
5965 that is not approved by the department or its tax collection
5966 service provider; and reports showing gross wages that do not
5967 equal the total of the wages of each employee. However, the term
5968 does not include a report that merely contains inaccurate data
5969 that was supplied to the employer by the employee, if the
5970 employer was unaware of the inaccuracy.

5971 3. Penalties imposed pursuant to this paragraph shall be
5972 deposited in the Special Employment Security Administration
5973 Trust Fund.

5974 4. The penalty and interest for a delinquent, erroneous,

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5975 incomplete, or insufficient report may be waived if the penalty
5976 or interest is inequitable. The provisions of s. 213.24(1) apply
5977 to any penalty or interest that is imposed under this section.

5978 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

5979 (a) *Failure to make reports and pay contributions.*—If an
5980 employing unit determined by the tax collection service provider
5981 to be an employer subject to this chapter fails to make and file
5982 any report as and when required by this chapter or by any rule
5983 of the Department of Commerce ~~Economic Opportunity~~ or the state
5984 agency providing tax collection services, for the purpose of
5985 determining the amount of contributions due by the employer
5986 under this chapter, or if any filed report is found by the
5987 service provider to be incorrect or insufficient, and the
5988 employer, after being notified in writing by the service
5989 provider to file the report, or a corrected or sufficient
5990 report, as applicable, fails to file the report within 15 days
5991 after the date of the mailing of the notice, the tax collection
5992 service provider may:

5993 1. Determine the amount of contributions due from the
5994 employer based on the information readily available to it, which
5995 determination is deemed to be prima facie correct;

5996 2. Assess the employer the amount of contributions
5997 determined to be due; and

5998 3. Immediately notify the employer by mail of the
5999 determination and assessment including penalties as provided in
6000 this chapter, if any, added and assessed, and demand payment
6001 together with interest on the amount of contributions from the
6002 date that amount was due and payable.

6003 (3) COLLECTION PROCEEDINGS.—

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6004 (f) *Reproductions.*—In any proceedings in any court under
6005 this chapter, reproductions of the original records of the
6006 Department of Commerce ~~Economic Opportunity~~, its tax collection
6007 service provider, the former Agency for Workforce Innovation,
6008 the former Department of Labor and Employment Security, or the
6009 commission, including, but not limited to, photocopies or
6010 microfilm, are primary evidence in lieu of the original records
6011 or of the documents that were transcribed into those records.

6012 (g) *Jeopardy assessment and warrant.*—If the tax collection
6013 service provider reasonably believes that the collection of
6014 contributions or reimbursements from an employer will be
6015 jeopardized by delay, the service provider may assess the
6016 contributions or reimbursements immediately, together with
6017 interest or penalties when due, regardless of whether the
6018 contributions or reimbursements accrued are due, and may
6019 immediately issue a notice of lien and jeopardy warrant upon
6020 which proceedings may be conducted as provided in this section
6021 for notice of lien and warrant of the service provider. Within
6022 15 days after mailing the notice of lien by registered mail, the
6023 employer may protest the issuance of the lien in the same manner
6024 provided in paragraph (2) (a). The protest does not operate as a
6025 supersedeas or stay of enforcement unless the employer files
6026 with the sheriff seeking to enforce the warrant a good and
6027 sufficient surety bond in twice the amount demanded by the
6028 notice of lien or warrant. The bond must be conditioned upon
6029 payment of the amount subsequently found to be due from the
6030 employer to the tax collection service provider in the final
6031 order of the Department of Commerce ~~Economic Opportunity~~ upon
6032 protest of assessment. The jeopardy warrant and notice of lien

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6033 are satisfied in the manner provided in this section upon
6034 payment of the amount finally determined to be due from the
6035 employer. If enforcement of the jeopardy warrant is not
6036 superseded as provided in this section, the employer is entitled
6037 to a refund from the fund of all amounts paid as contributions
6038 or reimbursements in excess of the amount finally determined to
6039 be due by the employer upon application being made as provided
6040 in this chapter.

6041 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
6042 CONTRIBUTIONS AND REIMBURSEMENTS.—

6043 (c) Any agent or employee designated by the Department of
6044 Commerce Economic Opportunity or its tax collection service
6045 provider may administer an oath to any person for any return or
6046 report required by this chapter or by the rules of the
6047 department or the state agency providing reemployment assistance
6048 tax collection services, and an oath made before the department
6049 or its service provider or any authorized agent or employee has
6050 the same effect as an oath made before any judicial officer or
6051 notary public of the state.

6052 Section 193. Paragraph (a) of subsection (1), paragraph (a)
6053 of subsection (2), paragraph (a) of subsection (3), paragraph
6054 (a) of subsection (4), paragraph (a) of subsection (5),
6055 paragraph (a) of subsection (6), and paragraph (a) of subsection
6056 (8) of section 443.151, Florida Statutes, are amended to read:

6057 443.151 Procedure concerning claims.—

6058 (1) POSTING OF INFORMATION.—

6059 (a) Each employer must post and maintain in places readily
6060 accessible to individuals in her or his employ printed
6061 statements concerning benefit rights, claims for benefits, and

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6062 other matters relating to the administration of this chapter as
6063 the Department of Commerce ~~Economic Opportunity~~ may by rule
6064 prescribe. Each employer must supply to individuals copies of
6065 printed statements or other materials relating to claims for
6066 benefits as directed by the rules of the department. The
6067 department shall supply these printed statements and other
6068 materials to each employer without cost to the employer.

6069 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
6070 CLAIMANTS AND EMPLOYERS.—

6071 (a) *In general.*—Initial and continued claims for benefits
6072 must be made by approved electronic or alternate means and in
6073 accordance with rules adopted by the Department of Commerce
6074 ~~Economic Opportunity~~. The department shall provide alternative
6075 means, such as by telephone, for filing initial and continued
6076 claims if the department determines access to the approved
6077 electronic means is or will be unavailable and also must provide
6078 public notice of such unavailability. The department must notify
6079 claimants and employers regarding monetary and nonmonetary
6080 determinations of eligibility. Investigations of issues raised
6081 in connection with a claimant which may affect a claimant's
6082 eligibility for benefits or charges to an employer's employment
6083 record shall be conducted by the department through written,
6084 telephonic, or electronic means as prescribed by rule.

6085 (3) DETERMINATION OF ELIGIBILITY.—

6086 (a) *Notices of claim.*—The Department of Commerce ~~Economic~~
6087 ~~Opportunity~~ shall promptly provide a notice of claim to the
6088 claimant's most recent employing unit and all employers whose
6089 employment records are liable for benefits under the monetary
6090 determination. The employer must respond to the notice of claim

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6091 within 14 days after the mailing date of the notice, or in lieu
6092 of mailing, within 14 days after the delivery of the notice. If
6093 a contributing employer or its agent fails to timely or
6094 adequately respond to the notice of claim or request for
6095 information, the employer's account may not be relieved of
6096 benefit charges as provided in s. 443.131(3)(a), notwithstanding
6097 paragraph (5)(b). The department may adopt rules as necessary to
6098 implement the processes described in this paragraph relating to
6099 notices of claim.

6100 (4) APPEALS.—

6101 (a) *Appeals referees.*—

6102 1. The Department of Commerce ~~Economic Opportunity~~ shall
6103 appoint one or more impartial salaried appeals referees in
6104 accordance with s. 443.171(3) to hear and decide appealed
6105 claims.

6106 2. A person may not participate on behalf of the department
6107 as an appeals referee in any case in which she or he is an
6108 interested party.

6109 3. The department may designate alternates to serve in the
6110 absence or disqualification of any appeals referee on a
6111 temporary basis. These alternates must have the same
6112 qualifications required of appeals referees.

6113 4. The department shall provide the commission and the
6114 appeals referees with proper facilities and assistance for the
6115 execution of their functions.

6116 (5) PAYMENT OF BENEFITS.—

6117 (a) The Department of Commerce ~~Economic Opportunity~~ shall
6118 promptly pay benefits in accordance with a determination or
6119 redetermination regardless of any appeal or pending appeal.

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6120 Before payment of benefits to the claimant, however, each
6121 employer who is liable for reimbursements in lieu of
6122 contributions for payment of the benefits must be notified, at
6123 the address on file with the department or its tax collection
6124 service provider, of the initial determination of the claim and
6125 must be given 10 days to respond.

6126 (6) RECOVERY AND RECOUPMENT.—

6127 (a) Any person who, by reason of her or his fraud, receives
6128 benefits under this chapter to which she or he is not entitled
6129 is liable for repaying those benefits to the Department of
6130 Commerce Economic Opportunity on behalf of the trust fund or, in
6131 the discretion of the department, to have those benefits
6132 deducted from future benefits payable to her or him under this
6133 chapter. In addition, the department shall impose upon the
6134 claimant a penalty equal to 15 percent of the amount overpaid.
6135 To enforce this paragraph, the department must find the
6136 existence of fraud through a redetermination or decision under
6137 this section within 2 years after the fraud was committed. Any
6138 recovery or recoupment of benefits must be commenced within 7
6139 years after the redetermination or decision.

6140 (8) BILINGUAL REQUIREMENTS.—

6141 (a) The Department of Commerce Economic Opportunity shall
6142 provide printed bilingual instructional and educational
6143 materials in the appropriate language in those counties in which
6144 5 percent or more of the households in the county are classified
6145 as a single-language minority.

6146 Section 194. Subsection (1), paragraph (a) of subsection
6147 (3), and subsection (4) of section 443.163, Florida Statutes,
6148 are amended to read:

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6149 443.163 Electronic reporting and remitting of contributions
6150 and reimbursements.—

6151 (1) An employer may file any report and remit any
6152 contributions or reimbursements required under this chapter by
6153 electronic means. The Department of Commerce ~~Economic~~
6154 ~~Opportunity~~ or the state agency providing reemployment
6155 assistance tax collection services shall adopt rules prescribing
6156 the format and instructions necessary for electronically filing
6157 reports and remitting contributions and reimbursements to ensure
6158 a full collection of contributions and reimbursements due. The
6159 acceptable method of transfer, the method, form, and content of
6160 the electronic means, and the method, if any, by which the
6161 employer will be provided with an acknowledgment shall be
6162 prescribed by the department or its tax collection service
6163 provider. However, any employer who employed 10 or more
6164 employees in any quarter during the preceding state fiscal year
6165 must file the Employers Quarterly Reports, including any
6166 corrections, for the current calendar year and remit the
6167 contributions and reimbursements due by electronic means
6168 approved by the tax collection service provider.

6169 (3) The tax collection service provider may waive the
6170 requirement to file an Employers Quarterly Report by electronic
6171 means for employers that are unable to comply despite good faith
6172 efforts or due to circumstances beyond the employer's reasonable
6173 control.

6174 (a) As prescribed by the Department of Commerce ~~Economic~~
6175 ~~Opportunity~~ or its tax collection service provider, grounds for
6176 approving the waiver include, but are not limited to,
6177 circumstances in which the employer does not:

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6178 1. Currently file information or data electronically with
6179 any business or government agency; or

6180 2. Have a compatible computer that meets or exceeds the
6181 standards prescribed by the department or its tax collection
6182 service provider.

6183 (4) As used in this section, the term "electronic means"
6184 includes, but is not limited to, electronic data interchange;
6185 electronic funds transfer; and use of the Internet, telephone,
6186 or other technology specified by the Department of Commerce
6187 ~~Economic Opportunity~~ or its tax collection service provider.

6188 Section 195. Section 443.171, Florida Statutes, is amended
6189 to read:

6190 443.171 Department of Commerce ~~Economic Opportunity~~ and
6191 commission; powers and duties; records and reports; proceedings;
6192 state-federal cooperation.—

6193 (1) POWERS AND DUTIES.—The Department of Commerce ~~Economic~~
6194 ~~Opportunity~~ shall administer this chapter. The department may
6195 employ persons, make expenditures, require reports, conduct
6196 investigations, and take other action necessary or suitable to
6197 administer this chapter. The department shall annually submit
6198 information to the state board as defined in s. 445.002 covering
6199 the administration and operation of this chapter during the
6200 preceding calendar year for inclusion in the strategic plan
6201 under s. 445.006 and may make recommendations for amendment to
6202 this chapter.

6203 (2) PUBLICATION OF ACTS AND RULES.—The Department of
6204 Commerce ~~Economic Opportunity~~ shall cause to be printed and
6205 distributed to the public, or otherwise distributed to the
6206 public through the Internet or similar electronic means, the

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6207 text of this chapter and of the rules for administering this
6208 chapter adopted by the department or the state agency providing
6209 reemployment assistance tax collection services and any other
6210 matter relevant and suitable. The department shall furnish this
6211 information to any person upon request. However, any pamphlet,
6212 rules, circulars, or reports required by this chapter may not
6213 contain any matter except the actual data necessary to complete
6214 them or the actual language of the rule, together with the
6215 proper notices.

6216 (3) PERSONNEL.—Subject to chapter 110 and the other
6217 provisions of this chapter, the Department of Commerce ~~Economic~~
6218 ~~Opportunity~~ may appoint, set the compensation of, and prescribe
6219 the duties and powers of employees, accountants, attorneys,
6220 experts, and other persons as necessary for the performance of
6221 the duties of the department under this chapter. The department
6222 may delegate to any person its power and authority under this
6223 chapter as necessary for the effective administration of this
6224 chapter and may bond any person handling moneys or signing
6225 checks under this chapter. The cost of these bonds must be paid
6226 from the Employment Security Administration Trust Fund.

6227 (4) EMPLOYMENT STABILIZATION.—The Department of Commerce
6228 ~~Economic Opportunity~~, under the direction of the state board as
6229 defined in s. 445.002, shall take all appropriate steps to
6230 reduce and prevent unemployment; to encourage and assist in the
6231 adoption of practical methods of career training, retraining,
6232 and career guidance; to investigate, recommend, advise, and
6233 assist municipalities, counties, school districts, and the state
6234 in the establishment and operation of reserves for public works
6235 to be used in times of business depression and unemployment; to

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6236 promote the reemployment of unemployed workers throughout the
6237 state in every other way that may be feasible; to refer a
6238 claimant entitled to extended benefits to suitable work that
6239 meets the criteria of this chapter; and, to these ends, to carry
6240 on and publish the results of investigations and research
6241 studies.

6242 (5) RECORDS AND REPORTS.—Each employing unit shall keep
6243 true and accurate work records, containing the information
6244 required by the Department of Commerce ~~Economic Opportunity~~ or
6245 its tax collection service provider. These records must be open
6246 to inspection and are subject to being copied by the department
6247 or its tax collection service provider at any reasonable time
6248 and as often as necessary. The department or its tax collection
6249 service provider may require from any employing unit any sworn
6250 or unsworn reports, for persons employed by the employing unit,
6251 necessary for the effective administration of this chapter.
6252 However, a state or local governmental agency performing
6253 intelligence or counterintelligence functions need not report an
6254 employee if the head of that agency determines that reporting
6255 the employee could endanger the safety of the employee or
6256 compromise an ongoing investigation or intelligence mission.

6257 (6) OATHS AND WITNESSES.—In the discharge of the duties
6258 imposed by this chapter, the Department of Commerce ~~Economic~~
6259 ~~Opportunity~~, its tax collection service provider, the members of
6260 the commission, and any authorized representative of any of
6261 these entities may administer oaths and affirmations, take
6262 depositions, certify to official acts, and issue subpoenas to
6263 compel the attendance of witnesses and the production of books,
6264 papers, correspondence, memoranda, and other records deemed

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6265 necessary as evidence in connection with the administration of
6266 this chapter.

