

1 A bill to be entitled  
2 An act relating to regional planning and economic  
3 development; amending s. 20.60, F.S.; revising  
4 provisions relating to the creation of the Department  
5 of Commerce and its powers and duties; establishing  
6 the Office of Secure Florida within the department for  
7 specified purposes; amending s. 187.201, F.S.;  
8 revising economic policies of the state comprehensive  
9 plan to promote entrepreneurship from certain business  
10 startups; amending s. 120.52, F.S.; revising  
11 definitions; reenacting s. 57.111(3)(f), F.S.,  
12 relating to civil actions and administrative  
13 proceedings initiated by state agencies; reenacting s.  
14 216.241(3), F.S., relating to expenditure of certain  
15 revenues; amending s. 212.08, F.S.; removing a  
16 provision prohibiting the issuance of a temporary tax  
17 exemption certificate after a specified date; amending  
18 s. 253.025, F.S.; providing applicability; amending s.  
19 288.001, F.S.; revising the composition of the  
20 statewide advisory board of the Florida Small Business  
21 Development Center Network; amending s. 288.0065,  
22 F.S.; revising the content requirements of the  
23 department's annual incentives report; amending s.  
24 288.0656, F.S.; revising definitions relating to the  
25 Rural Economic Development Initiative; requiring the

26 designation of a certain representative by a specified  
27 date; creating s. 288.06562, F.S.; creating the Rural  
28 Accelerator Program within the department for a  
29 specified purpose; requiring that the department  
30 accept grant applications from rural communities and  
31 collaborate with the Florida Regional Economic  
32 Development Association in review of such  
33 applications; requiring funds to be appropriated from  
34 the Rural Infrastructure Fund for specified purposes;  
35 authorizing grant recipient reimbursement in certain  
36 instances; authorizing the department to adopt rules;  
37 defining the terms "rural community" and "catalyst  
38 site"; amending s. 288.1229, F.S.; revising  
39 composition requirements of the Florida Sports  
40 Foundation; amending s. 288.124, F.S.; revising  
41 provisions relating to the convention grants program  
42 established by the Florida Tourism Industry Marketing  
43 Corporation; providing a directive to the Division of  
44 Law Revision; amending s. 288.702, F.S.; revising a  
45 short title; amending s. 288.703, F.S.; defining the  
46 term "business enterprise in an economically  
47 disadvantaged area"; revising definitions; amending s.  
48 288.705, F.S.; revising provisions relating to the use  
49 of the statewide contracts register and who the Small  
50 Business Development Center is required to coordinate

51 with regarding such use; revising report requirements;  
52 repealing s. 288.706, F.S., relating to the Florida  
53 Minority Business Loan Mobilization Program; revising  
54 legislative findings; repealing ss. 288.7094,  
55 288.7102, 288.71025, 288.7103, and 288.714, F.S.,  
56 relating to the Black Business Loan Program; amending  
57 s. 288.776, F.S.; revising composition requirements  
58 for the board of directors of the Florida Export  
59 Finance Corporation; creating s. 288.9628, F.S.;  
60 providing legislative findings; establishing within  
61 the Department of Commerce the Research, Innovation,  
62 Science, and Engineering Investment Tax Credit  
63 Program; providing the purpose of the program;  
64 requiring the department to coordinate with the State  
65 Board of Administration in implementing the program;  
66 providing definitions; providing for the application  
67 process; establishing content requirements of  
68 application; requiring applicants to update their  
69 applications; establishing funding limitations under  
70 the program; listing eligibility and application  
71 requirements for a qualifying private fund; providing  
72 a funding limitation for a qualifying private fund;  
73 authorizing the Department of Revenue to issue tax  
74 credits to eligible qualifying investments; providing  
75 a fund limitation; authorizing the tax credits issued

76 | to be applied against corporate income tax liability;  
77 | authorizing a qualifying private fund to sell or  
78 | transfer tax credits issued under the program;  
79 | providing election requirements; prohibiting the  
80 | selling or transferring of tax credits that have not  
81 | yet been issued; authorizing the Department of  
82 | Commerce to revoke or modify its determination to  
83 | grant tax credits in certain instances; requiring the  
84 | department to notify the Department of Revenue of such  
85 | action; requiring a qualifying private fund to submit  
86 | an annual report for a specified time period to remain  
87 | eligible to receive tax credits; providing report  
88 | requirements; providing construction; requiring the  
89 | Department of Commerce to include in its annual  
90 | incentives report, beginning on a specified date,  
91 | certain information about the program; authorizing the  
92 | department to adopt rules; amending s. 290.0056, F.S.;  
93 | revising the types of business enterprises that the  
94 | enterprise zone development agency may invest in via  
95 | community investment corporations; amending s.  
96 | 331.302, F.S.; providing construction; amending s.  
97 | 331.351, F.S.; revising legislative intent; requiring  
98 | Space Florida to involve and use business enterprises  
99 | in economically disadvantaged areas as it relates to  
100 | spaceport development; amending s. 445.004, F.S.;

101 revising membership composition of CareerSource  
102 Florida, Inc.; amending s. 445.007, F.S.; revising  
103 composition of local workforce development boards;  
104 removing a provision requiring a certain consideration  
105 when appointments are made to any committee  
106 established by the board; amending s. 445.08, F.S.;  
107 revising eligibility requirements for newly employed  
108 officers to receive and retain bonus payments;  
109 removing an expiration date; amending s. 447.203,  
110 F.S.; revising the term "managerial employees";  
111 authorizing counties and municipalities to enter into  
112 agreements to create regional planning entities  
113 pursuant to specified law; providing a directive to  
114 the Division of Law Revision; repealing ss. 186.501,  
115 186.502, 186.503, 186.504, 186.505, 186.506, 186.507,  
116 186.508, 186.509, 186.511, 186.512, and 186.513, F.S.,  
117 relating to the Florida Regional Planning Council Act;  
118 repealing s. 186.515, F.S., relating to the creation  
119 of regional planning councils under chapter 163;  
120 amending s. 120.525, F.S.; removing provisions  
121 relating to meetings of regional planning councils;  
122 amending s. 163.3164, F.S.; removing the term  
123 "regional planning agency" from the Community Planning  
124 Act; amending s. 163.3184, F.S.; revising definitions;  
125 revising provisions relating to the expedited review

126 process for the adoption of comprehensive plan  
127 amendments; amending s. 163.3245, F.S.; revising  
128 provisions relating to sector plans; amending s.  
129 186.003, F.S.; removing the term "regional planning  
130 agency" from the Florida State Comprehensive Planning  
131 Act of 1972; amending s. 186.006, F.S.; revising the  
132 powers and responsibilities of the Executive Office of  
133 the Governor; amending s. 186.007, F.S.; revising  
134 provisions relating to state comprehensive plan  
135 preparation and revision; amending s. 215.559, F.S.;  
136 revising provision regarding funding priority to  
137 projects in certain regional planning council regions;  
138 amending s. 252.385, F.S.; revising the content  
139 requirements for statewide emergency shelter plans;  
140 amending s. 320.08058, F.S.; removing a provision  
141 providing specified proceeds to the Tampa Bay Regional  
142 Planning Council; amending s. 338.2278, F.S.; removing  
143 regional planning councils from the taskforce created  
144 under the Multi-use Corridors of Regional Economic  
145 Significance Program; amending ss. 369.303 and  
146 369.307, F.S.; revising provisions relating to the  
147 Wekiva River Protection Area; repealing s. 369.324,  
148 F.S., relating to the Wekiva River Basin Commission;  
149 amending s. 380.05, F.S.; revising provisions relating  
150 to areas of critical state concern; amending s.

151 380.045, F.S.; removing regional planning councils  
 152 from resource planning and management committee  
 153 representation; reenacting s. 380.0552(6), F.S.,  
 154 relating to the Florida Keys Area; amending ss.  
 155 403.7225 and 403.723, F.S.; replacing regional  
 156 planning councils with the Department of Environmental  
 157 Protection for purposes of hazardous waste management  
 158 assessments and facilities; amending s. 403.503, F.S.;  
 159 removing the term "regional planning council" from the  
 160 Florida Electric Power Plant Siting Act; amending s.  
 161 403.522, F.S.; removing the term "regional planning  
 162 council" from the Florida Electric Transmission Line  
 163 Siting Act; amending s. 408.033, F.S.; revising  
 164 provisions relating to local health councils; amending  
 165 s. 420.609, F.S.; revising the composition of the  
 166 Affordable Housing Study Commission; amending ss.  
 167 17.11, 24.113, 120.65, 163.3177, 163.3178, 163.568,  
 168 164.1031, 186.008, 186.803, 218.32, 255.101, 255.102,  
 169 255.20, 258.501, 260.0142, 287.012, 287.042, 287.055,  
 170 287.057, 287.0931, 287.094, 287.0943, 287.09431,  
 171 287.09451, 287.0947, 288.1167, 288.12266, 288.7015,  
 172 288.7031, 288.975, 290.004, 290.0057, 320.63, 334.045,  
 173 335.188, 338.227, 339.155, 339.175, 339.2821, 339.63,  
 174 339.64, 341.041, 343.54, 373.309, 373.607, 376.84,  
 175 380.055, 380.06, 380.061, 380.0651, 380.07, 380.507,

176 381.986, 403.0752, 403.50663, 403.507, 403.518,  
 177 403.526, 403.5272, 403.5363, 403.5365, 403.537,  
 178 403.704, 403.7226, 403.9403, 403.941, 403.9422,  
 179 403.973, 501.171, 625.3255, 627.3511, 657.042, 658.67,  
 180 957.09, 1001.706, 1013.30, and 1013.46, F.S.;

181 conforming provisions to changes made by the act;  
 182 amending ss. 212.055, 212.096, 339.285, 373.415,  
 183 376.3072, 377.703, 378.411, 380.031, 403.5115,  
 184 409.901, 440.45, 473.3065, 641.217, 947.02, 947.021,  
 185 and 1004.435, F.S.; conforming cross-references;  
 186 providing an effective date.

187

188 Be It Enacted by the Legislature of the State of Florida:

189

190 **Section 1. Paragraphs (e) and (k) of subsection (4),**  
 191 **paragraph (a) of subsection (5), and paragraph (c) of subsection**  
 192 **(10) of section 20.60, Florida Statutes, are amended to read:**

193 20.60 Department of Commerce; creation; powers and  
 194 duties.—

195 (4) The purpose of the department is to assist the  
 196 Governor in working with the Legislature, state agencies,  
 197 business leaders, and economic development professionals to  
 198 formulate and implement coherent and consistent policies and  
 199 strategies designed to promote economic opportunities for all  
 200 Floridians. The department is the state's chief agency for



201 business recruitment and expansion and economic development. To  
202 accomplish such purposes, the department shall:

203 (e) Manage the activities of public-private partnerships  
204 and state agencies in order to avoid duplication and promote  
205 coordinated and consistent implementation of programs in areas  
206 including, but not limited to, tourism; international trade and  
207 investment; business recruitment, creation, retention, and  
208 expansion; ~~minority and~~ small business development; business  
209 development in economically disadvantaged areas; defense, space,  
210 and aerospace development; rural community development; and the  
211 development and promotion of professional and amateur sporting  
212 events.

213 (k) Assist, promote, and enhance economic opportunities  
214 for this state's ~~minority-owned~~ businesses in economically  
215 disadvantaged areas and ~~rural and urban communities~~.

216 (5) The divisions within the department have specific  
217 responsibilities to achieve the duties, responsibilities, and  
218 goals of the department. Specifically:

219 (a) The Division of Economic Development shall:

220 1. Analyze and evaluate business prospects identified by  
221 the Governor and the secretary.

222 2. Administer certain tax refund, tax credit, and grant  
223 programs created in law. Notwithstanding any other provision of  
224 law, the department may expend interest earned from the  
225 investment of program funds deposited in the Grants and

226 Donations Trust Fund to contract for the administration of those  
227 programs, or portions of the programs, assigned to the  
228 department by law, by the appropriations process, or by the  
229 Governor. Such expenditures shall be subject to review under  
230 chapter 216.

231 3. Develop measurement protocols for the state incentive  
232 programs and for the contracted entities which will be used to  
233 determine their performance and competitive value to the state.  
234 Performance measures, benchmarks, and sanctions must be  
235 developed in consultation with the legislative appropriations  
236 committees and the appropriate substantive committees, and are  
237 subject to the review and approval process provided in s.  
238 216.177. The approved performance measures, standards, and  
239 sanctions shall be included and made a part of the strategic  
240 plan for contracts entered into for delivery of programs  
241 authorized by this section.

242 4. Develop a 5-year statewide strategic plan. The  
243 strategic plan must include, but need not be limited to:

244 a. Strategies for the promotion of business formation,  
245 expansion, recruitment, and retention through aggressive  
246 marketing, attraction of venture capital and finance  
247 development, domestic trade, international development, and  
248 export assistance, which lead to more and better jobs and higher  
249 wages for all geographic regions, ~~disadvantaged communities,~~  
250 populations of the state, including economically disadvantaged

251 areas ~~rural areas, minority businesses, and urban core areas.~~

252 b. The development of realistic policies and programs to  
253 further the economic diversity of the state, its regions, and  
254 their associated industrial clusters.

255 c. Specific provisions for the stimulation of economic  
256 development and job creation in rural areas and midsize cities  
257 and counties of the state, including strategies for rural  
258 marketing and the development of infrastructure in rural areas.

259 d. Provisions for the promotion of the successful long-  
260 term economic development of the state with increased emphasis  
261 in market research and information.

262 e. Plans for the generation of foreign investment in the  
263 state which create jobs paying above-average wages and which  
264 result in reverse investment in the state, including programs  
265 that establish viable overseas markets, assist in meeting the  
266 financing requirements of export-ready firms, broaden  
267 opportunities for international joint venture relationships, use  
268 the resources of academic and other institutions, coordinate  
269 trade assistance and facilitation services, and facilitate  
270 availability of and access to education and training programs  
271 that assure requisite skills and competencies necessary to  
272 compete successfully in the global marketplace.

273 f. The identification of business sectors that are of  
274 current or future importance to the state's economy and to the  
275 state's global business image, and development of specific

276 strategies to promote the development of such sectors.

277 g. Strategies for talent development necessary in the  
278 state to encourage economic development growth, taking into  
279 account factors such as the state's talent supply chain,  
280 education and training opportunities, and available workforce.

281 h. Strategies and plans to support this state's defense,  
282 space, and aerospace industries and the emerging complementary  
283 business activities and industries that support the development  
284 and growth of defense, space, and aerospace in this state.

285 5. Update the strategic plan every 5 years.

286 6. Involve CareerSource Florida, Inc.; direct-support  
287 organizations of the department; local governments; the general  
288 public; local and regional economic development organizations;  
289 other local, state, and federal economic, international, and  
290 workforce development entities; the business community; and  
291 educational institutions to assist with the strategic plan.

292 7. Coordinate with the Florida Tourism Industry Marketing  
293 Corporation in the development of the 4-year marketing plan  
294 pursuant to s. 288.1226(13).

295 8. Administer and manage relationships, as appropriate,  
296 with the entities and programs created pursuant to the Florida  
297 Capital Formation Act, ss. 288.9621-288.96255.

298 9. Establish the Office of Secure Florida, which is  
299 responsible for administering and enforcing:

300 a. E-Verify and employment authorization compliance as set

301 forth in ss. 448.09 and 448.095.

302 b. The purchase and registration of real property in the  
303 state by foreign principals as set forth in ss. 692.203 and  
304 692.204.

305 (10) The department shall, by November 1 of each year,  
306 submit an annual report to the Governor, the President of the  
307 Senate, and the Speaker of the House of Representatives on the  
308 condition of the business climate and economic development in  
309 the state.

310 (c) The report must incorporate annual reports of other  
311 programs, including:

312 ~~1. A detailed report of the performance of the Black~~  
313 ~~Business Loan Program and a cumulative summary of quarterly~~  
314 ~~report data required under s. 288.714.~~

315 ~~1.2.~~ The Rural Economic Development Initiative established  
316 under s. 288.0656.

317 ~~2.3.~~ A detailed report of the performance of the Florida  
318 Development Finance Corporation and a summary of the  
319 corporation's report required under s. 288.9610.

320 ~~3.4.~~ Information provided by Space Florida under s.  
321 331.3051 and an analysis of the activities and accomplishments  
322 of Space Florida.

323 **Section 2. Paragraph (b) of subsection (20) and paragraph**  
324 **(b) of subsection (21) of section 187.201, Florida Statutes, are**  
325 **amended to read:**

326           187.201 State Comprehensive Plan adopted.—The Legislature  
327 hereby adopts as the State Comprehensive Plan the following  
328 specific goals and policies:

329           (20) GOVERNMENTAL EFFICIENCY.—

330           (b) Policies.—

331           1. Encourage greater cooperation between, among, and  
332 within all levels of Florida government through the use of  
333 appropriate interlocal agreements and mutual participation for  
334 mutual benefit.

335           2. Allow the creation of independent special taxing  
336 districts which have uniform general law standards and  
337 procedures and do not overburden other governments and their  
338 taxpayers while preventing the proliferation of independent  
339 special taxing districts which do not meet these standards.

340           3. Encourage the use of municipal services taxing units  
341 and other dependent special districts to provide needed  
342 infrastructure where the fiscal capacity exists to support such  
343 an approach.

344           4. Eliminate regulatory activities that are not tied to  
345 specific public and natural resource protection needs.

346           5. Eliminate needless duplication of, and promote  
347 cooperation in, governmental activities between, among, and  
348 within state, regional, county, city, and other governmental  
349 units.

350           6. Ensure, wherever possible, that the geographic

351 boundaries of water management districts, ~~regional planning~~  
352 ~~councils~~, and substate districts of the executive departments  
353 shall be coterminous for related state or agency programs and  
354 functions and promote interagency agreements in order to reduce  
355 the number of districts ~~and councils~~ with jurisdiction in any  
356 one county.

357 7. Encourage and provide for the restructuring of city and  
358 county political jurisdictions with the goals of greater  
359 efficiency and high-quality and more equitable and responsive  
360 public service programs.

361 8. Replace multiple, small scale, economically inefficient  
362 local public facilities with regional facilities where they are  
363 proven to be more economical, particularly in terms of energy  
364 efficiency, and yet can retain the quality of service expected  
365 by the public.

366 9. Encourage greater efficiency and economy at all levels  
367 of government through adoption and implementation of effective  
368 records management, information management, and evaluation  
369 procedures.

370 10. Throughout government, establish citizen management  
371 efficiency groups and internal management groups to make  
372 recommendations for greater operating efficiencies and improved  
373 management practices.

374 11. Encourage governments to seek outside contracting on a  
375 competitive-bid basis when cost-effective and appropriate.

376 12. Discourage undue expansion of state government and  
377 make every effort to streamline state government in a cost-  
378 effective manner.

379 13. Encourage joint venture solutions to mutual problems  
380 between levels of government and private enterprise.

381 (21) THE ECONOMY.—

382 (b) Policies.—

383 1. Attract new job-producing industries, corporate  
384 headquarters, distribution and service centers, regional  
385 offices, and research and development facilities to provide  
386 quality employment for the residents of Florida.

387 2. Promote entrepreneurship and small ~~and minority-owned~~  
388 business startups and business startups in economically  
389 disadvantaged areas ~~startup~~ by providing technical and  
390 information resources, facilitating capital formation, and  
391 removing regulatory restraints which are unnecessary for the  
392 protection of consumers and society.

393 3. Maintain, as one of the state's primary economic  
394 assets, the environment, including clean air and water, beaches,  
395 forests, historic landmarks, and agricultural and natural  
396 resources.

397 4. Strengthen Florida's position in the world economy  
398 through attracting foreign investment and promoting  
399 international banking and trade.

400 5. Build on the state's attractiveness to make it a leader



401 in the visual and performing arts and in all phases of film,  
402 television, and recording production.

403 6. Promote economic development for Florida residents  
404 through partnerships among education, business, industry,  
405 agriculture, and the arts.

406 7. Provide increased opportunities for training Florida's  
407 workforce to provide skilled employees for new and expanding  
408 business.

409 8. Promote economic self-sufficiency through training and  
410 educational programs which result in productive employment.

411 9. Promote cooperative employment arrangements between  
412 private employers and public sector employment efforts to  
413 provide productive, permanent employment opportunities for  
414 public assistance recipients through provisions of education  
415 opportunities, tax incentives, and employment training.

416 10. Provide for nondiscriminatory employment  
417 opportunities.

418 11. Provide quality child day care for public assistance  
419 families and others who need it in order to work.

420 12. Encourage the development of a business climate that  
421 provides opportunities for the growth and expansion of existing  
422 state industries, particularly those industries which are  
423 compatible with Florida's environment.

424 13. Promote coordination among Florida's ports to increase  
425 their utilization.

426           14. Encourage the full utilization by businesses of the  
427 economic development enhancement programs implemented by the  
428 Legislature for the purpose of extensively involving private  
429 businesses in the development and expansion of permanent job  
430 opportunities, especially for the economically disadvantaged,  
431 through the utilization of enterprise zones, community  
432 development corporations, and other programs designed to enhance  
433 economic and employment opportunities.

434           **Section 3. Paragraph (b) of subsection (21) of section**  
435 **187.201, Florida Statutes, is amended to read:**

436           187.201 State Comprehensive Plan adopted.—The Legislature  
437 hereby adopts as the State Comprehensive Plan the following  
438 specific goals and policies:

439           (21) THE ECONOMY.—

440           (b) Policies.—

441           1. Attract new job-producing industries, corporate  
442 headquarters, distribution and service centers, regional  
443 offices, and research and development facilities to provide  
444 quality employment for the residents of Florida.

445           2. Promote entrepreneurship, ~~and small and minority-owned~~  
446 business startups, and business startups in economically  
447 disadvantaged areas ~~startup~~ by providing technical and  
448 information resources, facilitating capital formation, and  
449 removing regulatory restraints which are unnecessary for the  
450 protection of consumers and society.

451           3. Maintain, as one of the state's primary economic  
452 assets, the environment, including clean air and water, beaches,  
453 forests, historic landmarks, and agricultural and natural  
454 resources.

455           4. Strengthen Florida's position in the world economy  
456 through attracting foreign investment and promoting  
457 international banking and trade.

458           5. Build on the state's attractiveness to make it a leader  
459 in the visual and performing arts and in all phases of film,  
460 television, and recording production.

461           6. Promote economic development for Florida residents  
462 through partnerships among education, business, industry,  
463 agriculture, and the arts.

464           7. Provide increased opportunities for training Florida's  
465 workforce to provide skilled employees for new and expanding  
466 business.

467           8. Promote economic self-sufficiency through training and  
468 educational programs which result in productive employment.

469           9. Promote cooperative employment arrangements between  
470 private employers and public sector employment efforts to  
471 provide productive, permanent employment opportunities for  
472 public assistance recipients through provisions of education  
473 opportunities, tax incentives, and employment training.

474           10. Provide for nondiscriminatory employment  
475 opportunities.

476 11. Provide quality child day care for public assistance  
 477 families and others who need it in order to work.

478 12. Encourage the development of a business climate that  
 479 provides opportunities for the growth and expansion of existing  
 480 state industries, particularly those industries which are  
 481 compatible with Florida's environment.

482 13. Promote coordination among Florida's ports to increase  
 483 their utilization.

484 14. Encourage the full utilization by businesses of the  
 485 economic development enhancement programs implemented by the  
 486 Legislature for the purpose of extensively involving private  
 487 businesses in the development and expansion of permanent job  
 488 opportunities, especially for the economically disadvantaged,  
 489 through the utilization of enterprise zones, community  
 490 development corporations, and other programs designed to enhance  
 491 economic and employment opportunities.

492 **Section 4. Paragraph (a) of subsection (1) of section**  
 493 **120.52, Florida Statutes, is amended to read:**

494 120.52 Definitions.—As used in this act:

495 (1) "Agency" means the following officers or governmental  
 496 entities if acting pursuant to powers other than those derived  
 497 from the constitution:

498 (a) The Governor; each state officer and state department,  
 499 and each departmental unit described in s. 20.04; the Board of  
 500 Governors of the State University System; the Commission on

501 Ethics; the Fish and Wildlife Conservation Commission; a  
502 regional water supply authority; ~~a regional planning agency;~~ a  
503 multicounty special district, but only if a majority of its  
504 governing board is comprised of nonelected persons; educational  
505 units; and each entity described in chapters 163, 373, 380, and  
506 582 ~~and s. 186.504.~~

507  
508 This definition does not include a municipality or legal entity  
509 created solely by a municipality; a legal entity or agency  
510 created in whole or in part pursuant to part II of chapter 361;  
511 a metropolitan planning organization created pursuant to s.  
512 339.175; a separate legal or administrative entity created  
513 pursuant to s. 339.175 of which a metropolitan planning  
514 organization is a member; an expressway authority pursuant to  
515 chapter 348 or any transportation authority or commission under  
516 chapter 343 or chapter 349; or a legal or administrative entity  
517 created by an interlocal agreement pursuant to s. 163.01(7),  
518 unless any party to such agreement is otherwise an agency as  
519 defined in this subsection.

520 **Section 5. For the purpose of incorporating the amendment**  
521 **made by this act to section 120.52, Florida Statutes, in a**  
522 **reference thereto, paragraph (f) of subsection (3) of section**  
523 **57.111, Florida Statutes, is reenacted to read:**

524 57.111 Civil actions and administrative proceedings  
525 initiated by state agencies; attorneys' fees and costs.—

526 (3) As used in this section:

527 (f) The term "state agency" has the meaning described in  
528 s. 120.52(1).

529 **Section 6. For the purpose of incorporating the amendment**  
530 **made by this act to section 120.52, Florida Statutes, in a**  
531 **reference thereto, Subsection (3) of section 216.241, Florida**  
532 **Statutes, is reenacted to read:**

533 216.241 Initiation or commencement of new programs;  
534 approval; expenditure of certain revenues.—

535 (3) Any revenues generated by any tax or fee imposed by  
536 amendment to the State Constitution after October 1, 1999, shall  
537 not be expended by any agency, as defined in s. 120.52(1),  
538 except pursuant to appropriation by the Legislature.

539 **Section 7. Paragraph (r) of subsection (5) of section**  
540 **212.08, Florida Statutes, is amended to read:**

541 212.08 Sales, rental, use, consumption, distribution, and  
542 storage tax; specified exemptions.—The sale at retail, the  
543 rental, the use, the consumption, the distribution, and the  
544 storage to be used or consumed in this state of the following  
545 are hereby specifically exempt from the tax imposed by this  
546 chapter.

547 (5) EXEMPTIONS; ACCOUNT OF USE.—

548 (r) Data center property.—

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

550 a. "Critical IT load" means that portion of electric power

551 capacity, expressed in terms of megawatts, which is reserved  
552 solely for owners or tenants of a data center to operate their  
553 computer server equipment. The term does not include any  
554 ancillary load for cooling, lighting, common areas, or other  
555 equipment.

556 b. "Cumulative capital investment" means the combined  
557 total of all expenses incurred by the owners or tenants of a  
558 data center after July 1, 2017, in connection with acquiring,  
559 constructing, installing, equipping, or expanding the data  
560 center. However, the term does not include any expenses incurred  
561 in the acquisition of improved real property operating as a data  
562 center at the time of acquisition or within 6 months before the  
563 acquisition.

564 c. "Data center" means a facility that:

565 (I) Consists of one or more contiguous parcels in this  
566 state, along with the buildings, substations and other  
567 infrastructure, fixtures, and personal property located on the  
568 parcels;

569 (II) Is used exclusively to house and operate equipment  
570 that receives, stores, aggregates, manages, processes,  
571 transforms, retrieves, researches, or transmits data; or that is  
572 necessary for the proper operation of equipment that receives,  
573 stores, aggregates, manages, processes, transforms, retrieves,  
574 researches, or transmits data;

575 (III) Has a critical IT load of 15 megawatts or higher,

576 and a critical IT load of 1 megawatt or higher dedicated to each  
577 individual owner or tenant within the data center; and

578 (IV) Is constructed on or after July 1, 2017.

579 d. "Data center property" means property used exclusively  
580 at a data center to construct, outfit, operate, support, power,  
581 cool, dehumidify, secure, or protect a data center and any  
582 contiguous dedicated substations. The term includes, but is not  
583 limited to, construction materials, component parts, machinery,  
584 equipment, computers, servers, installations, redundancies, and  
585 operating or enabling software, including any replacements,  
586 updates and new versions, and upgrades to or for such property,  
587 regardless of whether the property is a fixture or is otherwise  
588 affixed to or incorporated into real property. The term also  
589 includes electricity used exclusively at a data center.

590 2. Data center property is exempt from the tax imposed by  
591 this chapter, except for the tax imposed by s. 212.031. To be  
592 eligible for the exemption provided by this paragraph, the data  
593 center's owners and tenants must make a cumulative capital  
594 investment of \$150 million or more for the data center and the  
595 data center must have a critical IT load of 15 megawatts or  
596 higher and a critical IT load of 1 megawatt or higher dedicated  
597 to each individual owner or tenant within the data center. Each  
598 of these requirements must be satisfied no later than 5 years  
599 after the commencement of construction of the data center.

600 3.a. To receive the exemption provided by this paragraph,



601 the person seeking the exemption must apply to the department  
602 for a temporary tax exemption certificate. The application must  
603 state that a qualifying data center designation is being sought  
604 and provide information that the requirements of subparagraph 2.  
605 will be met. Upon a tentative determination by the department  
606 that the data center will meet the requirements of subparagraph  
607 2., the department must issue the certificate.

608 b.(I) The certificateholder shall maintain all necessary  
609 books and records to support the exemption provided by this  
610 paragraph. Upon satisfaction of all requirements of subparagraph  
611 2., the certificateholder must deliver the temporary tax  
612 certificate to the department together with documentation  
613 sufficient to show the satisfaction of the requirements. Such  
614 documentation must include written declarations, pursuant to s.  
615 92.525, from:

616 (A) A professional engineer, licensed pursuant to chapter  
617 471, certifying that the critical IT load requirement set forth  
618 in subparagraph 2. has been satisfied at the data center; and

619 (B) A Florida certified public accountant, as defined in  
620 s. 473.302, certifying that the cumulative capital investment  
621 requirement set forth in subparagraph 2. has been satisfied for  
622 the data center.

623

624 The professional engineer and the Florida certified public  
625 accountant may not be professionally related with the data

626 center's owners, tenants, or contractors, except that they may  
627 be retained by a data center owner to certify that the  
628 requirements of subparagraph 2. have been met.

629 (II) If the department determines that the subparagraph 2.  
630 requirements have been satisfied, the department must issue a  
631 permanent tax exemption certificate.

632 (III) Notwithstanding s. 212.084(4), the permanent tax  
633 exemption certificate remains valid and effective for as long as  
634 the data center described in the exemption application continues  
635 to operate as a data center as defined in subparagraph 1., with  
636 review by the department every 5 years to ensure compliance. As  
637 part of the review, the certificateholder shall, within 3 months  
638 before the end of any 5-year period, submit a written  
639 declaration, pursuant to s. 92.525, certifying that the critical  
640 IT load of 15 megawatts or higher and the critical IT load of 1  
641 megawatt or higher dedicated to each individual owner or tenant  
642 within the data center required by subparagraph 2. continues to  
643 be met. All owners, tenants, contractors, and others purchasing  
644 exempt data center property shall maintain all necessary books  
645 and records to support the exemption as to those purchases.

646 (IV) Notwithstanding s. 213.053, the department may share  
647 information concerning a temporary or permanent data center  
648 exemption certificate among all owners, tenants, contractors,  
649 and others purchasing exempt data center property pursuant to  
650 such certificate.

651 c. If, in an audit conducted by the department, it is  
652 determined that the certificateholder or any owners, tenants,  
653 contractors, or others purchasing, renting, or leasing data  
654 center property do not meet the criteria of this paragraph, the  
655 amount of taxes exempted at the time of purchase, rental, or  
656 lease is immediately due and payable to the department from the  
657 purchaser, renter, or lessee of those particular items, together  
658 with the appropriate interest and penalty computed from the date  
659 of purchase in the manner prescribed by this chapter.

660 Notwithstanding s. 95.091(3)(a), any tax due as provided in this  
661 sub-subparagraph may be assessed by the department within 6  
662 years after the date the data center property was purchased.

663 d. Purchasers, lessees, and renters of data center  
664 property who qualify for the exemption provided by this  
665 paragraph shall obtain from the data center a copy of the tax  
666 exemption certificate issued pursuant to sub-subparagraph a. or  
667 sub-subparagraph b. Before or at the time of purchase of the  
668 item or items eligible for exemption, the purchaser, lessee, or  
669 renter shall provide to the seller a copy of the tax exemption  
670 certificate and a signed certificate of entitlement. Purchasers,  
671 lessees, and renters with self-accrual authority shall maintain  
672 all documentation necessary to prove the exempt status of  
673 purchases.

674 e. For any purchase, lease, or rental of property that is  
675 exempt pursuant to this paragraph, the possession of a copy of a

676 tax exemption certificate issued pursuant to sub-subparagraph a.  
 677 or sub-subparagraph b. and a signed certificate of entitlement  
 678 relieves the seller of the responsibility of collecting the tax  
 679 on the sale, lease, or rental of such property, and the  
 680 department must look solely to the purchaser, renter, or lessee  
 681 for recovery of the tax if it determines that the purchase,  
 682 rental, or lease was not entitled to the exemption.

683 ~~4. After June 30, 2027, the department may not issue a~~  
 684 ~~temporary tax exemption certificate pursuant to this paragraph.~~

685 **Section 8. Paragraph (d) of subsection (21) of section**  
 686 **253.025, Florida Statutes, is amended to read:**

687 253.025 Acquisition of state lands.—

688 (21)

689 (d)1. A conveyance at less than appraised value must state  
 690 that the land will revert to the board of trustees if the land  
 691 is not used for its intended purposes as a military installation  
 692 buffer or if the military installation closes.

693 2. Subparagraph 1. does not apply to the United States  
 694 Department of Defense, including its subordinate military  
 695 departments, and the United States Coast Guard if the  
 696 generalized and overarching intended purpose as a military  
 697 installation buffer remains in place, even though the specific  
 698 military purpose, mission, and function in using the conveyed  
 699 land changes from that presented or proposed at the time of the  
 700 conveyance.

701           **Section 9. Paragraph (b) of subsection (4) of section**  
 702 **288.001, Florida Statutes, is amended to read:**

703           288.001 The Florida Small Business Development Center  
 704 Network.—

705           (4) STATEWIDE ADVISORY BOARD.—

706           (b) The statewide advisory board shall consist of 19  
 707 members from across the state. At least 12 members must be  
 708 representatives of the private sector who are knowledgeable of  
 709 the needs and challenges of small businesses. The members must  
 710 represent various segments and industries of the economy in this  
 711 state and must bring knowledge and skills to the statewide  
 712 advisory board which would enhance the board's collective  
 713 knowledge of small business assistance needs and challenges.

714 ~~Minority and gender~~ Representation from economically  
 715 disadvantaged areas within this state must be considered when  
 716 making appointments to the board. The board must include the  
 717 following members:

718           1. Three members appointed from the private sector by the  
 719 President of the Senate.

720           2. Three members appointed from the private sector by the  
 721 Speaker of the House of Representatives.

722           3. Three members appointed from the private sector by the  
 723 Governor.

724           4. Three members appointed from the private sector by the  
 725 network's statewide director.

- 726 5. One member appointed by the host institution.
- 727 6. The Secretary of Commerce or his or her designee.
- 728 7. The Chief Financial Officer or his or her designee.
- 729 8. The President of the Florida Chamber of Commerce or his  
730 or her designee.
- 731 9. The Small Business Development Center Project Officer  
732 from the U.S. Small Business Administration at the South Florida  
733 District Office or his or her designee.
- 734 10. The executive director of the National Federation of  
735 Independent Businesses, Florida, or his or her designee.
- 736 11. The executive director of the Florida United Business  
737 Association or his or her designee.

738 **Section 10. Subsection (8) of section 288.0065, Florida**  
739 **Statutes, is amended to read:**

740 288.0065 Annual incentives report.—By December 30 of each  
741 year, the department shall provide the Governor, the President  
742 of the Senate, and the Speaker of the House of Representatives a  
743 detailed incentives report quantifying the economic benefits for  
744 all of the economic development incentive programs administered  
745 by the department and its public-private partnerships. The  
746 annual incentives report must include:

747 (8) A description of the trends relating to business  
748 interest in, and usage of, the various incentives, and the  
749 number of small ~~minority-owned or woman-owned~~ businesses and  
750 businesses in economically disadvantaged areas receiving

751 incentives.

752 **Section 11. Paragraph (e) of subsection (2) and paragraph**  
 753 **(a) of subsection (6) of section 288.0656, Florida Statutes, are**  
 754 **amended to read:**

755 288.0656 Rural Economic Development Initiative.—

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

757 (e) "Rural community" means:

758 1. A county with a population of 85,000 ~~75,000~~ or fewer.

759 2. A county with a population of less than 135,000 that  
 760 ~~125,000 or fewer~~ which is contiguous to a county with a  
 761 population of less than 85,000 ~~75,000 or fewer~~.

762 3. A municipality within a county described in  
 763 subparagraph 1. or subparagraph 2.

764 4. An unincorporated federal enterprise community or an  
 765 incorporated rural city with a population of 25,000 or fewer and  
 766 an employment base focused on municipalities with at least 20  
 767 traditional agricultural or resource-based industries, located  
 768 in a county not defined as rural, which has at least three or  
 769 more of the economic distress factors identified in paragraph  
 770 (c) and verified by the department.

771  
 772 For purposes of this paragraph, population shall be determined  
 773 in accordance with the most recent official estimate pursuant to  
 774 s. 186.901.

775 (6) (a) By August 1 of each year, the head of each of the

776 following agencies and organizations shall designate a deputy  
777 secretary or higher-level staff person from within the agency or  
778 organization to serve as the REDI representative for the agency  
779 or organization:

- 780 1. The Department of Transportation.
- 781 2. The Department of Environmental Protection.
- 782 3. The Department of Agriculture and Consumer Services.
- 783 4. The Department of State.
- 784 5. The Department of Health.
- 785 6. The Department of Children and Families.
- 786 7. The Department of Corrections.
- 787 8. The Department of Education.
- 788 9. The Department of Juvenile Justice.
- 789 10. The Fish and Wildlife Conservation Commission.
- 790 11. Each water management district.
- 791 12. CareerSource Florida, Inc.
- 792 13. VISIT Florida.
- 793 ~~14. The Florida Regional Planning Council Association.~~
- 794 14.15. The Agency for Health Care Administration.
- 795 15.16. The Institute of Food and Agricultural Sciences  
796 (IFAS).

797  
798 An alternate for each designee shall also be chosen, and the  
799 names of the designees and alternates shall be sent to the  
800 Secretary of Commerce.



801           **Section 12. Section 288.06562, Florida Statutes, is**  
802 **created to read:**

803           288.06562 Rural Accelerator Program.-

804           (1) The Rural Accelerator Program is created within the  
805 department to facilitate grant funding for a rural community to  
806 identify, prepare, and promote a catalyst site for economic  
807 development.

808           (2) The department shall accept grant applications from a  
809 rural community, as well as any local economic development group  
810 applying on behalf of a rural community.

811           (3) The department shall collaborate with the Florida  
812 Regional Economic Development Association to review grant  
813 applications.

814           (4) Funds shall be appropriated from the Rural  
815 Infrastructure Fund and distributed by the department to rural  
816 communities for the purposes of marketing or catalyst site  
817 readiness.

818           (a) Marketing expenses may include, but need not be  
819 limited to, deploying materials through advertising campaigns,  
820 as well as any costs associated with meetings, trade missions,  
821 and professional development affiliated with marketing catalyst  
822 sites to businesses and catalyst site selectors.

823           (b) Catalyst site readiness expenses may include, but need  
824 not be limited to, clearing title, survey, and permitting  
825 questions, environmental studies, regulatory compliance,

826 planning design, and engineering costs. Such expenses may also  
827 include match funding for federal and private grants associated  
828 with catalyst site readiness and nonrecurring administrative  
829 expenses associated with catalyst site readiness.

830 (5) Grant recipients that incur any expenses in subsection  
831 (4) may be reimbursed for such expenses or compensated through a  
832 direct payment method.

833 (6) The department may adopt rules to implement this  
834 section.

835 (7) As used in this section, the term:

836 (a) "Rural community" has the same meaning as in s.  
837 288.0656(1).

838 (b) "Catalyst site" has the same meaning as in s.  
839 288.0656(1).

840 **Section 13. Paragraph (b) of subsection (2) of section**  
841 **288.1229, Florida Statutes, is amended to read:**

842 288.1229 Promotion and development of sports-related  
843 industries and amateur athletics; direct-support organization  
844 established; powers and duties.—

845 (2) The Florida Sports Foundation must:

846 (b) Be governed by a board of directors, which must  
847 consist of up to 15 members appointed by the Governor. In making  
848 appointments, the Governor must consider a potential member's  
849 background in community service and sports activism in, and  
850 financial support of, the sports industry, professional sports,

851 or organized amateur athletics. Members must be residents of the  
852 state and highly knowledgeable about or active in professional  
853 or organized amateur sports.

854 1. The board must contain representatives of all  
855 geographical regions of the state ~~and must represent ethnic and~~  
856 ~~gender diversity.~~

857 2. The terms of office of the members shall be 4 years. No  
858 member may serve more than two consecutive terms. The Governor  
859 may remove any member for cause and shall fill all vacancies  
860 that occur.

861 **Section 14. Section 288.124, Florida Statutes, is amended**  
862 **to read:**

863 288.124 Convention grants program.—The Florida Tourism  
864 Industry Marketing Corporation is authorized to establish a  
865 convention grants program and, pursuant to that program, to  
866 recommend to the department expenditures and contracts with  
867 local governments and nonprofit corporations or organizations  
868 for the purpose of attracting national conferences and  
869 conventions to Florida. ~~Preference shall be given to local~~  
870 ~~governments and nonprofit corporations or organizations seeking~~  
871 ~~to attract minority conventions to Florida. Minority conventions~~  
872 ~~are events that primarily involve minority persons, as defined~~  
873 ~~in s. 288.703, who are residents or nonresidents of the state.~~  
874 The Florida Tourism Industry Marketing Corporation shall  
875 establish guidelines governing the award of grants and the

876 administration of this program. The department has final  
877 approval authority for any grants under this section. The total  
878 annual allocation of funds for this program shall not exceed  
879 \$40,000.

880 **Section 15.** The Division of Law Revision is directed to  
881 rename part IV of chapter 288, Florida Statutes, consisting of  
882 ss. 288.7015-288.7103, entitled "Small and Minority Business,"  
883 as "Small Businesses and Businesses in Economically  
884 Disadvantaged Areas."

885 **Section 16. Section 288.702, Florida Statutes, is amended**  
886 **to read:**

887 288.702 Short title.—This section and ss. 288.703-288.706  
888 may be cited as the "Florida Assistance to Small Businesses and  
889 Businesses in Economically Disadvantaged Areas ~~Minority Business~~  
890 ~~Assistance Act.~~"

891 **Section 17. Section 288.703, Florida Statutes, is amended**  
892 **to read:**

893 288.703 Definitions.—As used in ss. 288.702-288.706, the  
894 term:

895 (1) "Business enterprise in an economically disadvantaged  
896 area" means a business located in a defined geographic area in  
897 this state in which one of the following documented conditions  
898 exists:

899 (a) Per capita income in the geographic area is less than  
900 80 percent of the state per capita income.

901        (b) The unemployment rate in the geographic area has been  
902 greater than the unemployment rate for the state by more than  
903 one percent over the previous 24 months from the time the  
904 comparison is made "Certified minority business enterprise"  
905 means a business which has been certified by the certifying  
906 organization or jurisdiction in accordance with s. 287.0943(1)  
907 and (2).

908        (2) "Financial institution" means any bank, trust company,  
909 insurance company, savings and loan association, credit union,  
910 federal lending agency, or foundation.

911        ~~(3) "Minority business enterprise" means any small~~  
912 ~~business concern as defined in subsection (6) which is organized~~  
913 ~~to engage in commercial transactions, which is domiciled in~~  
914 ~~Florida, and which is at least 51 percent owned by minority~~  
915 ~~persons who are members of an insular group that is of a~~  
916 ~~particular racial, ethnic, or gender makeup or national origin,~~  
917 ~~which has been subjected historically to disparate treatment due~~  
918 ~~to identification in and with that group resulting in an~~  
919 ~~underrepresentation of commercial enterprises under the group's~~  
920 ~~control, and whose management and daily operations are~~  
921 ~~controlled by such persons. A minority business enterprise may~~  
922 ~~primarily involve the practice of a profession. Ownership by a~~  
923 ~~minority person does not include ownership which is the result~~  
924 ~~of a transfer from a nonminority person to a minority person~~  
925 ~~within a related immediate family group if the combined total~~

926 ~~net asset value of all members of such family group exceeds \$1~~  
927 ~~million. For purposes of this subsection, the term "related~~  
928 ~~immediate family group" means one or more children under 16~~  
929 ~~years of age and a parent of such children or the spouse of such~~  
930 ~~parent residing in the same house or living unit.~~

931 ~~(4) "Minority person" means a lawful, permanent resident~~  
932 ~~of Florida who is:~~

933 ~~(a) An African American, a person having origins in any of~~  
934 ~~the black racial groups of the African Diaspora, regardless of~~  
935 ~~cultural origin.~~

936 ~~(b) A Hispanic American, a person of Spanish or Portuguese~~  
937 ~~culture with origins in Spain, Portugal, Mexico, South America,~~  
938 ~~Central America, or the Caribbean, regardless of race.~~

939 ~~(c) An Asian American, a person having origins in any of~~  
940 ~~the original peoples of the Far East, Southeast Asia, the Indian~~  
941 ~~Subcontinent, or the Pacific Islands, including the Hawaiian~~  
942 ~~Islands before 1778.~~

943 ~~(d) A Native American, a person who has origins in any of~~  
944 ~~the Indian Tribes of North America before 1835, upon~~  
945 ~~presentation of proper documentation thereof as established by~~  
946 ~~rule of the Department of Management Services.~~

947 ~~(e) An American woman.~~

948 ~~(3)~~(5) "Ombudsman" means an office or individual whose  
949 responsibilities include coordinating with the Office of  
950 Supplier Development Diversity for the interests of and

951 providing assistance to small businesses and business  
952 enterprises in an economically disadvantaged areas ~~and minority~~  
953 ~~business enterprises~~ in dealing with governmental agencies and  
954 in developing proposals for changes in state agency rules.

955 (4)(6) "Small business" means an independently owned and  
956 operated business concern that employs 200 or fewer permanent  
957 full-time employees and that, together with its affiliates, has  
958 a net worth of not more than \$5 million or any firm based in  
959 this state which has a Small Business Administration 8(a)  
960 certification. As applicable to sole proprietorships, the \$5  
961 million net worth requirement shall include both personal and  
962 business investments.

963 **Section 18. Section 288.705, Florida Statutes, is amended**  
964 **to read:**

965 288.705 Statewide contracts register.—All state agencies  
966 shall in a timely manner provide the Florida Small Business  
967 Development Center Procurement System with all formal  
968 solicitations for contractual services, supplies, and  
969 commodities. The Small Business Development Center shall  
970 coordinate with ~~Minority~~ Business Development Centers in  
971 economically disadvantaged areas to compile and distribute this  
972 information to small ~~and minority~~ businesses and businesses  
973 located in economically disadvantaged areas requesting such  
974 service for the period of time necessary to familiarize the  
975 business with the market represented by state agencies. On or

976 before February 1 of each year, the Small Business Development  
 977 Center shall report to the department on the use of the  
 978 statewide contracts register. The report shall include, but not  
 979 be limited to, information relating to:

980 (1) The total number of solicitations received from state  
 981 agencies during the calendar year.

982 (2) The number of solicitations received from each state  
 983 agency during the calendar year.

984 (3) The method of distributing solicitation information to  
 985 businesses requesting such service.

986 (4) The total number of businesses using the service.

987 ~~(5) The percentage of businesses using the service which~~  
 988 ~~are owned and controlled by minorities.~~

989 (5)~~(6)~~ The percentage of service-disabled veteran business  
 990 enterprises using the service.

991 **Section 19.** Section 288.706, Florida Statutes, is  
 992 repealed.

993 **Section 20.** Section 288.7094, Florida Statutes, is  
 994 repealed.

995 **Section 21.** Section 288.7102, Florida Statutes, is  
 996 repealed.

997 **Section 22.** Section 288.71025, Florida Statutes, is  
 998 repealed.

999 **Section 23.** Section 288.7103, Florida Statutes, is  
 1000 repealed.



1001           **Section 24.** Section 288.714, Florida Statutes, is  
 1002 repealed.

1003           **Section 25. Subsection (1) of section 288.776, Florida**  
 1004 **Statutes, is amended to read:**

1005           288.776 Board of directors; powers and duties.—

1006           (1) (a) The corporation shall have a board of directors  
 1007 consisting of 15 members representing all geographic areas of  
 1008 the state. ~~Minority and gender representation must be considered~~  
 1009 ~~when making appointments to the board.~~ The board membership must  
 1010 include:

1011           1. A representative of the following businesses, all of  
 1012 which must be registered to do business in this state: a foreign  
 1013 bank, a state bank, a federal bank, an insurance company  
 1014 involved in covering trade financing risks, and a small or  
 1015 medium-sized exporter.

1016           2. The following persons or their designee: the Secretary  
 1017 of Commerce, the Chief Financial Officer, the Secretary of  
 1018 State, and a senior official of the United States Department of  
 1019 Commerce.

1020           (b) Appointees who are not state or Federal Government  
 1021 officials shall serve for a term of 3 years and shall be  
 1022 eligible for reappointment. Nonstate and nonfederal official  
 1023 vacancies on the board shall be filled by the board within 30  
 1024 days after the effective date of the vacancy.

1025           **Section 26. Section 288.9628, Florida Statutes, is created**

1026 **to read:**

1027 288.9628 Research, Innovation, Science, and Engineering  
 1028 (RISE) Investment Tax Credit Program.—

1029 (1) The Legislature finds that strengthening this state's  
 1030 early-stage business ecosystem, and supporting cutting-edge  
 1031 innovation, is essential for fostering innovation and economic  
 1032 growth. The early-stage business ecosystem, fueled by state  
 1033 institutions of higher learning and private industry growth,  
 1034 represents significant opportunities for this state to retain  
 1035 entrepreneurial talent and provides an overall benefit for  
 1036 jobseekers, employers, families, communities, and the overall  
 1037 economy of this state.

1038 (2) There is established within the Department of Commerce  
 1039 the Research, Innovation, Science, and Engineering (RISE)  
 1040 Investment Tax Credit Program. The purpose of the RISE program  
 1041 is to increase venture capital investment in this state. The  
 1042 department shall coordinate with the board and the State Board  
 1043 of Administration in reviewing and approving applications for  
 1044 tax credits under this section.

1045 (3) As used in this section, the term:

1046 (a) "Accredited investor" has the same meaning as in s.  
 1047 517.021.

1048 (b) "Advisory affiliate" has the same meaning as in s.  
 1049 517.12(22)(a).

1050 (c) "Affiliate" has the same meaning as in s. 517.021.

1051        (d) "Applicant" means an advisory affiliate, exempt  
1052 reporting adviser, or investment adviser who submits or updates  
1053 an application on behalf of a qualifying private fund.

1054        (e) "Associated person" has the same meaning as in s.  
1055 517.021.

1056        (f) "Company" means any business in this state, or a  
1057 business with more than 50 percent of its workforce in this  
1058 state, with 500 or fewer employees, and which is engaged in a  
1059 project.

1060        (g) "Department" means the Department of Commerce.

1061        (h) "Exempt reporting adviser" has the same meaning as s.  
1062 517.12(22)(a).

1063        (i) "Investment adviser" has the same meaning as in s.  
1064 517.021.

1065        (j) "Investor" means any person or entity that has made a  
1066 capital contribution to a qualifying private fund.

1067        (k) "Private fund adviser" has the same meaning as in s.  
1068 517.12(22)(a).

1069        (l) "Project" means research and development that leads  
1070 to, or is anticipated to lead to, the creation of new or useful  
1071 improvement of technologies, agricultural technologies, devices,  
1072 processes, machines, manufacturing, or composition of matter.  
1073 The term includes innovative activities of a company or a public  
1074 university or college.

1075        (m) "Qualifying investment" has same the meaning as in 17

1076 C.F.R. s. 275.203(1)-1(c)(3). The term includes an investment in  
1077 one or more companies or projects.

1078 (n) "Qualifying portfolio company" has the meaning s in 17  
1079 C.F.R. s. 275.203(1)-1(c)(4). The term includes a company as  
1080 defined in this subsection, at the time of investment.

1081 (o) "Qualifying private fund" has the same meaning as in  
1082 s. 517.12(22)(a). The term includes an angel investor group as  
1083 defined in s. 517.021.

1084 (p) "Total capital commitment" means the total amount of  
1085 cash funding the qualifying private fund intends to raise to  
1086 make one or more qualifying investments in one or more  
1087 qualifying portfolio companies.

1088 (4)(a)1. The department may grant tax credits under this  
1089 section upon the submission of an application by an applicant.  
1090 The department must review and approve or deny a completed  
1091 application within 60 days of receipt of the application.

1092 2. An applicant must demonstrate to the satisfaction of  
1093 the department within 12 months of submitting the completed  
1094 application to the department that the qualifying private fund  
1095 has received at least the total capital commitment stated in the  
1096 application.

1097 (b) The application must include, at a minimum:

1098 1. The names of any accredited investors, advisory  
1099 affiliates, affiliates, associated persons, exempt reporting  
1100 advisers, investment advisers, or private fund advisers

1101 associated with the qualifying private fund, as applicable.

1102 2. The names of any investors in the qualifying private

1103 fund, as applicable.

1104 3. The estimated total number of qualifying investments in

1105 qualifying portfolio companies.

1106 4. The total capital commitment of the qualifying private

1107 fund.

1108 (c) An applicant shall update the completed application if

1109 there is a material change that affects the accuracy or

1110 completeness of the information provided in the application.

1111 (5) (a) The amount of tax credits available in a fiscal

1112 year under the RISE program may not exceed \$100 million.