6267 (7) SUBPOENAS.—If a person refuses to obey a subpoena
6268 issued to that person, any court of this state within the
6269 jurisdiction of which the inquiry is carried on, or within the
6270 jurisdiction of which the person is found, resides, or transacts
6271 business, upon application by the Department of Commerce
6272 ~~Economic Opportunity~~, its tax collection service provider, the
6273 commission, or any authorized representative of any of these
6274 entities has jurisdiction to order the person to appear before
6275 the entity to produce evidence or give testimony on the matter
6276 under investigation or in question. Failure to obey the order of
6277 the court may be punished by the court as contempt. Any person
6278 who fails or refuses without just cause to appear or testify; to
6279 answer any lawful inquiry; or to produce books, papers,
6280 correspondence, memoranda, and other records within her or his
6281 control as commanded in a subpoena of the department, its tax
6282 collection service provider, the commission, or any authorized
6283 representative of any of these entities commits a misdemeanor of
6284 the second degree, punishable as provided in s. 775.082 or s.
6285 775.083. Each day that a violation continues is a separate
6286 offense.

6287 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not
6288 excused from appearing or testifying, or from producing books,
6289 papers, correspondence, memoranda, or other records, before the
6290 Department of Commerce ~~Economic Opportunity~~, its tax collection
6291 service provider, the commission, or any authorized
6292 representative of any of these entities or as commanded in a
6293 subpoena of any of these entities in any proceeding before the

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6294 department, the commission, an appeals referee, or a special
6295 deputy on the ground that the testimony or evidence, documentary
6296 or otherwise, required of the person may incriminate her or him
6297 or subject her or him to a penalty or forfeiture. That person
6298 may not be prosecuted or subjected to any penalty or forfeiture
6299 for or on account of any transaction, matter, or thing
6300 concerning which she or he is compelled, after having claimed
6301 her or his privilege against self-incrimination, to testify or
6302 produce evidence, documentary or otherwise, except that the
6303 person testifying is not exempt from prosecution and punishment
6304 for perjury committed while testifying.

6305 (9) STATE-FEDERAL COOPERATION.—

6306 (a)1. In the administration of this chapter, the Department
6307 of Commerce ~~Economic Opportunity~~ and its tax collection service
6308 provider shall cooperate with the United States Department of
6309 Labor to the fullest extent consistent with this chapter and
6310 shall take those actions, through the adoption of appropriate
6311 rules, administrative methods, and standards, necessary to
6312 secure for this state all advantages available under the
6313 provisions of federal law relating to reemployment assistance.

6314 2. In the administration of the provisions in s. 443.1115,
6315 which are enacted to conform with the Federal-State Extended
6316 Unemployment Compensation Act of 1970, the department shall take
6317 those actions necessary to ensure that those provisions are
6318 interpreted and applied to meet the requirements of the federal
6319 act as interpreted by the United States Department of Labor and
6320 to secure for this state the full reimbursement of the federal
6321 share of extended benefits paid under this chapter which is
6322 reimbursable under the federal act.

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6323 3. The department and its tax collection service provider
6324 shall comply with the regulations of the United States
6325 Department of Labor relating to the receipt or expenditure by
6326 this state of funds granted under federal law; shall submit the
6327 reports in the form and containing the information the United
6328 States Department of Labor requires; and shall comply with
6329 directions of the United States Department of Labor necessary to
6330 assure the correctness and verification of these reports.

6331 (b) The department and its tax collection service provider
6332 may cooperate with every agency of the United States charged
6333 with administration of any unemployment insurance law.

6334 (c) The department and its tax collection service provider
6335 shall cooperate with the agencies of other states, and shall
6336 make every proper effort within their means, to oppose and
6337 prevent any further action leading to the complete or
6338 substantial federalization of state reemployment assistance
6339 funds or state employment security programs. The department and
6340 its tax collection service provider may make, and may cooperate
6341 with other appropriate agencies in making, studies as to the
6342 practicability and probable cost of possible new state-
6343 administered social security programs and the relative
6344 desirability of state, rather than federal, action in that field
6345 of study.

6346 (10) EVIDENCE OF MAILING.—A mailing date on any notice,
6347 determination, decision, order, or other document mailed by the
6348 department or its tax collection service provider pursuant to
6349 this chapter creates a rebuttable presumption that such notice,
6350 determination, order, or other document was mailed on the date
6351 indicated.

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6352 Section 196. Subsection (1) and paragraph (a) of subsection
6353 (2) of section 443.1715, Florida Statutes, are amended to read:

6354 443.1715 Disclosure of information; confidentiality.—

6355 (1) RECORDS AND REPORTS.—Information revealing an employing
6356 unit's or individual's identity obtained from the employing unit
6357 or any individual under the administration of this chapter, and
6358 any determination revealing that information, is confidential
6359 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
6360 Constitution. This confidential information may be released in
6361 accordance with the provisions in 20 C.F.R. part 603. A person
6362 receiving confidential information who violates this subsection
6363 commits a misdemeanor of the second degree, punishable as
6364 provided in s. 775.082 or s. 775.083. The Department of Commerce
6365 ~~Economic Opportunity~~ or its tax collection service provider may,
6366 however, furnish to any employer copies of any report submitted
6367 by that employer upon the request of the employer and may
6368 furnish to any claimant copies of any report submitted by that
6369 claimant upon the request of the claimant. The department or its
6370 tax collection service provider may charge a reasonable fee for
6371 copies of these reports as prescribed by rule, which may not
6372 exceed the actual reasonable cost of the preparation of the
6373 copies. Fees received for copies under this subsection must be
6374 deposited in the Employment Security Administration Trust Fund.

6375 (2) DISCLOSURE OF INFORMATION.—

6376 (a) Subject to restrictions the Department of Commerce
6377 ~~Economic Opportunity~~ or the state agency providing reemployment
6378 assistance tax collection services adopts by rule, information
6379 declared confidential under this section is available to any
6380 agency of this or any other state, or any federal agency,

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6381 charged with the administration of any reemployment assistance
6382 or unemployment compensation law or the maintenance of the one-
6383 stop delivery system, or the Bureau of Internal Revenue of the
6384 United States Department of the Treasury, or the Florida
6385 Department of Revenue. Information obtained in connection with
6386 the administration of the one-stop delivery system may be made
6387 available to persons or agencies for purposes appropriate to the
6388 operation of a public employment service or a job-preparatory or
6389 career education or training program. The department shall, on a
6390 quarterly basis, furnish the National Directory of New Hires
6391 with information concerning the wages and reemployment
6392 assistance benefits paid to individuals, by the dates, in the
6393 format, and containing the information specified in the
6394 regulations of the United States Secretary of Health and Human
6395 Services. Upon request, the department shall furnish any agency
6396 of the United States charged with the administration of public
6397 works or assistance through public employment, and may furnish
6398 to any state agency similarly charged, the name, address,
6399 ordinary occupation, and employment status of each recipient of
6400 benefits and the recipient's rights to further benefits under
6401 this chapter. Except as otherwise provided by law, the receiving
6402 agency must retain the confidentiality of this information as
6403 provided in this section. The tax collection service provider
6404 may request the Comptroller of the Currency of the United States
6405 to examine the correctness of any return or report of any
6406 national banking association rendered under this chapter and may
6407 in connection with that request transmit any report or return
6408 for examination to the Comptroller of the Currency of the United
6409 States as provided in s. 3305(c) of the federal Internal Revenue

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6410 Code.

6411 Section 197. Subsection (1), paragraph (c) of subsection
6412 (2), and subsections (4), (5), (6), and (7) of section
6413 443.17161, Florida Statutes, are amended to read:

6414 443.17161 Authorized electronic access to employer
6415 information.—

6416 (1) Notwithstanding any other provision of this chapter,
6417 the Department of Commerce ~~Economic Opportunity~~ shall contract
6418 with one or more consumer reporting agencies to provide users
6419 with secured electronic access to employer-provided information
6420 relating to the quarterly wages report submitted in accordance
6421 with the state's reemployment assistance law. The access is
6422 limited to the wage reports for the appropriate amount of time
6423 for the purpose the information is requested.

6424 (2) Users must obtain consent in writing or by electronic
6425 signature from an applicant for credit, employment, or other
6426 permitted purposes. Any written or electronic signature consent
6427 from an applicant must be signed and must include the following:

6428 (c) Notice that the files of the Department of Commerce
6429 ~~Economic Opportunity~~ or its tax collection service provider
6430 containing information concerning wage and employment history
6431 which is submitted by the applicant or his or her employers may
6432 be accessed; and

6433 (4) If a consumer reporting agency or user violates this
6434 section, the Department of Commerce ~~Economic Opportunity~~ shall,
6435 upon 30 days' written notice to the consumer reporting agency,
6436 terminate the contract established between the Department of
6437 Commerce ~~Economic Opportunity~~ and the consumer reporting agency
6438 or require the consumer reporting agency to terminate the

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6439 contract established between the consumer reporting agency and
6440 the user under this section.

6441 (5) The Department of Commerce ~~Economic Opportunity~~ shall
6442 establish minimum audit, security, net worth, and liability
6443 insurance standards, technical requirements, and any other terms
6444 and conditions considered necessary in the discretion of the
6445 state agency to safeguard the confidentiality of the information
6446 released under this section and to otherwise serve the public
6447 interest. The Department of Commerce ~~Economic Opportunity~~ shall
6448 also include, in coordination with any necessary state agencies,
6449 necessary audit procedures to ensure that these rules are
6450 followed.

6451 (6) In contracting with one or more consumer reporting
6452 agencies under this section, any revenues generated by the
6453 contract must be used to pay the entire cost of providing access
6454 to the information. Further, in accordance with federal
6455 regulations, any additional revenues generated by the Department
6456 of Commerce ~~Economic Opportunity~~ or the state under this section
6457 must be paid into the Administrative Trust Fund of the
6458 Department of Commerce ~~Economic Opportunity~~ for the
6459 administration of the unemployment compensation system or be
6460 used as program income.

6461 (7) The Department of Commerce ~~Economic Opportunity~~ may not
6462 provide wage and employment history information to any consumer
6463 reporting agency before the consumer reporting agency or
6464 agencies under contract with the Department of Commerce ~~Economic~~
6465 ~~Opportunity~~ pay all development and other startup costs incurred
6466 by the state in connection with the design, installation, and
6467 administration of technological systems and procedures for the

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6468 electronic access program.

6469 Section 198. Section 443.181, Florida Statutes, is amended
6470 to read:

6471 443.181 Public employment service.—

6472 (1) The one-stop delivery system established under s.
6473 445.009 is this state's public employment service as part of the
6474 national system of public employment offices established under
6475 29 U.S.C. s. 49. The Department of Commerce ~~Economic~~
6476 ~~Opportunity~~, under policy direction from the state board as
6477 defined in s. 445.002, shall cooperate with any official or
6478 agency of the United States having power or duties under 29
6479 U.S.C. ss. 49-491-1 and shall perform those duties necessary to
6480 secure to this state the funds provided under federal law for
6481 the promotion and maintenance of the state's public employment
6482 service. In accordance with 29 U.S.C. s. 49c, this state accepts
6483 29 U.S.C. ss. 49-491-1. The department is designated the state
6484 agency responsible for cooperating with the United States
6485 Secretary of Labor under 29 U.S.C. s. 49c. The department shall
6486 appoint sufficient employees to administer this section. The
6487 department may cooperate with or enter into agreements with the
6488 Railroad Retirement Board for the establishment, maintenance,
6489 and use of one-stop career centers.

6490 (2) All funds received by this state under 29 U.S.C. ss.
6491 49-491-1 must be paid into the Employment Security
6492 Administration Trust Fund, and these funds are available to the
6493 Department of Commerce ~~Economic Opportunity~~ for expenditure as
6494 provided by this chapter or by federal law. For the purpose of
6495 establishing and maintaining one-stop career centers, the
6496 department may enter into agreements with the Railroad

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6497 Retirement Board or any other agency of the United States
6498 charged with the administration of a reemployment assistance or
6499 unemployment compensation law, with any political subdivision of
6500 this state, or with any private, nonprofit organization. As a
6501 part of any such agreement, the department may accept moneys,
6502 services, or quarters as a contribution to the Employment
6503 Security Administration Trust Fund.

6504 Section 199. Subsections (2), (3), and (4) of section
6505 443.191, Florida Statutes, are amended to read:

6506 443.191 Unemployment Compensation Trust Fund; establishment
6507 and control.—

6508 (2) The Chief Financial Officer is the ex officio treasurer
6509 and custodian of the fund and shall administer the fund in
6510 accordance with the directions of the Department of Commerce
6511 ~~Economic Opportunity~~. All payments from the fund must be
6512 approved by the department or by an authorized agent. The Chief
6513 Financial Officer shall maintain within the fund three separate
6514 accounts:

- 6515 (a) A clearing account;
6516 (b) An Unemployment Compensation Trust Fund account; and
6517 (c) A benefit account.

6518
6519 All moneys payable to the fund, including moneys received from
6520 the United States as reimbursement for extended benefits paid by
6521 the Department of Commerce ~~Economic Opportunity~~, must be
6522 forwarded to the Chief Financial Officer, who shall immediately
6523 deposit them in the clearing account. Refunds payable under s.
6524 443.141 may be paid from the clearing account. After clearance,
6525 all other moneys in the clearing account must be immediately

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6526 deposited with the Secretary of the Treasury of the United
6527 States to the credit of this state's account in the federal
6528 Unemployment Compensation Trust Fund notwithstanding any state
6529 law relating to the deposit, administration, release, or
6530 disbursement of moneys in the possession or custody of this
6531 state. The benefit account consists of all moneys requisitioned
6532 from this state's account in the federal Unemployment
6533 Compensation Trust Fund. Except as otherwise provided by law,
6534 moneys in the clearing and benefit accounts may be deposited by
6535 the Chief Financial Officer, under the direction of the
6536 Department of Commerce ~~Economic Opportunity~~, in any bank or
6537 public depository in which general funds of the state are
6538 deposited, but a public deposit insurance charge or premium may
6539 not be paid out of the fund. If any warrant issued against the
6540 clearing account or the benefit account is not presented for
6541 payment within 1 year after issuance, the Chief Financial
6542 Officer must cancel the warrant and credit without restriction
6543 the amount of the warrant to the account upon which it is drawn.
6544 When the payee or person entitled to a canceled warrant requests
6545 payment of the warrant, the Chief Financial Officer, upon
6546 direction of the Department of Commerce ~~Economic Opportunity~~,
6547 must issue a new warrant, payable from the account against which
6548 the canceled warrant was drawn.