1113 (b) The department may not issue tax credits to a

1114 qualifying private fund until the qualifying private fund

1115 demonstrates that it has received its total capital commitment.

1116 (c) The department may not issue more than \$10 million in

1117 tax credits to a qualifying private fund in a fiscal year under

1118 the RISE program.

1119 (6) (a) For purposes of eligibility to receive tax credits

1120 under the RISE program, a qualifying private fund shall submit

1121 documentation to the department which demonstrates to the

1122 reasonable satisfaction of the department that the qualifying

1123 investment meets the requirements of this section. For purposes

1124 of this section, follow-on capital commitments may be considered

1125 by the department only after the follow-on investment has been

1126 deployed.

1127 (b) A qualifying private fund must make one or more  
1128 qualified investments in one or more qualifying portfolio  
1129 projects to be eligible to receive tax credits under the RISE  
1130 program.

1131 (c) Each application submission by a qualifying private  
1132 fund that receives tax credits for a qualifying investment in a  
1133 qualifying portfolio company shall include, at a minimum:

1134 1. The amount of cash deployed by the qualifying private  
1135 fund to a qualifying investment in a qualifying portfolio  
1136 company.

1137 2. The total number of employees employed by the  
1138 qualifying portfolio company.

1139 3. The total number of Florida-based full-time equivalent  
1140 employees employed by the qualifying portfolio company.

1141 (7) (a) A qualifying private fund may receive tax credits  
1142 equivalent to 25 percent of a qualifying investment in a  
1143 qualifying portfolio company.

1144 (b) Upon a determination by the department that the  
1145 qualifying investment is eligible to receive tax credits under  
1146 this section, the department may authorize the Department of  
1147 Revenue to issue tax credits to the qualifying private fund.

1148 (c) The Department of Revenue may not issue more than one-  
1149 fifth of the tax credits authorized for a qualifying investment  
1150 in a qualifying portfolio company in a fiscal year.

1151 (d) Tax credits issued under the RISE program may be  
1152 applied against the corporate income tax liability of the  
1153 qualifying private fund. A qualifying private fund may sell or  
1154 transfer, in whole or in part, tax credits issued under the RISE  
1155 program. An election to sell or transfer any tax credit issued  
1156 under the RISE program must be made within 5 years of issuance  
1157 of the tax credits to the qualifying private fund, after which  
1158 the tax credits expire and may not be used. A qualifying private  
1159 fund may not sell or transfer tax credits that have been  
1160 authorized by the department but not yet issued by the  
1161 Department of Revenue.

1162 (e) The department may revoke or modify a written  
1163 determination to grant tax credits under the RISE program if the  
1164 department:

1165 1. Learns that an applicant has made a false statement,  
1166 representation, or certification in a completed application;

1167 2. If an applicant fails to update its information in a  
1168 previously submitted completed application; or

1169 3. An applicant fails to notify the Department of Revenue  
1170 of any change in its tax credit claimed.

1171  
1172 The department shall immediately notify the Department of  
1173 Revenue of the revocation or modification of previously issued  
1174 tax credits.

1175 (8) (a) To remain eligible to receive tax credits under the

1176 RISE program, a qualifying private fund shall, for each  
1177 qualifying investment in a qualifying portfolio company, submit  
1178 an annual report to the department for 5 years following the  
1179 department's authorization of the issuance of tax credits.

1180 (b) The annual report must contain, at a minimum:

1181 1. A certification that there have been no material  
1182 changes to the information contained in the previously submitted  
1183 completed application or, if material changes have occurred, a  
1184 disclosure stating the material changes.

1185 2. Documentation supporting the total number of full-time  
1186 equivalent employees employed by the qualifying portfolio  
1187 company.

1188 3. Documentation supporting the total number of Florida-  
1189 based full-time equivalent employees employed by the qualifying  
1190 portfolio company.

1191 4. Documentation supporting that the qualifying private  
1192 fund has not exited its position from the qualifying portfolio  
1193 company through acquisition by a non-Florida-based company.

1194 (9) For purposes of this section and part III of chapter  
1195 692, committed capital invested in a qualifying portfolio  
1196 company by a venture capital fund does not constitute ownership  
1197 of the qualifying portfolio company.

1198 (10) Beginning on December 30, 2026, the department shall  
1199 include in the annual incentives report required by s. 288.0065  
1200 the amounts of tax credits granted and issued under the RISE



1201 program, the total number of jobs created, and the total number  
 1202 of jobs created in this state.

1203 (11) The department may adopt rules to implement this  
 1204 section.

1205 **Section 27. Subsection (10) of section 290.0056, Florida**  
 1206 **Statutes, is amended to read:**

1207 290.0056 Enterprise zone development agency.—

1208 (10) Contingent upon approval by the governing body, the  
 1209 agency may invest in community investment corporations which  
 1210 conduct, or agree to conduct, loan guarantee programs assisting  
 1211 ~~minority~~ business enterprises located in the enterprise zone. In  
 1212 making such investments, the agency shall first attempt to  
 1213 invest in existing community investment corporations providing  
 1214 services in the enterprise zone. Such investments shall be made  
 1215 under conditions required by law and as the agency may require,  
 1216 including, but not limited to:

1217 (a) The funds invested by the agency shall be used to  
 1218 provide loan guarantees to individuals for ~~minority~~ business  
 1219 enterprises located in the enterprise zone.

1220 (b) The community investment corporation may not approve  
 1221 any application for a loan guarantee unless the person applying  
 1222 for the loan guarantee shows that he or she has applied for the  
 1223 loan or loan guarantee through normal banking channels and that  
 1224 the loan or loan guarantee has been refused by at least one bank  
 1225 or other financial institution.

1226           **Section 28. Subsection (4) of section 331.302, Florida**  
1227 **Statutes, is amended to read:**

1228           331.302 Space Florida; creation; purpose.—

1229           (4) (a) Space Florida is not an agency as defined in ss.  
1230 216.011 and 287.012.

1231           (b)1. Space Florida is not an agency as defined in s.  
1232 287.055, and is not subject to s. 255.20, if Space Florida  
1233 enters into a purchase agreement for professional services or  
1234 construction services, or both, with a person who is not subject  
1235 to s. 287.055, and:

1236           a. The terms in the executed purchase agreement are  
1237 acceptable to Space Florida.

1238           b. The person provides an unqualified representation and  
1239 warranty to Space Florida pursuant to the agreement that the  
1240 payments by the person to Space Florida in return for the  
1241 possession and use of the project by the person is not derived,  
1242 directly or indirectly, from state or local government funds.

1243           2. For purposes of subparagraph 1., revenue received by  
1244 the person as consideration for goods produced and services  
1245 provided by the person to governmental entities in the ordinary  
1246 course of its operation of the project are not state or local  
1247 government funds.

1248           **Section 29. Section 331.351, Florida Statutes, is amended**  
1249 **to read:**

1250           331.351 Participation by business enterprises in ~~women,~~

1251 ~~minorities, and socially and economically disadvantaged areas~~  
 1252 ~~business enterprises~~ encouraged.—It is the intent of the  
 1253 Legislature and the public policy of this state that business  
 1254 enterprises in women, minorities, and socially and economically  
 1255 disadvantaged areas ~~business enterprises~~ be encouraged to  
 1256 participate fully in all phases of economic and community  
 1257 development. Accordingly, to achieve such purpose, Space Florida  
 1258 shall, in accordance with applicable state and federal law,  
 1259 involve and utilize business enterprises in women, minorities,  
 1260 ~~and socially and economically disadvantaged areas~~ business  
 1261 ~~enterprises~~ in all phases of the design, development,  
 1262 construction, maintenance, and operation of spaceports developed  
 1263 under this act.

1264 **Section 30. Paragraph (a) of subsection (3) of section**  
 1265 **445.004, Florida Statutes, is amended to read:**

1266 445.004 CareerSource Florida, Inc., and the state board;  
 1267 creation; purpose; membership; duties and powers.—

1268 (3) (a) Members of the state board described in Pub. L. No.  
 1269 113-128, Title I, s. 101(b)(1)(C)(iii)(I)(aa) are voting  
 1270 members. The number of members is determined by the Governor,  
 1271 who shall consider the importance of ~~minority, gender, and~~  
 1272 geographic representation in making appointments to the state  
 1273 board. When the Governor is in attendance, he or she shall  
 1274 preside at all meetings of the state board.

1275 **Section 31. Subsections (9) through (15) of section**

1276 **445.007, Florida Statutes, are renumbered (8) through (14),**  
1277 **respectively, and subsection (1) and present subsection (8) of**  
1278 **that section are amended, to read:**

1279 445.007 Local workforce development boards.—

1280 (1) One local workforce development board shall be  
1281 appointed in each designated service delivery area and shall  
1282 serve as the local workforce development board pursuant to Pub.  
1283 L. No. 113-128. The membership of the local board must be  
1284 consistent with Pub. L. No. 113-128, Title I, s. 107(b). If a  
1285 public education or training provider is represented on the  
1286 local board, a representative of a private education provider  
1287 must also be appointed to the local board. The state board may  
1288 waive this requirement if requested by a local board if it is  
1289 demonstrated that such representatives do not exist in the  
1290 region. ~~The importance of minority and gender representation~~  
1291 ~~shall be considered when making appointments to the local board.~~  
1292 The local board, its committees, subcommittees, and  
1293 subdivisions, and other units of the workforce system, including  
1294 units that may consist in whole or in part of local governmental  
1295 units, may use any method of telecommunications to conduct  
1296 meetings, including establishing a quorum through  
1297 telecommunications, provided that the public is given proper  
1298 notice of the telecommunications meeting and reasonable access  
1299 to observe and, when appropriate, participate. Local boards are  
1300 subject to chapters 119 and 286 and s. 24, Art. I of the State

1301 Constitution. Each member of a local board who is not otherwise  
 1302 required to file a full and public disclosure of financial  
 1303 interests under s. 8, Art. II of the State Constitution or s.  
 1304 112.3144 shall file a statement of financial interests under s.  
 1305 112.3145. The executive director or designated person  
 1306 responsible for the operational and administrative functions of  
 1307 the local board who is not otherwise required to file a full and  
 1308 public disclosure of financial interests under s. 8, Art. II of  
 1309 the State Constitution or s. 112.3144 shall file a statement of  
 1310 financial interests under s. 112.3145. The local board's  
 1311 website, or the department's website if the local board does not  
 1312 maintain a website, must inform the public that each disclosure  
 1313 or statement has been filed with the Commission on Ethics and  
 1314 provide information how each disclosure or statement may be  
 1315 reviewed. The notice to the public must remain on the website  
 1316 throughout the term of office or employment of the filer and  
 1317 until 1 year after the term on the local board or employment  
 1318 ends.

1319 ~~(8) The importance of minority and gender representation~~  
 1320 ~~shall be considered when appointments are made to any committee~~  
 1321 ~~established by the local workforce development board.~~

1322 **Section 32. Paragraph (b) of subsection (4) and subsection**  
 1323 **(9) of section 445.08, Florida Statutes, are amended to read:**

1324 445.08 Florida Law Enforcement Recruitment Bonus Payment  
 1325 Program.—

1326 (4) The department shall develop an annual plan for the  
 1327 administration of the program and distribution of bonus  
 1328 payments. Applicable employing agencies shall assist the  
 1329 department with the collection of any data necessary to  
 1330 determine bonus payment amounts and to distribute the bonus  
 1331 payments, and shall otherwise provide the department with any  
 1332 information or assistance needed to fulfill the requirements of  
 1333 this section. At a minimum, the plan must include:

1334 (b) The minimum eligibility requirements a newly employed  
 1335 officer must meet to receive and retain a bonus payment, which  
 1336 must include:

1337 1. Obtaining certification for employment or appointment  
 1338 as a law enforcement officer pursuant to s. 943.1395.

1339 2. Gaining full-time employment with a Florida criminal  
 1340 justice agency.

1341 3. Maintaining ~~continuous~~ full-time employment with a  
 1342 Florida criminal justice agency for at least 2 years from the  
 1343 date on which the officer obtained certification. The required  
 1344 2-year employment period may be satisfied by maintaining  
 1345 employment at one or more employing agencies, but such period  
 1346 must not contain any break in service longer than 180 ~~15~~  
 1347 ~~calendar~~ days. A law enforcement officer must provide  
 1348 documentation to the department justifying any break in service.  
 1349 The department shall establish the acceptable circumstances for  
 1350 any such break in service through its rulemaking authority

1351 established in subsection (8). Any break in service does not  
1352 count towards satisfying the 2-year full-time employment  
1353 requirement in this subparagraph.

1354

1355 The department may establish other criteria deemed necessary to  
1356 determine bonus payment eligibility and distribution.

1357 ~~(9) This section expires July 1, 2025.~~

1358 **Section 33. Paragraph (a) of subsection (4) of section**

1359 **447.203, Florida Statutes, is amended to read:**

1360 447.203 Definitions.—As used in this part:

1361 (4) "Managerial employees" are those employees who:

1362 (a) Perform jobs that are not of a routine, clerical, or  
1363 ministerial nature and require the exercise of independent  
1364 judgment in the performance of such jobs and to whom one or more  
1365 of the following applies:

1366 1. They formulate or assist in formulating policies which  
1367 are applicable to bargaining unit employees.

1368 2. They may reasonably be required on behalf of the  
1369 employer to assist in the preparation for the conduct of  
1370 collective bargaining negotiations.

1371 3. They have a role in the administration of agreements  
1372 resulting from collective bargaining negotiations.

1373 4. They have a significant role in personnel  
1374 administration.

1375 5. They have a significant role in employee relations.

1376           6. They are included in the definition of administrative  
1377 personnel contained in s. 1012.01(3).

1378           7. They have a significant role in the preparation or  
1379 administration of budgets for any public agency or institution  
1380 or subdivision thereof.

1381           8. They have a significant and specific role executing  
1382 statewide business and economic development projects in support  
1383 of business recruitment, retention, and expansion.

1384  
1385 However, in determining whether an individual is a managerial  
1386 employee pursuant to paragraph (a) or paragraph (b), above, the  
1387 commission may consider historic relationships of the employee  
1388 to the public employer and to coemployees.

1389           **Section 34.** A county and municipality may enter into an  
1390 agreement to create a regional planning entity pursuant to  
1391 chapter 163, Florida Statutes.

1392           **Section 35.** The Division of Law Revision is directed to  
1393 revise the title of chapter 186, Florida Statutes, to read  
1394 "State Planning."

1395           **Section 36.** Sections 186.501, 186.502, 186.503, 186.504,  
1396 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512,  
1397 186.513, and 186.515, Florida Statutes, are repealed.

1398           **Section 37. Subsection (4) of section 120.525, Florida**  
1399 **Statutes, is amended to read:**

1400           120.525 Meetings, hearings, and workshops.—



1401 ~~(4) For purposes of establishing a quorum at meetings of~~  
 1402 ~~regional planning councils that cover three or more counties, a~~  
 1403 ~~voting member who appears via telephone, real-time~~  
 1404 ~~videoconferencing, or similar real-time electronic or video~~  
 1405 ~~communication that is broadcast publicly at the meeting location~~  
 1406 ~~may be counted toward the quorum requirement if at least one-~~  
 1407 ~~third of the voting members of the regional planning council are~~  
 1408 ~~physically present at the meeting location. A member must~~  
 1409 ~~provide oral, written, or electronic notice of his or her intent~~  
 1410 ~~to appear via telephone, real-time videoconferencing, or similar~~  
 1411 ~~real-time electronic or video communication to the regional~~  
 1412 ~~planning council at least 24 hours before the scheduled meeting.~~

1413 **Section 38. Subsections (44) through (54) of section**  
 1414 **163.3164, Florida Statutes, are renumbered as subsections (43)**  
 1415 **through (53), respectively, and present subsections (43) and**  
 1416 **(47) of that section are amended, to read:**

1417 163.3164 Community Planning Act; definitions.—As used in  
 1418 this act:

1419 ~~(43) "Regional planning agency" means the council created~~  
 1420 ~~pursuant to chapter 186.~~

1421 (46) ~~(47)~~ "Structure" has the same meaning as in s.  
 1422 380.031(18) ~~s. 380.031(19)~~.

1423 **Section 39. Paragraphs (b) and (c) of subsection (1) and**  
 1424 **paragraph (b) of subsection (3) of section 163.3184, Florida**  
 1425 **Statutes, are amended to read:**

1426 163.3184 Process for adoption of comprehensive plan or  
 1427 plan amendment.—

1428 (1) DEFINITIONS.—As used in this section, the term:

1429 (b) "In compliance" means consistent with the requirements  
 1430 of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and  
 1431 163.3248, ~~with the appropriate strategic regional policy plan,~~  
 1432 and with the principles for guiding development in designated  
 1433 areas of critical state concern and with part III of chapter  
 1434 369, where applicable.

1435 (c) "Reviewing agencies" means:

- 1436 1. The state land planning agency;
- 1437 ~~2. The appropriate regional planning council;~~
- 1438 2.3. The appropriate water management district;
- 1439 3.4. The Department of Environmental Protection;
- 1440 4.5. The Department of State;
- 1441 5.6. The Department of Transportation;
- 1442 6.7. In the case of plan amendments relating to public  
 1443 schools, the Department of Education;
- 1444 7.8. In the case of plans or plan amendments that affect a  
 1445 military installation listed in s. 163.3175, the commanding  
 1446 officer of the affected military installation;
- 1447 8.9. In the case of county plans and plan amendments, the  
 1448 Fish and Wildlife Conservation Commission and the Department of  
 1449 Agriculture and Consumer Services; and
- 1450 9.10. In the case of municipal plans and plan amendments,

1451 the county in which the municipality is located.

1452 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF  
1453 COMPREHENSIVE PLAN AMENDMENTS.—

1454 (b)1. The local government, after the initial public  
1455 hearing held pursuant to subsection (11), shall transmit within  
1456 10 working days the amendment or amendments and appropriate  
1457 supporting data and analyses to the reviewing agencies. The  
1458 local governing body shall also transmit a copy of the  
1459 amendments and supporting data and analyses to any other local  
1460 government or governmental agency that has filed a written  
1461 request with the governing body.

1462 2. The reviewing agencies and any other local government  
1463 or governmental agency specified in subparagraph 1. may provide  
1464 comments regarding the amendment or amendments to the local  
1465 government. State agencies shall only comment on important state  
1466 resources and facilities that will be adversely impacted by the  
1467 amendment if adopted. Comments provided by state agencies shall  
1468 state with specificity how the plan amendment will adversely  
1469 impact an important state resource or facility and shall  
1470 identify measures the local government may take to eliminate,  
1471 reduce, or mitigate the adverse impacts. Such comments, if not  
1472 resolved, may result in a challenge by the state land planning  
1473 agency to the plan amendment. Agencies and local governments  
1474 must transmit their comments to the affected local government  
1475 such that they are received by the local government not later

1476 than 30 days after the date on which the agency or government  
1477 received the amendment or amendments. Reviewing agencies shall  
1478 also send a copy of their comments to the state land planning  
1479 agency.

1480 3. Comments to the local government from a ~~regional~~  
1481 ~~planning council~~, county, or municipality shall be limited as  
1482 follows:

1483 ~~a. The regional planning council review and comments shall~~  
1484 ~~be limited to adverse effects on regional resources or~~  
1485 ~~facilities identified in the strategic regional policy plan and~~  
1486 ~~extrajurisdictional impacts that would be inconsistent with the~~  
1487 ~~comprehensive plan of any affected local government within the~~  
1488 ~~region. A regional planning council may not review and comment~~  
1489 ~~on a proposed comprehensive plan amendment prepared by such~~  
1490 ~~council unless the plan amendment has been changed by the local~~  
1491 ~~government subsequent to the preparation of the plan amendment~~  
1492 ~~by the regional planning council.~~

1493 a.b. County comments shall be in the context of the  
1494 relationship and effect of the proposed plan amendments on the  
1495 county plan.

1496 b.e. Municipal comments shall be in the context of the  
1497 relationship and effect of the proposed plan amendments on the  
1498 municipal plan.

1499 c.d. Military installation comments shall be provided in  
1500 accordance with s. 163.3175.

1501           4. Comments to the local government from state agencies  
1502 shall be limited to the following subjects as they relate to  
1503 important state resources and facilities that will be adversely  
1504 impacted by the amendment if adopted:

1505           a. The Department of Environmental Protection shall limit  
1506 its comments to the subjects of air and water pollution;  
1507 wetlands and other surface waters of the state; federal and  
1508 state-owned lands and interest in lands, including state parks,  
1509 greenways and trails, and conservation easements; solid waste;  
1510 water and wastewater treatment; and the Everglades ecosystem  
1511 restoration.

1512           b. The Department of State shall limit its comments to the  
1513 subjects of historic and archaeological resources.

1514           c. The Department of Transportation shall limit its  
1515 comments to issues within the agency's jurisdiction as it  
1516 relates to transportation resources and facilities of state  
1517 importance.

1518           d. The Fish and Wildlife Conservation Commission shall  
1519 limit its comments to subjects relating to fish and wildlife  
1520 habitat and listed species and their habitat.

1521           e. The Department of Agriculture and Consumer Services  
1522 shall limit its comments to the subjects of agriculture,  
1523 forestry, and aquaculture issues.

1524           f. The Department of Education shall limit its comments to  
1525 the subject of public school facilities.

1526 g. The appropriate water management district shall limit  
 1527 its comments to flood protection and floodplain management,  
 1528 wetlands and other surface waters, and regional water supply.

1529 h. The state land planning agency shall limit its comments  
 1530 to important state resources and facilities outside the  
 1531 jurisdiction of other commenting state agencies and may include  
 1532 comments on countervailing planning policies and objectives  
 1533 served by the plan amendment that should be balanced against  
 1534 potential adverse impacts to important state resources and  
 1535 facilities.

1536 **Section 40. Subsection (2) of section 163.3245, Florida**  
 1537 **Statutes, is amended to read:**

1538 163.3245 Sector plans.—

1539 (2) The ~~Upon the request of a~~ local government having  
 1540 jurisdiction, ~~the applicable regional planning council~~ shall  
 1541 conduct a scoping meeting with affected local governments and  
 1542 those agencies identified in s. 163.3184(1)(c) before  
 1543 preparation of the sector plan. The purpose of this meeting is  
 1544 to assist the state land planning agency ~~and the local~~  
 1545 ~~government~~ in the identification of the relevant planning issues  
 1546 to be addressed and the data and resources available to assist  
 1547 in the preparation of the sector plan. ~~If a scoping meeting is~~  
 1548 ~~conducted, the regional planning council shall make written~~  
 1549 ~~recommendations to the state land planning agency and affected~~  
 1550 ~~local governments on the issues requested by the local~~

1551 ~~government.~~ The scoping meeting shall be noticed and open to the  
1552 public. If the entire planning area proposed for the sector plan  
1553 is within the jurisdiction of two or more local governments,  
1554 some or all of them may enter into a joint planning agreement  
1555 pursuant to s. 163.3171 with respect to the geographic area to  
1556 be subject to the sector plan, the planning issues that will be  
1557 emphasized, procedures for intergovernmental coordination to  
1558 address extrajurisdictional impacts, supporting application  
1559 materials including data and analysis, procedures for public  
1560 participation, or other issues.

1561 **Section 41. Subsection (5) of section 186.003, Florida**  
1562 **Statutes, is amended to read:**

1563 186.003 Definitions; ss. 186.001-186.031, 186.801-  
1564 186.901.—As used in ss. 186.001-186.031 and 186.801-186.901, the  
1565 term:

1566 ~~(5) "Regional planning agency" means the regional planning~~  
1567 ~~council created pursuant to ss. 186.501-186.515 to exercise~~  
1568 ~~responsibilities under ss. 186.001-186.031 and 186.801-186.901~~  
1569 ~~in a particular region of the state.~~

1570 **Section 42. Subsection (7) of section 186.006, Florida**  
1571 **Statutes, is amended to read:**

1572 186.006 Powers and responsibilities of Executive Office of  
1573 the Governor.—For the purpose of establishing consistency and  
1574 uniformity in the state and regional planning process and in  
1575 order to ensure that the intent of ss. 186.001-186.031 and

1576 | 186.801-186.901 is accomplished, the Executive Office of the  
 1577 | Governor shall:

1578 | (7) Act as the state clearinghouse ~~and designate the~~  
 1579 | ~~regional planning councils as the regional data clearinghouses.~~

1580 | **Section 43. Subsections (7) and (8) of section 186.007,**  
 1581 | **Florida Statutes, are amended to read:**

1582 | 186.007 State comprehensive plan; preparation; revision.-

1583 | (7) In preparing and revising the state comprehensive  
 1584 | plan, the Executive Office of the Governor shall, to the extent  
 1585 | feasible, consider studies, reports, and plans of each  
 1586 | department, agency, and institution of state and local  
 1587 | government, ~~each regional planning agency,~~ and the Federal  
 1588 | Government and shall take into account the existing and  
 1589 | prospective resources, capabilities, and needs of state and  
 1590 | local levels of government.

1591 | (8) The revision of the state comprehensive plan is a  
 1592 | continuing process. Each section of the plan shall be reviewed  
 1593 | and analyzed biennially by the Executive Office of the Governor  
 1594 | in conjunction with the planning officers of other state  
 1595 | agencies significantly affected by the provisions of the  
 1596 | particular section under review. In conducting this review and  
 1597 | analysis, the Executive Office of the Governor shall review and  
 1598 | consider, with the assistance of the state land planning agency,  
 1599 | any relevant reports, data, or analyses ~~and regional planning~~  
 1600 | ~~councils, the evaluation and appraisal reports prepared pursuant~~



1601 ~~to s. 186.511~~. Any necessary revisions of the state  
 1602 comprehensive plan shall be proposed by the Governor in a  
 1603 written report and be accompanied by an explanation of the need  
 1604 for such changes. If the Governor determines that changes are  
 1605 unnecessary, the written report must explain why changes are  
 1606 unnecessary. The proposed revisions and accompanying  
 1607 explanations may be submitted in the report required by s.  
 1608 186.031. Any proposed revisions to the plan shall be submitted  
 1609 to the Legislature as provided in s. 186.008(2) at least 30 days  
 1610 prior to the regular legislative session occurring in each even-  
 1611 numbered year.

1612 **Section 44. Paragraph (b) of subsection (1) of section**  
 1613 **215.559, Florida Statutes, is amended to read:**

1614 215.559 Hurricane Loss Mitigation Program.—A Hurricane  
 1615 Loss Mitigation Program is established in the Division of  
 1616 Emergency Management.

1617 (1) The Legislature shall annually appropriate \$10 million  
 1618 of the moneys authorized for appropriation under s.  
 1619 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the  
 1620 division for the purposes set forth in this section. Of the  
 1621 amount:

1622 (b) Three million dollars in funds shall be used to  
 1623 construct or retrofit facilities used as public hurricane  
 1624 shelters. Each year the division shall prioritize the use of  
 1625 these funds for projects included in the annual report of the

1626 Shelter Development Report prepared in accordance with s.  
1627 252.385(3). The division must give funding priority to projects  
1628 in regional planning council regions in existence on January 1,  
1629 2025, that have shelter deficits and to projects that maximize  
1630 the use of state funds.

1631 **Section 45. Paragraph (b) of subsection (2) and subsection**  
1632 **(3) of section 252.385, Florida Statutes, are amended to read:**

1633 252.385 Public shelter space; public records exemption.—

1634 (2)

1635 (b) By January 31 of each even-numbered year, the division  
1636 shall prepare and submit a statewide emergency shelter plan to  
1637 the Governor and Cabinet for approval, subject to the  
1638 requirements for approval in s. 1013.37(2). The emergency  
1639 shelter plan must project, for each of the next 5 years, the  
1640 hurricane shelter needs of the state, including periods of time  
1641 during which a concurrent public health emergency may  
1642 necessitate more space for each individual to accommodate  
1643 physical distancing. In addition to information on the general  
1644 shelter needs throughout this state, the plan must identify the  
1645 general location and square footage of special needs shelters,  
1646 by regional planning council region in existence on January 1,  
1647 2025. The plan must also include information on the availability  
1648 of shelters that accept pets. The Department of Health shall  
1649 assist the division in determining the estimated need for  
1650 special needs shelter space and the adequacy of facilities to

1651 meet the needs of persons with special needs based on  
 1652 information from the registries of persons with special needs  
 1653 and other information.

1654 (3) The division shall annually provide to the President  
 1655 of the Senate, the Speaker of the House of Representatives, and  
 1656 the Governor a list of facilities recommended to be retrofitted  
 1657 using state funds. State funds should be maximized and targeted  
 1658 to regional planning council regions in existence on January 1,  
 1659 2025, with hurricane evacuation shelter deficits. The owner or  
 1660 lessee of a public hurricane evacuation shelter that is included  
 1661 on the list of facilities recommended for retrofitting is not  
 1662 required to perform any recommended improvements.

1663 **Section 46. Paragraph (b) of subsection (26) of section**  
 1664 **320.08058, Florida Statutes, is amended to read:**

1665 320.08058 Specialty license plates.—

1666 (26) TAMPA BAY ESTUARY LICENSE PLATES.—

1667 (b) The annual use fees shall be distributed to the Tampa  
 1668 Bay Estuary Program created by s. 163.01.

1669 1. A maximum of 5 percent of such fees may be used for  
 1670 marketing the plate.

1671 ~~2. Twenty percent of the proceeds from the annual use fee,~~  
 1672 ~~not to exceed \$50,000, shall be provided to the Tampa Bay~~  
 1673 ~~Regional Planning Council for activities of the Agency on Bay~~  
 1674 ~~Management implementing the Council/Agency Action Plan for the~~  
 1675 ~~restoration of the Tampa Bay estuary, as approved by the Tampa~~

1676 ~~Bay Estuary Program Policy Board.~~

1677 2.3 The remaining proceeds must be used to implement the  
 1678 Comprehensive Conservation and Management Plan for Tampa Bay,  
 1679 pursuant to priorities approved by the Tampa Bay Estuary Program  
 1680 Policy Board.

1681 **Section 47. Paragraph (c) of subsection (3) of section**  
 1682 **338.2278, Florida Statutes, as amended by section 91 of chapter**  
 1683 **2020-114, Laws of Florida, is amended to read:**

1684 338.2278 Multi-use Corridors of Regional Economic  
 1685 Significance Program.—

1686 (3)

1687 (c)1. During the project development phase, the department  
 1688 shall utilize an inclusive, consensus-building mechanism for  
 1689 each proposed multiuse corridor identified in subsection (2).  
 1690 For each multiuse corridor identified in subsection (2), the  
 1691 department shall convene a corridor task force composed of  
 1692 appropriate representatives of:

- 1693 a. The Department of Environmental Protection;
- 1694 b. The Department of Economic Opportunity;
- 1695 c. The Department of Education;
- 1696 d. The Department of Health;
- 1697 e. The Fish and Wildlife Conservation Commission;
- 1698 f. The Department of Agriculture and Consumer Services;
- 1699 g. The local water management district or districts;
- 1700 h. A local government official from each local government

1701 within a proposed corridor;

1702       i. Metropolitan planning organizations;

1703       ~~j. Regional planning councils;~~

1704       j.k. The community, who may be an individual or a member

1705 of a nonprofit community organization, as determined by the

1706 department; and

1707       ~~k.l.~~ Appropriate environmental groups, such as 1000

1708 Friends of Florida, Audubon Florida, the Everglades Foundation,

1709 The Nature Conservancy, the Florida Sierra Club, and the Florida

1710 Wildlife Corridor, as determined by the department.

1711       2. The secretary of the department shall appoint the

1712 members of the respective corridor task forces by August 1,

1713 2019.

1714       3. Each corridor task force shall coordinate with the

1715 department on pertinent aspects of corridor analysis, including

1716 accommodation or colocation of multiple types of infrastructure,

1717 addressing issues such as those identified in subsection (1),

1718 within or adjacent to the corridor.

1719       4. Each corridor task force shall evaluate the need for,

1720 and the economic and environmental impacts of, hurricane

1721 evacuation impacts of, and land use impacts of, the related

1722 corridor as identified in subsection (2).

1723       5. Each corridor task force shall hold a public meeting in

1724 accordance with chapter 286 in each local government

1725 jurisdiction in which a project within an identified corridor is

1726 | being considered.

1727 |         6. To the maximum extent feasible, the department shall  
1728 | adhere to the recommendations of the task force created for each  
1729 | corridor in the design of the multiple modes of transportation  
1730 | and multiple types of infrastructure associated with the  
1731 | corridor. The task force for each corridor may consider and  
1732 | recommend innovative concepts to combine right-of-way  
1733 | acquisition with the acquisition of lands or easements to  
1734 | facilitate environmental mitigation or ecosystem, wildlife  
1735 | habitat, or water quality protection or restoration. The  
1736 | department, in consultation with the Department of Environmental  
1737 | Protection, may incorporate those features into each corridor  
1738 | during the project development phase.

1739 |         7. The Southwest-Central Florida Connector corridor task  
1740 | force shall:

1741 |             a. Address the impacts of the construction of a project  
1742 | within the corridor on panther and other critical wildlife  
1743 | habitat and evaluate in its final report the need for  
1744 | acquisition of lands for state conservation or as mitigation for  
1745 | project construction; and

1746 |             b. Evaluate wildlife crossing design features to protect  
1747 | panther and other critical wildlife habitat corridor  
1748 | connections.

1749 |         8. The Suncoast Connector corridor task force and the  
1750 | Northern Turnpike Connector corridor task force shall evaluate

1751 design features and the need for acquisition of state  
 1752 conservation lands that mitigate the impact of project  
 1753 construction within the respective corridors on:

1754 a. The water quality and quantity of springs, rivers, and  
 1755 aquifer recharge areas;

1756 b. Agricultural land uses; and

1757 c. Wildlife habitat.

1758 9. Each corridor task force shall issue its evaluations in  
 1759 a final report that must be submitted to the Governor, the  
 1760 President of the Senate, and the Speaker of the House of  
 1761 Representatives by November 15, 2020 ~~October 1, 2020~~.

1762 10. The department shall provide affected local  
 1763 governments with a copy of the applicable task force report and  
 1764 project alignments. Not later than December 31, 2023, a local  
 1765 government that has an interchange within its jurisdiction shall  
 1766 review the applicable task force report and its local  
 1767 comprehensive plan as adopted under chapter 163. The local  
 1768 government review must include consideration of whether the area  
 1769 in and around the interchange contains appropriate land uses and  
 1770 natural resource protections and whether the comprehensive plan  
 1771 should be amended to provide such appropriate uses and  
 1772 protections.

1773 **Section 48. Subsection (1) of section 369.303, Florida**  
 1774 **Statutes, is amended to read:**

1775 369.303 Definitions.—As used in this part:

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1776 ~~(1) "Council" means the East Central Florida Regional~~  
1777 ~~Planning Council.~~

1778 **Section 49. Subsection (3) of section 369.307, Florida**  
1779 **Statutes, is amended to read:**

1780 369.307 Developments of regional impact in the Wekiva  
1781 River Protection Area; land acquisition.—

1782 (3) The Wekiva River Protection Area is hereby declared to  
1783 be a natural resource of state and regional importance. The St.  
1784 Johns River Water Management District ~~East Central Florida~~  
1785 ~~Regional Planning Council~~ shall adopt policies that ~~as part of~~  
1786 ~~its strategic regional policy plan and regional issues list~~  
1787 ~~which~~ will protect the water quantity, water quality, hydrology,  
1788 wetlands, aquatic and wetland-dependent wildlife species,  
1789 habitat of species ~~designated pursuant to rules 39-27.003, 39-~~  
1790 ~~27.004, and 39-27.005, Florida Administrative Code, and native~~  
1791 vegetation in the Wekiva River Protection Area. The water  
1792 management district ~~council~~ shall also cooperate with the  
1793 department in the department's implementation ~~of the provisions~~  
1794 of s. 369.305.

1795 **Section 50. Section 369.324, Florida Statutes, is**  
1796 **repealed.**

1797 **Section 51. Subsections (3), (4), (7), (8), and (12) of**  
1798 **section 380.05, Florida Statutes, are amended to read:**

1799 380.05 Areas of critical state concern.—

1800 (3) Each local government ~~regional planning agency~~ may



1801 ~~recommend to the state land planning agency from time to time~~  
1802 ~~areas wholly or partially within its jurisdiction that meet the~~  
1803 ~~criteria for areas of critical state concern as defined in this~~  
1804 ~~section. Each regional planning agency shall solicit from the~~  
1805 ~~local governments within its jurisdiction suggestions as to~~  
1806 ~~areas to be recommended. A local government in an area where~~  
1807 ~~there is no regional planning agency~~ may recommend to the state  
1808 land planning agency from time to time areas wholly or partially  
1809 within its jurisdiction that meet the criteria for areas of  
1810 critical state concern as defined in this section. If the state  
1811 land planning agency does not recommend to the commission as an  
1812 area of critical state concern an area substantially similar to  
1813 one that has been recommended, it shall respond in writing as to  
1814 its reasons therefor.

1815 (4) Before ~~Prior to~~ submitting any recommendation to the  
1816 commission under subsection (1), the state land planning agency  
1817 shall give notice to any committee appointed pursuant to s.  
1818 380.045 and to all local governments ~~and regional planning~~  
1819 ~~agencies~~ that include within their boundaries any part of any  
1820 area of critical state concern proposed to be designated by the  
1821 rule, in addition to any notice otherwise required under chapter  
1822 120.

1823 (7) The state land planning agency ~~and any applicable~~  
1824 ~~regional planning agency~~ shall, to the greatest extent possible,  
1825 provide technical assistance to local governments in the

1826 preparation of the land development regulations and local  
1827 comprehensive plan for areas of critical state concern.

1828 (8) If any local government fails to submit land  
1829 development regulations or a local comprehensive plan, or if the  
1830 regulations or plan or plan amendment submitted do not comply  
1831 with the principles for guiding development set out in the rule  
1832 designating the area of critical state concern, within 120 days  
1833 after the adoption of the rule designating an area of critical  
1834 state concern, or within 120 days after the issuance of a  
1835 recommended order on the compliance of the plan or plan  
1836 amendment pursuant to s. 163.3184, or within 120 days after the  
1837 effective date of an order rejecting a proposed land development  
1838 regulation, the state land planning agency shall submit to the  
1839 commission recommended land development regulations and a local  
1840 comprehensive plan or portions thereof applicable to that local  
1841 government's portion of the area of critical state concern.  
1842 Within 45 days following receipt of the recommendation from the  
1843 agency, the commission shall either reject the recommendation as  
1844 tendered or adopt the recommendation with or without  
1845 modification, and by rule establish land development regulations  
1846 and a local comprehensive plan applicable to that local  
1847 government's portion of the area of critical state concern.  
1848 However, such rule shall not become effective before ~~prior to~~  
1849 legislative review of an area of critical state concern pursuant  
1850 to paragraph (1)(c). In the rule, the commission shall specify

1851 the extent to which its land development regulations, plans, or  
1852 plan amendments will supersede, or will be supplementary to,  
1853 local land development regulations and plans. Notice of any  
1854 proposed rule issued under this section shall be given to all  
1855 local governments and regional planning agencies in the area of  
1856 critical state concern, in addition to any other notice required  
1857 under chapter 120. The land development regulations and local  
1858 comprehensive plan adopted by the commission under this section  
1859 may include any type of regulation and plan that could have been  
1860 adopted by the local government. Any land development  
1861 regulations or local comprehensive plan or plan amendments  
1862 adopted by the commission under this section shall be  
1863 administered by the local government as part of, or in the  
1864 absence of, the local land development regulations and local  
1865 comprehensive plan.

1866 (12) Upon the request of a substantially interested person  
1867 pursuant to s. 120.54(7), a local government ~~or regional~~  
1868 ~~planning agency within the designated area,~~ or the state land  
1869 planning agency, the commission may by rule remove, contract, or  
1870 expand any designated boundary. Boundary expansions are subject  
1871 to legislative review pursuant to paragraph (1)(c). No boundary  
1872 may be modified without a specific finding by the commission  
1873 that such changes are consistent with necessary resource  
1874 protection. The total boundaries of an entire area of critical  
1875 state concern shall not be removed by the commission unless a

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1876 minimum time of 1 year has elapsed from the adoption of  
1877 regulations and a local comprehensive plan pursuant to  
1878 subsection (1), subsection (6), subsection (8), or subsection  
1879 (10). Before totally removing such boundaries, the commission  
1880 shall make findings that the regulations and plans adopted  
1881 pursuant to subsection (1), subsection (6), subsection (8), or  
1882 subsection (10) are being effectively implemented by local  
1883 governments within the area of critical state concern to protect  
1884 the area and that adopted local government comprehensive plans  
1885 within the area have been conformed to principles for guiding  
1886 development for the area.

1887 **Section 52. Subsection (2) of section 380.045, Florida**  
1888 **Statutes, is amended to read:**

1889 380.045 Resource planning and management committees;  
1890 objectives; procedures.—

1891 (2) The committee must include, but is not limited to,  
1892 representation from each of the following: elected officials  
1893 from the local governments within the area under study; the  
1894 planning office of each of the local governments within the area  
1895 under study; the state land planning agency; any other state  
1896 agency under chapter 20 a representative of which the Governor  
1897 feels is relevant to the compilation of the committee; and a  
1898 water management district, if appropriate, ~~and regional planning~~  
1899 ~~council all or part of whose jurisdiction lies within the area~~  
1900 ~~under study.~~ After the appointment of the members, the Governor

1901 shall select a chair and vice chair. A staff member of the state  
 1902 land planning agency shall be appointed by the secretary of such  
 1903 agency to serve as the secretary of the committee. The state  
 1904 land planning agency shall, to the greatest extent possible,  
 1905 provide technical assistance and administrative support to the  
 1906 committee. Meetings will be called as needed by the chair or on  
 1907 the demand of three or more members of the committee. The  
 1908 committee will act on a simple majority of a quorum present and  
 1909 shall make a report within 6 months to the head of the state  
 1910 land planning agency. The committee must, from the time of  
 1911 appointment, remain in existence for no less than 6 months.

1912 **Section 53. For the purpose of incorporating the amendment**  
 1913 **made by this act to section 380.045, Florida Statutes, in a**  
 1914 **reference thereto, subsection (6) of section 380.0552, Florida**  
 1915 **Statutes, is reenacted to read:**

1916 380.0552 Florida Keys Area; protection and designation as area  
 1917 of critical state concern.—

1918 (6) RESOURCE PLANNING AND MANAGEMENT COMMITTEE.—The  
 1919 Governor, acting as the chief planning officer of the state,  
 1920 shall appoint a resource planning and management committee for  
 1921 the Florida Keys Area with the membership as specified in s.  
 1922 380.045(2). Meetings shall be called as needed by the chair or  
 1923 on the demand of three or more members of the committee. The  
 1924 committee shall:

1925 (a) Serve as a liaison between the state and local

1926 governments within Monroe County.

1927 (b) Develop, with local government officials in the  
 1928 Florida Keys Area, recommendations to the state land planning  
 1929 agency as to the sufficiency of the Florida Keys Area's  
 1930 comprehensive plan and land development regulations.

1931 (c) Recommend to the state land planning agency changes to  
 1932 state and regional plans and regulatory programs affecting the  
 1933 Florida Keys Area.

1934 (d) Assist units of local government within the Florida  
 1935 Keys Area in carrying out the planning functions and other  
 1936 responsibilities required by this section.

1937 (e) Review, at a minimum, all reports and other materials  
 1938 provided to it by the state land planning agency or other  
 1939 governmental agencies.

1940 **Section 54. Subsections (3) and (6) of section 403.7225,**  
 1941 **Florida Statutes, are amended to read:**

1942 403.7225 Local hazardous waste management assessments.—

1943 (3) Each county ~~or regional planning council~~ shall  
 1944 coordinate the local hazardous waste management assessments  
 1945 within its jurisdiction according to guidelines established  
 1946 under s. 403.7226. If a county declines to perform the local  
 1947 hazardous waste management assessment, the county shall make  
 1948 arrangements with the department ~~its regional planning council~~  
 1949 to perform the assessment.

1950 (6) Unless performed by the county pursuant to subsection

1951 (3), the department ~~regional planning councils~~ shall upon  
 1952 successful arrangements with a county:

- 1953 (a) Perform local hazardous waste management assessments;
- 1954 (b) Provide any technical expertise needed by the counties  
 1955 in developing the assessments.

1956 **Section 55. Subsection (2) of section 403.723, Florida**  
 1957 **Statutes, is amended to read:**

1958 403.723 Siting of hazardous waste facilities.—It is the  
 1959 intent of the Legislature to facilitate siting of proper  
 1960 hazardous waste storage facilities in each region and any  
 1961 additional storage, treatment, or disposal facilities as  
 1962 required. The Legislature recognizes the need for facilitating  
 1963 disposal of waste produced by small generators, reducing the  
 1964 volume of wastes generated in the state, reducing the toxicity  
 1965 of wastes generated in the state, and providing treatment and  
 1966 disposal facilities in the state.

1967 (2) After each county designates areas for storage  
 1968 facilities, the department ~~each regional planning council~~ shall  
 1969 designate one or more sites at which a regional hazardous waste  
 1970 storage or treatment facility could be constructed.

1971 **Section 56. Subsection (27) of section 403.503, Florida**  
 1972 **Statutes, is amended to read:**

1973 403.503 Definitions relating to Florida Electrical Power  
 1974 Plant Siting Act.—As used in this act:

1975 ~~(27) "Regional planning council" means a regional planning~~

1976 | ~~council as defined in s. 186.503(4) in the jurisdiction of which~~  
 1977 | ~~the electrical power plant is proposed to be located.~~

1978 |       **Section 57. Subsection (21) of section 403.522, Florida**  
 1979 | **Statutes, is amended to read:**

1980 |       403.522 Definitions relating to the Florida Electric  
 1981 | Transmission Line Siting Act.—As used in this act:

1982 |       ~~(21) "Regional planning council" means a regional planning~~  
 1983 | ~~council as defined in s. 186.503(4) in the jurisdiction of which~~  
 1984 | ~~the project is proposed to be located.~~

1985 |       **Section 58. Paragraphs (b) and (d) of subsection (1) of**  
 1986 | **section 408.033, Florida Statutes, are amended to read:**

1987 |       408.033 Local and state health planning.—

1988 |       (1) LOCAL HEALTH COUNCILS.—

1989 |       (b) Each local health council may:

1990 |       1. Develop a district area health plan that permits each  
 1991 | local health council to develop strategies and set priorities  
 1992 | for implementation based on its unique local health needs.

1993 |       2. Advise the agency on health care issues and resource  
 1994 | allocations.

1995 |       3. Promote public awareness of community health needs,  
 1996 | emphasizing health promotion and cost-effective health service  
 1997 | selection.

1998 |       4. Collect data and conduct analyses and studies related  
 1999 | to health care needs of the district, including the needs of  
 2000 | medically indigent persons, and assist the agency and other



2001 state agencies in carrying out data collection activities that  
 2002 relate to the functions in this subsection.

2003 5. Monitor the onsite construction progress, if any, of  
 2004 certificate-of-need approved projects and report council  
 2005 findings to the agency on forms provided by the agency.

2006 ~~6. Advise and assist any regional planning councils within~~  
 2007 ~~each district that have elected to address health issues in~~  
 2008 ~~their strategic regional policy plans with the development of~~  
 2009 ~~the health element of the plans to address the health goals and~~  
 2010 ~~policies in the State Comprehensive Plan.~~

2011 6.7. Advise and assist local governments within each  
 2012 district on the development of an optional health plan element  
 2013 of the comprehensive plan provided in chapter 163, to assure  
 2014 compatibility with the health goals and policies in the State  
 2015 Comprehensive Plan and district health plan. To facilitate the  
 2016 implementation of this section, the local health council shall  
 2017 annually provide the local governments in its service area, upon  
 2018 request, with:

2019 a. A copy and appropriate updates of the district health  
 2020 plan;

2021 b. A report of nursing home utilization statistics for  
 2022 facilities within the local government jurisdiction; and

2023 c. Applicable agency rules and calculated need  
 2024 methodologies for health facilities and services regulated under  
 2025 s. 408.034 for the district served by the local health council.

2026        ~~7.8.~~ Monitor and evaluate the adequacy, appropriateness,  
2027 and effectiveness, within the district, of local, state,  
2028 federal, and private funds distributed to meet the needs of the  
2029 medically indigent and other underserved population groups.

2030        ~~8.9.~~ In conjunction with the Department of Health, plan  
2031 for services at the local level for persons infected with the  
2032 human immunodeficiency virus.

2033        ~~9.10.~~ Provide technical assistance to encourage and  
2034 support activities by providers, purchasers, consumers, and  
2035 local, regional, and state agencies in meeting the health care  
2036 goals, objectives, and policies adopted by the local health  
2037 council.

2038        ~~10.11.~~ Provide the agency with data required by rule for  
2039 the review of certificate-of-need applications and the  
2040 projection of need for health facilities in the district.

2041        (d) Each local health council shall enter into a  
2042 memorandum of agreement with each ~~regional planning council in~~  
2043 ~~its district that elects to address health issues in its~~  
2044 ~~strategic regional policy plan. In addition, each~~ local health  
2045 council shall enter into a memorandum of agreement with each  
2046 local government that includes an optional health element in its  
2047 comprehensive plan. Each memorandum of agreement must specify  
2048 the manner in which each local government, ~~regional planning~~  
2049 ~~council,~~ and local health council will coordinate its activities  
2050 to ensure a unified approach to health planning and

2051 implementation efforts.

2052 **Section 59. Subsection (1) of section 420.609, Florida**  
 2053 **Statutes, is amended to read:**

2054 420.609 Affordable Housing Study Commission.—Because the  
 2055 Legislature firmly supports affordable housing in Florida for  
 2056 all economic classes:

2057 (1) There is created the Affordable Housing Study  
 2058 Commission, which shall be composed of 20 ~~21~~ members to be  
 2059 appointed by the Governor:

2060 (a) One citizen actively engaged in the residential home  
 2061 building industry.

2062 (b) One citizen actively engaged in the home mortgage  
 2063 lending profession.

2064 (c) One citizen actively engaged in the real estate sales  
 2065 profession.

2066 (d) One citizen actively engaged in apartment development.

2067 (e) One citizen actively engaged in the management and  
 2068 operation of a rental housing development.

2069 (f) Two citizens who represent very-low-income and low-  
 2070 income persons.

2071 (g) One citizen representing a community-based  
 2072 organization with experience in housing development.

2073 (h) One citizen representing a community-based  
 2074 organization with experience in housing development in a  
 2075 community with a population of less than 50,000 persons.

- 2076 (i) Two citizens who represent elderly persons' housing
- 2077 interests.
- 2078 ~~(j) One representative of regional planning councils.~~
- 2079 (j)~~(k)~~ One representative of the Florida League of Cities.
- 2080 (k)~~(l)~~ One representative of the Florida Association of
- 2081 Counties.
- 2082 (l)~~(m)~~ Two citizens representing statewide growth
- 2083 management organizations.
- 2084 (m)~~(n)~~ One citizen of the state to serve as chair of the
- 2085 commission.
- 2086 (n)~~(o)~~ One citizen representing a residential community
- 2087 developer.
- 2088 (o)~~(p)~~ One member who is a resident of the state.
- 2089 (p)~~(q)~~ One representative from a local housing authority.
- 2090 (q)~~(r)~~ One citizen representing the housing interests of
- 2091 homeless persons.

**Section 60. Subsection (2) of section 17.11, Florida Statutes, is amended to read:**

17.11 To report disbursements made.—

(2) The Chief Financial Officer shall also cause to have reported from the Florida Accounting Information Resource Subsystem no less than quarterly the disbursements which agencies made to small businesses, as defined in the Assistance to Florida Small Businesses and Businesses in Economically Disadvantaged Areas ~~Minority Business Assistance Act, and~~ to

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2101 certified ~~minority~~ business enterprises in economically  
2102 disadvantaged areas in the aggregate; ~~and to certified minority~~  
2103 ~~business enterprises broken down into categories of minority~~  
2104 ~~persons, as well as gender and nationality subgroups.~~ This  
2105 information shall be made available to the agencies, the Office  
2106 of Supplier Development Diversity, the Governor, the President  
2107 of the Senate, and the Speaker of the House of Representatives.  
2108 Each agency shall be responsible for the accuracy of information  
2109 entered into the Florida Accounting Information Resource  
2110 Subsystem for use in this reporting.

2111 **Section 61. Section 24.113, Florida Statutes, is amended**  
2112 **to read:**

2113 24.113 ~~Minority~~ Participation by business enterprises in  
2114 economically disadvantaged areas.—

2115 ~~(1)~~ It is the intent of the Legislature that the  
2116 department encourage participation by a business enterprise in  
2117 an economically disadvantaged area ~~minority business enterprises~~  
2118 as defined in s. 288.703. Accordingly, 15 percent of the  
2119 retailers shall be ~~minority~~ business enterprises in economically  
2120 disadvantaged areas ~~as defined in s. 288.703(3); however, no~~  
2121 ~~more than 35 percent of such retailers shall be owned by the~~  
2122 ~~same type of minority person, as defined in s. 288.703(4).~~ The  
2123 department is encouraged to meet the ~~minority~~ business  
2124 enterprise in an economically disadvantaged area procurement  
2125 goals set forth in s. 287.09451 in the procurement of

2126 commodities, contractual services, construction, and  
 2127 architectural and engineering services. ~~This section shall not~~  
 2128 ~~preclude or prohibit a minority person from competing for any~~  
 2129 ~~other retailing or vending agreement awarded by the department.~~

2130 ~~(2) The department is directed to undertake training~~  
 2131 ~~programs and other educational activities to enable minority~~  
 2132 ~~persons to compete for such contracts on an equal basis.~~

2133 **Section 62. Subsection (9) of section 120.65, Florida**  
 2134 **Statutes, is amended to read:**

2135 120.65 Administrative law judges.—

2136 (9) The division shall be reimbursed for administrative  
 2137 law judge services and travel expenses by the following  
 2138 entities: water management districts, ~~regional planning~~  
 2139 ~~councils~~, school districts, community colleges, the Division of  
 2140 Florida Colleges, state universities, the Board of Governors of  
 2141 the State University System, the State Board of Education, the  
 2142 Florida School for the Deaf and the Blind, and the Commission  
 2143 for Independent Education. These entities shall contract with  
 2144 the division to establish a contract rate for services and  
 2145 provisions for reimbursement of administrative law judge travel  
 2146 expenses and video teleconferencing expenses attributable to  
 2147 hearings conducted on behalf of these entities. The contract  
 2148 rate must be based on a total-cost-recovery methodology.