6549 (3) Moneys may only be requisitioned from the state's
6550 account in the federal Unemployment Compensation Trust Fund
6551 solely for the payment of benefits and extended benefits and for
6552 payment in accordance with rules prescribed by the Department of
6553 Commerce ~~Economic Opportunity~~, or for the repayment of advances
6554 made pursuant to 42 U.S.C. s. 1321, as authorized by the

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6555 Governor or the Governor's designee, except that money credited
6556 to this state's account under 42 U.S.C. s. 1103 may only be used
6557 exclusively as provided in subsection (5). The Department of
6558 Commerce ~~Economic Opportunity~~, through the Chief Financial
6559 Officer, shall requisition from the federal Unemployment
6560 Compensation Trust Fund amounts, not exceeding the amounts
6561 credited to this state's account in the fund, as necessary for
6562 the payment of benefits and extended benefits for a reasonable
6563 future period. Upon receipt of these amounts, the Chief
6564 Financial Officer shall deposit the moneys in the benefit
6565 account in the State Treasury and warrants for the payment of
6566 benefits and extended benefits shall be drawn upon the order of
6567 the Department of Commerce ~~Economic Opportunity~~ against the
6568 account. All warrants for benefits and extended benefits are
6569 payable directly to the ultimate beneficiary. Expenditures of
6570 these moneys in the benefit account and refunds from the
6571 clearing account are not subject to any law requiring specific
6572 appropriations or other formal release by state officers of
6573 money in their custody. All warrants issued for the payment of
6574 benefits and refunds must bear the signature of the Chief
6575 Financial Officer. Any balance of moneys requisitioned from this
6576 state's account in the federal Unemployment Compensation Trust
6577 Fund which remains unclaimed or unpaid in the benefit account
6578 after the period for which the moneys were requisitioned shall
6579 be deducted from estimates for, and may be used for the payment
6580 of, benefits and extended benefits during succeeding periods,
6581 or, in the discretion of the Department of Commerce ~~Economic~~
6582 ~~Opportunity~~, shall be redeposited with the Secretary of the
6583 Treasury of the United States, to the credit of this state's

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6584 account in the federal Unemployment Compensation Trust Fund, as
6585 provided in subsection (2).

6586 (4) Subsections (1), (2), and (3), to the extent they
6587 relate to the federal Unemployment Compensation Trust Fund,
6588 apply only while the fund continues to exist and while the
6589 Secretary of the Treasury of the United States continues to
6590 maintain for this state a separate account of all funds
6591 deposited by this state for the payment of benefits, together
6592 with this state's proportionate share of the earnings of the
6593 federal Unemployment Compensation Trust Fund, from which no
6594 other state is permitted to make withdrawals. If the federal
6595 Unemployment Compensation Trust Fund ceases to exist, or the
6596 separate account is no longer maintained, all moneys,
6597 properties, or securities belonging to this state's account in
6598 the federal Unemployment Compensation Trust Fund must be
6599 transferred to the treasurer of the Unemployment Compensation
6600 Trust Fund, who must hold, invest, transfer, sell, deposit, and
6601 release those moneys, properties, or securities in a manner
6602 approved by the Department of Commerce ~~Economic Opportunity~~ in
6603 accordance with this chapter. These moneys must, however, be
6604 invested in the following readily marketable classes of
6605 securities: bonds or other interest-bearing obligations of the
6606 United States or of the state. Further, the investment must at
6607 all times be made in a manner that allows all the assets of the
6608 fund to always be readily convertible into cash when needed for
6609 the payment of benefits. The treasurer may only dispose of
6610 securities or other properties belonging to the Unemployment
6611 Compensation Trust Fund under the direction of the Department of
6612 Commerce ~~Economic Opportunity~~.

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6613 Section 200. Section 443.211, Florida Statutes, is amended
6614 to read:

6615 443.211 Employment Security Administration Trust Fund;
6616 appropriation; reimbursement.—

6617 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is
6618 created in the State Treasury the "Employment Security
6619 Administration Trust Fund." All moneys deposited into this fund
6620 remain continuously available to the Department of Commerce
6621 ~~Economic Opportunity~~ for expenditure in accordance with this
6622 chapter and do not revert at any time and may not be transferred
6623 to any other fund. All moneys in this fund which are received
6624 from the Federal Government or any federal agency or which are
6625 appropriated by this state under ss. 443.171 and 443.181, except
6626 money received under s. 443.191(5)(c), must be expended solely
6627 for the purposes and in the amounts found necessary by the
6628 authorized cooperating federal agencies for the proper and
6629 efficient administration of this chapter. The fund consists of:
6630 all moneys appropriated by this state; all moneys received from
6631 the United States or any federal agency; all moneys received
6632 from any other source for the administration of this chapter;
6633 any funds collected for enhanced, specialized, or value-added
6634 labor market information services; any moneys received from any
6635 agency of the United States or any other state as compensation
6636 for services or facilities supplied to that agency; any amounts
6637 received from any surety bond or insurance policy or from other
6638 sources for losses sustained by the Employment Security
6639 Administration Trust Fund or by reason of damage to equipment or
6640 supplies purchased from moneys in the fund; and any proceeds
6641 from the sale or disposition of such equipment or supplies. All

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6642 money requisitioned and deposited in this fund under s.
6643 443.191(5)(c) remains part of the Unemployment Compensation
6644 Trust Fund and must be used only in accordance with s.
6645 443.191(5). All moneys in this fund must be deposited,
6646 administered, and disbursed in the same manner and under the
6647 same conditions and requirements as provided by law for other
6648 trust funds in the State Treasury. These moneys must be secured
6649 by the depositary in which they are held to the same extent and
6650 in the same manner as required by the general depositary law of
6651 the state, and collateral pledged must be maintained in a
6652 separate custody account. All payments from the Employment
6653 Security Administration Trust Fund must be approved by the
6654 Department of Commerce ~~Economic Opportunity~~ or by an authorized
6655 agent and must be made by the Chief Financial Officer. Any
6656 balances in this fund do not revert at any time and must remain
6657 continuously available to the Department of Commerce ~~Economic~~
6658 ~~Opportunity~~ for expenditure consistent with this chapter.

6659 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—
6660 There is created in the State Treasury the "Special Employment
6661 Security Administration Trust Fund," into which shall be
6662 deposited or transferred all interest on contributions and
6663 reimbursements, penalties, and fines or fees collected under
6664 this chapter. Interest on contributions and reimbursements,
6665 penalties, and fines or fees deposited during any calendar
6666 quarter in the clearing account in the Unemployment Compensation
6667 Trust Fund shall, as soon as practicable after the close of that
6668 calendar quarter and upon certification of the Department of
6669 Commerce ~~Economic Opportunity~~, be transferred to the Special
6670 Employment Security Administration Trust Fund. The amount

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6671 certified by the Department of Commerce ~~Economic Opportunity~~ as
6672 required under this chapter to pay refunds of interest on
6673 contributions and reimbursements, penalties, and fines or fees
6674 collected and erroneously deposited into the clearing account in
6675 the Unemployment Compensation Trust Fund shall, however, be
6676 withheld from this transfer. The interest and penalties
6677 certified for transfer are deemed as being erroneously deposited
6678 in the clearing account, and their transfer to the Special
6679 Employment Security Administration Trust Fund is deemed to be a
6680 refund of the erroneous deposits. All moneys in this fund shall
6681 be deposited, administered, and disbursed in the same manner and
6682 under the same requirements as provided by law for other trust
6683 funds in the State Treasury. These moneys may not be expended or
6684 be available for expenditure in any manner that would permit
6685 their substitution for, or permit a corresponding reduction in,
6686 federal funds that would, in the absence of these moneys, be
6687 available to finance expenditures for the administration of this
6688 chapter. This section does not prevent these moneys from being
6689 used as a revolving fund to cover lawful expenditures for which
6690 federal funds are requested but not yet received, subject to the
6691 charging of the expenditures against the funds when received.
6692 The moneys in this fund, with the approval of the Executive
6693 Office of the Governor, shall be used by the Department of
6694 Commerce ~~Economic Opportunity~~ for paying administrative costs
6695 that are not chargeable against funds obtained from federal
6696 sources. All moneys in the Special Employment Security
6697 Administration Trust Fund shall be continuously available to the
6698 Department of Commerce ~~Economic Opportunity~~ for expenditure in
6699 accordance with this chapter and do not revert at any time. All

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6700 payments from the Special Employment Security Administration
6701 Trust Fund must be approved by the Department of Commerce
6702 ~~Economic Opportunity~~ or by an authorized agent and shall be made
6703 by the Chief Financial Officer. The moneys in this fund are
6704 available to replace, as contemplated by subsection (3),
6705 expenditures from the Employment Security Administration Trust
6706 Fund which the United States Secretary of Labor, or other
6707 authorized federal agency or authority, finds are lost or
6708 improperly expended because of any action or contingency. The
6709 Chief Financial Officer is liable on her or his official bond
6710 for the faithful performance of her or his duties in connection
6711 with the Special Employment Security Administration Trust Fund.

6712 (3) REIMBURSEMENT OF FUND.—If any moneys received from the
6713 United States Secretary of Labor under 42 U.S.C. ss. 501-504,
6714 any unencumbered balances in the Employment Security
6715 Administration Trust Fund, any moneys granted to this state
6716 under the Wagner-Peyser Act, or any moneys made available by
6717 this state or its political subdivisions and matched by the
6718 moneys granted to this state under the Wagner-Peyser Act, are
6719 after reasonable notice and opportunity for hearing, found by
6720 the United States Secretary of Labor, because of any action or
6721 contingency, to be lost or expended for purposes other than, or
6722 in amounts in excess of, those allowed by the United States
6723 Secretary of Labor for the administration of this chapter, these
6724 moneys shall be replaced by moneys appropriated for that purpose
6725 from the General Revenue Fund to the Employment Security
6726 Administration Trust Fund for expenditure as provided in
6727 subsection (1). Upon receipt of notice of such a finding by the
6728 United States Secretary of Labor, the Department of Commerce

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6729 ~~Economic Opportunity~~ shall promptly report the amount required
6730 for replacement to the Governor. The Governor shall, at the
6731 earliest opportunity, submit to the Legislature a request for
6732 the appropriation of the replacement funds.

6733 (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its
6734 duties under s. 443.181, the Department of Commerce ~~Economic~~
6735 ~~Opportunity~~ is responsible for the deposit, requisition,
6736 expenditure, approval of payment, reimbursement, and reporting
6737 in regard to the trust funds established by this section.

6738 Section 201. Paragraph (a) of subsection (1) and
6739 subsections (2), (3), and (4) of section 443.221, Florida
6740 Statutes, are amended to read:

6741 443.221 Reciprocal arrangements.—

6742 (1) (a) The Department of Commerce ~~Economic Opportunity~~ or
6743 its tax collection service provider may enter into reciprocal
6744 arrangements with other states or with the Federal Government,
6745 or both, for considering services performed by an individual for
6746 a single employing unit for which services are performed by the
6747 individual in more than one state as services performed entirely
6748 within any one of the states:

6749 1. In which any part of the individual's service is
6750 performed;

6751 2. In which the individual has her or his residence; or

6752 3. In which the employing unit maintains a place of
6753 business.

6754 (2) The Department of Commerce ~~Economic Opportunity~~ or its
6755 tax collection service provider may make to other state or
6756 federal agencies and receive from these other state or federal
6757 agencies reimbursements from or to the fund, in accordance with

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6758 arrangements entered into under subsection (1).

6759 (3) The Department of Commerce ~~Economic Opportunity~~ or its
6760 tax collection service provider may enter into reciprocal
6761 arrangements with other states or the Federal Government, or
6762 both, for exchanging services, determining and enforcing payment
6763 obligations, and making available facilities and information.
6764 The department or its tax collection service provider may
6765 conduct investigations, secure and transmit information, make
6766 available services and facilities, and exercise other powers
6767 provided under this chapter to facilitate the administration of
6768 any reemployment assistance or unemployment compensation or
6769 public employment service law and, in a similar manner, accept
6770 and use information, services, and facilities made available to
6771 this state by the agency charged with the administration of any
6772 other unemployment compensation or public employment service
6773 law.

6774 (4) To the extent permissible under federal law, the
6775 Department of Commerce ~~Economic Opportunity~~ may enter into or
6776 cooperate in arrangements whereby facilities and services
6777 provided under this chapter and facilities and services provided
6778 under the reemployment assistance or unemployment compensation
6779 law of any foreign government may be used for the taking of
6780 claims and the payment of benefits under the employment security
6781 law of the state or under a similar law of that government.

6782 Section 202. Subsection (1) of section 445.002, Florida
6783 Statutes, is amended to read:

6784 445.002 Definitions.—As used in this chapter, the term:

6785 (1) "Department" means the Department of Commerce ~~Economic~~
6786 ~~Opportunity~~.

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6787 Section 203. Paragraph (b) of subsection (7) of section
6788 445.003, Florida Statutes, is amended to read:

6789 445.003 Implementation of the federal Workforce Innovation
6790 and Opportunity Act.—

6791 (7) DUTIES OF THE DEPARTMENT.—The department shall adopt
6792 rules to implement the requirements of this chapter, including:

6793 (b) Initial and subsequent eligibility criteria, based on
6794 input from the state board, local workforce development boards,
6795 the Department of Education, and other stakeholders, for the
6796 Workforce Innovation and Opportunity Act eligible training
6797 provider list. This list directs training resources to programs
6798 leading to employment in high-demand and high-priority
6799 occupations that provide economic security, particularly those
6800 occupations facing a shortage of skilled workers. A training
6801 provider who offers training to obtain a credential on the
6802 Master Credentials List under s. 445.004(4) (h) may not be
6803 included on a state or local eligible training provider list if
6804 the provider fails to submit the required information or fails
6805 to meet initial or subsequent eligibility criteria. Subsequent
6806 eligibility criteria must use the performance and outcome
6807 measures defined and reported under s. 1008.40, to determine
6808 whether each program offered by a training provider is qualified
6809 to remain on the list. The Department of Commerce ~~Economic~~
6810 ~~Opportunity~~ and the Department of Education shall establish the
6811 minimum criteria a training provider must achieve for
6812 completion, earnings, and employment rates of eligible
6813 participants. A provider must meet at least two of the minimum
6814 criteria for subsequent eligibility. The minimum program
6815 criteria may not exceed the threshold at which more than 20

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6816 percent of all eligible training providers in the state would
6817 fall below.

6818 Section 204. Paragraph (h) of subsection (4) of section
6819 445.004, Florida Statutes, is amended to read:

6820 445.004 CareerSource Florida, Inc., and the state board;
6821 creation; purpose; membership; duties and powers.—

6822 (4)

6823 (h)1. The state board shall appoint a Credentials Review
6824 Committee to identify nondegree credentials and degree
6825 credentials of value for approval by the state board and
6826 inclusion in the Master Credentials List. Such credentials must
6827 include registered apprenticeship programs; industry
6828 certifications, including industry certifications for
6829 agricultural occupations submitted pursuant to s. 570.07(43);
6830 licenses; advanced technical certificates; college credit
6831 certificates; career certificates; applied technology diplomas;
6832 associate degrees; baccalaureate degrees; and graduate degrees.
6833 The Credentials Review Committee must include:

6834 a. The Chancellor of the Division of Public Schools.

6835 b. The Chancellor of the Division of Career and Adult
6836 Education.

6837 c. The Chancellor of the Florida College System.

6838 d. The Chancellor of the State University System.

6839 e. The director of the Office of Reimagining Education and
6840 Career Help, who shall serve as chair of the committee.

6841 f. Four members from local workforce development boards,
6842 with equal representation from urban and rural regions.

6843 g. Two members from nonpublic postsecondary institutions.

6844 h. Two members from industry associations.