2149 **Section 63. Paragraph (h) of subsection (6) of section**  
 2150 **163.3177, Florida Statutes, is amended to read:**

2151 163.3177 Required and optional elements of comprehensive  
2152 plan; studies and surveys.—

2153 (6) In addition to the requirements of subsections (1)-  
2154 (5), the comprehensive plan shall include the following  
2155 elements:

2156 (h)1. An intergovernmental coordination element showing  
2157 relationships and stating principles and guidelines to be used  
2158 in coordinating the adopted comprehensive plan with the plans of  
2159 school boards, regional water supply authorities, and other  
2160 units of local government providing services but not having  
2161 regulatory authority over the use of land, with the  
2162 comprehensive plans of adjacent municipalities, the county,  
2163 adjacent counties, or the region, with the state comprehensive  
2164 plan and with the applicable regional water supply plan approved  
2165 pursuant to s. 373.709, as the case may require and as such  
2166 adopted plans or plans in preparation may exist. This element of  
2167 the local comprehensive plan must demonstrate consideration of  
2168 the particular effects of the local plan, when adopted, upon the  
2169 development of adjacent municipalities, the county, adjacent  
2170 counties, or the region, or upon the state comprehensive plan,  
2171 as the case may require.

2172 a. The intergovernmental coordination element must provide  
2173 procedures for identifying and implementing joint planning  
2174 areas, especially for the purpose of annexation, municipal  
2175 incorporation, and joint infrastructure service areas.

2176           b. The intergovernmental coordination element shall  
2177 provide for a dispute resolution process, ~~as established~~  
2178 ~~pursuant to s. 186.509,~~ for bringing intergovernmental disputes  
2179 to closure in a timely manner.

2180           c. The intergovernmental coordination element shall  
2181 provide for interlocal agreements as established pursuant to s.  
2182 333.03(1)(b).

2183           2. The intergovernmental coordination element shall also  
2184 state principles and guidelines to be used in coordinating the  
2185 adopted comprehensive plan with the plans of school boards and  
2186 other units of local government providing facilities and  
2187 services but not having regulatory authority over the use of  
2188 land. In addition, the intergovernmental coordination element  
2189 must describe joint processes for collaborative planning and  
2190 decisionmaking on population projections and public school  
2191 siting, the location and extension of public facilities subject  
2192 to concurrency, and siting facilities with countywide  
2193 significance, including locally unwanted land uses whose nature  
2194 and identity are established in an agreement.

2195           3. Within 1 year after adopting their intergovernmental  
2196 coordination elements, each county, all the municipalities  
2197 within that county, the district school board, and any unit of  
2198 local government service providers in that county shall  
2199 establish by interlocal or other formal agreement executed by  
2200 all affected entities, the joint processes described in this



2201 subparagraph consistent with their adopted intergovernmental  
 2202 coordination elements. The agreement must:

2203 a. Ensure that the local government addresses through  
 2204 coordination mechanisms the impacts of development proposed in  
 2205 the local comprehensive plan upon development in adjacent  
 2206 municipalities, the county, adjacent counties, the region, and  
 2207 the state. The area of concern for municipalities shall include  
 2208 adjacent municipalities, the county, and counties adjacent to  
 2209 the municipality. The area of concern for counties shall include  
 2210 all municipalities within the county, adjacent counties, and  
 2211 adjacent municipalities.

2212 b. Ensure coordination in establishing level of service  
 2213 standards for public facilities with any state, regional, or  
 2214 local entity having operational and maintenance responsibility  
 2215 for such facilities.

2216 **Section 64. Subsection (5) of section 163.3178, Florida**  
 2217 **Statutes, is amended to read:**

2218 163.3178 Coastal management.—

2219 (5) A ~~The appropriate~~ dispute resolution process ~~provided~~  
 2220 ~~under s. 186.509~~ must be used to reconcile inconsistencies  
 2221 between port master plans and local comprehensive plans. In  
 2222 recognition of the state's commitment to deepwater ports, the  
 2223 state comprehensive plan must include goals, objectives, and  
 2224 policies that establish a statewide strategy for enhancement of  
 2225 existing deepwater ports, ensuring that priority is given to

2226 | water-dependent land uses. As an incentive for promoting plan  
 2227 | consistency, port facilities as defined in s. 315.02(6) on lands  
 2228 | owned or controlled by a deepwater port as defined in s.  
 2229 | 311.09(1), as of the effective date of this act shall not be  
 2230 | subject to development-of-regional-impact review provided the  
 2231 | port either successfully completes an alternative comprehensive  
 2232 | development agreement with a local government pursuant to ss.  
 2233 | 163.3220-163.3243 or successfully enters into a development  
 2234 | agreement with the state land planning agency and applicable  
 2235 | local government pursuant to s. 380.032 or, where the port is a  
 2236 | department of a local government, successfully enters into a  
 2237 | development agreement with the state land planning agency  
 2238 | pursuant to s. 380.032. Port facilities as defined in s.  
 2239 | 315.02(6) on lands not owned or controlled by a deepwater port  
 2240 | as defined in s. 311.09(1) as of the effective date of this act  
 2241 | shall not be subject to development-of-regional-impact review  
 2242 | provided the port successfully enters into a development  
 2243 | agreement with the state land planning agency and applicable  
 2244 | local government pursuant to s. 380.032 or, where the port is a  
 2245 | department of a local government, successfully enters into a  
 2246 | development agreement with the state land planning agency  
 2247 | pursuant to s. 380.032.

2248 | **Section 65. Paragraph (i) of subsection (2) of section**  
 2249 | **163.568, Florida Statutes, is amended to read:**

2250 | 163.568 Purposes and powers.—

2251 (2) The authority is granted the authority to exercise all  
 2252 powers necessary, appurtenant, convenient, or incidental to the  
 2253 carrying out of the aforesaid purposes, including, but not  
 2254 limited to, the following rights and powers:

2255 (i) To develop transportation plans, and to coordinate its  
 2256 planning and programs with those of appropriate municipal,  
 2257 county, and state agencies and other political subdivisions of  
 2258 the state. All transportation plans are subject to review and  
 2259 approval by the Department of Transportation ~~and by the regional~~  
 2260 ~~planning agency~~, if any, for consistency with programs or  
 2261 planning for the area and region.

2262 **Section 66. Subsection (2) of section 164.1031, Florida**  
 2263 **Statutes, is amended to read:**

2264 164.1031 Definitions.—For purposes of this act:

2265 (2) "Regional governmental entities" includes ~~regional~~  
 2266 ~~planning councils~~, metropolitan planning organizations, water  
 2267 supply authorities that include more than one county, local  
 2268 health councils, water management districts, and other regional  
 2269 entities that are authorized and created by general or special  
 2270 law that have duties or responsibilities extending beyond the  
 2271 jurisdiction of a single county.

2272 **Section 67. Subsection (1) of section 186.008, Florida**  
 2273 **Statutes, is amended to read:**

2274 186.008 State comprehensive plan; revision;  
 2275 implementation.—

2276 (1) On or before October 1 of every odd-numbered year, the  
 2277 Executive Office of the Governor shall prepare, and the Governor  
 2278 shall recommend to the Administration Commission, any proposed  
 2279 revisions to the state comprehensive plan deemed necessary. The  
 2280 Governor shall transmit his or her recommendations and  
 2281 explanation as required by s. 186.007(8). Copies shall also be  
 2282 provided to each state agency, ~~to each regional planning agency,~~  
 2283 to any other unit of government that requests a copy, and to any  
 2284 member of the public who requests a copy.

2285 **Section 68. Section 186.803, Florida Statutes, is amended**  
 2286 **to read:**

2287 186.803 Use of geographic information by governmental  
 2288 entities.—When state agencies, water management districts,  
 2289 ~~regional planning councils,~~ local governments, and other  
 2290 governmental entities use maps, including geographic information  
 2291 maps and other graphic information materials, as the source of  
 2292 data for planning or any other purposes, they must take into  
 2293 account that the accuracy and reliability of such maps and data  
 2294 may be limited by various factors, including the scale of the  
 2295 maps, the timeliness and accuracy of the underlying information,  
 2296 the availability of more accurate site-specific information, and  
 2297 the presence or absence of ground truthing or peer review of the  
 2298 underlying information contained in such maps and other graphic  
 2299 information. This section does not apply to maps adopted  
 2300 pursuant to part II of chapter 163.

2301           **Section 69. Paragraph (c) of subsection (1) and subsection**  
 2302 **(2) of section 218.32, Florida Statutes, are amended to read:**

2303           218.32 Annual financial reports; local governmental  
 2304 entities.—

2305           (1)

2306           (c) Each ~~regional planning council created under s.~~  
 2307 ~~186.504,~~ each local government finance commission, board, or  
 2308 council, and each municipal power corporation created as a  
 2309 separate legal or administrative entity by interlocal agreement  
 2310 under s. 163.01(7) shall submit to the department a copy of its  
 2311 audit report and an annual financial report for the previous  
 2312 fiscal year in a format prescribed by the department.

2313           (2) The department shall annually by December 1 file a  
 2314 verified report with the Governor, the Legislature, the Auditor  
 2315 General, and the Special District Accountability Program of the  
 2316 Department of Commerce showing the revenues, both locally  
 2317 derived and derived from intergovernmental transfers, and the  
 2318 expenditures of each local governmental entity, ~~regional~~  
 2319 ~~planning council,~~ local government finance commission, and  
 2320 municipal power corporation that is required to submit an annual  
 2321 financial report. In preparing the verified report, the  
 2322 department may request additional information from the local  
 2323 governmental entity. The information requested must be provided  
 2324 to the department within 45 days after the request. If the local  
 2325 governmental entity does not comply with the request, the

2326 department shall notify the Legislative Auditing Committee,  
 2327 which may take action pursuant to s. 11.40(2). The report must  
 2328 include, but is not limited to:

2329 (a) The total revenues and expenditures of each local  
 2330 governmental entity that is a component unit included in the  
 2331 annual financial report of the reporting entity.

2332 (b) The amount of outstanding long-term debt by each local  
 2333 governmental entity. For purposes of this paragraph, the term  
 2334 "long-term debt" means any agreement or series of agreements to  
 2335 pay money, which, at inception, contemplate terms of payment  
 2336 exceeding 1 year in duration.

2337 **Section 70. Section 255.101, Florida Statutes, is amended**  
 2338 **to read:**

2339 255.101 Contracts for public construction works;  
 2340 utilization of ~~minority~~ business enterprises in economically  
 2341 disadvantaged areas.—

2342 (1) All county officials, boards of county commissioners,  
 2343 school boards, city councils, city commissioners, and all other  
 2344 public officers of state boards or commissions which are charged  
 2345 with the letting of contracts for public works and for the  
 2346 construction of public bridges, buildings, and other structures  
 2347 shall operate in accordance with s. 287.093, except that all  
 2348 contracts for the construction of state facilities should comply  
 2349 with provisions in s. 287.09451, and rules adopted pursuant  
 2350 thereto, for the utilization of ~~minority~~ business enterprises in

2351 economically disadvantaged areas. When construction is financed,  
 2352 in whole or in part, from federal funds and where federal  
 2353 provisions for utilization of ~~minority~~ business enterprises in  
 2354 economically disadvantaged areas apply, this section shall not  
 2355 apply.

2356 (2) Counties, municipalities, and special districts as  
 2357 defined in chapter 189, or other political subdivisions of the  
 2358 state are encouraged to be sensitive to the effect of job-size  
 2359 barriers on ~~minority~~ businesses. To this end, these governmental  
 2360 entities are encouraged to competitively award public  
 2361 construction projects exceeding \$100,000.

2362 **Section 71. Section 255.102, Florida Statutes, is amended**  
 2363 **to read:**

2364 255.102 Contractor utilization of ~~minority~~ business  
 2365 enterprises in economically disadvantaged areas.-

2366 (1) Agencies shall consider the use of price preferences,  
 2367 weighted preference formulas, or other preferences for  
 2368 construction contracts, as determined appropriate by the Office  
 2369 of Supplier Development Diversity to increase ~~minority~~  
 2370 participation of business enterprises in economically  
 2371 disadvantaged areas.

2372 (2) The Office of Supplier Development Diversity, in  
 2373 collaboration with the Board of Governors of the State  
 2374 University System, shall adopt rules to determine what is a  
 2375 "good faith effort" for purposes of contractor compliance with

2376 ~~minority~~ participation goals established for competitively  
2377 awarded building and construction projects. Pro forma efforts  
2378 shall not be considered good faith. Factors which shall be  
2379 considered by the state agency in determining whether a  
2380 contractor has made good faith efforts shall include, but not be  
2381 limited to:

2382 (a) Whether the contractor attended any presolicitation or  
2383 prebid meetings that were scheduled by the agency to inform  
2384 ~~minority~~ business enterprises in economically disadvantaged  
2385 areas of contracting and subcontracting opportunities.

2386 (b) Whether the contractor advertised in general  
2387 circulation, trade association, or ~~minority-focus~~ media in  
2388 economically disadvantaged areas concerning the subcontracting  
2389 opportunities.

2390 (c) Whether the contractor provided written notice to all  
2391 relevant subcontractors listed on the ~~minority~~ vendor list for  
2392 that locality and statewide as provided by the agency as of the  
2393 date of issuance of the invitation to bid, that their interest  
2394 in the contract was being solicited in sufficient time to allow  
2395 the ~~minority~~ business enterprises in economically disadvantaged  
2396 areas to participate effectively.

2397 (d) Whether the contractor followed up initial  
2398 solicitations of interest by contacting ~~minority~~ business  
2399 enterprises in economically disadvantaged areas or, the Office  
2400 of Supplier Development Diversity, ~~or minority persons who~~



2401 ~~responded~~ and provided detailed information about prebid  
2402 meetings, access to plans, specifications, contractor's project  
2403 manager, subcontractor bonding, if any, payment schedule, bid  
2404 addenda, and other assistance provided by the contractor to  
2405 enhance ~~minority business enterprise~~ participation of business  
2406 enterprises in economically disadvantaged areas.

2407 (e) Whether the contractor selected portions of the work  
2408 to be performed by ~~minority~~ business enterprises in economically  
2409 disadvantaged areas in order to increase the likelihood of  
2410 meeting the ~~minority business enterprise~~ procurement goals,  
2411 including, where appropriate, breaking down contracts into  
2412 economically feasible units to facilitate ~~minority business~~  
2413 ~~enterprise~~ participation under reasonable and economical  
2414 conditions of performance.

2415 (f) Whether the contractor provided the Office of Supplier  
2416 Development Diversity as well as interested ~~minority~~ business  
2417 enterprises in economically disadvantaged areas ~~or minority~~  
2418 ~~persons~~ with adequate information about the plans,  
2419 specifications, and requirements of the contract or the  
2420 availability of jobs at a time no later than when such  
2421 information was provided to other subcontractors.

2422 (g) Whether the contractor negotiated in good faith with  
2423 interested ~~minority~~ business enterprises in economically  
2424 disadvantaged areas ~~or minority persons~~, not rejecting such  
2425 ~~minority~~ business enterprises ~~or minority persons~~ as unqualified

2426 without sound reasons based on a thorough investigation of their  
2427 capabilities or imposing implausible conditions of performance  
2428 on the contract.

2429 (h) Whether the contractor diligently seeks to replace a  
2430 subcontractor of a minority business enterprise in an  
2431 economically disadvantaged area ~~subcontractor~~ that is unable to  
2432 perform successfully with another ~~minority~~ business enterprise  
2433 in an economically disadvantaged area.

2434 (i) Whether the contractor effectively used the services  
2435 of available ~~minority~~ community organizations in economically  
2436 disadvantaged areas; minority contractors' groups in  
2437 economically disadvantaged areas; local, state, and federal  
2438 ~~minority~~ business assistance offices in economically  
2439 disadvantaged areas; and other organizations that provide  
2440 assistance in the recruitment and placement of ~~minority~~ business  
2441 enterprises in economically disadvantaged areas ~~or minority~~  
2442 persons.

2443 (3) If an agency considers any other criteria in  
2444 determining whether a contractor has made a good faith effort,  
2445 the agency shall adopt such criteria in accordance with s.  
2446 120.54, and, where required by that section, by rule, after May  
2447 31, 1994. In adopting such criteria, the agency shall identify  
2448 the specific factors in as objective a manner as possible to be  
2449 used to assess a contractor's performance against said criteria.

2450 (4) Notwithstanding the provisions of s. 287.09451 to the

2451 contrary, agencies shall monitor good faith efforts of  
 2452 contractors in competitively awarded building and construction  
 2453 projects, in accordance with rules established pursuant to this  
 2454 section. It is the responsibility of the contractor to exercise  
 2455 good faith efforts in accordance with rules established pursuant  
 2456 to this section, and to provide documentation necessary to  
 2457 assess efforts to include ~~minority~~ business participation from  
 2458 economically disadvantaged areas.

2459 **Section 72. Paragraph (c) of subsection (1) of section**  
 2460 **255.20, Florida Statutes, is amended to read:**

2461 255.20 Local bids and contracts for public construction  
 2462 works; specification of state-produced lumber.—

2463 (1) A county, municipality, special district as defined in  
 2464 chapter 189, or other political subdivision of the state seeking  
 2465 to construct or improve a public building, structure, or other  
 2466 public construction works must competitively award to an  
 2467 appropriately licensed contractor each project that is estimated  
 2468 to cost more than \$300,000. For electrical work, the local  
 2469 government must competitively award to an appropriately licensed  
 2470 contractor each project that is estimated to cost more than  
 2471 \$75,000. As used in this section, the term "competitively award"  
 2472 means to award contracts based on the submission of sealed bids,  
 2473 proposals submitted in response to a request for proposal,  
 2474 proposals submitted in response to a request for qualifications,  
 2475 or proposals submitted for competitive negotiation. This

2476 subsection expressly allows contracts for construction  
2477 management services, design/build contracts, continuation  
2478 contracts based on unit prices, and any other contract  
2479 arrangement with a private sector contractor permitted by any  
2480 applicable municipal or county ordinance, by district  
2481 resolution, or by state law. For purposes of this section, cost  
2482 includes employee compensation and benefits, except inmate  
2483 labor, the cost of equipment and maintenance, insurance costs,  
2484 and the cost of direct materials to be used in the construction  
2485 of the project, including materials purchased by the local  
2486 government, and other direct costs, plus a factor of 20 percent  
2487 for management, overhead, and other indirect costs. Subject to  
2488 the provisions of subsection (3), the county, municipality,  
2489 special district, or other political subdivision may establish,  
2490 by municipal or county ordinance or special district resolution,  
2491 procedures for conducting the bidding process.

2492 (c) The provisions of this subsection do not apply:

2493 1. If the project is undertaken to replace, reconstruct,  
2494 or repair an existing public building, structure, or other  
2495 public construction works damaged or destroyed by a sudden  
2496 unexpected turn of events such as an act of God, riot, fire,  
2497 flood, accident, or other urgent circumstances, and such damage  
2498 or destruction creates:

- 2499 a. An immediate danger to the public health or safety;  
2500 b. Other loss to public or private property which requires

2501 emergency government action; or  
2502 c. An interruption of an essential governmental service.  
2503 2. If, after notice by publication in accordance with the  
2504 applicable ordinance or resolution, the governmental entity does  
2505 not receive any responsive bids or proposals.  
2506 3. To construction, remodeling, repair, or improvement to  
2507 a public electric or gas utility system if such work on the  
2508 public utility system is performed by personnel of the system.  
2509 4. To construction, remodeling, repair, or improvement by  
2510 a utility commission whose major contracts are to construct and  
2511 operate a public electric utility system.  
2512 5. If the project is undertaken as repair or maintenance  
2513 of an existing public facility. For the purposes of this  
2514 paragraph, the term "repair" means a corrective action to  
2515 restore an existing public facility to a safe and functional  
2516 condition and the term "maintenance" means a preventive or  
2517 corrective action to maintain an existing public facility in an  
2518 operational state or to preserve the facility from failure or  
2519 decline. Repair or maintenance includes activities that are  
2520 necessarily incidental to repairing or maintaining the facility.  
2521 Repair or maintenance does not include the construction of any  
2522 new building, structure, or other public construction works or  
2523 any substantial addition, extension, or upgrade to an existing  
2524 public facility. Such additions, extensions, or upgrades shall  
2525 be considered substantial if the estimated cost of the

2526 additions, extensions, or upgrades included as part of the  
 2527 repair or maintenance project exceeds the threshold amount in  
 2528 subsection (1) and exceeds 20 percent of the estimated total  
 2529 cost of the repair or maintenance project fully accounting for  
 2530 all costs associated with performing and completing the work,  
 2531 including employee compensation and benefits, equipment cost and  
 2532 maintenance, insurance costs, and the cost of direct materials  
 2533 to be used in the construction of the project, including  
 2534 materials purchased by the local government, and other direct  
 2535 costs, plus a factor of 20 percent for management, overhead, and  
 2536 other indirect costs. An addition, extension, or upgrade shall  
 2537 not be considered substantial if it is undertaken pursuant to  
 2538 the conditions specified in subparagraph 1. Repair and  
 2539 maintenance projects and any related additions, extensions, or  
 2540 upgrades may not be divided into multiple projects for the  
 2541 purpose of evading the requirements of this subparagraph.

2542 6. If the project is undertaken exclusively as part of a  
 2543 public educational program.

2544 7. If the funding source of the project will be diminished  
 2545 or lost because the time required to competitively award the  
 2546 project after the funds become available exceeds the time within  
 2547 which the funding source must be spent.

2548 8. If the local government competitively awarded a project  
 2549 to a private sector contractor and the contractor abandoned the  
 2550 project before completion or the local government terminated the

2551 contract.

2552 9. If the governing board of the local government complies  
2553 with all of the requirements of this subparagraph, conducts a  
2554 public meeting under s. 286.011 after public notice, and finds  
2555 by majority vote of the governing board that it is in the  
2556 public's best interest to perform the project using its own  
2557 services, employees, and equipment. The public notice must be  
2558 published at least 21 days before the date of the public meeting  
2559 at which the governing board takes final action. The notice must  
2560 identify the project, the components and scope of the work, and  
2561 the estimated cost of the project fully accounting for all costs  
2562 associated with performing and completing the work, including  
2563 employee compensation and benefits, equipment cost and  
2564 maintenance, insurance costs, and the cost of direct materials  
2565 to be used in the construction of the project, including  
2566 materials purchased by the local government, and other direct  
2567 costs, plus a factor of 20 percent for management, overhead, and  
2568 other indirect costs. The notice must specify that the purpose  
2569 for the public meeting is to consider whether it is in the  
2570 public's best interest to perform the project using the local  
2571 government's own services, employees, and equipment. Upon  
2572 publication of the public notice and for 21 days thereafter, the  
2573 local government shall make available for public inspection,  
2574 during normal business hours and at a location specified in the  
2575 public notice, a detailed itemization of each component of the

2576 | estimated cost of the project and documentation explaining the  
 2577 | methodology used to arrive at the estimated cost. At the public  
 2578 | meeting, any qualified contractor or vendor who could have been  
 2579 | awarded the project had the project been competitively bid shall  
 2580 | be provided with a reasonable opportunity to present evidence to  
 2581 | the governing board regarding the project and the accuracy of  
 2582 | the local government's estimated cost of the project. In  
 2583 | deciding whether it is in the public's best interest for the  
 2584 | local government to perform a project using its own services,  
 2585 | employees, and equipment, the governing board must consider the  
 2586 | estimated cost of the project fully accounting for all costs  
 2587 | associated with performing and completing the work, including  
 2588 | employee compensation and benefits, equipment cost and  
 2589 | maintenance, insurance costs, and the cost of direct materials  
 2590 | to be used in the construction of the project, including  
 2591 | materials purchased by the local government, and other direct  
 2592 | costs, plus a factor of 20 percent for management, overhead, and  
 2593 | other indirect costs, and the accuracy of the estimated cost in  
 2594 | light of any other information that may be presented at the  
 2595 | public meeting and whether the project requires an increase in  
 2596 | the number of government employees or an increase in capital  
 2597 | expenditures for public facilities, equipment, or other capital  
 2598 | assets. The local government may further consider the impact on  
 2599 | local economic development, the impact on small ~~and minority~~  
 2600 | business owners and business owners in economically



2601 disadvantaged areas, the impact on state and local tax revenues,  
2602 whether the private sector contractors provide health insurance  
2603 and other benefits equivalent to those provided by the local  
2604 government, and any other factor relevant to what is in the  
2605 public's best interest. A report summarizing completed projects  
2606 constructed by the local government pursuant to this subsection  
2607 shall be publicly reviewed each year by the governing body of  
2608 the local government. The report shall detail the estimated  
2609 costs and the actual costs of the projects constructed by the  
2610 local government pursuant to this subsection. The report shall  
2611 be made available for review by the public. The Auditor General  
2612 shall review the report as part of his or her audits of local  
2613 governments.

2614       10. If the governing board of the local government  
2615 determines upon consideration of specific substantive criteria  
2616 that it is in the best interest of the local government to award  
2617 the project to an appropriately licensed private sector  
2618 contractor pursuant to administrative procedures established by  
2619 and expressly set forth in a charter, ordinance, or resolution  
2620 of the local government adopted before July 1, 1994. The  
2621 criteria and procedures must be set out in the charter,  
2622 ordinance, or resolution and must be applied uniformly by the  
2623 local government to avoid awarding a project in an arbitrary or  
2624 capricious manner. This exception applies only if all of the  
2625 following occur:

2626           a. The governing board of the local government, after  
2627 public notice, conducts a public meeting under s. 286.011 and  
2628 finds by a two-thirds vote of the governing board that it is in  
2629 the public's best interest to award the project according to the  
2630 criteria and procedures established by charter, ordinance, or  
2631 resolution. The public notice must be published at least 14 days  
2632 before the date of the public meeting at which the governing  
2633 board takes final action. The notice must identify the project,  
2634 the estimated cost of the project, and specify that the purpose  
2635 for the public meeting is to consider whether it is in the  
2636 public's best interest to award the project using the criteria  
2637 and procedures permitted by the preexisting charter, ordinance,  
2638 or resolution.

2639           b. The project is to be awarded by any method other than a  
2640 competitive selection process, and the governing board finds  
2641 evidence that:

2642           (I) There is one appropriately licensed contractor who is  
2643 uniquely qualified to undertake the project because that  
2644 contractor is currently under contract to perform work that is  
2645 affiliated with the project; or

2646           (II) The time to competitively award the project will  
2647 jeopardize the funding for the project, materially increase the  
2648 cost of the project, or create an undue hardship on the public  
2649 health, safety, or welfare.

2650           c. The project is to be awarded by any method other than a

2651 competitive selection process, and the published notice clearly  
 2652 specifies the ordinance or resolution by which the private  
 2653 sector contractor will be selected and the criteria to be  
 2654 considered.