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- 6845 i. Two members from Florida-based businesses.
- 6846 j. Two members from the Department of Commerce ~~Economic~~
6847 ~~Opportunity~~.
- 6848 k. One member from the Department of Agriculture and
6849 Consumer Services.
- 6850 2. All information pertaining to the Credentials Review
6851 Committee, the process for the approval of credentials of value,
6852 and the Master Credentials List must be made available and be
6853 easily accessible to the public on all relevant state agency
6854 websites.
- 6855 3. The Credentials Review Committee shall establish a
6856 definition for credentials of value and create a framework of
6857 quality. The framework must align with federally funded
6858 workforce accountability requirements and undergo biennial
6859 review.
- 6860 4. The criteria to determine value for nondegree
6861 credentials should, at a minimum, require:
- 6862 a. Evidence that the credential meets labor market demand
6863 as identified by the Labor Market Statistics Center within the
6864 Department of Commerce ~~Economic Opportunity~~ or the Labor Market
6865 Estimating Conference created in s. 216.136, or meets local
6866 demand as identified in the criteria adopted by the Credentials
6867 Review Committee. The Credentials Review Committee may consider
6868 additional evidence to determine labor market demand for
6869 credentials for agricultural occupations. Evidence to be
6870 considered by the Credentials Review Committee must include
6871 employer information on present credential use or emerging
6872 opportunities.
- 6873 b. Evidence that the competencies mastered upon completion

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6874 of the credential are aligned with labor market demand.

6875 c. Evidence of the employment and earnings outcomes for
6876 individuals after obtaining the credential. Earnings outcomes
6877 must provide middle-level to high-level wages with preference
6878 given to credentials generating high-level wages. Credentials
6879 that do not meet the earnings outcomes criteria must be part of
6880 a sequence of credentials that are required for the next level
6881 occupation that does meet the earnings outcomes criteria in
6882 order to be identified as a credential of value. For new
6883 credentials, this criteria may be met with conditional
6884 eligibility until measurable labor market outcomes are obtained.

6885 5. The Credentials Review Committee shall establish the
6886 criteria to determine value for degree programs. This criteria
6887 must include evidence that the program meets statewide or
6888 regional labor market demand as identified by the Labor Market
6889 Statistics Center within the Department of Commerce ~~Economic~~
6890 ~~Opportunity~~ or the Labor Market Estimating Conference created in
6891 s. 216.136, or meets local demand as determined by the
6892 committee. The Credentials Review Committee may consider
6893 additional evidence to determine labor market demand for
6894 credentials for agricultural occupations. Such criteria, once
6895 available and applicable to baccalaureate degrees and graduate
6896 degrees, must be used to designate programs of emphasis under s.
6897 1001.706 and to guide the development of program standards and
6898 benchmarks under s. 1004.92.

6899 6. The Credentials Review Committee shall establish a
6900 process for prioritizing nondegree credentials and degree
6901 programs based on critical statewide or regional shortages.

6902 7. The Credentials Review Committee shall establish a

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6903 process for:

6904 a. At a minimum, quarterly review and approval of
6905 credential applications. Approved credentials of value shall be
6906 used by the committee to develop the Master Credentials List.

6907 b. Annual review of the Master Credentials List.

6908 c. Phasing out credentials on the Master Credentials List
6909 that no longer meet the framework of quality. Credentials must
6910 remain on the list for at least 1 year after identification for
6911 removal.

6912 d. Designating performance funding eligibility under ss.
6913 1011.80 and 1011.81, based upon the highest available
6914 certification for postsecondary students.

6915 e. Upon approval, the state board shall submit the Master
6916 Credentials List to the State Board of Education. The list must,
6917 at a minimum, identify nondegree credentials and degree programs
6918 determined to be of value for purposes of the CAPE Industry
6919 Certification Funding List adopted under ss. 1008.44 and
6920 1011.62(1); if the credential or degree program meets statewide,
6921 regional, or local level demand; the type of certificate,
6922 credential, or degree; and the primary standard occupation
6923 classification code.

6924 f. If an application submitted to the Credentials Review
6925 Committee does not meet the required standards, the Credentials
6926 Review Committee must provide a notice of deficiency to the
6927 applicant and the provider who was identified as the point of
6928 contact provided on the application by the end of the next
6929 quarter after receipt of the application. The notice must
6930 include the basis for denial and the procedure to appeal the
6931 denial.

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6932 8. The Credentials Review Committee shall establish a
6933 process for linking Classifications of Instructional Programs
6934 (CIP) to Standard Occupational Classifications (SOC) for all new
6935 credentials of value identified on the Master Credentials List.
6936 The CIP code aligns instructional programs to occupations. A CIP
6937 to SOC link indicates that programs classified in the CIP code
6938 category prepare individuals for jobs classified in the SOC code
6939 category. The state board shall submit approved CIP to SOC
6940 linkages to the State Board of Education with each credential
6941 that is added to the Master Credentials List.

6942 9. The Credentials Review Committee shall identify all data
6943 elements necessary to collect information on credentials by the
6944 Florida Education and Training Placement Program automated
6945 system under s. 1008.39.

6946 Section 205. Paragraph (a) of subsection (8) of section
6947 445.009, Florida Statutes, is amended to read:

6948 445.009 One-stop delivery system.—

6949 (8) (a) Individual Training Accounts must be expended on
6950 programs that prepare people to enter occupations identified by
6951 the Labor Market Statistics Center within the Department of
6952 Commerce ~~Economic Opportunity~~ and the Labor Market Estimating
6953 Conference created by s. 216.136, and on other programs
6954 recommended and approved by the state board following a review
6955 by the department to determine the program's compliance with
6956 federal law.

6957 Section 206. Subsection (5) of section 445.016, Florida
6958 Statutes, is amended to read:

6959 445.016 Untried Worker Placement and Employment Incentive
6960 Act.—

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6961 (5) Incentives must be paid according to the incentive
6962 schedule developed by CareerSource Florida, Inc., the Department
6963 of Commerce ~~Economic Opportunity~~, and the Department of Children
6964 and Families which costs the state less per placement than the
6965 state's 12-month expenditure on a welfare recipient.

6966 Section 207. Subsection (1) of section 445.024, Florida
6967 Statutes, is amended to read:

6968 445.024 Work requirements.—

6969 (1) WORK ACTIVITIES.—The Department of Commerce ~~Economic~~
6970 ~~Opportunity~~ may develop activities under each of the following
6971 categories of work activities. The following categories of work
6972 activities, based on federal law and regulations, may be used
6973 individually or in combination to satisfy the work requirements
6974 for a participant in the temporary cash assistance program:

- 6975 (a) Unsubsidized employment.
6976 (b) Subsidized private sector employment.
6977 (c) Subsidized public sector employment.
6978 (d) On-the-job training.
6979 (e) Community service programs.
6980 (f) Work experience.
6981 (g) Job search and job readiness assistance.
6982 (h) Vocational educational training.
6983 (i) Job skills training directly related to employment.
6984 (j) Education directly related to employment.
6985 (k) Satisfactory attendance at a secondary school or in a
6986 course of study leading to a high school equivalency diploma.
6987 (l) Providing child care services.

6988 Section 208. Subsection (1) of section 445.0325, Florida
6989 Statutes, is amended to read:

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6990 445.0325 Welfare Transition Trust Fund.—

6991 (1) The Welfare Transition Trust Fund is created in the
6992 State Treasury, to be administered by the Department of Commerce
6993 ~~Economic Opportunity~~. Funds shall be credited to the trust fund
6994 to be used for the purposes of the welfare transition program
6995 set forth in ss. 445.017-445.032.

6996 Section 209. Section 445.038, Florida Statutes, is amended
6997 to read:

6998 445.038 Digital media; job training.—CareerSource Florida,
6999 Inc., through the Department of Commerce ~~Economic Opportunity~~,
7000 may use funds dedicated for incumbent worker training for the
7001 digital media industry. Training may be provided by public or
7002 private training providers for broadband digital media jobs
7003 listed on the occupations list developed by the Labor Market
7004 Estimating Conference or the Labor Market Statistics Center
7005 within the Department of Commerce ~~Economic Opportunity~~ and on
7006 other programs recommended and approved by the state board
7007 following a review by the department to determine the program's
7008 compliance with federal law. Programs that operate outside the
7009 normal semester time periods and coordinate the use of industry
7010 and public resources must be given priority status for funding.

7011 Section 210. Subsection (2), paragraph (b) of subsection
7012 (4), and subsection (6) of section 445.045, Florida Statutes,
7013 are amended to read:

7014 445.045 Development of an Internet-based system for
7015 information technology industry promotion and workforce
7016 recruitment.—

7017 (2) CareerSource Florida, Inc., shall coordinate with the
7018 Department of Management Services and the Department of Commerce

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7019 ~~Economic Opportunity~~ to ensure links, as feasible and
7020 appropriate, to existing job information websites maintained by
7021 the state and state agencies and to ensure that information
7022 technology positions offered by the state and state agencies are
7023 posted on the information technology website.

7024 (4)

7025 (b) CareerSource Florida, Inc., may enter into an agreement
7026 with the Department of Commerce ~~Economic Opportunity~~ or any
7027 other public agency with the requisite information technology
7028 expertise for the provision of design, operating, or other
7029 technological services necessary to develop and maintain the
7030 website.

7031 (6) In fulfilling its responsibilities under this section,
7032 CareerSource Florida, Inc., may enlist the assistance of and act
7033 through the Department of Commerce ~~Economic Opportunity~~. The
7034 department is authorized and directed to provide the services
7035 that CareerSource Florida, Inc., and the department consider
7036 necessary to implement this section.

7037 Section 211. Section 445.056, Florida Statutes, is amended
7038 to read:

7039 445.056 Citizen Soldier Matching Grant Program.—The
7040 Department of Commerce ~~Economic Opportunity~~ shall implement the
7041 matching grant program established by the former Agency for
7042 Workforce Innovation to award matching grants to private sector
7043 employers in this state which provide wages to employees serving
7044 in the United States Armed Forces Reserves or the Florida
7045 National Guard while those employees are on federal active duty.
7046 A grant may not be provided for federal active duty served
7047 before January 1, 2005. Each grant shall be awarded to reimburse

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7048 the employer for not more than one-half of the monthly wages
7049 paid to an employee who is a resident of this state for the
7050 actual period of federal active duty. The monthly grant per
7051 employee may not exceed one-half of the difference between the
7052 amount of monthly wages paid by the employer to the employee at
7053 the level paid before the date the employee was called to
7054 federal active duty and the amount of the employee's active duty
7055 base pay, housing and variable allowances, and subsistence
7056 allowance. The Department of Commerce ~~Economic Opportunity~~ shall
7057 implement the plan administered by the former Agency for
7058 Workforce Innovation.

7059 Section 212. Subsection (2), paragraph (a) of subsection
7060 (3), and subsection (5) of section 445.06, Florida Statutes, are
7061 amended to read:

7062 445.06 Florida Ready to Work Credential Program.—

7063 (2) Training required to be eligible for a credential under
7064 the program may be conducted in public middle and high schools,
7065 Florida College System institutions, technical centers, one-stop
7066 career centers, vocational rehabilitation centers, Department of
7067 Corrections facilities, and Department of Juvenile Justice
7068 educational facilities. Such training may also be made available
7069 at other entities that provide job training. The Department of
7070 Commerce ~~Economic Opportunity~~, in coordination with the
7071 Department of Education, shall establish institutional readiness
7072 criteria for program implementation.

7073 (3) The program shall be composed of:

7074 (a) A comprehensive identification by the Department of
7075 Commerce ~~Economic Opportunity~~ and the Department of Education of
7076 employability skills currently in demand by employers,

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7077 including, but not limited to, professionalism, time management,
7078 communication, problem solving, collaboration, resilience,
7079 digital literacy skills, and academic skills such as mathematics
7080 and reading.

7081 (5) The Department of Commerce ~~Economic Opportunity~~, in
7082 consultation with the Department of Education, shall adopt rules
7083 pursuant to ss. 120.536(1) and 120.54 to implement the
7084 provisions of this section.

7085 Section 213. Subsection (1) of section 445.07, Florida
7086 Statutes, is amended to read:

7087 445.07 Economic security report of employment and earning
7088 outcomes.—

7089 (1) Beginning December 31, 2013, and annually thereafter,
7090 the Department of Commerce ~~Economic Opportunity~~, in consultation
7091 with the Department of Education, shall prepare, or contract
7092 with an entity to prepare, an economic security report of
7093 employment and earning outcomes for degrees or certificates
7094 earned at public postsecondary educational institutions.

7095 Section 214. Section 446.41, Florida Statutes, is amended
7096 to read:

7097 446.41 Legislative intent with respect to rural workforce
7098 training and development; establishment of Rural Workforce
7099 Services Program.—In order that the state may achieve its full
7100 economic and social potential, consideration must be given to
7101 rural workforce training and development to enable those living
7102 in rural areas to develop their maximum capacities and
7103 participate productively in society. It is, therefore, the
7104 policy of the state to make available those services needed to
7105 assist individuals and communities in rural areas to improve

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7106 their quality of life. It is with a great sense of urgency that
7107 a Rural Workforce Services Program is established within the
7108 Department of Commerce ~~Economic Opportunity~~, under the direction
7109 of CareerSource Florida, Inc., to provide equal access to all
7110 manpower training programs available to rural as well as urban
7111 areas.

7112 Section 215. Paragraph (a) of subsection (1) and paragraph
7113 (d) of subsection (2) of section 446.53, Florida Statutes, are
7114 amended to read:

7115 446.53 Concrete masonry education.—

7116 (1) (a) The Florida Concrete Masonry Education Council,
7117 Inc., is created as a nonprofit corporation organized under the
7118 laws of this state and operating as a direct-support
7119 organization of the Department of Commerce ~~Economic Opportunity~~.

7120 (2)

7121 (d) In addition to the 13 voting members described in
7122 paragraph (a), the Secretary of Commerce ~~Economic Opportunity~~,
7123 or his or her designee, shall serve ex officio as a nonvoting
7124 member of the board of directors of the council.

7125 Section 216. Subsections (1), (4), (5), (6), and (8) of
7126 section 446.71, Florida Statutes, are amended to read:

7127 446.71 Everglades Restoration Agricultural Community
7128 Employment Training Program.—

7129 (1) The Department of Commerce ~~Economic Opportunity~~, in
7130 cooperation with the state board as defined in s. 445.002, shall
7131 establish the Everglades Restoration Agricultural Community
7132 Employment Training Program within the Department of Commerce
7133 ~~Economic Opportunity~~. The Department of Commerce ~~Economic~~
7134 ~~Opportunity~~ shall use funds appropriated to the program by the

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7135 Legislature to provide grants to stimulate and support training
7136 and employment programs that seek to match persons who complete
7137 such training programs to nonagricultural employment
7138 opportunities in areas of high agricultural unemployment, and to
7139 provide other training, educational, and information services
7140 necessary to stimulate the creation of jobs in the areas of high
7141 agricultural unemployment. In determining whether to provide
7142 funds to a particular program, the Department of Commerce
7143 ~~Economic Opportunity~~ shall consider the location of the program
7144 in proximity to the program's intended participants.

7145 (4) The Department of Commerce ~~Economic Opportunity~~ may not
7146 award a grant to any given training program which exceeds 50
7147 percent of the total cost of the program, unless the training
7148 program is located within a rural area of opportunity, in which
7149 case the grant may exceed 50 percent of the total cost of the
7150 program and up to 100 percent. Matching contributions may
7151 include in-kind services, including, but not limited to, the
7152 provision of training instructors, equipment, and training
7153 facilities.

7154 (5) Before granting a request for funds made in accordance
7155 with this section, the Department of Commerce ~~Economic~~
7156 ~~Opportunity~~ shall enter into a grant agreement with the
7157 requester of funds and the institution receiving funding through
7158 the program. Such agreement must include all of the following
7159 information:

7160 (a) An identification of the personnel necessary to conduct
7161 the instructional program, the qualifications of such personnel,
7162 and the respective responsibilities of the parties for paying
7163 costs associated with the employment of such personnel.

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7164 (b) An identification of the estimated length of the
7165 instructional program.

7166 (c) An identification of all direct, training-related
7167 costs, including tuition and fees, curriculum development, books
7168 and classroom materials, and overhead or indirect costs.

7169 (d) An identification of special program requirements that
7170 are not otherwise addressed in the agreement.

7171 (6) The Department of Commerce ~~Economic Opportunity~~ may
7172 grant up to 100 percent of the tuition for a training program
7173 participant who currently resides, and has resided for at least
7174 3 of the 5 immediately preceding years, within the Everglades
7175 Agricultural Area as described in s. 373.4592 and in counties
7176 that provide for water storage and dispersed water storage that
7177 are located in rural areas of opportunity as described in s.
7178 288.0656.

7179 (8) The Department of Commerce ~~Economic Opportunity~~ shall
7180 adopt rules to implement this section.

7181 Section 217. Effective July 1, 2024, subsection (2) of
7182 section 448.09, Florida Statutes, as amended by section 6 of
7183 chapter 2023-40, Laws of Florida, is amended to read:

7184 448.09 Unauthorized aliens; employment prohibited.—

7185 (2) If the Department of Commerce ~~Economic Opportunity~~
7186 finds or is notified by an entity specified in s. 448.095(3)(a)
7187 that an employer has knowingly employed an unauthorized alien
7188 without verifying the employment eligibility of such person, the
7189 department must enter an order pursuant to chapter 120 making
7190 such determination and require repayment of any economic
7191 development incentive pursuant to s. 288.061(6).

7192 Section 218. Paragraph (a) of subsection (3) and paragraphs

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7193 (a) and (b) of subsection (6) of section 448.095, Florida
7194 Statutes, are amended to read:

7195 448.095 Employment eligibility.—

7196 (3) ENFORCEMENT.—

7197 (a) For the purpose of enforcement of this section, any of
7198 the following persons or entities may request, and an employer
7199 must provide, copies of any documentation relied upon by the
7200 employer for the verification of a new employee's employment
7201 eligibility:

7202 1. The Department of Law Enforcement;

7203 2. The Attorney General;

7204 3. The state attorney in the circuit in which the new
7205 employee works;

7206 4. The statewide prosecutor; or

7207 5. The Department of Commerce ~~Economic Opportunity~~.

7208 (6) COMPLIANCE.—

7209 (a) In addition to the requirements under s. 288.061(6),
7210 beginning on July 1, 2024, if the Department of Commerce
7211 ~~Economic Opportunity~~ determines that an employer failed to use
7212 the E-Verify system to verify the employment eligibility of
7213 employees as required under this section, the department must
7214 notify the employer of the department's determination of
7215 noncompliance and provide the employer with 30 days to cure the
7216 noncompliance.

7217 (b) If the Department of Commerce ~~Economic Opportunity~~
7218 determines that an employer failed to use the E-Verify system as
7219 required under this section three times in any 24-month period,
7220 the department must impose a fine of \$1,000 per day until the
7221 employer provides sufficient proof to the department that the

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7222 noncompliance is cured. Noncompliance constitutes grounds for
7223 the suspension of all licenses issued by a licensing agency
7224 subject to chapter 120 until the noncompliance is cured.

7225 Section 219. Paragraph (a) of subsection (3) of section
7226 448.109, Florida Statutes, is amended to read:

7227 448.109 Notification of the state minimum wage.—

7228 (3) (a) Each year the Department of Commerce ~~Economic~~
7229 ~~Opportunity~~ shall, on or before December 1, create and make
7230 available to employers a poster in English and in Spanish which
7231 reads substantially as follows:

7232

7233 NOTICE TO EMPLOYEES

7234

7235 The Florida minimum wage is \$...(amount)... per hour,
7236 with a minimum wage of at least \$...(amount)... per
7237 hour for tipped employees, in addition to tips, for
7238 January 1, ...(year)..., through December 31,
7239 ...(year)....

7240

7241 The rate of the minimum wage is recalculated yearly on
7242 September 30, based on the Consumer Price Index. Every
7243 year on January 1 the new Florida minimum wage takes
7244 effect.

7245

7246 An employer may not retaliate against an employee for
7247 exercising his or her right to receive the minimum
7248 wage. Rights protected by the State Constitution
7249 include the right to:

7250 1. File a complaint about an employer's alleged

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7251 noncompliance with lawful minimum wage requirements.

7252 2. Inform any person about an employer's alleged
7253 noncompliance with lawful minimum wage requirements.

7254 3. Inform any person of his or her potential
7255 rights under Section 24, Article X of the State
7256 Constitution and to assist him or her in asserting
7257 such rights.

7258
7259 An employee who has not received the lawful minimum
7260 wage after notifying his or her employer and giving
7261 the employer 15 days to resolve any claims for unpaid
7262 wages may bring a civil action in a court of law
7263 against an employer to recover back wages plus damages
7264 and attorney's fees.

7265
7266 An employer found liable for intentionally violating
7267 minimum wage requirements is subject to a fine of
7268 \$1,000 per violation, payable to the state.

7269
7270 The Attorney General or other official designated by
7271 the Legislature may bring a civil action to enforce
7272 the minimum wage.

7273
7274 For details see Section 24, Article X of the State
7275 Constitution.

7276 Section 220. Subsections (2), (4), and (11) of section
7277 448.110, Florida Statutes, are amended to read:

7278 448.110 State minimum wage; annual wage adjustment;
7279 enforcement.—

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7280 (2) The purpose of this section is to provide measures
7281 appropriate for the implementation of s. 24, Art. X of the State
7282 Constitution, in accordance with authority granted to the
7283 Legislature pursuant to s. 24(f), Art. X of the State
7284 Constitution. To implement s. 24, Art. X of the State
7285 Constitution, the Department of Commerce ~~Economic Opportunity~~ is
7286 designated as the state Agency for Workforce Innovation.

7287 (4) (a) Beginning September 30, 2005, and annually on
7288 September 30 thereafter, the Department of Commerce ~~Economic~~
7289 ~~Opportunity~~ shall calculate an adjusted state minimum wage rate
7290 by increasing the state minimum wage by the rate of inflation
7291 for the 12 months prior to September 1. In calculating the
7292 adjusted state minimum wage, the Department of Commerce ~~Economic~~
7293 ~~Opportunity~~ shall use the Consumer Price Index for Urban Wage
7294 Earners and Clerical Workers, not seasonally adjusted, for the
7295 South Region or a successor index as calculated by the United
7296 States Department of Labor. Each adjusted state minimum wage
7297 rate shall take effect on the following January 1, with the
7298 initial adjusted minimum wage rate to take effect on January 1,
7299 2006.

7300 (b) The Department of Revenue and the Department of
7301 Commerce ~~Economic Opportunity~~ shall annually publish the amount
7302 of the adjusted state minimum wage and the effective date.
7303 Publication shall occur by posting the adjusted state minimum
7304 wage rate and the effective date on the Internet home pages of
7305 the Department of Commerce ~~Economic Opportunity~~ and the
7306 Department of Revenue by October 15 of each year. In addition,
7307 to the extent funded in the General Appropriations Act, the
7308 Department of Commerce ~~Economic Opportunity~~ shall provide

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7309 written notice of the adjusted rate and the effective date of
7310 the adjusted state minimum wage to all employers registered in
7311 the most current reemployment assistance database. Such notice
7312 shall be mailed by November 15 of each year using the addresses
7313 included in the database. Employers are responsible for
7314 maintaining current address information in the reemployment
7315 assistance database. The Department of Commerce ~~Economic~~
7316 ~~Opportunity~~ is not responsible for failure to provide notice due
7317 to incorrect or incomplete address information in the database.
7318 The Department of Commerce ~~Economic Opportunity~~ shall provide
7319 the Department of Revenue with the adjusted state minimum wage
7320 rate information and effective date in a timely manner.

7321 (11) Except for calculating the adjusted state minimum wage
7322 and publishing the initial state minimum wage and any annual
7323 adjustments thereto, the authority of the Department of Commerce
7324 ~~Economic Opportunity~~ in implementing s. 24, Art. X of the State
7325 Constitution, pursuant to this section, shall be limited to that
7326 authority expressly granted by the Legislature.

7327 Section 221. Section 450.161, Florida Statutes, as amended
7328 by section 400 of chapter 2011-142, Laws of Florida, is amended
7329 to read:

7330 450.161 Chapter not to affect career education of children;
7331 other exceptions.—Nothing in this chapter shall prevent minors
7332 of any age from receiving career education furnished by the
7333 United States, this state, or any county or other political
7334 subdivision of this state and duly approved by the Department of
7335 Education or other duly constituted authority, nor any
7336 apprentice indentured under a plan approved by the Department of
7337 Commerce ~~Economic Opportunity~~, or prevent the employment of any

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7338 minor 14 years of age or older when such employment is
7339 authorized as an integral part of, or supplement to, such a
7340 course in career education and is authorized by regulations of
7341 the district school board of the district in which such minor is
7342 employed, provided the employment is in compliance with the
7343 provisions of ss. 450.021(4) and 450.061. Exemptions for the
7344 employment of student learners 16 to 18 years of age are
7345 provided in s. 450.061. Such an exemption shall apply when:

7346 (1) The student learner is enrolled in a youth vocational
7347 training program under a recognized state or local educational
7348 authority.

7349 (2) Such student learner is employed under a written
7350 agreement that provides:

7351 (a) That the work of the student learner in the occupation
7352 declared particularly hazardous shall be incidental to the
7353 training.

7354 (b) That such work shall be intermittent and for short
7355 periods of time and under the direct and close supervision of a
7356 qualified and experienced person.

7357 (c) That safety instructions shall be given by the school
7358 and correlated by the employer with on-the-job training.

7359 (d) That a schedule of organized and progressive work
7360 processes to be performed on the job shall have been prepared.

7361
7362 Each such written agreement shall contain the name of the
7363 student learner and shall be signed by the employer, the school
7364 coordinator and principal, and the parent or legal guardian.

7365 Copies of each agreement shall be kept on file by both the
7366 school and the employer. This exemption for the employment of

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7367 student learners may be revoked in any individual situation when
7368 it is found that reasonable precautions have not been observed
7369 for the safety of minors employed thereunder. A high school
7370 graduate may be employed in an occupation in which he or she has
7371 completed training as a student learner, as provided in this
7372 section, even though he or she is not yet 18 years of age.

7373 Section 222. Paragraph (j) of subsection (1) of section
7374 450.191, Florida Statutes, is amended to read:

7375 450.191 Executive Office of the Governor; powers and
7376 duties.—

7377 (1) The Executive Office of the Governor is authorized and
7378 directed to:

7379 (j) Cooperate with the Department of Commerce ~~Economic~~
7380 ~~Opportunity~~ in the recruitment and referral of migrant laborers
7381 and other persons for the planting, cultivation, and harvesting
7382 of agricultural crops in Florida.

7383 Section 223. Section 450.261, Florida Statutes, is amended
7384 to read:

7385 450.261 Interstate Migrant Labor Commission; Florida
7386 membership.—In selecting the Florida membership of the
7387 Interstate Migrant Labor Commission, the Governor may designate
7388 the Secretary of Commerce ~~Economic Opportunity~~ as his or her
7389 representative.

7390 Section 224. Paragraph (e) of subsection (2) of section
7391 450.31, Florida Statutes, is amended to read:

7392 450.31 Issuance, revocation, and suspension of, and refusal
7393 to issue or renew, certificate of registration.—

7394 (2) The department may revoke, suspend, or refuse to issue
7395 or renew any certificate of registration when it is shown that

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7396 the farm labor contractor has:

7397 (e) Failed to pay reemployment assistance taxes as
7398 determined by the Department of Commerce ~~Economic Opportunity~~;
7399 or

7400 Section 225. Subsection (3) of section 468.529, Florida
7401 Statutes, is amended to read:

7402 468.529 Licensee's insurance; employment tax; benefit
7403 plans.—

7404 (3) A licensed employee leasing company shall within 30
7405 days after initiation or termination notify its workers'
7406 compensation insurance carrier, the Division of Workers'
7407 Compensation of the Department of Financial Services, and the
7408 state agency providing reemployment assistance tax collection
7409 services under contract with the Department of Commerce ~~Economic~~
7410 ~~Opportunity~~ through an interagency agreement pursuant to s.
7411 443.1316 of both the initiation or the termination of the
7412 company's relationship with any client company.

7413 Section 226. Paragraph (i) of subsection (4) of section
7414 551.104, Florida Statutes, is amended to read:

7415 551.104 License to conduct slot machine gaming.—

7416 (4) As a condition of licensure and to maintain continued
7417 authority for the conduct of slot machine gaming, the slot
7418 machine licensee shall:

7419 (i) Create and file with the commission a written policy
7420 for:

7421 1. Creating opportunities to purchase from vendors in this
7422 state, including minority vendors.

7423 2. Creating opportunities for employment of residents of
7424 this state, including minority residents.

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7425 3. Ensuring opportunities for construction services from
7426 minority contractors.

7427 4. Ensuring that opportunities for employment are offered
7428 on an equal, nondiscriminatory basis.

7429 5. Training for employees on responsible gaming and working
7430 with a compulsive or addictive gambling prevention program to
7431 further its purposes as provided for in s. 551.118.

7432 6. The implementation of a drug-testing program that
7433 includes, but is not limited to, requiring each employee to sign
7434 an agreement that he or she understands that the slot machine
7435 facility is a drug-free workplace.

7436
7437 The slot machine licensee shall use the Internet-based job-
7438 listing system of the Department of Commerce ~~Economic~~
7439 ~~Opportunity~~ in advertising employment opportunities. Each slot
7440 machine licensee shall provide an annual report to the Florida
7441 Gaming Control Commission containing information indicating
7442 compliance with this paragraph in regard to minority persons.

7443 Section 227. Paragraph (e) of subsection (16) of section
7444 553.79, Florida Statutes, is amended to read:

7445 553.79 Permits; applications; issuance; inspections.-

7446 (16) Except as provided in paragraph (e), a building permit
7447 for a single-family residential dwelling must be issued within
7448 30 business days after receiving the permit application unless
7449 the permit application fails to satisfy the Florida Building
7450 Code or the enforcing agency's laws or ordinances.

7451 (e) A building permit for a single-family residential
7452 dwelling applied for by a contractor licensed in this state on
7453 behalf of a property owner who participates in a Community

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7454 Development Block Grant-Disaster Recovery program administered
7455 by the Department of Commerce ~~Economic Opportunity~~ must be
7456 issued within 15 working days after receipt of the application
7457 unless the permit application fails to satisfy the Florida
7458 Building Code or the enforcing agency's laws or ordinances.

7459 Section 228. Subsection (10) of section 570.71, Florida
7460 Statutes, is amended to read:

7461 570.71 Conservation easements and agreements.—

7462 (10) The department, in consultation with the Department of
7463 Environmental Protection, the water management districts, the
7464 Department of Commerce ~~Economic Opportunity~~, and the Florida
7465 Fish and Wildlife Conservation Commission, shall adopt rules
7466 that establish an application process; a process and criteria
7467 for setting priorities for use of funds consistent with the
7468 purposes specified in subsection (1) and giving preference to
7469 ranch and timber lands managed using sustainable practices,
7470 lands in imminent danger of development or degradation, or lands
7471 within the Florida wildlife corridor as defined in s.
7472 259.1055(4); an appraisal process; and a process for title
7473 review and compliance and approval of the rules by the Board of
7474 Trustees of the Internal Improvement Trust Fund.