2655 d. The project is to be awarded by a method other than a  
 2656 competitive selection process, and the architect or engineer of  
 2657 record has provided a written recommendation that the project be  
 2658 awarded to the private sector contractor without competitive  
 2659 selection, and the consideration by, and the justification of,  
 2660 the government body are documented, in writing, in the project  
 2661 file and are presented to the governing board prior to the  
 2662 approval required in this paragraph.

2663 11. To projects subject to chapter 336.

2664 **Section 73. Paragraph (a) of subsection (7) of section**  
 2665 **258.501, Florida Statutes, is amended to read:**

2666 258.501 Myakka River; wild and scenic segment.—

2667 (7) MANAGEMENT COORDINATING COUNCIL.—

2668 (a) Upon designation, the department shall create a  
 2669 permanent council to provide interagency and intergovernmental  
 2670 coordination in the management of the river. The coordinating  
 2671 council shall be composed of one representative appointed from  
 2672 each of the following: the department, the Department of  
 2673 Transportation, the Fish and Wildlife Conservation Commission,  
 2674 the Department of Commerce, the Florida Forest Service of the  
 2675 Department of Agriculture and Consumer Services, the Division of

2676 Historical Resources of the Department of State, ~~the Tampa Bay~~  
 2677 ~~Regional Planning Council,~~ the Southwest Florida Water  
 2678 Management District, ~~the Southwest Florida Regional Planning~~  
 2679 ~~Council,~~ Manatee County, Sarasota County, Charlotte County, the  
 2680 City of Sarasota, the City of North Port, agricultural  
 2681 interests, environmental organizations, and any others deemed  
 2682 advisable by the department.

2683 **Section 74. Subsections (1) and (3) of section 260.0142,**  
 2684 **Florida Statutes, are amended to read:**

2685 260.0142 Florida Greenways and Trails Council;  
 2686 composition; powers and duties.—

2687 (1) There is created within the department the Florida  
 2688 Greenways and Trails Council which shall advise the department  
 2689 in the execution of the department's powers and duties under  
 2690 this chapter. The council shall be composed of 20 ~~21~~ members,  
 2691 consisting of:

2692 (a)1. Six members appointed by the Governor, with two  
 2693 members representing the trail user community, two members  
 2694 representing the greenway user community, one member from the  
 2695 board of the Florida Wildlife Corridor Foundation, and one  
 2696 member representing private landowners.

2697 2. Three members appointed by the President of the Senate,  
 2698 with one member representing the trail user community and two  
 2699 members representing the greenway user community.

2700 3. Three members appointed by the Speaker of the House of

2701 Representatives, with two members representing the trail user  
2702 community and one member representing the greenway user  
2703 community.

2704

2705 Those eligible to represent the trail user community shall be  
2706 chosen from, but not be limited to, paved trail users, hikers,  
2707 off-road bicyclists, users of off-highway vehicles, paddlers,  
2708 equestrians, disabled outdoor recreational users, and commercial  
2709 recreational interests. Those eligible to represent the greenway  
2710 user community must be chosen from, but not be limited to,  
2711 conservation organizations, nature study organizations, and  
2712 scientists and university experts.

2713 (b) The 8 ~~9~~ remaining members include:

2714 1. The Secretary of Environmental Protection or a  
2715 designee.

2716 2. The executive director of the Fish and Wildlife  
2717 Conservation Commission or a designee.

2718 3. The Secretary of Transportation or a designee.

2719 4. The Director of the Florida Forest Service of the  
2720 Department of Agriculture and Consumer Services or a designee.

2721 5. The director of the Division of Historical Resources of  
2722 the Department of State or a designee.

2723 6. A representative of the water management districts.

2724 Membership on the council must rotate among the five districts.

2725 The districts shall determine the order of rotation.

2726           7. A representative of a federal land management agency.  
 2727 The Secretary of Environmental Protection shall identify the  
 2728 appropriate federal agency and request designation of a  
 2729 representative from the agency to serve on the council.

2730           ~~8. A representative of the regional planning councils to~~  
 2731 ~~be appointed by the Secretary of Environmental Protection.~~  
 2732 ~~Membership on the council must rotate among the seven regional~~  
 2733 ~~planning councils. The regional planning councils shall~~  
 2734 ~~determine the order of rotation.~~

2735           ~~8.9.~~ A representative of local governments to be appointed  
 2736 by the Secretary of Environmental Protection. Membership must  
 2737 alternate between a county representative and a municipal  
 2738 representative.

2739           (3) The term of all appointees shall be for 2 years unless  
 2740 otherwise specified. The appointees of the Governor, the  
 2741 President of the Senate, and the Speaker of the House of  
 2742 Representatives may be reappointed for no more than four  
 2743 consecutive terms. The representatives of the water management  
 2744 districts, ~~regional planning councils,~~ and local governments may  
 2745 be reappointed for no more than two consecutive terms. All other  
 2746 appointees shall serve until replaced.

2747           **Section 75. Subsection (18) of section 287.012, Florida**  
 2748 **Statutes, is amended to read:**

2749           287.012 Definitions.—As used in this part, the term:  
 2750           (18) "~~Minority~~ Business enterprise in an economically

2751 disadvantaged area" has the same meaning as provided in s.  
2752 288.703.

2753 **Section 76. Paragraph (a) of subsection (2) and paragraph**  
2754 **(b) of subsection (3) of section 287.042, Florida Statutes, are**  
2755 **amended to read:**

2756 287.042 Powers, duties, and functions.—The department  
2757 shall have the following powers, duties, and functions:

2758 (2) (a) To establish purchasing agreements and procure  
2759 state term contracts for commodities and contractual services,  
2760 pursuant to s. 287.057, under which state agencies shall, and  
2761 eligible users may, make purchases pursuant to s. 287.056. The  
2762 department may restrict purchases from some term contracts to  
2763 state agencies only for those term contracts where the inclusion  
2764 of other governmental entities will have an adverse effect on  
2765 competition or to those federal facilities located in this  
2766 state. In such planning or purchasing the Office of Supplier  
2767 Development Diversity may monitor to ensure that opportunities  
2768 are afforded for contracting with ~~minority~~ business enterprises  
2769 in economically disadvantaged areas. The department, for state  
2770 term contracts, and all agencies, for multiyear contractual  
2771 services or term contracts, shall explore reasonable and  
2772 economical means to utilize certified ~~minority~~ business  
2773 enterprises in economically disadvantaged areas. Purchases by  
2774 any county, municipality, private nonprofit community  
2775 transportation coordinator designated pursuant to chapter 427,

2776 while conducting business related solely to the Commission for  
2777 the Transportation Disadvantaged, or other local public agency  
2778 under the provisions in the state purchasing contracts, and  
2779 purchases, from the corporation operating the correctional work  
2780 programs, of products or services that are subject to paragraph  
2781 (1) (f), are exempt from the competitive solicitation  
2782 requirements otherwise applying to their purchases.

2783 (3) To establish a system of coordinated, uniform  
2784 procurement policies, procedures, and practices to be used by  
2785 agencies in acquiring commodities and contractual services,  
2786 which shall include, but not be limited to:

2787 (b)1. Development of procedures for advertising  
2788 solicitations. These procedures must provide for electronic  
2789 posting of solicitations for at least 10 days before the date  
2790 set for receipt of bids, proposals, or replies, unless the  
2791 department or other agency determines in writing that a shorter  
2792 period of time is necessary to avoid harming the interests of  
2793 the state. The Office of Supplier Development ~~Diversity~~ may  
2794 consult with the department regarding the development of  
2795 solicitation distribution procedures to ensure that maximum  
2796 distribution is afforded to ~~certified minority~~ business  
2797 enterprises in economically disadvantaged areas as defined in s.  
2798 288.703.

2799 2. Development of procedures for electronic posting. The  
2800 department shall designate a centralized website on the Internet



2801 for the department and other agencies to electronically post  
 2802 solicitations, decisions or intended decisions, and other  
 2803 matters relating to procurement.

2804 **Section 77. Paragraph (d) of subsection (3) and paragraph**  
 2805 **(b) of subsection (4) of section 287.055, Florida Statutes, are**  
 2806 **amended to read:**

2807 287.055 Acquisition of professional architectural,  
 2808 engineering, landscape architectural, or surveying and mapping  
 2809 services; definitions; procedures; contingent fees prohibited;  
 2810 penalties.—

2811 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

2812 (d) Each agency shall evaluate professional services,  
 2813 including capabilities, adequacy of personnel, past record,  
 2814 experience, whether the firm is a certified ~~minority~~ business  
 2815 enterprise in an economically disadvantaged area as defined by  
 2816 the Assistance to ~~Florida~~ Small Businesses and Businesses in  
 2817 Economically Disadvantaged Areas ~~Minority Business Assistance~~  
 2818 Act, and other factors determined by the agency to be applicable  
 2819 to its particular requirements. When securing professional  
 2820 services, an agency must endeavor to meet the ~~minority~~ business  
 2821 enterprise in economically disadvantaged area procurement goals  
 2822 under s. 287.09451.

2823 (4) COMPETITIVE SELECTION.—

2824 (b) The agency shall select in order of preference no  
 2825 fewer than three firms deemed to be the most highly qualified to

2826 perform the required services. In determining whether a firm is  
 2827 qualified, the agency shall consider such factors as the ability  
 2828 of professional personnel; whether a firm is a certified  
 2829 ~~minority~~ business enterprise in an economically disadvantaged  
 2830 area; past performance; willingness to meet time and budget  
 2831 requirements; location; recent, current, and projected workloads  
 2832 of the firms; and the volume of work previously awarded to each  
 2833 firm by the agency, with the object of effecting an equitable  
 2834 distribution of contracts among qualified firms, provided such  
 2835 distribution does not violate the principle of selection of the  
 2836 most highly qualified firms. The agency may request, accept, and  
 2837 consider proposals for the compensation to be paid under the  
 2838 contract only during competitive negotiations under subsection  
 2839 (5).

2840 **Section 78. Subsections (8), (9), and (12) of section**  
 2841 **287.057, Florida Statutes, are amended to read:**

2842 287.057 Procurement of commodities or contractual  
 2843 services.—

2844 (8) (a) In order to strive to meet the ~~minority~~ business  
 2845 enterprise procurement goals set forth in s. 287.09451, an  
 2846 agency may reserve any contract for competitive solicitation  
 2847 only among certified ~~minority~~ business enterprises in  
 2848 economically disadvantaged areas. Agencies shall review all  
 2849 their contracts each fiscal year and shall determine which  
 2850 contracts may be reserved for solicitation only among certified

2851 ~~minority~~ business enterprises in economically disadvantaged  
2852 areas. This reservation may only be used when it is determined,  
2853 by reasonable and objective means, before the solicitation that  
2854 there are capable, qualified certified ~~minority~~ business  
2855 enterprises in economically disadvantaged areas available to  
2856 submit a bid, proposal, or reply on a contract to provide for  
2857 effective competition. The Office of Supplier Development  
2858 ~~Diversity~~ shall consult with any agency in reaching such  
2859 determination when deemed appropriate.

2860 (b) Before a contract may be reserved for solicitation  
2861 only among certified ~~minority~~ business enterprises in  
2862 economically disadvantaged areas, the agency head must find that  
2863 such a reservation is in the best interests of the state. All  
2864 determinations shall be subject to s. 287.09451(5). Once a  
2865 decision has been made to reserve a contract, but before sealed  
2866 bids, proposals, or replies are requested, the agency shall  
2867 estimate what it expects the amount of the contract to be, based  
2868 on the nature of the services or commodities involved and their  
2869 value under prevailing market conditions. If all the sealed  
2870 bids, proposals, or replies received are over this estimate, the  
2871 agency may reject the bids, proposals, or replies and request  
2872 new ones from certified ~~minority~~ business enterprises in  
2873 economically disadvantaged areas, or the agency may reject the  
2874 bids, proposals, or replies and reopen the bidding to all  
2875 eligible vendors.

2876 (c) All agencies shall consider the use of price  
2877 preferences of up to 10 percent, weighted preference formulas,  
2878 or other preferences for vendors as determined appropriate  
2879 pursuant to guidelines established in accordance with s.  
2880 287.09451(4) to increase the participation of ~~minority~~ business  
2881 enterprises in economically disadvantaged areas.

2882 (d) All agencies shall avoid any undue concentration of  
2883 contracts or purchases in categories of commodities or  
2884 contractual services in order to meet the ~~minority~~ business  
2885 enterprise purchasing goals in s. 287.09451.

2886 (9) An agency may reserve any contract for competitive  
2887 solicitation only among vendors who agree to use ~~certified~~  
2888 ~~minority~~ business enterprises in economically disadvantaged  
2889 areas as subcontractors or subvendors. The percentage of funds,  
2890 in terms of gross contract amount and revenues, which must be  
2891 expended with the subcontractors and subvendors of a ~~certified~~  
2892 ~~minority~~ business enterprise in an economically disadvantaged  
2893 area, subcontractors and subvendors shall be determined by the  
2894 agency before such contracts may be reserved. In order to bid on  
2895 a contract so reserved, the vendor shall identify those  
2896 ~~certified minority~~ business enterprises in economically  
2897 disadvantaged areas which will be utilized as subcontractors or  
2898 subvendors by sworn statement. At the time of performance or  
2899 project completion, the contractor shall report by sworn  
2900 statement the payments and completion of work for all ~~certified~~

2901 ~~minority~~ business enterprises in economically disadvantaged  
 2902 areas used in the contract.

2903 (12) If two equal responses to a solicitation or a request  
 2904 for quote are received and one response is from a ~~certified~~  
 2905 ~~minority~~ business enterprise in an economically disadvantaged  
 2906 area, the agency shall enter into a contract with the ~~certified~~  
 2907 ~~minority~~ business enterprise in an economically disadvantaged  
 2908 area.

2909 **Section 79. Section 287.0931, Florida Statutes, is amended**  
 2910 **to read:**

2911 287.0931 ~~Minority~~ Business enterprises in economically  
 2912 disadvantaged areas; participation in bond underwriting.—

2913 (1) Any state or local government agency, or political  
 2914 subdivision thereof, issuing bonds or other tax-exempt  
 2915 obligations through one or more underwriters is encouraged to  
 2916 offer not less than 20 percent participation to business  
 2917 enterprises in economically disadvantaged areas ~~minority firms~~.

2918 (2) To meet such participation requirement, the ~~minority~~  
 2919 firm must have full-time employees located in this state and,  
 2920 must have a permanent place of business located in an  
 2921 economically disadvantaged area in this state, ~~and must be a~~  
 2922 ~~firm which is at least 51-percent-owned by minority persons as~~  
 2923 ~~defined in s. 288.703. However, for the purpose of bond~~  
 2924 ~~underwriting only, the requirement that the minority person be a~~  
 2925 ~~permanent resident of this state does not apply.~~

2926           **Section 80. Section 287.094, Florida Statutes, is amended**  
 2927 **to read:**

2928           287.094 Programs for business enterprises in economically  
 2929 disadvantaged areas ~~Minority Business enterprise programs;~~  
 2930 penalty for discrimination and false representation.-

2931           (1) It is unlawful for any individual to falsely claim to  
 2932 be a ~~minority~~ business enterprise in an economically  
 2933 disadvantaged area for purposes of qualifying for certification  
 2934 with any governmental certifying organization as a ~~minority~~  
 2935 business enterprise in an economically disadvantaged area in  
 2936 order to participate under a program of a state agency which is  
 2937 designed to assist ~~certified minority~~ business enterprises in  
 2938 economically disadvantaged areas in the receipt of contracts  
 2939 with the agency for the provision of goods or services. The  
 2940 certification of any contractor, firm, or individual obtained by  
 2941 such false representation shall be permanently revoked, and the  
 2942 entity shall be barred from doing business with state government  
 2943 for a period of 36 months. Any person who violates this section  
 2944 is guilty of a felony of the second degree, punishable as  
 2945 provided in s. 775.082, s. 775.083, or s. 775.084.

2946           (2) Any contractor, firm, or individual which falsely  
 2947 represents to an agency or to a contractor, pursuant to a state  
 2948 contract, that it is a ~~certified minority~~ business enterprise in  
 2949 an economically disadvantaged area or which represents that it  
 2950 will use the services or commodities of a ~~certified minority~~

2951 business enterprise in an economically disadvantaged area and  
2952 subsequently does not do so shall be in breach of contract. Upon  
2953 determination that a breach has occurred, all payments under the  
2954 contract may be immediately suspended. The contractor or firm  
2955 may show that it attempted through reasonable and objective  
2956 means and in good faith to comply with the terms of the contract  
2957 relating to ~~minority~~ business enterprises in economically  
2958 disadvantaged areas but was unable to comply. If the agency  
2959 determines that the contractor or firm did not act in good  
2960 faith, all amounts paid to the contractor or firm under the  
2961 state contract intended for expenditure with the ~~certified~~  
2962 ~~minority~~ business enterprises in an economically disadvantaged  
2963 area shall be forfeited and recoverable by the Department of  
2964 Legal Affairs. In addition, the contract may be rescinded and  
2965 the agency may return all goods received and recover all amounts  
2966 paid under the contract.

2967 (3) Any contractor, firm, or individual shall be barred  
2968 from doing business with state government for a period of 36  
2969 months, and shall be permanently disqualified from doing  
2970 business with state government as a ~~certified minority~~ business  
2971 enterprise in an economically disadvantaged area, if the office  
2972 has determined that the contractor, firm, or individual has not  
2973 acted in good faith to fulfill the terms of a contract calling  
2974 for it to use the services or commodities of a ~~certified~~  
2975 ~~minority~~ business enterprise in an economically disadvantaged

2976 area. If the Department of Legal Affairs, agency final order, or  
2977 a court of law determines that a person was involved in a  
2978 violation of this section, knew about such violation, or  
2979 collaborated with a contractor or firm in such violation, the  
2980 person, or any contractor or firm the person is employed by or  
2981 affiliated with, shall be barred from doing business with state  
2982 government for a period of at least 36 months.

2983 (4) No agency shall deny any contractor, firm, or  
2984 individual a fair opportunity to compete in the public  
2985 procurement of commodities and services based on race, national  
2986 origin, gender, religion, or physical disability, which for  
2987 purposes of this subsection constitutes prohibited  
2988 discrimination. Complaints alleging prohibited discrimination by  
2989 an agency in its public procurement may be filed with the Office  
2990 of Supplier Development Diversity within 60 days after the facts  
2991 giving rise to the complaint are known or reasonably should have  
2992 been discovered. Any complaint shall be filed in writing and  
2993 must set forth the specific facts giving rise to the claim of  
2994 prohibited discrimination. The Office of Supplier Development  
2995 ~~Diversity~~ shall, within 10 days, refer the complaint to the  
2996 Inspector General for the agency that is the subject of the  
2997 complaint, who shall coordinate a prompt investigation and issue  
2998 written findings of fact. These findings shall be reviewed by  
2999 the Chief Inspector General or his or her designee, who is  
3000 authorized to conduct any further investigation deemed necessary



3001 or appropriate. Upon a final determination that an agency has  
3002 abused its discretion by engaging in prohibited discrimination,  
3003 the Chief Inspector General shall refer any state employee  
3004 determined to have participated in the prohibited discrimination  
3005 for disciplinary action in accordance with chapter 60K(9),  
3006 Florida Administrative Code, and subsequently enacted rules, up  
3007 to and including termination.

3008 (5) The owner of a ~~minority~~ business enterprise in an  
3009 economically disadvantaged area that has been found guilty under  
3010 subsection (1) or subsection (3) shall not attempt to circumvent  
3011 this section by creating a new business entity for the purposes  
3012 of attempting to transact business in this state.

3013 **Section 81. Section 287.0943, Florida Statutes, is amended**  
3014 **to read:**

3015 287.0943 Certification of ~~minority~~ business enterprises in  
3016 economically disadvantaged areas.—

3017 (1) A business certified by any local governmental  
3018 jurisdiction or organization shall be accepted by the Department  
3019 of Management Services, Office of Supplier Development  
3020 ~~Diversity~~, as a certified ~~minority~~ business enterprise in an  
3021 economically disadvantaged area for purposes of doing business  
3022 with state government when the Office of Supplier Development  
3023 ~~Diversity~~ determines that the state's ~~minority~~ business  
3024 enterprise in an economically disadvantaged area certification  
3025 criteria are applied in the local certification process.

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2025

3026 (2) (a) The office is hereby directed to convene a  
3027 "Minority Business Enterprises in Economically Disadvantaged  
3028 Areas Certification Task Force." The task force shall meet as  
3029 often as necessary, but no less frequently than annually.

3030 (b) The task force shall be regionally balanced and  
3031 comprised of officials representing the department, counties,  
3032 municipalities, school boards, special districts, and other  
3033 political subdivisions of the state who administer programs to  
3034 assist business enterprises in economically disadvantaged areas  
3035 ~~minority businesses~~ in procurement or development in government-  
3036 sponsored programs. The following organizations may appoint two  
3037 members each of the task force who fit the description above:

- 3038 1. The Florida League of Cities, Inc.
- 3039 2. The Florida Association of Counties.
- 3040 3. The Florida School Boards Association, Inc.
- 3041 4. The Association of Special Districts.
- 3042 5. ~~The Florida Association of Minority Business Enterprise~~  
3043 ~~Officials.~~

3044 ~~5.6.~~ The Florida Association of Government Purchasing  
3045 Officials.

3046 In addition, the Office of Supplier Development Diversity shall  
3047 appoint seven members consisting of three representatives of  
3048 ~~minority~~ business enterprises in economically disadvantaged  
3049 areas, one of whom should be a woman business owner, two  
3050 officials of the office, and two at-large members to ensure

3051 balance. A quorum shall consist of one-third of the current  
3052 members, and the task force may take action by majority vote.  
3053 Any vacancy may only be filled by the organization or agency  
3054 originally authorized to appoint the position.

3055 (c) The purpose of the task force will be to propose  
3056 uniform criteria and procedures by which participating entities  
3057 and organizations can qualify businesses to participate in  
3058 procurement or contracting programs as certified ~~minority~~  
3059 business enterprises in economically disadvantaged areas in  
3060 accordance with the certification criteria established by law.

3061 (d) A final list of the criteria and procedures proposed  
3062 by the task force shall be considered by the secretary. The task  
3063 force may seek technical assistance from qualified providers of  
3064 technical, business, and managerial expertise to ensure the  
3065 reliability of the certification criteria developed.

3066 (e) In assessing the status of ownership and control,  
3067 certification criteria shall, at a minimum:

3068 1. Link ownership ~~by a minority person as defined in s.~~  
3069 ~~288.703, or~~ as dictated by the legal obligations of a certifying  
3070 organization, to day-to-day control and financial risk by the  
3071 qualifying ~~minority~~ owner, and to demonstrated expertise or  
3072 licensure of a ~~minority~~ owner in any trade or profession that  
3073 the ~~minority~~ business enterprise in an economically  
3074 disadvantaged area will offer to the state when certified.  
3075 Businesses must comply with all state licensing requirements

3076 before becoming certified as a ~~minority~~ business enterprise in  
3077 an economically disadvantaged area.

3078 2. If present ownership was obtained by transfer, require  
3079 the ~~minority~~ person on whom eligibility is based to have owned  
3080 ~~at least 51 percent of~~ the applicant firm for a minimum of 2  
3081 years, when any previous majority ownership interest in the firm  
3082 was by a person ~~nonminority~~ who is or was a relative, former  
3083 employer, or current employer of the ~~minority~~ person on whom  
3084 eligibility is based. This requirement does not apply to  
3085 ~~minority~~ persons who are otherwise eligible who take a 51-  
3086 percent-or-greater interest in a firm that requires professional  
3087 licensure to operate and who will be the qualifying  
3088 licenseholder for the firm when certified. A transfer made  
3089 within a related immediate family group from one person to  
3090 another ~~a nonminority person to a minority person~~ in order to  
3091 establish ownership of a business enterprise in an economically  
3092 disadvantaged area ~~by a minority person~~ shall be deemed to have  
3093 been made solely for purposes of satisfying certification  
3094 criteria and shall render such ownership invalid for purposes of  
3095 qualifying for such certification if the combined total net  
3096 asset value of all members of such family group exceeds \$1  
3097 million. For purposes of this subparagraph, the term "related  
3098 immediate family group" means one or more children under 16  
3099 years of age and a parent of such children or the spouse of such  
3100 parent residing in the same house or living unit.

3101           3. Require that prospective ~~certified minority~~ business  
3102 enterprises in economically disadvantaged areas be currently  
3103 performing or seeking to perform a useful business function. A  
3104 "useful business function" is defined as a business function  
3105 which results in the provision of materials, supplies,  
3106 equipment, or services to customers. Acting as a conduit to  
3107 transfer funds to a ~~nonminority~~ business that is not in an  
3108 economically disadvantaged area does not constitute a useful  
3109 business function unless it is done so in a normal industry  
3110 practice. As used in this section, the term "acting as a  
3111 conduit" means, in part, not acting as a regular dealer by  
3112 making sales of material, goods, or supplies from items bought,  
3113 kept in stock, and regularly sold to the public in the usual  
3114 course of business. Brokers, manufacturer's representatives,  
3115 sales representatives, and nonstocking distributors are  
3116 considered as conduits that do not perform a useful business  
3117 function, unless normal industry practice dictates.

3118           (f) When a business receives payments or awards exceeding  
3119 \$100,000 in one fiscal year, a review of its certification  
3120 status or an audit will be conducted within 2 years. In  
3121 addition, random reviews or audits will be conducted as deemed  
3122 appropriate by the Office of Supplier Development Diversity.

3123           (g) The certification criteria approved by the task force  
3124 and adopted by the Department of Management Services shall be  
3125 included in a statewide and interlocal agreement as defined in

3126 s. 287.09431 and, in accordance with s. 163.01, shall be  
3127 executed according to the terms included therein.

3128 (h) The certification procedures should allow an applicant  
3129 seeking certification to designate on the application form the  
3130 information the applicant considers to be proprietary,  
3131 confidential business information. As used in this paragraph,  
3132 "proprietary, confidential business information" includes, but  
3133 is not limited to, any information that would be exempt from  
3134 public inspection pursuant to the provisions of chapter 119;  
3135 trade secrets; internal auditing controls and reports; contract  
3136 costs; or other information the disclosure of which would injure  
3137 the affected party in the marketplace or otherwise violate s.  
3138 286.041. The executor in receipt of the application shall issue  
3139 written and final notice of any information for which  
3140 noninspection is requested but not provided for by law.

3141 (i) A business that is certified under the provisions of  
3142 the statewide and interlocal agreement shall be deemed a  
3143 business certified minority enterprise in an economically  
3144 disadvantaged area in all jurisdictions or organizations where  
3145 the agreement is in effect, and that business is deemed  
3146 available to do business as such within any such jurisdiction or  
3147 with any such organization statewide. All state agencies must  
3148 accept ~~minority~~ business enterprises in economically  
3149 disadvantaged areas certified in accordance with the statewide  
3150 and interlocal agreement of s. 287.09431, and that business

3151 shall also be deemed a "~~certified minority~~ business enterprise  
3152 in an economically disadvantaged area" as defined in s. 288.703.  
3153 However, any governmental jurisdiction or organization that  
3154 administers a minority business purchasing program may reserve  
3155 the right to establish further certification procedures  
3156 necessary to comply with federal law.