7475 Section 229. Paragraph (d) of subsection (1), paragraph (e)
7476 of subsection (2), subsection (3), and paragraph (a) of
7477 subsection (4) of section 624.5105, Florida Statutes, are
7478 amended to read:

7479 624.5105 Community contribution tax credit; authorization;
7480 limitations; eligibility and application requirements;
7481 administration; definitions; expiration.—

7482 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

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7483 (d) Each proposal for the granting of such tax credit
7484 requires the prior approval of the Secretary of Commerce
7485 ~~Economic Opportunity~~.

7486 (2) ELIGIBILITY REQUIREMENTS.—

7487 (e)1. If, during the first 10 business days of the state
7488 fiscal year, eligible tax credit applications for projects that
7489 provide housing opportunities for persons with special needs as
7490 defined in s. 420.0004 or homeownership opportunities for low-
7491 income or very-low-income households as defined in s.
7492 420.9071(20) and (30) are received for less than the annual tax
7493 credits available for those projects, the Department of Commerce
7494 ~~Economic Opportunity~~ shall grant tax credits for those
7495 applications and shall grant remaining tax credits on a first-
7496 come, first-served basis for any subsequent eligible
7497 applications received before the end of the state fiscal year.
7498 If, during the first 10 business days of the state fiscal year,
7499 eligible tax credit applications for projects that provide
7500 housing opportunities for persons with special needs as defined
7501 in s. 420.0004 or homeownership opportunities for low-income or
7502 very-low-income households as defined in s. 420.9071(20) and
7503 (30) are received for more than the annual tax credits available
7504 for those projects, the Department of Commerce ~~Economic~~
7505 ~~Opportunity~~ shall grant the tax credits for those applications
7506 as follows:

7507 a. If tax credit applications submitted for approved
7508 projects of an eligible sponsor do not exceed \$200,000 in total,
7509 the credits shall be granted in full if the tax credit
7510 applications are approved.

7511 b. If tax credit applications submitted for approved

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7512 projects of an eligible sponsor exceed \$200,000 in total, the
7513 amount of tax credits granted under sub-subparagraph a. shall be
7514 subtracted from the amount of available tax credits, and the
7515 remaining credits shall be granted to each approved tax credit
7516 application on a pro rata basis.

7517 2. If, during the first 10 business days of the state
7518 fiscal year, eligible tax credit applications for projects other
7519 than those that provide housing opportunities for persons with
7520 special needs as defined in s. 420.0004 or homeownership
7521 opportunities for low-income or very-low-income households as
7522 defined in s. 420.9071(20) and (30) are received for less than
7523 the annual tax credits available for those projects, the
7524 Department of Commerce ~~Economic Opportunity~~ shall grant tax
7525 credits for those applications and shall grant remaining tax
7526 credits on a first-come, first-served basis for any subsequent
7527 eligible applications received before the end of the state
7528 fiscal year. If, during the first 10 business days of the state
7529 fiscal year, eligible tax credit applications for projects other
7530 than those that provide housing opportunities for persons with
7531 special needs as defined in s. 420.0004 or homeownership
7532 opportunities for low-income or very-low-income households as
7533 defined in s. 420.9071(20) and (30) are received for more than
7534 the annual tax credits available for those projects, the
7535 Department of Commerce ~~Economic Opportunity~~ shall grant the tax
7536 credits for those applications on a pro rata basis.

7537 (3) APPLICATION REQUIREMENTS.—

7538 (a) Any eligible sponsor wishing to participate in this
7539 program must submit a proposal to the Department of Commerce
7540 ~~Economic Opportunity~~ which sets forth the sponsor, the project,

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7541 the area in which the project is located, and such supporting
7542 information as may be prescribed by rule. The proposal shall
7543 also contain a resolution from the local governmental unit in
7544 which the proposed project is located certifying that the
7545 project is consistent with local plans and regulations.

7546 (b)1. Any insurer wishing to participate in this program
7547 must submit an application for tax credit to the Department of
7548 Commerce ~~Economic Opportunity~~ which sets forth the sponsor; the
7549 project; and the type, value, and purpose of the contribution.
7550 The sponsor must verify, in writing, the terms of the
7551 application and indicate its willingness to receive the
7552 contribution, which verification must accompany the application
7553 for tax credit.

7554 2. The insurer must submit a separate application for tax
7555 credit for each individual contribution which it proposes to
7556 contribute to each individual project.

7557 (4) ADMINISTRATION.—

7558 (a)1. The Department of Commerce ~~Economic Opportunity~~ may
7559 adopt rules to administer this section, including rules for the
7560 approval or disapproval of proposals by insurers.

7561 2. The decision of the Secretary of Commerce ~~Economic~~
7562 ~~Opportunity~~ shall be in writing, and, if approved, the proposal
7563 shall state the maximum credit allowable to the insurer. A copy
7564 of the decision shall be transmitted to the executive director
7565 of the Department of Revenue, who shall apply such credit to the
7566 tax liability of the insurer.

7567 3. The Department of Commerce ~~Economic Opportunity~~ shall
7568 monitor all projects periodically, in a manner consistent with
7569 available resources to ensure that resources are utilized in

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7570 accordance with this section; however, each project shall be
7571 reviewed no less frequently than once every 2 years.

7572 4. The Department of Commerce ~~Economic Opportunity~~ shall,
7573 in consultation with the Florida Housing Finance Corporation and
7574 the statewide and regional housing and financial intermediaries,
7575 market the availability of the community contribution tax credit
7576 program to community-based organizations.

7577 Section 230. Paragraph (c) of subsection (1) of section
7578 627.42397, Florida Statutes, is amended to read:

7579 627.42397 Coverage for air ambulance services.—

7580 (1) As used in this section, the term:

7581 (c) "Reasonable reimbursement" means reimbursement that
7582 considers the direct cost to provide the air ambulance
7583 transportation service to the insured, the operation of an air
7584 ambulance service by a county which operates entirely within a
7585 designated area of critical state concern as determined by the
7586 Department of Commerce ~~Economic Opportunity~~, and in-network
7587 reimbursement established by the health insurer for the specific
7588 policy. The term does not include the amount of billed charges
7589 for the cost of services rendered.

7590 Section 231. Paragraph (c) of subsection (1) of section
7591 641.514, Florida Statutes, is amended to read:

7592 641.514 Coverage for air ambulance services.—

7593 (1) As used in this section, the term:

7594 (c) "Reasonable reimbursement" means reimbursement that
7595 considers the direct cost to provide the air ambulance
7596 transportation service to the subscriber, the operation of an
7597 air ambulance service by a county which operates entirely within
7598 a designated area of critical state concern as determined by the

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7599 Department of Commerce ~~Economic Opportunity~~, and in-network
7600 reimbursement established by the health maintenance organization
7601 for the specific contract. The term does not include the amount
7602 of billed charges for the cost of services rendered.

7603 Section 232. Paragraph (a) of subsection (3), paragraph (b)
7604 of subsection (7), and subsection (10) of section 692.203,
7605 Florida Statutes, are amended to read:

7606 692.203 Purchase of real property on or around military
7607 installations or critical infrastructure facilities by foreign
7608 principals prohibited.—

7609 (3) (a) A foreign principal must register with the
7610 Department of Commerce ~~Economic Opportunity~~ if the foreign
7611 principal owns or acquires real property on or within 10 miles
7612 of any military installation or critical infrastructure facility
7613 in this state as authorized under subsection (4) or if the
7614 foreign principal owned or acquired an interest, other than a de
7615 minimus indirect interest, in such property before July 1, 2023.
7616 The department must establish a form for such registration
7617 which, at a minimum, must include all of the following:

- 7618 1. The name of the owner of the real property.
7619 2. The address of the real property, the property
7620 appraiser's parcel identification number, and the property's
7621 legal description.

7622 (7)

7623 (b) The Department of Commerce ~~Economic Opportunity~~ may
7624 initiate a civil action in the circuit court of the county in
7625 which the property lies for the forfeiture of the real property
7626 or any interest therein.

7627 (10) The Department of Commerce ~~Economic Opportunity~~ shall

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7628 adopt rules to implement this section.

7629 Section 233. Paragraph (a) of subsection (4), paragraph (b)
7630 of subsection (7), and subsection (10) of section 692.204,
7631 Florida Statutes, are amended to read:

7632 692.204 Purchase or acquisition of real property by the
7633 People's Republic of China prohibited.—

7634 (4) (a) A person or entity described in paragraph (1) (a),
7635 subsection (2), or subsection (5) must register with the
7636 Department of Commerce ~~Economic Opportunity~~ if the person or
7637 entity owns or acquires more than a de minimus indirect interest
7638 in real property in this state. The department must establish a
7639 form for such registration which, at a minimum, must include all
7640 of the following:

7641 1. The name of the owner of the real property.

7642 2. The address of the real property, the property
7643 appraiser's parcel identification number, and the property's
7644 legal description.

7645 (7)

7646 (b) The Department of Commerce ~~Economic Opportunity~~ may
7647 initiate a civil action in the circuit court of the county in
7648 which the property lies for the forfeiture of the real property
7649 or any interest therein.

7650 (10) The Department of Commerce ~~Economic Opportunity~~ shall
7651 adopt rules to implement this section.

7652 Section 234. Subsection (2) of section 720.403, Florida
7653 Statutes, is amended to read:

7654 720.403 Preservation of communities; revival of declaration
7655 of covenants.—

7656 (2) In order to preserve a community and the associated

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7657 infrastructure and common areas for the purposes described in
7658 this section, the parcel owners in a community that was
7659 previously subject to a declaration of covenants that has ceased
7660 to govern one or more parcels in the community may revive the
7661 declaration and the association for the community upon approval
7662 by the parcel owners to be governed thereby as provided in this
7663 act, and upon approval of the declaration and the other
7664 governing documents for the association by the Department of
7665 Commerce ~~Economic Opportunity~~ in a manner consistent with this
7666 act.

7667 Section 235. Section 720.404, Florida Statutes, is amended
7668 to read:

7669 720.404 Eligible communities; requirements for revival of
7670 declaration.—Parcel owners in a community are eligible to seek
7671 approval from the Department of Commerce ~~Economic Opportunity~~ to
7672 revive a declaration of covenants under this act if all of the
7673 following requirements are met:

7674 (1) All parcels to be governed by the revived declaration
7675 must have been once governed by a previous declaration that has
7676 ceased to govern some or all of the parcels in the community;

7677 (2) The revived declaration must be approved in the manner
7678 provided in s. 720.405(6); and

7679 (3) The revived declaration may not contain covenants that
7680 are more restrictive on the parcel owners than the covenants
7681 contained in the previous declaration, except that the
7682 declaration may:

7683 (a) Have an effective term of longer duration than the term
7684 of the previous declaration;

7685 (b) Omit restrictions contained in the previous

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7686 declaration;

7687 (c) Govern fewer than all of the parcels governed by the
7688 previous declaration;

7689 (d) Provide for amendments to the declaration and other
7690 governing documents; and

7691 (e) Contain provisions required by this chapter for new
7692 declarations that were not contained in the previous
7693 declaration.

7694 Section 236. Section 720.406, Florida Statutes, is amended
7695 to read:

7696 720.406 Department of Commerce ~~Economic Opportunity~~;
7697 submission; review and determination.—

7698 (1) No later than 60 days after the date the proposed
7699 revived declaration and other governing documents are approved
7700 by the affected parcel owners, the organizing committee or its
7701 designee must submit the proposed revived governing documents
7702 and supporting materials to the Department of Commerce ~~Economic~~
7703 ~~Opportunity~~ to review and determine whether to approve or
7704 disapprove of the proposal to preserve the residential
7705 community. The submission to the department must include:

7706 (a) The full text of the proposed revived declaration of
7707 covenants and articles of incorporation and bylaws of the
7708 homeowners' association;

7709 (b) A verified copy of the previous declaration of
7710 covenants and other previous governing documents for the
7711 community, including any amendments thereto;

7712 (c) The legal description of each parcel to be subject to
7713 the revived declaration and other governing documents and a plat
7714 or other graphic depiction of the affected properties in the

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7715 community;

7716 (d) A verified copy of the written consents of the
7717 requisite number of the affected parcel owners approving the
7718 revived declaration and other governing documents or, if
7719 approval was obtained by a vote at a meeting of affected parcel
7720 owners, verified copies of the notice of the meeting,
7721 attendance, and voting results;

7722 (e) An affidavit by a current or former officer of the
7723 association or by a member of the organizing committee verifying
7724 that the requirements for the revived declaration set forth in
7725 s. 720.404 have been satisfied; and

7726 (f) Such other documentation that the organizing committee
7727 believes is supportive of the policy of preserving the
7728 residential community and operating, managing, and maintaining
7729 the infrastructure, aesthetic character, and common areas
7730 serving the residential community.

7731 (2) No later than 60 days after receiving the submission,
7732 the department must determine whether the proposed revived
7733 declaration of covenants and other governing documents comply
7734 with the requirements of this act.

7735 (a) If the department determines that the proposed revived
7736 declaration and other governing documents comply with the act
7737 and have been approved by the parcel owners as required by this
7738 act, the department shall notify the organizing committee in
7739 writing of its approval.

7740 (b) If the department determines that the proposed revived
7741 declaration and other governing documents do not comply with
7742 this act or have not been approved as required by this act, the
7743 department shall notify the organizing committee in writing that

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7744 it does not approve the governing documents and shall state the
7745 reasons for the disapproval.

7746 Section 237. Subsections (2) and (8) of section 943.0311,
7747 Florida Statutes, are amended to read:

7748 943.0311 Chief of Domestic Security; duties of the
7749 department with respect to domestic security.—

7750 (2) The chief shall regularly coordinate random audits
7751 pursuant to s. 448.095 to ensure compliance and enforcement and
7752 shall notify the Department of Commerce ~~Economic Opportunity~~ of
7753 any violations.

7754 (8) As used in this section, the term "state agency"
7755 includes the Agency for Health Care Administration, the
7756 Department of Agriculture and Consumer Services, the Department
7757 of Business and Professional Regulation, the Department of
7758 Children and Families, the Department of Citrus, the Department
7759 of Commerce ~~Economic Opportunity~~, the Department of Corrections,
7760 the Department of Education, the Department of Elderly Affairs,
7761 the Division of Emergency Management, the Department of
7762 Environmental Protection, the Department of Financial Services,
7763 the Department of Health, the Department of Highway Safety and
7764 Motor Vehicles, the Department of Juvenile Justice, the
7765 Department of Law Enforcement, the Department of Legal Affairs,
7766 the Department of Management Services, the Department of
7767 Military Affairs, the Department of Revenue, the Department of
7768 State, the Department of the Lottery, the Department of
7769 Transportation, the Department of Veterans' Affairs, the Fish
7770 and Wildlife Conservation Commission, the Florida Commission on
7771 Offender Review, the State Board of Administration, and the
7772 Executive Office of the Governor.

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7773 Section 238. Paragraph (h) of subsection (3) of section
7774 944.801, Florida Statutes, is amended to read:

7775 944.801 Education for state prisoners.—

7776 (3) The responsibilities of the Correctional Education
7777 Program shall be to:

7778 (h) Develop a written procedure for selecting programs to
7779 add to or delete from the vocational curriculum. The procedure
7780 shall include labor market analyses that demonstrate the
7781 projected demand for certain occupations and the projected
7782 supply of potential employees. In conducting these analyses, the
7783 department shall evaluate the feasibility of adding vocational
7784 education programs that have been identified by the Department
7785 of Commerce ~~Economic Opportunity~~, the Department of Education,
7786 or a regional coordinating council as being in undersupply in
7787 this state. The department shall periodically reevaluate the
7788 vocational education programs in major institutions to determine
7789 which of the programs support and provide relevant skills to
7790 inmates who could be assigned to a correctional work program
7791 that is operated as a Prison Industry Enhancement Program.

7792 Section 239. Paragraph (d) of subsection (3) of section
7793 945.10, Florida Statutes, is amended to read:

7794 945.10 Confidential information.—

7795 (3) Due to substantial concerns regarding institutional
7796 security and unreasonable and excessive demands on personnel and
7797 resources if an inmate or an offender has unlimited or routine
7798 access to records of the Department of Corrections, an inmate or
7799 an offender who is under the jurisdiction of the department may
7800 not have unrestricted access to the department's records or to
7801 information contained in the department's records. However,

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7802 except as to another inmate's or offender's records, the
7803 department may permit limited access to its records if an inmate
7804 or an offender makes a written request and demonstrates an
7805 exceptional need for information contained in the department's
7806 records and the information is otherwise unavailable.

7807 Exceptional circumstances include, but are not limited to:

7808 (d) The requested records contain information required to
7809 process an application or claim by the inmate or offender with
7810 the Internal Revenue Service, the Social Security
7811 Administration, the Department of Commerce ~~Economic Opportunity~~,
7812 or any other similar application or claim with a state agency or
7813 federal agency.

7814 Section 240. Subsection (4) of section 985.601, Florida
7815 Statutes, is amended to read:

7816 985.601 Administering the juvenile justice continuum.—

7817 (4) The department shall maintain continuing cooperation
7818 with the Department of Education, the Department of Children and
7819 Families, the Department of Commerce ~~Economic Opportunity~~, and
7820 the Department of Corrections for the purpose of participating
7821 in agreements with respect to dropout prevention and the
7822 reduction of suspensions, expulsions, and truancy; increased
7823 access to and participation in high school equivalency diploma,
7824 vocational, and alternative education programs; and employment
7825 training and placement assistance. The cooperative agreements
7826 between the departments shall include an interdepartmental plan
7827 to cooperate in accomplishing the reduction of inappropriate
7828 transfers of children into the adult criminal justice and
7829 correctional systems. As part of its continuing cooperation, the
7830 department shall participate in the planning process for

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7831 promoting a coordinated system of care for children and
7832 adolescents pursuant to s. 394.4955.

7833 Section 241. Paragraph (w) of subsection (2) of section
7834 1001.02, Florida Statutes, is amended to read:

7835 1001.02 General powers of State Board of Education.—

7836 (2) The State Board of Education has the following duties:

7837 (w) Beginning in the 2014-2015 academic year and annually
7838 thereafter, to require each Florida College System institution
7839 prior to registration to provide each enrolled student
7840 electronic access to the economic security report of employment
7841 and earning outcomes prepared by the Department of Commerce
7842 ~~Economic Opportunity~~ pursuant to s. 445.07.

7843 Section 242. Subsection (18) of section 1001.03, Florida
7844 Statutes, is amended to read:

7845 1001.03 Specific powers of State Board of Education.—

7846 (18) UNIFIED STATE PLAN FOR SCIENCE, TECHNOLOGY,
7847 ENGINEERING, AND MATHEMATICS (STEM).—The State Board of
7848 Education, in consultation with the Board of Governors and the
7849 Department of Commerce ~~Economic Opportunity~~, shall adopt a
7850 unified state plan to improve K-20 STEM education and prepare
7851 students for high-skill, high-wage, and high-demand employment
7852 in STEM and STEM-related fields.

7853 Section 243. Paragraphs (b), (d), and (i) of subsection (5)
7854 of section 1001.706, Florida Statutes, are amended to read:

7855 1001.706 Powers and duties of the Board of Governors.—

7856 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

7857 (b) The Board of Governors shall develop a strategic plan
7858 specifying goals and objectives for the State University System
7859 and each constituent university, including each university's

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7860 contribution to overall system goals and objectives. The
7861 strategic plan must:

7862 1. Include performance metrics and standards common for all
7863 institutions and metrics and standards unique to institutions
7864 depending on institutional core missions, including, but not
7865 limited to, student admission requirements, retention,
7866 graduation, percentage of graduates who have attained
7867 employment, percentage of graduates enrolled in continued
7868 education, licensure passage, nondegree credential attainment,
7869 average wages of employed graduates, average cost per graduate,
7870 excess hours, student loan burden and default rates, faculty
7871 awards, total annual research expenditures, patents, licenses
7872 and royalties, intellectual property, startup companies, annual
7873 giving, endowments, and well-known, highly respected national
7874 rankings for institutional and program achievements.

7875 2. Consider reports and recommendations of the Florida
7876 Talent Development Council under s. 1004.015 and the
7877 Articulation Coordinating Committee under s. 1007.01, and the
7878 information provided by the Labor Market Statistics Center
7879 within the Department of Commerce ~~Economic Opportunity~~ and the
7880 Labor Market Estimating Conference.

7881 3. Include student enrollment and performance data
7882 delineated by method of instruction, including, but not limited
7883 to, traditional, online, and distance learning instruction.

7884 4. Include criteria for designating baccalaureate degree
7885 and master's degree programs at specified universities as high-
7886 demand programs of emphasis. Once the criteria are available and
7887 applicable to baccalaureate degrees and graduate degrees, the
7888 Board of Governors shall adopt the criteria to determine value

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7889 for and prioritization of degree credentials and degree programs
7890 established by the Credentials Review Committee under s. 445.004
7891 for designating high-demand programs of emphasis. The Board of
7892 Governors must review designated programs of emphasis, at a
7893 minimum, every 3 years to ensure alignment with the
7894 prioritization of degree credentials and degree programs
7895 identified by the Credentials Review Committee.

7896 5. Include criteria for nondegree credentials.

7897 (d) The Board of Governors shall annually require a state
7898 university prior to registration to provide each enrolled
7899 student electronic access to the economic security report of
7900 employment and earning outcomes prepared by the Department of
7901 Commerce ~~Economic Opportunity~~ pursuant to s. 445.07. In
7902 addition, the Board of Governors shall require a state
7903 university to provide each student electronic access to the
7904 following information each year prior to registration using the
7905 data described in s. 1008.39:

7906 1. The top 25 percent of degrees reported by the university
7907 in terms of highest full-time job placement and highest average
7908 annualized earnings in the year after earning the degree.

7909 2. The bottom 10 percent of degrees reported by the
7910 university in terms of lowest full-time job placement and lowest
7911 average annualized earnings in the year after earning the
7912 degree.

7913 (i) The Board of Governors shall match individual student
7914 information with information in the files of state and federal
7915 agencies that maintain educational and employment records. The
7916 board must enter into an agreement with the Department of
7917 Commerce ~~Economic Opportunity~~ that allows access to the

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7918 individual reemployment assistance wage records maintained by
7919 the department. The agreement must protect individual privacy
7920 and provide that student information may be used only for the
7921 purposes of auditing or evaluating higher education programs
7922 offered by state universities.

7923 Section 244. Subsection (24) of section 1002.20, Florida
7924 Statutes, is amended to read:

7925 1002.20 K-12 student and parent rights.—Parents of public
7926 school students must receive accurate and timely information
7927 regarding their child's academic progress and must be informed
7928 of ways they can help their child to succeed in school. K-12
7929 students and their parents are afforded numerous statutory
7930 rights including, but not limited to, the following:

7931 (24) ECONOMIC SECURITY REPORT.—Beginning in the 2014-2015
7932 school year and annually thereafter, each middle school and high
7933 school student or the student's parent prior to registration
7934 shall be provided a two-page summary of the Department of
7935 Commerce's Economic Opportunity's economic security report of
7936 employment and earning outcomes prepared pursuant to s. 445.07
7937 and electronic access to the report.

7938 Section 245. Paragraph (a) of subsection (7) of section
7939 1002.395, Florida Statutes, is amended to read:

7940 1002.395 Florida Tax Credit Scholarship Program.—

7941 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
7942 PARTICIPATION.—

7943 (a) A parent whose student will be enrolled full time in a
7944 private school must:

7945 1. Select an eligible private school and apply for the
7946 admission of his or her child.

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7947 2. Inform the child's school district when the parent
7948 withdraws his or her child to attend an eligible private school.

7949 3. Require his or her student participating in the program
7950 to remain in attendance throughout the school year unless
7951 excused by the school for illness or other good cause and comply
7952 with the private school's published policies.

7953 4. Meet with the private school's principal or the
7954 principal's designee to review the school's academic programs
7955 and policies, specialized services, code of student conduct, and
7956 attendance policies before enrollment in the private school.

7957 5. Require his or her student participating in the program
7958 to take the norm-referenced assessment offered by the private
7959 school. The parent may also choose to have the student
7960 participate in the statewide assessments pursuant to s. 1008.22.
7961 If the parent requests that the student participating in the
7962 scholarship program take statewide assessments pursuant to s.
7963 1008.22 and the private school has not chosen to offer and
7964 administer the statewide assessments, the parent is responsible
7965 for transporting the student to the assessment site designated
7966 by the school district.

7967 6. Approve each payment before the scholarship funds may be
7968 deposited by funds transfer. The parent may not designate any
7969 entity or individual associated with the participating private
7970 school as the parent's attorney in fact to approve a funds
7971 transfer. A participant who fails to comply with this paragraph
7972 forfeits the scholarship.

7973 7. Authorize the nonprofit scholarship-funding organization
7974 to access information needed for income eligibility
7975 determination and verification held by other state or federal

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7976 agencies, including the Department of Revenue, the Department of
7977 Children and Families, the Department of Education, the
7978 Department of Commerce ~~Economic Opportunity~~, and the Agency for
7979 Health Care Administration.

7980 8. Agree to have the organization commit scholarship funds
7981 on behalf of his or her student for tuition and fees for which
7982 the parent is responsible for payment at the private school
7983 before using empowerment account funds for additional authorized
7984 uses under paragraph (6) (d). A parent is responsible for all
7985 eligible expenses in excess of the amount of the scholarship.

7986
7987 An eligible nonprofit scholarship-funding organization may not
7988 further regulate, exercise control over, or require
7989 documentation beyond the requirements of this subsection unless
7990 the regulation, control, or documentation is necessary for
7991 participation in the program.

7992 Section 246. Paragraph (a) of subsection (6) of section
7993 1002.895, Florida Statutes, is amended to read:

7994 1002.895 Market rate schedule.—The school readiness program
7995 market rate schedule shall be implemented as follows:

7996 (6) The department shall establish procedures to annually
7997 collect data regarding the cost of care to include, but not be
7998 limited to:

7999 (a) Data from the Department of Commerce's ~~Economic~~
8000 ~~Opportunity's~~ Bureau of Workforce Statistics and Economic
8001 Research on the average salary for child care personnel to
8002 include, at a minimum, child care instructors and child care
8003 directors.

8004 Section 247. Paragraph (e) of subsection (1) of section

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8005 1003.4156, Florida Statutes, is amended to read:

8006 1003.4156 General requirements for middle grades
8007 promotion.—

8008 (1) In order for a student to be promoted to high school
8009 from a school that includes middle grades 6, 7, and 8, the
8010 student must successfully complete the following courses:

8011 (e) One course in career and education planning to be
8012 completed in grades 6, 7, or 8, which may be taught by any
8013 member of the instructional staff. The course must be Internet-
8014 based, customizable to each student, and include research-based
8015 assessments to assist students in determining educational and
8016 career options and goals. In addition, the course must result in
8017 a completed personalized academic and career plan for the
8018 student, which must use, when available, Florida's online career
8019 planning and work-based learning coordination system. The course
8020 must teach each student how to access and update the plan and
8021 encourage the student to access and update the plan at least
8022 annually as the student progresses through middle school and
8023 high school. The personalized academic and career plan must
8024 emphasize the importance of entrepreneurship and employability
8025 skills and must include information from the Department of
8026 Commerce's ~~Economic Opportunity's~~ economic security report under
8027 s. 445.07 and other state career planning resources. The
8028 required personalized academic and career plan must inform
8029 students of high school graduation requirements, including a
8030 detailed explanation of the requirements for earning a high
8031 school diploma designation under s. 1003.4285 and the career and
8032 technical education pathway to earn a standard high school
8033 diploma under s. 1003.4282(10); the requirements for each

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8034 scholarship in the Florida Bright Futures Scholarship Program;
8035 state university and Florida College System institution
8036 admission requirements; available opportunities to earn college
8037 credit in high school, including Advanced Placement courses; the
8038 International Baccalaureate Program; the Advanced International
8039 Certificate of Education Program; dual enrollment, including
8040 career dual enrollment; work-based learning opportunities,
8041 including internships and preapprenticeship and apprenticeship
8042 programs; and career education courses, including career-themed
8043 courses and course sequences that lead to industry certification
8044 pursuant to s. 1003.492 or s. 1008.44. The course may be
8045 implemented as a stand-alone course or integrated into another
8046 course or courses.

8047 Section 248. Subsection (2), paragraphs (a) and (b) of
8048 subsection (3), and subsection (4) of section 1003.491, Florida
8049 Statutes, are amended to read:

8050 1003.491 Florida Career and Professional Education Act.—The
8051 Florida Career and Professional Education Act is created to
8052 provide a statewide planning partnership between the business
8053 and education communities in order to attract, expand, and
8054 retain targeted, high-value industry and to sustain a strong,
8055 knowledge-based economy.

8056 (2) Each district school board shall develop, in
8057 collaboration with local workforce development boards, economic
8058 development agencies, and postsecondary institutions approved to
8059 operate in the state, a strategic 3-year plan to address and
8060 meet local and regional workforce demands. If involvement of a
8061 local workforce development board or an economic development
8062 agency in the strategic plan development is not feasible, the

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8063 local school board, with the approval of the Department of
8064 Commerce ~~Economic Opportunity~~, shall collaborate with the most
8065 appropriate regional business leadership board. Two or more
8066 school districts may collaborate in the development of the
8067 strategic plan and offer career-themed courses, as defined in s.
8068 1003.493(1)(b), or a career and professional academy as a joint
8069 venture. The strategic plan must describe in detail provisions
8070 for the efficient transportation of students, the maximum use of
8071 shared resources, access to courses aligned to state curriculum
8072 standards through virtual education providers legislatively
8073 authorized to provide part-time instruction to middle school
8074 students, and an objective review of proposed career and
8075 professional academy courses and other career-themed courses to
8076 determine if the courses will lead to the attainment of industry
8077 certifications included on the Industry Certified Funding List
8078 pursuant to rules adopted by the State Board of Education. Each
8079 strategic plan shall be reviewed, updated, and jointly approved
8080 every 3 years by the local school district, local workforce
8081 development boards, economic development agencies, and state-
8082 approved postsecondary institutions.

8083 (3) The strategic 3-year plan developed jointly by the
8084 local school district, local workforce development boards,
8085 economic development agencies, and state-approved postsecondary
8086 institutions must be constructed and based on:

8087 (a) Research conducted to objectively determine local and
8088 regional workforce needs for the ensuing 3 years, using labor
8089 projections as identified by the Labor Market Statistics Center
8090 within the Department of Commerce ~~Economic Opportunity~~ and the
8091 Labor Market Estimating Conference as factors in the criteria

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8092 for the plan;

8093 (b) Strategies to develop and implement career academies or
8094 career-themed courses based on occupations identified by the
8095 Labor Market Statistics Center within the Department of Commerce
8096 ~~Economic Opportunity~~ and the Labor Market Estimating Conference;

8097 (4) The State Board of Education shall establish a process
8098 for the continual and uninterrupted review of newly proposed
8099 core secondary courses and existing courses requested to be
8100 considered as core courses to ensure that sufficient rigor and
8101 relevance is provided for workforce skills and postsecondary
8102 education and aligned to state curriculum standards.