3157 (j) The statewide and interlocal agreement shall be guided  
3158 by the terms and conditions found therein and may be amended at  
3159 any meeting of the task force and subsequently adopted by the  
3160 secretary of the Department of Management Services. The amended  
3161 agreement must be enacted, initialed, and legally executed by at  
3162 least two-thirds of the certifying entities party to the  
3163 existing agreement and adopted by the state as originally  
3164 executed in order to bind the certifying entity.

3165 (k) The task force shall meet for the first time no later  
3166 than 45 days after the effective date of this act.

3167 (3) (a) The office shall review and evaluate the  
3168 certification programs and procedures of all prospective  
3169 executors of the statewide and interlocal agreement to determine  
3170 if their programs exhibit the capacity to meet the standards of  
3171 the agreement.

3172 (b) The evaluations shall, at a minimum, consider: the  
3173 certifying entity's capacity to conduct investigations of  
3174 applicants seeking certification under the designated criteria;  
3175 the ability of the certifying entity to collect the requisite

3176 data and to establish adequate protocol to store and exchange  
3177 said information among the executors of the agreement and to  
3178 provide adequate security to prevent unauthorized access to  
3179 information gathered during the certification process; and the  
3180 degree to which any legal obligations or supplemental  
3181 requirements unique to the certifying entity exceed the capacity  
3182 of that entity to conduct certifications.

3183 (c) Any firms certified by organizations or governmental  
3184 entities determined not to meet the state certification criteria  
3185 shall not be eligible to participate as certified ~~minority~~  
3186 business enterprises in economically disadvantaged areas in the  
3187 Florida Assistance to Small Businesses and Businesses in  
3188 Economically Disadvantaged Areas Act ~~minority business~~  
3189 ~~assistance programs of the state~~. For a period of 1 year from  
3190 July 1, 2025 ~~the effective date of this legislation~~, the  
3191 executor of the statewide and interlocal agreement may elect to  
3192 accept only ~~minority~~ business enterprises in economically  
3193 disadvantaged areas certified pursuant to criteria in place at  
3194 the time the agreement was signed. After the 1-year period,  
3195 either party may elect to withdraw from the agreement without  
3196 further notice.

3197 (d) Any organizations or governmental entities determined  
3198 by the office not to meet the standards of the agreement shall  
3199 not be eligible to execute the statewide and interlocal  
3200 agreement as a participating organization until approved by the



3201 office.

3202 (e) Any participating program receiving three or more  
3203 challenges to its certification decisions pursuant to subsection  
3204 (4) from other organizations that are executors to the statewide  
3205 and interlocal agreement, shall be subject to a review by the  
3206 office, as provided in paragraphs (a) and (b), of the  
3207 organization's capacity to perform under such agreement and in  
3208 accordance with the core criteria established by the task force.  
3209 The office shall submit a report to the secretary of the  
3210 Department of Management Services regarding the results of the  
3211 review.

3212 (f) The office shall maintain a directory of all executors  
3213 of the statewide and interlocal agreement. The directory should  
3214 be communicated to the general public.

3215 (4) A certification may be challenged by any executor to  
3216 the statewide and interlocal agreement upon the grounds of  
3217 failure by the certifying organization to adhere to the adopted  
3218 criteria or to the certifying organization's rules and  
3219 procedures, or on the grounds of a misrepresentation or fraud by  
3220 the certified ~~minority~~ business enterprise. The challenge shall  
3221 proceed according to procedures specified in the agreement.

3222 (5) (a) The secretary of the Department of Management  
3223 Services shall execute the statewide and interlocal agreement  
3224 established under s. 287.09431 on behalf of the state. The  
3225 office shall certify ~~minority~~ business enterprises in

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3226 economically disadvantaged areas in accordance with the laws of  
3227 this state and, by affidavit, shall recertify such ~~minority~~  
3228 business enterprises not less than once each year.

3229 (b) The office shall contract with parties to the  
3230 statewide and interlocal agreement to perform onsite visits  
3231 associated with state certifications.

3232 (6) (a) The office shall maintain up-to-date records of all  
3233 ~~certified minority~~ business enterprises in economically  
3234 disadvantaged areas, as defined in s. 288.703, and of  
3235 applications for certification that were denied and shall make  
3236 this list available to all agencies. The office shall, for  
3237 statistical purposes, collect and track subgroupings of gender  
3238 and nationality status for each ~~certified minority~~ business  
3239 enterprise in an economically disadvantaged area. Agency  
3240 spending shall also be tracked for these subgroups. The records  
3241 may include information about ~~minority~~ business enterprises in  
3242 economically disadvantaged areas that provide legal services,  
3243 auditing services, and health services. Agencies shall use this  
3244 list in efforts to meet the ~~minority~~ business enterprise in an  
3245 economically disadvantaged area procurement goals set forth in  
3246 s. 287.09451.

3247 (b) The office shall establish and administer a  
3248 computerized data bank to carry out the requirements of  
3249 paragraph (a), to be available to all executors of the statewide  
3250 and interlocal agreement. Data maintained in the data bank shall

3251 be sufficient to allow each executor to reasonably monitor  
3252 certifications it has issued.

3253 (7) The office shall identify ~~minority~~ business  
3254 enterprises in economically disadvantaged areas eligible for  
3255 certification in all areas of state services and commodities  
3256 purchasing. The office may contract with a private firm or other  
3257 agency, if necessary, in seeking to identify ~~minority~~ business  
3258 enterprises in economically disadvantaged areas for  
3259 certification. Agencies may request the office to identify  
3260 certifiable ~~minority~~ business enterprises in economically  
3261 disadvantaged areas that are in the business of providing a  
3262 given service or commodity; the office shall respond to such  
3263 requests and seek out such certifiable ~~minority~~ business  
3264 enterprises.

3265 (8) The office shall adopt rules necessary to implement  
3266 this section.

3267 (9) State agencies shall comply with this act except to  
3268 the extent that the requirements of this act are in conflict  
3269 with federal law.

3270 (10) Any transfer of ownership or permanent change in the  
3271 management and daily operations of a certified ~~minority~~ business  
3272 enterprise in an economically disadvantaged area which may  
3273 affect certification must be reported to the original certifying  
3274 jurisdiction or entity and to the office within 14 days of the  
3275 transfer or change taking place. In the event of a transfer of

3276 ownership, the transferee seeking to do business with the state  
3277 as a certified ~~minority~~ business enterprise in an economically  
3278 disadvantaged area is responsible for such reporting. In the  
3279 event of a permanent change in the management and daily  
3280 operations, owners seeking to do business with the state as a  
3281 certified ~~minority~~ business enterprise in an economically  
3282 disadvantaged area are responsible for reporting such change to  
3283 the office. Any person violating the provisions of this  
3284 subsection shall be guilty of a misdemeanor of the first degree,  
3285 punishable as provided in s. 775.082 or s. 775.083.

3286 (11) To deter fraud in the program, the Auditor General  
3287 may review the criteria by which a business became certified as  
3288 a certified ~~minority~~ business enterprise in an economically  
3289 disadvantaged area.

3290 (12) Any executor of the statewide and interlocal  
3291 agreement may revoke the certification or recertification of a  
3292 firm doing business as a ~~certified minority~~ business enterprise  
3293 in an economically disadvantaged area if the ~~minority~~ business  
3294 enterprise does not meet the requirements of the jurisdiction or  
3295 certifying entity that certified or recertified the firm as a  
3296 ~~certified minority~~ business enterprise in an economically  
3297 disadvantaged area, or the requirements of subsection (2), s.  
3298 288.703, and any rule of the office or the Department of  
3299 Management Services or if the business acquired certification or  
3300 recertification by means of falsely representing any entity as a

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3301 ~~minority~~ business enterprise in an economically disadvantaged  
3302 area for purposes of qualifying for certification or  
3303 recertification.

3304 (13) Unless permanently revoked, a certified ~~minority~~  
3305 business enterprise in an economically disadvantaged area for  
3306 which certification or recertification has been revoked may not  
3307 apply or reapply for certification or recertification for a  
3308 minimum of 36 months after the date of the notice of revocation.

3309 (14) (a) Except for certification decisions issued by the  
3310 Office of Supplier Development Diversity, an executor to the  
3311 statewide and interlocal agreement shall, in accordance with its  
3312 rules and procedures:

3313 1. Give reasonable notice to affected persons or parties  
3314 of its decision to deny certification based on failure to meet  
3315 eligibility requirements of the statewide and interlocal  
3316 agreement of s. 287.09431, together with a summary of the  
3317 grounds therefor.

3318 2. Give affected persons or parties an opportunity, at a  
3319 convenient time and place, to present to the agency written or  
3320 oral evidence in opposition to the action or of the executor's  
3321 refusal to act.

3322 3. Give a written explanation of any subsequent decision  
3323 of the executor overruling the objections.

3324 (b) An applicant that is denied ~~minority~~ business  
3325 enterprise in an economically disadvantaged area certification

3326 based on failure to meet eligibility requirements of the  
3327 statewide and interlocal agreement pursuant to s. 287.09431 may  
3328 not reapply for certification or recertification until at least  
3329 6 months after the date of the notice of the denial of  
3330 certification or recertification.

3331 (15) The office shall adopt rules in compliance with this  
3332 part.

3333 **Section 82. Section 287.09431, Florida Statutes, is**  
3334 **amended to read:**

3335 287.09431 Statewide and interlocal agreement on  
3336 certification of business concerns for ~~the status of minority~~  
3337 business enterprise in economically disadvantaged areas.—The  
3338 statewide and interlocal agreement on certification of business  
3339 concerns for ~~the status of minority~~ business enterprise in  
3340 economically disadvantaged areas is hereby enacted and entered  
3341 into with all jurisdictions or organizations legally joining  
3342 therein. If, within 2 years from the date that the certification  
3343 core criteria are approved by the Department of Management  
3344 Services, the agreement included herein is not executed by a  
3345 majority of county and municipal governing bodies that  
3346 administer ~~a minority business~~ assistance programs to small  
3347 businesses and business in economically disadvantaged areas  
3348 ~~program~~ on the effective date of this act, then the Legislature  
3349 shall review this agreement. It is the intent of the Legislature  
3350 that if the agreement is not executed by a majority of the

3351 requisite governing bodies, then a statewide uniform  
 3352 certification process should be adopted, and that said agreement  
 3353 should be repealed and replaced by a mandatory state government  
 3354 certification process.

3355 ARTICLE I

3356 PURPOSE, FINDINGS, AND POLICY.—

3357 (1) The parties to this agreement, desiring by common  
 3358 action to establish a uniform certification process in order to  
 3359 reduce the multiplicity of applications by business concerns to  
 3360 state and local governmental programs for ~~minority business~~  
 3361 assistance to small businesses and businesses in economically  
 3362 disadvantaged areas, declare that it is the policy of each of  
 3363 them, on the basis of cooperation with one another, to remedy  
 3364 social and economic disadvantage suffered by certain business  
 3365 owners groups, resulting in their being historically  
 3366 underutilized in ownership and control of commercial  
 3367 enterprises. Thus, the parties seek to address this history by  
 3368 increasing the participation of small business owners and  
 3369 business owners in economically disadvantaged areas ~~the~~  
 3370 ~~identified groups~~ in opportunities afforded by government  
 3371 procurement.

3372 (2) The parties find that the State of Florida presently  
 3373 certifies firms for participation in the Florida Assistance to  
 3374 Small Businesses and Businesses in Economically Disadvantaged  
 3375 Areas Act ~~minority business assistance programs of the state.~~

3376 The parties find further that some counties, municipalities,  
3377 school boards, special districts, and other divisions of local  
3378 government require a separate, yet similar, and in most cases  
3379 redundant, certification in order for businesses to participate  
3380 in the programs sponsored by each government entity.

3381 (3) The parties find further that this redundant  
3382 certification has proven to be unduly burdensome to the  
3383 ~~minority-owned~~ firms intended to benefit from the underlying  
3384 purchasing incentives.

3385 (4) The parties agree that:

3386 (a) They will facilitate integrity, stability, and  
3387 cooperation in the statewide and interlocal certification  
3388 process, and in other elements of programs established to assist  
3389 small ~~minority-owned~~ businesses and businesses in economically  
3390 disadvantaged areas.

3391 (b) They shall cooperate with agencies, organizations, and  
3392 associations interested in certification and other elements of  
3393 ~~minority business~~ assistance to small businesses and businesses  
3394 in economically disadvantaged areas.

3395 (c) It is the purpose of this agreement to provide for a  
3396 uniform process whereby the status of a business concern may be  
3397 determined in a singular review of the business information for  
3398 these purposes, in order to eliminate any undue expense, delay,  
3399 or confusion to ~~the minority-owned~~ businesses in seeking to  
3400 participate in the ~~minority business~~ assistance programs of



3401 state and local jurisdictions.

3402 ARTICLE II

3403 DEFINITIONS.—As used in this agreement and contracts made  
3404 pursuant to it, unless the context clearly requires otherwise:

3405 (1) "Awarding organization" means any political  
3406 subdivision or organization authorized by law, ordinance, or  
3407 agreement to enter into contracts and for which the governing  
3408 body has entered into this agreement.

3409 (2) "Department" means the Department of Management  
3410 Services.

3411 ~~(3) "Minority" means a person who is a lawful, permanent~~  
3412 ~~resident of the state, having origins in one of the minority~~  
3413 ~~groups as described and adopted by the Department of Management~~  
3414 ~~Services, hereby incorporated by reference.~~

3415 (3)(4) "Minority Business enterprise in an economically  
3416 disadvantaged area" means any small business concern as defined  
3417 in subsection (5)(6) that meets all of the criteria described  
3418 and adopted by the Department of Management Services, hereby  
3419 incorporated by reference.

3420 (4)(5) "Participating state or local organization" means  
3421 any political subdivision of the state or organization  
3422 designated by such that elects to participate in the  
3423 certification process pursuant to this agreement, which has been  
3424 approved according to s. 287.0943(3) and has legally entered  
3425 into this agreement.



3451 (5) The certification of a ~~minority~~ business enterprise in  
3452 an economically disadvantaged area pursuant to the terms of this  
3453 agreement shall not be suspended, revoked, or otherwise impaired  
3454 except on any grounds which would be sufficient for revocation  
3455 or suspension of a certification in the jurisdiction of the  
3456 participating organization.

3457 (6) The certification determination of a party may be  
3458 challenged by any other participating organization by the  
3459 issuance of a timely written notice by the challenging  
3460 organization to the certifying organization's determination  
3461 within 10 days of receiving notice of the certification  
3462 decision, stating the grounds therefor.

3463 (7) The sole accepted grounds for challenge shall be the  
3464 failure of the certifying organization to adhere to the adopted  
3465 criteria or the certifying organization's rules or procedures,  
3466 or the perpetuation of a misrepresentation or fraud by the firm.

3467 (8) The certifying organization shall reexamine its  
3468 certification determination and submit written notice to the  
3469 applicant and the challenging organization of its findings  
3470 within 30 days after the receipt of the notice of challenge.

3471 (9) If the certification determination is affirmed, the  
3472 challenging agency may subsequently submit timely written notice  
3473 to the firm of its intent to revoke certification of the firm.

#### 3474 ARTICLE IV

3475 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement

3476 shall be construed to repeal or otherwise modify any ordinance,  
 3477 law, or regulation of a party relating to the existing ~~minority~~  
 3478 business assistance provisions and procedures by which ~~minority~~  
 3479 business enterprises in economically disadvantaged areas  
 3480 participate therein.

3481 ARTICLE V

3482 TERM.—The term of the agreement shall be 5 years, after  
 3483 which it may be reexecuted by the parties.

3484 ARTICLE VI

3485 AGREEMENT EVALUATION.—The designated state and local  
 3486 officials may meet from time to time as a group to evaluate  
 3487 progress under the agreement, to formulate recommendations for  
 3488 changes, or to propose a new agreement.

3489 ARTICLE VII

3490 OTHER ARRANGEMENTS.—Nothing in this agreement shall be  
 3491 construed to prevent or inhibit other arrangements or practices  
 3492 of any party in order to comply with federal law.

3493 ARTICLE VIII

3494 EFFECT AND WITHDRAWAL.—

3495 (1) This agreement shall become effective when properly  
 3496 executed by a legal representative of the participating  
 3497 organization, when enacted into the law of the state and after  
 3498 an ordinance or other legislation is enacted into law by the  
 3499 governing body of each participating organization. Thereafter it  
 3500 shall become effective as to any participating organization upon

3501 the enactment of this agreement by the governing body of that  
 3502 organization.

3503 (2) Any party may withdraw from this agreement by enacting  
 3504 legislation repealing the same, but no such withdrawal shall  
 3505 take effect until one year after the governing body of the  
 3506 withdrawing party has given notice in writing of the withdrawal  
 3507 to the other parties.

3508 (3) No withdrawal shall relieve the withdrawing party of  
 3509 any obligations imposed upon it by law.

3510 ARTICLE IX

3511 FINANCIAL RESPONSIBILITY.—

3512 (1) A participating organization shall not be financially  
 3513 responsible or liable for the obligations of any other  
 3514 participating organization related to this agreement.

3515 (2) The provisions of this agreement shall constitute  
 3516 neither a waiver of any governmental immunity under Florida law  
 3517 nor a waiver of any defenses of the parties under Florida law.  
 3518 The provisions of this agreement are solely for the benefit of  
 3519 its executors and not intended to create or grant any rights,  
 3520 contractual or otherwise, to any person or entity.

3521 ARTICLE X

3522 VENUE AND GOVERNING LAW.—The obligations of the parties to  
 3523 this agreement are performable only within the county where the  
 3524 participating organization is located, and statewide for the  
 3525 Office of Supplier Development Diversity, and venue for any

3526 legal action in connection with this agreement shall lie, for  
3527 any participating organization except the Office of Supplier  
3528 Development Diversity, exclusively in the county where the  
3529 participating organization is located. This agreement shall be  
3530 governed by and construed in accordance with the laws and court  
3531 decisions of the state.

3532 ARTICLE XI

3533 CONSTRUCTION AND SEVERABILITY.—This agreement shall be  
3534 liberally construed so as to effectuate the purposes thereof.  
3535 The provisions of this agreement shall be severable and if any  
3536 phrase, clause, sentence, or provision of this agreement is  
3537 declared to be contrary to the State Constitution or the United  
3538 States Constitution, or the application thereof to any  
3539 government, agency, person, or circumstance is held invalid, the  
3540 validity of the remainder of this agreement and the  
3541 applicability thereof to any government, agency, person, or  
3542 circumstance shall not be affected thereby. If this agreement  
3543 shall be held contrary to the State Constitution, the agreement  
3544 shall remain in full force and effect as to all severable  
3545 matters.

3546 **Section 83. Section 287.09451, Florida Statutes, is**  
3547 **amended to read:**

3548 287.09451 Office of Supplier Development Diversity;  
3549 powers, duties, and functions.—

3550 (1) The Legislature finds that there is evidence of a

3551 systematic pattern of past and continuing racial discrimination  
3552 against ~~minority~~ business enterprises in economically  
3553 disadvantaged areas and a disparity in the availability and use  
3554 of ~~minority~~ business enterprises in economically disadvantaged  
3555 areas in the state procurement system. It is determined to be a  
3556 compelling state interest to rectify such discrimination and  
3557 disparity. Based upon statistical data profiling this  
3558 discrimination, the Legislature has enacted ~~race-conscious and~~  
3559 ~~gender-conscious~~ remedial programs to ensure ~~minority~~  
3560 participation by persons in economically disadvantaged areas in  
3561 the economic life of the state, in state contracts for the  
3562 purchase of commodities and services, and in construction  
3563 contracts. The purpose and intent of this section is to increase  
3564 participation by ~~minority~~ business enterprises in economically  
3565 disadvantaged areas accomplished by encouraging the use of  
3566 ~~minority~~ business enterprises in economically disadvantaged  
3567 areas and the entry of new and diversified ~~minority~~ business  
3568 enterprises in economically disadvantaged areas into the  
3569 marketplace.

3570 (2) The Office of Supplier Development Diversity is  
3571 established within the Department of Commerce ~~Department of~~  
3572 ~~Management Services~~ to assist ~~minority~~ business enterprises in  
3573 economically disadvantaged areas in becoming suppliers of  
3574 commodities, services, and construction to state government.

3575 (3) The secretary shall appoint an executive director for

3576 the Office of Supplier Development Diversity, who shall serve at  
3577 the pleasure of the secretary.

3578 (4) The Office of Supplier Development Diversity shall  
3579 have the following powers, duties, and functions:

3580 (a) To adopt rules to determine what constitutes a "good  
3581 faith effort" for purposes of state agency compliance with the  
3582 ~~minority~~ business enterprise procurement goals set forth in s.  
3583 287.042. Factors which shall be considered ~~by the Minority~~  
3584 ~~Business Enterprise Assistance Office~~ in determining good faith  
3585 effort shall include, but not be limited to:

3586 1. Whether the agency scheduled presolicitation or prebid  
3587 meetings for the purpose of informing ~~minority~~ business  
3588 enterprises in economically disadvantaged areas of contracting  
3589 and subcontracting opportunities.

3590 2. Whether the contractor advertised in general  
3591 circulation, trade association, or ~~minority-focus~~ media in  
3592 economically disadvantaged areas concerning the subcontracting  
3593 opportunities.

3594 3. Whether the agency effectively used services and  
3595 resources of available ~~minority~~ community organizations in  
3596 economically disadvantaged areas; ~~minority~~ contractors' groups  
3597 in economically disadvantaged areas; local, state, and federal  
3598 ~~minority~~ business assistance offices in economically  
3599 disadvantaged areas; and other organizations that provide  
3600 assistance in the recruitment and placement of ~~minority~~ business



3601 enterprises in economically disadvantaged areas ~~or minority~~  
3602 ~~persons~~.

3603 4. Whether the agency provided written notice to a  
3604 reasonable number of ~~minority~~ business enterprises in  
3605 economically disadvantaged areas that their interest in  
3606 contracting with the agency was being solicited in sufficient  
3607 time to allow the ~~minority~~ business enterprises in economically  
3608 disadvantaged areas to participate effectively.

3609 (b) To adopt rules to determine what constitutes a "good  
3610 faith effort" for purposes of contractor compliance with  
3611 contractual requirements relating to the use of services or  
3612 commodities of a ~~minority~~ business enterprise in an economically  
3613 disadvantaged area under s. 287.094(2). Factors which shall be  
3614 considered by the Office of Supplier Development ~~Diversity~~ in  
3615 determining whether a contractor has made good faith efforts  
3616 shall include, but not be limited to:

3617 1. Whether the contractor attended any presolicitation or  
3618 prebid meetings that were scheduled by the agency to inform  
3619 ~~minority~~ business enterprises in economically disadvantaged  
3620 areas of contracting and subcontracting opportunities.

3621 2. Whether the contractor advertised in general  
3622 circulation, trade association, or ~~minority-focus~~ media in  
3623 economically disadvantaged areas concerning the subcontracting  
3624 opportunities.

3625 3. Whether the contractor provided written notice to a

3626 reasonable number of specific ~~minority~~ business enterprises in  
3627 economically disadvantaged areas that their interest in the  
3628 contract was being solicited in sufficient time to allow the  
3629 ~~minority~~ business enterprises in economically disadvantaged  
3630 areas to participate effectively.

3631 4. Whether the contractor followed up initial  
3632 solicitations of interest by contacting ~~minority~~ business  
3633 enterprises in economically disadvantaged areas ~~or minority~~  
3634 ~~persons~~ to determine with certainty whether the ~~minority~~  
3635 business enterprises in economically disadvantaged areas ~~or~~  
3636 ~~minority persons~~ were interested.

3637 5. Whether the contractor selected portions of the work to  
3638 be performed by ~~minority~~ business enterprises in economically  
3639 disadvantaged areas in order to increase the likelihood of  
3640 meeting the ~~minority~~ business enterprise in an economically  
3641 disadvantaged area procurement goals, including, where  
3642 appropriate, breaking down contracts into economically feasible  
3643 units to facilitate participation by business enterprises in  
3644 economically disadvantaged areas ~~minority business enterprise~~  
3645 ~~participation~~.

3646 6. Whether the contractor provided interested ~~minority~~  
3647 business enterprises in economically disadvantaged areas ~~or~~  
3648 ~~minority persons~~ with adequate information about the plans,  
3649 specifications, and requirements of the contract or the  
3650 availability of jobs.

3651           7. Whether the contractor negotiated in good faith with  
3652 interested ~~minority~~ business enterprises in economically  
3653 disadvantaged areas ~~or minority persons~~, not rejecting such  
3654 business enterprises ~~minority business enterprises or minority~~  
3655 ~~persons~~ as unqualified without sound reasons based on a thorough  
3656 investigation of their capabilities.

3657           8. Whether the contractor effectively used the services of  
3658 available ~~minority~~ community organizations in economically  
3659 disadvantaged areas; minority contractors' groups in  
3660 economically disadvantaged areas; local, state, and federal  
3661 ~~minority~~ business assistance offices in economically  
3662 disadvantaged areas; and other organizations that provide  
3663 assistance in the recruitment and placement of ~~minority~~ business  
3664 enterprises in economically disadvantaged areas ~~or minority~~  
3665 ~~persons~~.

3666           (c) To adopt rules and do all things necessary or  
3667 convenient to guide all state agencies toward making  
3668 expenditures for commodities, contractual services,  
3669 construction, and architectural and engineering services with  
3670 ~~certified minority~~ business enterprises in economically  
3671 disadvantaged areas in accordance with the ~~minority business~~  
3672 ~~enterprise~~ procurement goals set forth in s. 287.042.

3673           (d) To monitor the degree to which agencies procure  
3674 services, commodities, and construction from ~~minority~~ business  
3675 enterprises in economically disadvantaged areas in conjunction

3676 with the Department of Financial Services as specified in s.  
3677 17.11.

3678 (e) To receive and disseminate information relative to  
3679 procurement opportunities, availability of ~~minority~~ business  
3680 enterprises in economically disadvantaged areas, and technical  
3681 assistance.

3682 (f) To advise agencies on methods and techniques for  
3683 achieving procurement objectives.

3684 (g) To provide a central ~~minority~~ business enterprise  
3685 certification process for business enterprises in economically  
3686 disadvantaged areas which includes independent verification of  
3687 status as a ~~minority~~ business enterprise in an economically  
3688 disadvantaged area.

3689 (h) To develop procedures to investigate complaints  
3690 against ~~minority~~ business enterprises or contractors in  
3691 economically disadvantaged areas alleged to violate any  
3692 provision related to this section or s. 287.0943, that may  
3693 include visits to worksites or business premises, and to refer  
3694 all information on businesses suspected of misrepresenting their  
3695 ~~minority~~ status to the Department of Commerce ~~Department of~~  
3696 ~~Management Services~~ for investigation. When an investigation is  
3697 completed and there is reason to believe that a violation has  
3698 occurred, the matter shall be referred to the office of the  
3699 Attorney General, Department of Legal Affairs, for prosecution.

3700 (i) To maintain a directory of all ~~minority~~ business

3701 enterprises in economically disadvantaged areas which have been  
3702 certified and provide this information to any agency or business  
3703 requesting it.

3704 (j) To encourage all firms which do more than \$1 million  
3705 in business with the state within a 12-month period to develop,  
3706 implement, and submit to this office a ~~minority~~ business  
3707 development plan.