8103 (a) The review of newly proposed core secondary courses
8104 shall be the responsibility of a curriculum review committee
8105 whose membership is approved by CareerSource Florida, Inc. The
8106 membership of the committee shall include:

8107 1. Three certified high school counselors recommended by
8108 the Florida Association of Student Services Administrators.

8109 2. Three assistant superintendents for curriculum and
8110 instruction, recommended by the Florida Association of District
8111 School Superintendents, who serve in districts that operate
8112 successful career and professional academies pursuant to s.
8113 1003.492 or a successful series of courses that lead to industry
8114 certification. Committee members in this category shall employ
8115 the expertise of appropriate subject area specialists in the
8116 review of proposed courses.

8117 3. Three workforce representatives recommended by the
8118 Department of Commerce ~~Economic Opportunity~~.

8119 4. Three admissions directors of postsecondary institutions
8120 accredited by an accrediting agency or association recognized by

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8121 the database created and maintained by the United States
8122 Department of Education, representing both public and private
8123 institutions.

8124 5. The Commissioner of Education, or his or her designee,
8125 who is responsible for K-12 curriculum and instruction and shall
8126 employ the expertise of appropriate subject area specialists in
8127 the review of proposed courses.

8128 (b) The curriculum review committee shall review newly
8129 proposed core courses electronically. Each proposed core course
8130 shall be approved or denied within 30 days after submission by a
8131 district school board or local workforce development board. All
8132 courses approved as core courses for purposes of middle school
8133 promotion and high school graduation shall be immediately added
8134 to the Course Code Directory. Approved core courses shall also
8135 be reviewed and considered for approval for dual enrollment
8136 credit. The Board of Governors and the Commissioner of Education
8137 shall jointly recommend an annual deadline for approval of new
8138 core courses to be included for purposes of postsecondary
8139 admissions and dual enrollment credit the following academic
8140 year. The State Board of Education shall establish an appeals
8141 process in the event that a proposed course is denied which
8142 shall require a consensus ruling by the Department of Commerce
8143 ~~Economic Opportunity~~ and the Commissioner of Education within 15
8144 days.

8145 Section 249. Subsection (1) and paragraph (d) of subsection
8146 (4) of section 1003.493, Florida Statutes, are amended to read:
8147 1003.493 Career and professional academies and career-
8148 themed courses.—

8149 (1) (a) A "career and professional academy" is a research-

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8150 based program that integrates a rigorous academic curriculum
8151 with an industry-specific curriculum aligned directly to
8152 priority workforce needs established by the local workforce
8153 development board or the Department of Commerce ~~Economic~~
8154 ~~Opportunity~~. Career and professional academies shall be offered
8155 by public schools and school districts. Career and professional
8156 academies may be offered by charter schools. The Florida Virtual
8157 School is encouraged to develop and offer rigorous career and
8158 professional courses as appropriate. Students completing career
8159 and professional academy programs must receive a standard high
8160 school diploma, the highest available industry certification,
8161 and opportunities to earn postsecondary credit if the academy
8162 partners with a postsecondary institution approved to operate in
8163 the state.

8164 (b) A "career-themed course" is a course, or a course in a
8165 series of courses, that leads to an industry certification
8166 identified in the CAPE Industry Certification Funding List
8167 pursuant to rules adopted by the State Board of Education.
8168 Career-themed courses have industry-specific curriculum aligned
8169 directly to priority workforce needs established by the local
8170 workforce development board or the Department of Commerce
8171 ~~Economic Opportunity~~. School districts shall offer at least two
8172 career-themed courses, and each secondary school is encouraged
8173 to offer at least one career-themed course. The Florida Virtual
8174 School is encouraged to develop and offer rigorous career-themed
8175 courses as appropriate. Students completing a career-themed
8176 course must be provided opportunities to earn postsecondary
8177 credit if the credit for the career-themed course can be
8178 articulated to a postsecondary institution approved to operate

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8179 in the state.

8180 (4) Each career and professional academy and secondary
8181 school providing a career-themed course must:

8182 (d) Provide instruction in careers designated as high-
8183 skill, high-wage, and high-demand by the local workforce
8184 development board, the chamber of commerce, economic development
8185 agencies, or the Department of Commerce ~~Economic Opportunity~~.

8186 Section 250. Paragraph (e) of subsection (2) and
8187 subsections (5) and (6) of section 1004.015, Florida Statutes,
8188 are amended to read:

8189 1004.015 Florida Talent Development Council.—

8190 (2) Members of the council shall include:

8191 (e) The Secretary of Commerce ~~Economic Opportunity~~.

8192 (5) The Department of Commerce ~~Economic Opportunity~~ shall
8193 provide administrative support for the council.

8194 (6) The council shall coordinate, facilitate, and
8195 communicate statewide efforts to meet supply and demand needs
8196 for the state's health care workforce. Annually, by December 1,
8197 the council shall report on the implementation of this
8198 subsection and any other relevant information on the Florida
8199 Talent Development Council's web page located on the Department
8200 of Commerce's ~~Economic Opportunity's~~ website. To support the
8201 efforts of the council, the Board of Governors and the State
8202 Board of Education shall:

8203 (a) Provide 10-year trend information on nursing education
8204 programs subject to the requirements of s. 464.019. The
8205 Department of Health, the Board of Governors, the State Board of
8206 Education, the Commission for Independent Education, the
8207 Independent Colleges and Universities of Florida, the Florida

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8208 Center for Nursing, and postsecondary institutions participating
8209 in a state grant, fund, or performance-based incentive program
8210 under s. 1009.89, s. 1009.8962, or s. 1009.897 shall provide
8211 data, by institution and program, on:

8212 1. The number of student slots available.

8213 2. The number of student applications submitted, the number
8214 of qualified student applicants, the number of students
8215 accepted, and the number of students enrolled.

8216 3. The number of program graduates.

8217 4. Program retention rates of students tracked from program
8218 entry to graduation.

8219 5. Graduate passage rates, as defined in s. 464.003, on and
8220 the number of times each graduate took the National Council of
8221 State Boards of Nursing Licensing Examination.

8222 6. The number of graduates who become employed as practical
8223 or professional nurses in the state.

8224 7. The educational advancement of nurses through career
8225 pathways by comparing their initial degree to the highest degree
8226 they obtained for the preceding 10 years.

8227 8. The outcomes of students enrolled at institutions
8228 participating in the Linking Industry to Nursing Education
8229 (LINE) Fund under s. 1009.8962 or the Prepping Institutions,
8230 Programs, Employers, and Learners through Incentives for Nursing
8231 Education (PIPELINE) Fund under s. 1009.897.

8232 9. The outcomes of graduates who have received a nursing
8233 student loan forgiveness repayment under s. 1009.66. Such data
8234 must include, for the previous 4 fiscal years, the number of
8235 graduates who have received a repayment, the amount repaid on
8236 behalf of each graduate, each graduate's employer of record for

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8237 each repayment and the length of employment at each employer,
8238 and the level or levels of nursing licensure earned by each
8239 graduate.

8240 (b) Develop definitions for data elements and a uniform
8241 survey for use by the Department of Health, the Commission for
8242 Independent Education, the Independent Colleges and Universities
8243 of Florida, and postsecondary institutions participating in a
8244 state loan forgiveness program, grant, fund, or performance-
8245 based incentive program under s. 1009.66, s. 1009.89, s.
8246 1009.8962, or s. 1009.897 to collect data required under
8247 paragraph (a). The survey must include, but is not limited to, a
8248 student's age, gender, race, ethnicity, veteran status, wage,
8249 employer information, loan debt, and retirement expectations.

8250 Section 251. Paragraph (g) of subsection (1) of section
8251 1004.46, Florida Statutes, is amended to read:

8252 1004.46 Multidisciplinary Center for Affordable Housing.—

8253 (1) The Multidisciplinary Center for Affordable Housing is
8254 established within the School of Building Construction of the
8255 College of Architecture of the University of Florida with the
8256 collaboration of other related disciplines such as agriculture,
8257 business administration, engineering, law, and medicine. The
8258 center shall work in conjunction with other state universities.
8259 The Multidisciplinary Center for Affordable Housing shall:

8260 (g) Establish a research agenda and general work plan in
8261 cooperation with the Department of Commerce ~~Economic~~
8262 ~~Opportunity~~, which is the state agency responsible for research
8263 and planning for affordable housing and for training and
8264 technical assistance for providers of affordable housing.

8265 Section 252. Subsection (3) of section 1008.39, Florida

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8266 Statutes, is amended to read:

8267 1008.39 Florida Education and Training Placement
8268 Information Program.—

8269 (3) The Florida Education and Training Placement
8270 Information Program must not make public any information that
8271 could identify an individual or the individual's employer. The
8272 Department of Education must ensure that the purpose of
8273 obtaining placement information is to evaluate and improve
8274 public programs or to conduct research for the purpose of
8275 improving services to the individuals whose social security
8276 numbers are used to identify their placement. If an agreement
8277 assures that this purpose will be served and that privacy will
8278 be protected, the Department of Education shall have access to
8279 the reemployment assistance wage reports maintained by the
8280 Department of Commerce ~~Economic Opportunity~~, the files of the
8281 Department of Children and Families that contain information
8282 about the distribution of public assistance, the files of the
8283 Department of Corrections that contain records of
8284 incarcerations, and the files of the Department of Business and
8285 Professional Regulation that contain the results of licensure
8286 examination.

8287 Section 253. Subsection (3) of section 1008.40, Florida
8288 Statutes, is amended to read:

8289 1008.40 Workforce Development Information System.—The
8290 Department of Education shall:

8291 (3) Work with the Department of Commerce ~~Economic~~
8292 ~~Opportunity~~, the Department of Children and Families, and other
8293 entities to define statewide education, workforce development,
8294 and employment metrics and ensure the integrity and quality of

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8295 data being collected.

8296 Section 254. Paragraphs (c) and (f) of subsection (3) of
8297 section 1008.41, Florida Statutes, are amended to read:

8298 1008.41 Workforce education; management information
8299 system.—

8300 (3) Planning and evaluation of job-preparatory programs
8301 shall be based on standard sources of data and use standard
8302 occupational definitions and coding structures, including, but
8303 not limited to:

8304 (c) The Department of Commerce ~~Economic Opportunity~~.

8305 (f) The Labor Market Statistics Center within the
8306 Department of Commerce ~~Economic Opportunity~~.

8307 Section 255. Subsections (2), (3), and (5) of section
8308 1011.76, Florida Statutes, are amended to read:

8309 1011.76 Small School District Stabilization Program.—

8310 (2) In order to participate in this program, a school
8311 district must be located in a rural area of opportunity
8312 designated by the Executive Office of the Governor, and the
8313 district school board must submit a resolution to the Department
8314 of Commerce ~~Economic Opportunity~~ requesting participation in the
8315 program. A rural area of opportunity must be a rural community,
8316 or a region composed of such, that has been adversely affected
8317 by an extraordinary economic event or a natural disaster or that
8318 presents a unique economic development concern or opportunity of
8319 regional impact. The resolution must be accompanied by
8320 documentation of the economic conditions in the community and
8321 provide information indicating the negative impact of these
8322 conditions on the school district's financial stability, and the
8323 school district must participate in a best financial management

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8324 practices review to determine potential efficiencies that could
8325 be implemented to reduce program costs in the district.

8326 (3) The Department of Commerce ~~Economic Opportunity~~, in
8327 consultation with the Department of Education, shall review the
8328 resolution and other information required by subsection (2) and
8329 determine whether the school district is eligible to participate
8330 in the program. Factors influencing the determination of the
8331 Department of Commerce ~~Economic Opportunity~~ may include, but are
8332 not limited to, reductions in the county tax roll resulting from
8333 business closures or other causes, or a reduction in student
8334 enrollment due to business closures or impacts in the local
8335 economy.

8336 (5) Based on the availability of funds, the Department of
8337 Commerce ~~Economic Opportunity~~ or the Department of Education may
8338 enter into contracts or issue grants necessary to implement the
8339 program.

8340 Section 256. Paragraph (c) of subsection (2) of section
8341 1011.80, Florida Statutes, is amended to read:

8342 1011.80 Funds for operation of workforce education
8343 programs.—

8344 (2) Any workforce education program may be conducted by a
8345 Florida College System institution or a school district career
8346 center as described in this subsection and, if applicable, as
8347 approved by the State Board of Education pursuant to s.
8348 1001.03(15). Any instruction designed to articulate to a degree
8349 program is subject to guidelines and standards adopted by the
8350 State Board of Education under s. 1007.25.

8351 (c) A Florida College System institution or school district
8352 offering a new workforce education program that is in the

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8353 statewide curriculum framework must be approved by the board of
8354 trustees of the Florida College System institution or the
8355 district school board based on criteria that must include, but
8356 are not limited to, the following:

8357 1. A description of the new workforce education program
8358 that includes all of the following:

8359 a. An analysis of workforce demand and unmet need
8360 consistent with the information provided by the Labor Market
8361 Statistics Center within the Department of Commerce ~~Economic~~
8362 ~~Opportunity~~ for graduates of the program on a district,
8363 regional, or statewide basis, as appropriate, including evidence
8364 from entities independent of the technical center or
8365 institution.

8366 b. The geographic region to be served.

8367 2. Documentation of collaboration among technical centers
8368 and institutions serving the same students in a geographical or
8369 service area that enhances program offerings and prevents
8370 program duplication that exceeds workforce need. Unnecessary
8371 duplication of programs offered by public and private
8372 institutions must be avoided.

8373 3. Alignment of program offerings with credentials or
8374 degree programs identified on the Master Credentials List under
8375 s. 445.004(4).

8376 4. Articulation agreements between technical centers and
8377 Florida College System institutions for the enrollment of
8378 graduates in related workforce education programs.

8379 5. Documentation of alignment between the exit requirements
8380 of a technical center and the admissions requirements of a
8381 Florida College System institution into which students typically

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8382 transfer.

8383 6. Performance and compliance indicators that will be used
8384 in determining the program's success.

8385 Section 257. Paragraph (a) of subsection (2) of section
8386 1011.802, Florida Statutes, is amended to read:

8387 1011.802 Florida Pathways to Career Opportunities Grant
8388 Program.—

8389 (2) The department shall administer the grant, identify
8390 projects, solicit proposals, and make funding recommendations to
8391 the Commissioner of Education, who is authorized to approve
8392 grant awards for preapprenticeship or apprenticeship programs
8393 with demonstrated statewide or regional demand that:

8394 (a) Address a critical statewide or regional shortage, with
8395 consideration given to the information provided by the Labor
8396 Market Statistics Center within the Department of Commerce
8397 ~~Economic Opportunity~~, the Labor Market Estimating Conference,
8398 and the Credentials Review Committee; or

8399 Reviser's note.—Amended pursuant to the directive of the
8400 Legislature in s. 147, ch. 2023-173, Laws of Florida, to
8401 the Division of Law Revision to prepare a reviser's bill
8402 for the 2024 Regular Session of the Legislature to replace
8403 references to the terms "Department of Economic
8404 Opportunity" and "Secretary of Economic Opportunity,"
8405 wherever they occur in the Florida Statutes, with the terms
8406 "Department of Commerce" and "Secretary of Commerce,"
8407 respectively.

8408 Section 258. Except as otherwise provided, this act shall
8409 take effect on the 60th day after adjournment sine die of the
8410 session of the Legislature in which enacted.