3708 (k) To communicate on a monthly basis with the Small  
3709 Businesses and Businesses in Economically Disadvantaged Areas  
3710 ~~and Minority Business~~ Advisory Council to keep the council  
3711 informed on issues relating to ~~minority enterprise~~ procurement.

3712 (l) To serve as an advocate for ~~minority~~ business  
3713 enterprises in economically disadvantaged areas, and coordinate  
3714 with the ~~small and minority business~~ ombudsman, as defined in s.  
3715 288.703, which duties shall include:

3716 1. Ensuring that agencies supported by state funding  
3717 effectively target the delivery of services and resources, as  
3718 related to ~~minority~~ business enterprises in economically  
3719 disadvantaged areas.

3720 2. Establishing standards within each industry with which  
3721 the state government contracts on how agencies and contractors  
3722 may provide the maximum practicable opportunity for ~~minority~~  
3723 business enterprises in economically disadvantaged areas.

3724 3. Assisting agencies and contractors by providing  
3725 outreach to ~~minority~~ businesses in economically disadvantaged

3726 areas, by specifying and monitoring technical and managerial  
3727 competence for ~~minority~~ business enterprises in economically  
3728 disadvantaged areas, and by consulting in planning of agency  
3729 procurement to determine how best to provide opportunities for  
3730 ~~minority~~ business enterprises in economically disadvantaged  
3731 areas.

3732 4. Integrating technical and managerial assistance for  
3733 ~~minority~~ business enterprises in economically disadvantaged  
3734 areas with government contracting opportunities.

3735 (m) To certify ~~minority~~ business enterprises in  
3736 economically disadvantaged areas, as defined in s. 288.703, and  
3737 as specified in ss. 287.0943 and 287.09431, and shall recertify  
3738 such ~~minority~~ businesses at least once every 2 years. ~~Minority~~  
3739 Business enterprises in economically disadvantaged areas must be  
3740 recertified at least once every 2 years. Such certifications may  
3741 include an electronic signature.

3742 (n)1. To develop procedures to be used by an agency in  
3743 identifying commodities, contractual services, architectural and  
3744 engineering services, and construction contracts, except those  
3745 architectural, engineering, construction, or other related  
3746 services or contracts subject to the provisions of chapter 339,  
3747 that could be provided by ~~minority~~ business enterprises in  
3748 economically disadvantaged areas. Each agency is encouraged to  
3749 spend 21 percent of the moneys actually expended for  
3750 construction contracts, 25 percent of the moneys actually

3751 expended for architectural and engineering contracts, 24 percent  
3752 of the moneys actually expended for commodities, and 50.5  
3753 percent of the moneys actually expended for contractual services  
3754 during the previous fiscal year, except for the state university  
3755 construction program which shall be based upon public education  
3756 capital outlay projections for the subsequent fiscal year, and  
3757 reported to the Legislature pursuant to s. 216.023, for the  
3758 purpose of entering into contracts with ~~certified minority~~  
3759 business enterprises in economically disadvantaged areas as  
3760 defined in s. 288.703, or approved joint ventures. However, in  
3761 the event of budget reductions pursuant to s. 216.221, the base  
3762 amounts may be adjusted to reflect such reductions. The overall  
3763 spending goal for each industry category shall be subdivided as  
3764 follows:

3765       a. For construction contracts: 4 percent for black  
3766 Americans, 6 percent for Hispanic-Americans, and 11 percent for  
3767 American women.

3768       b. For architectural and engineering contracts: 9 percent  
3769 for Hispanic-Americans, 1 percent for Asian-Americans, and 15  
3770 percent for American women.

3771       c. For commodities: 2 percent for black Americans, 4  
3772 percent for Hispanic-Americans, 0.5 percent for Asian-Americans,  
3773 0.5 percent for Native Americans, and 17 percent for American  
3774 women.

3775       d. For contractual services: 6 percent for black

3776 Americans, 7 percent for Hispanic-Americans, 1 percent for  
3777 Asian-Americans, 0.5 percent for Native Americans, and 36  
3778 percent for American women.

3779         2. For the purposes of commodities contracts for the  
3780 purchase of equipment to be used in the construction and  
3781 maintenance of state transportation facilities involving the  
3782 Department of Transportation, the terms "~~minority~~ business  
3783 enterprise in an economically disadvantaged area" has and  
3784 "~~minority person~~" have the same meaning ~~meanings~~ as provided in  
3785 s. 288.703. In order to ensure that the goals established under  
3786 this paragraph for contracting with ~~certified minority~~ business  
3787 enterprises in economically disadvantaged areas are met, the  
3788 department, with the assistance of the Office of Supplier  
3789 Development Diversity, shall make recommendations to the  
3790 Legislature on revisions to the goals, based on an updated  
3791 statistical analysis, at least once every 5 years. Such  
3792 recommendations shall be based on statistical data indicating  
3793 the availability of and disparity in the use of ~~minority~~  
3794 businesses in economically disadvantaged areas contracting with  
3795 the state.

3796         3. In determining the base amounts for assessing  
3797 compliance with this paragraph, the Office of Supplier  
3798 Development Diversity may develop, by rule, guidelines for all  
3799 agencies to use in establishing such base amounts. These rules  
3800 must include, but are not limited to, guidelines for calculation



3801 of base amounts, a deadline for the agencies to submit base  
3802 amounts, a deadline for approval of the base amounts by the  
3803 Office of Supplier Development Diversity, and procedures for  
3804 adjusting the base amounts as a result of budget reductions made  
3805 pursuant to s. 216.221.

3806 4. To determine guidelines for the use of price  
3807 preferences, weighted preference formulas, or other preferences,  
3808 as appropriate to the particular industry or trade, to increase  
3809 the participation of ~~minority~~ businesses in economically  
3810 disadvantaged areas in state contracting. These guidelines shall  
3811 include consideration of:

3812 a. Size and complexity of the project.

3813 b. The concentration of transactions with ~~minority~~  
3814 business enterprises in economically disadvantaged areas for the  
3815 commodity or contractual services in question in prior agency  
3816 contracting.

3817 c. The specificity and definition of work allocated to  
3818 participating ~~minority~~ business enterprises in economically  
3819 disadvantaged areas.

3820 d. The capacity of participating ~~minority~~ business  
3821 enterprises in economically disadvantaged areas to complete the  
3822 tasks identified in the project.

3823 e. The available pool of ~~minority~~ business enterprises in  
3824 economically disadvantaged areas as prime contractors, either  
3825 alone or as partners in an approved joint venture that serves as

3826 the prime contractor.

3827 5. To determine guidelines for use of joint ventures to  
3828 meet ~~minority~~ business enterprises spending goals. For purposes  
3829 of this section, "joint venture" means any association of two or  
3830 more business concerns to carry out a single business enterprise  
3831 for profit, for which purpose they combine their property,  
3832 capital, efforts, skills, and knowledge. The guidelines shall  
3833 allow transactions with joint ventures to be eligible for credit  
3834 against the ~~minority~~ business enterprise goals of an agency when  
3835 the contracting joint venture demonstrates that at least one  
3836 partner to the joint venture is a ~~certified minority~~ business  
3837 enterprise in an economically disadvantaged area as defined in  
3838 s. 288.703, and that such partner is responsible for a clearly  
3839 defined portion of the work to be performed, and shares in the  
3840 ownership, control, management, responsibilities, risks, and  
3841 profits of the joint venture. Such demonstration shall be by  
3842 verifiable documents and sworn statements and may be reviewed by  
3843 the Office of Supplier Development Diversity at or before the  
3844 time a contract bid, proposal, or reply is submitted. An agency  
3845 may count toward its ~~minority~~ business enterprise goals a  
3846 portion of the total dollar amount of a contract equal to the  
3847 percentage of the ownership and control held by the qualifying  
3848 ~~certified minority~~ business partners in the contracting joint  
3849 venture, so long as the joint venture meets the guidelines  
3850 adopted by the office.

3851 (o)1. To establish a system to record and measure the use  
3852 of ~~certified minority~~ business enterprises in economically  
3853 disadvantaged areas in state contracting. This system shall  
3854 maintain information and statistics on the participation of  
3855 ~~certified minority~~ business enterprises in economically  
3856 disadvantaged areas ~~enterprise participation~~, awards, dollar  
3857 volume of expenditures and agency goals, and other appropriate  
3858 types of information to analyze progress in the access of  
3859 ~~certified minority~~ business enterprises in economically  
3860 disadvantaged areas to state contracts and to monitor agency  
3861 compliance with this section. Such reporting must include, but  
3862 is not limited to, the identification of all subcontracts in  
3863 state contracting by dollar amount and by number of subcontracts  
3864 and the identification of the utilization of ~~certified minority~~  
3865 business enterprises in economically disadvantaged areas as  
3866 prime contractors and subcontractors by dollar amounts of  
3867 contracts and subcontracts, number of contracts and  
3868 subcontracts, ~~minority~~ status, industry, and any conditions or  
3869 circumstances that significantly affected the performance of  
3870 subcontractors. Agencies shall report their compliance with the  
3871 requirements of this reporting system at least annually and at  
3872 the request of the office. All agencies shall cooperate with the  
3873 office in establishing this reporting system. Except in  
3874 construction contracting, all agencies shall review contracts  
3875 costing in excess of CATEGORY FOUR as defined in s. 287.017 to

3876 determine if such contracts could be divided into smaller  
3877 contracts to be separately solicited and awarded, and shall,  
3878 when economical, offer such smaller contracts to encourage  
3879 ~~minority~~ participation.

3880 2. To report agency compliance with the provisions of  
3881 subparagraph 1. for the preceding fiscal year to the Governor  
3882 and Cabinet, the President of the Senate, and the Speaker of the  
3883 House of Representatives on or before February 1 of each year.  
3884 The report must contain, at a minimum, the following:

3885 a. Total expenditures of each agency by industry.

3886 b. The dollar amount and percentage of contracts awarded  
3887 to ~~certified minority~~ business enterprises in economically  
3888 disadvantaged areas by each state agency.

3889 c. The dollar amount and percentage of contracts awarded  
3890 indirectly to ~~certified minority~~ business enterprises in  
3891 economically disadvantaged areas as subcontractors by each state  
3892 agency.

3893 d. The total dollar amount and percentage of contracts  
3894 awarded to ~~certified minority~~ business enterprises in  
3895 economically disadvantaged areas, whether directly or  
3896 indirectly, as subcontractors.

3897 e. A statement and assessment of good faith efforts taken  
3898 by each state agency.

3899 f. A status report of agency compliance with subsection  
3900 (6), as determined by the ~~Minority Business Enterprise~~ office.

3901 (5) (a) Each agency shall, at the time the specifications  
3902 or designs are developed or contract sizing is determined for  
3903 any proposed procurement costing in excess of CATEGORY FOUR, as  
3904 defined in s. 287.017, forward a notice to the Office of  
3905 Supplier Development ~~Diversity~~ of the proposed procurement and  
3906 any determination on the designs of specifications of the  
3907 proposed procurement that impose requirements on prospective  
3908 vendors, no later than 30 days prior to the issuance of a  
3909 solicitation, except that this provision shall not apply to  
3910 emergency acquisitions. The 30-day notice period shall not toll  
3911 the time for any other procedural requirements.

3912 (b) If the Office of Supplier Development ~~Diversity~~  
3913 determines that the proposed procurement will not likely allow  
3914 opportunities for ~~minority~~ business enterprises in economically  
3915 disadvantaged areas, the office may, within 20 days after it  
3916 receives the information specified in paragraph (a), propose the  
3917 implementation of ~~minority~~ business enterprise in an  
3918 economically disadvantaged area utilization provisions or submit  
3919 alternative procurement methods that would significantly  
3920 increase ~~minority~~ business enterprise contracting opportunities  
3921 in economically disadvantaged areas.

3922 (c) Whenever the agency and the Office of Supplier  
3923 Development ~~Diversity~~ disagree, the matter shall be submitted  
3924 for determination to the head of the agency or the senior-level  
3925 official designated pursuant to this section as liaison for

3926 ~~minority business enterprise~~ issues relating to business  
3927 enterprises in economically disadvantaged areas.

3928 (d) If the proposed procurement proceeds to competitive  
3929 solicitation, the office is hereby granted standing to protest,  
3930 pursuant to this section, in a timely manner, any contract award  
3931 during competitive solicitation for contractual services and  
3932 construction contracts that fail to include ~~minority business~~  
3933 ~~enterprise~~ participation of business enterprises in economically  
3934 disadvantaged areas, if any responsible and responsive vendor  
3935 has demonstrated the ability to achieve any level of  
3936 participation, or, any contract award for commodities where, a  
3937 reasonable and economical opportunity to reserve a contract,  
3938 statewide or district level, for ~~minority~~ participation was not  
3939 executed or, an agency failed to adopt an applicable preference  
3940 for ~~minority~~ participation. The bond requirement shall be waived  
3941 for the office purposes of this subsection.

3942 (e) An agency may presume that a vendor offering no  
3943 ~~minority~~ participation of business enterprises in economically  
3944 disadvantaged areas has not made a good faith effort when other  
3945 vendors offer such ~~minority~~ participation of firms listed as  
3946 relevant to the agency's purchasing needs in the pertinent  
3947 locality or statewide to complete the project.

3948 (f) Paragraph (a) will not apply when the Office of  
3949 Supplier Development ~~Diversity~~ determines that an agency has  
3950 established a work plan to allow advance consultation and

3951 planning with ~~minority~~ business enterprises in economically  
3952 disadvantaged areas and where such plan clearly demonstrates:

3953 1. A high level of advance planning by the agency with  
3954 ~~minority~~ business enterprises in economically disadvantaged  
3955 areas.

3956 2. A high level of accessibility, knowledge, and  
3957 experience by ~~minority~~ business enterprises in economically  
3958 disadvantaged areas in the agency's contract decisionmaking  
3959 process.

3960 3. A high quality of agency monitoring and enforcement of  
3961 internal implementation of ~~minority~~ business enterprises in  
3962 economically disadvantaged areas utilization provisions.

3963 4. A high quality of agency monitoring and enforcement of  
3964 contractor utilization of ~~minority~~ business enterprises in  
3965 economically disadvantaged areas, especially tracking  
3966 subcontractor data, and ensuring the integrity of subcontractor  
3967 reporting.

3968 5. A high quality of agency outreach, agency networking of  
3969 major vendors with ~~minority~~ vendors in economically  
3970 disadvantaged areas, and innovation in techniques to improve  
3971 utilization of ~~minority~~ business enterprises in economically  
3972 disadvantaged areas.

3973 6. Substantial commitment, sensitivity, and proactive  
3974 attitude by the agency head and among the agency ~~minority~~  
3975 business staff.

3976 (6) Each state agency shall coordinate its ~~minority~~  
 3977 ~~business enterprise~~ procurement activities with the Office of  
 3978 Supplier Development Diversity. At a minimum, each agency shall:

3979 (a) Adopt a ~~minority business enterprise~~ utilization plan  
 3980 for review and approval by the Office of Supplier Development  
 3981 ~~Diversity~~ which should require meaningful and useful methods to  
 3982 attain the legislative intent in assisting ~~minority~~ business  
 3983 enterprises in economically disadvantaged areas.

3984 (b) Designate a senior-level employee in the agency as a  
 3985 ~~minority enterprise~~ assistance officer, responsible for  
 3986 overseeing the agency's ~~minority business~~ utilization activities  
 3987 for business enterprises in economically disadvantaged areas,  
 3988 and who is not also charged with purchasing responsibility. A  
 3989 senior-level agency employee and agency purchasing officials  
 3990 shall be accountable to the agency head for the agency's  
 3991 ~~minority business~~ utilization performance. The Office of  
 3992 Supplier Development Diversity shall advise each agency on  
 3993 compliance performance.

3994 (c) If an agency deviates significantly from its  
 3995 utilization plan in 2 consecutive or 3 out of 5 total fiscal  
 3996 years, the Office of Supplier Development Diversity may review  
 3997 any and all solicitations and contract awards of the agency as  
 3998 deemed necessary until such time as the agency meets its  
 3999 utilization plan.

4000 **Section 84. Section 287.0947, Florida Statutes, is amended**



4001 **to read:**

4002           287.0947 Small Businesses and Businesses in Economically  
 4003 Disadvantaged Areas ~~Florida Advisory Council on Small and~~  
 4004 ~~Minority Business Development~~; creation; membership; duties.—

4005           (1) The Secretary of Management Services may create the  
 4006 Small Businesses and Businesses in Economically Disadvantaged  
 4007 Areas ~~Florida Advisory Council on Small and Minority Business~~  
 4008 ~~Development~~ with the purpose of advising and assisting the  
 4009 secretary in carrying out the secretary's duties with respect to  
 4010 ~~minority~~ businesses in economically disadvantaged areas and  
 4011 economic and business development. It is the intent of the  
 4012 Legislature that the membership of such council includes ~~include~~  
 4013 practitioners, laypersons, financiers, and others with business  
 4014 development experience who can provide invaluable insight and  
 4015 expertise for this state in the diversification of its markets  
 4016 and networking of business opportunities. The council shall  
 4017 initially consist of 19 persons, each of whom is or has been  
 4018 actively engaged in small ~~and minority~~ business development and  
 4019 business development in economically disadvantaged areas, either  
 4020 in private industry, in governmental service, or as a scholar of  
 4021 recognized achievement in the study of such matters. Initially,  
 4022 the council shall consist of members representing all regions of  
 4023 the state ~~and shall include at least one member from each group~~  
 4024 ~~identified within the definition of "minority person" in s.~~  
 4025 ~~288.703(4), considering also gender and nationality subgroups,~~

4026 and shall consist of the following:

4027 (a) Four members consisting of representatives of local  
4028 and federal small ~~and minority~~ business and business enterprises  
4029 in economically disadvantaged areas assistance programs or  
4030 community development programs.

4031 (b) Eight members composed of representatives of the  
4032 ~~minority~~ private business sector in economically disadvantaged  
4033 areas, including ~~certified minority~~ business enterprises in  
4034 economically disadvantaged areas and ~~minority~~ supplier  
4035 development councils in economically disadvantaged areas, ~~among~~  
4036 ~~whom at least two shall be women and at least four shall be~~  
4037 ~~minority persons.~~

4038 (c) Two representatives of local government, one of whom  
4039 shall be a representative of a large local government, and one  
4040 of whom shall be a representative of a small local government.

4041 (d) Two representatives from the banking and insurance  
4042 industry.

4043 (e) Two members from the private business sector,  
4044 representing the construction and commodities industries.

4045 (f) The Secretary of Commerce or his or her designee.

4046

4047 A candidate for appointment may be considered if he or she is  
4048 ~~eligible to be certified as an owner of a minority~~ business  
4049 enterprise in an economically disadvantaged area, or if  
4050 otherwise qualified under the criteria above. Vacancies may be

4051 filled by appointment of the secretary, in the manner of the  
4052 original appointment.

4053 (2) Each appointed member shall serve for a term of 2  
4054 years from the date of appointment, except that a vacancy shall  
4055 be filled by appointment for the remainder of the unexpired  
4056 term. The council shall annually elect a chair and a vice chair.  
4057 The council shall adopt internal procedures or bylaws necessary  
4058 for efficient operations. Members of the council shall serve  
4059 without compensation or honorarium but shall be entitled to per  
4060 diem and travel expenses pursuant to s. 112.061 for the  
4061 performance of duties for the council. The executive  
4062 administrator of the commission may remove a council member for  
4063 cause.

4064 (3) Within 30 days after its initial meeting, the council  
4065 shall elect from among its members a chair and a vice chair.

4066 (4) The council shall meet at the call of its chair, at  
4067 the request of a majority of its membership, at the request of  
4068 the commission or its executive administrator, or at such times  
4069 as may be prescribed by rule, but not less than once a year, to  
4070 offer its views on issues related to the development of small  
4071 businesses and business enterprises in economically  
4072 disadvantaged areas ~~minority business development of concern to~~  
4073 ~~this state~~. A majority of the members of the council shall  
4074 constitute a quorum.

4075 (5) The powers and duties of the council include, but are

4076 not limited to: researching and reviewing the role of small ~~and~~  
 4077 ~~minority~~ businesses and business enterprises in economically  
 4078 disadvantaged areas in the state's economy; reviewing issues and  
 4079 emerging topics relating to ~~small and minority business~~ economic  
 4080 development of small businesses and business enterprises in  
 4081 economically disadvantaged areas; studying the ability of  
 4082 financial markets and institutions to meet small business credit  
 4083 needs and determining the impact of government demands on credit  
 4084 for small businesses; assessing the implementation of s.  
 4085 187.201(21), requiring a state economic development  
 4086 comprehensive plan, as it relates to small ~~and minority~~  
 4087 ~~businesses~~ and business enterprises in economically  
 4088 disadvantaged areas; assessing the reasonableness and  
 4089 effectiveness of efforts by any state agency or by all state  
 4090 agencies collectively to assist ~~minority~~ business enterprises in  
 4091 economically disadvantaged areas; and advising the Governor, the  
 4092 secretary, and the Legislature on matters relating to the ~~small~~  
 4093 ~~and minority business~~ development of small businesses and  
 4094 business enterprises in economically disadvantaged areas which  
 4095 are of importance to the international strategic planning and  
 4096 activities of this state.

4097 (6) On or before January 1 of each year, the council shall  
 4098 present an annual report to the secretary that sets forth in  
 4099 appropriate detail the business transacted by the council during  
 4100 the year and any recommendations to the secretary, including

4101 those to improve business opportunities for small businesses and  
4102 ~~minority~~ business enterprises in economically disadvantaged  
4103 areas.

4104 **Section 85. Section 288.1167, Florida Statutes, is amended**  
4105 **to read:**

4106 288.1167 Sports franchise contract provisions for food and  
4107 beverage concession and contract awards to ~~minority~~ business  
4108 enterprises in economically disadvantaged areas.—Any applicant  
4109 who receives funding pursuant to the provisions of s. 212.20  
4110 must demonstrate that:

4111 (1) Funds and facilities with respect to food and beverage  
4112 and related concessions shall be awarded to ~~minority~~ business  
4113 enterprises in economically disadvantaged areas as defined in s.  
4114 288.703 on the same terms and conditions as the general food and  
4115 beverage concessionaire and in accordance with the ~~minority~~  
4116 business enterprise procurement goals set forth in s. 287.09451;

4117 (2) At least 15 percent of a company contracted to manage  
4118 a professional sports franchise facility or a spring training  
4119 franchise facility is owned by ~~minority~~ business enterprises in  
4120 economically disadvantaged areas or by a ~~minority~~ person  
4121 residing in an economically disadvantaged area ~~as those terms~~  
4122 ~~are defined in s. 288.703; or~~

4123 (3) At least 15 percent of all operational service  
4124 contracts with a professional sports franchise facility or a  
4125 spring training franchise facility are awarded to ~~minority~~

4126 business enterprises in economically disadvantaged areas or to a  
 4127 ~~minority~~ person residing in an economically disadvantaged area  
 4128 ~~as those terms are defined in s. 288.703.~~

4129 **Section 86. Subsection (1) of section 288.12266, Florida**  
 4130 **Statutes, is amended to read:**

4131 288.12266 Targeted Marketing Assistance Program.—

4132 (1) The Targeted Marketing Assistance Program is created  
 4133 to enhance the tourism business marketing of small, ~~minority,~~  
 4134 rural, and agritourism businesses, as well as businesses located  
 4135 in economically disadvantaged areas, in the state. The  
 4136 department, in conjunction with the Florida Tourism Industry  
 4137 Marketing Corporation, shall administer the program. The program  
 4138 shall provide marketing plans, marketing assistance, promotional  
 4139 support, media development, technical expertise, marketing  
 4140 advice, technology training, social marketing support, and other  
 4141 assistance to an eligible entity.

4142 **Section 87. Subsection (2) of section 288.7015, Florida**  
 4143 **Statutes, is amended to read:**

4144 288.7015 Appointment of rules ombudsman; duties.—The  
 4145 Governor shall appoint a rules ombudsman, as defined in s.  
 4146 288.703, in the Executive Office of the Governor, for  
 4147 considering the impact of agency rules on the state's citizens  
 4148 and businesses. The duties of the rules ombudsman are to:

4149 (2) Review state agency rules that adversely or  
 4150 disproportionately impact businesses, particularly those

4151 relating to small businesses and ~~minority~~ businesses in  
4152 economically disadvantaged areas.

4153 **Section 88. Section 288.7031, Florida Statutes, is amended**  
4154 **to read:**

4155 288.7031 Application of certain definitions.—The  
4156 definitions of "small business," "~~minority business enterprise,~~"  
4157 and "~~certified minority business enterprise in an economically~~  
4158 disadvantaged area" provided in s. 288.703 apply to the state  
4159 and all political subdivisions of the state.

4160 **Section 89. Paragraph (g) of subsection (2) of section**  
4161 **288.975, Florida Statutes, is redesignated as paragraph (f) of**  
4162 **that subsection, and present paragraph (f) of subsection (2),**  
4163 **paragraph (c) of subsection (4), subsections (7), (8), and (9)**  
4164 **of that section are amended, to read:**

4165 288.975 Military base reuse plans.—

4166 (2) As used in this section, the term:

4167 ~~(f) "Regional policy plan" means a strategic regional~~  
4168 ~~policy plan that has been adopted by rule by a regional planning~~  
4169 ~~council pursuant to s. 186.508.~~

4170 (4)

4171 (c) Military base reuse plans shall identify projected  
4172 impacts to significant regional resources and natural resources  
4173 ~~of regional significance as identified by applicable regional~~  
4174 ~~planning councils in their regional policy plans~~ and the actions  
4175 that shall be taken to mitigate such impacts.

4176 (7) A military base reuse plan shall be consistent with  
4177 the comprehensive plan of the host local government and shall  
4178 not conflict with the comprehensive plan of any affected local  
4179 governments. A military base reuse plan shall be consistent with  
4180 the nonprocedural requirements of part II of chapter 163, and  
4181 rules adopted thereunder, ~~applicable regional policy plans,~~ and  
4182 the state comprehensive plan.

4183 (8) At the request of a host local government, the  
4184 department shall coordinate a presubmission workshop concerning  
4185 a military base reuse plan within the boundaries of the host  
4186 jurisdiction. Agencies that shall participate in the workshop  
4187 shall include any affected local governments; the Department of  
4188 Environmental Protection; the department; the Department of  
4189 Transportation; the Department of Health; the Department of  
4190 Children and Families; the Department of Juvenile Justice; the  
4191 Department of Agriculture and Consumer Services; the Department  
4192 of State; the Fish and Wildlife Conservation Commission; and any  
4193 applicable water management districts ~~and regional planning~~  
4194 ~~councils~~. The purposes of the workshop shall be to assist the  
4195 host local government to understand issues of concern to the  
4196 above listed entities pertaining to the military base site and  
4197 to identify opportunities for better coordination of planning  
4198 and review efforts with the information and analyses generated  
4199 by the federal environmental impact statement process and the  
4200 federal community base reuse planning process.



4201 (9) If a host local government elects to use the optional  
 4202 provisions of this act, it shall, no later than 12 months after  
 4203 notifying the agencies of its intent pursuant to subsection (3)  
 4204 either:

4205 (a) Send a copy of the proposed military base reuse plan  
 4206 for review to any affected local governments; the Department of  
 4207 Environmental Protection; the department; the Department of  
 4208 Transportation; the Department of Health; the Department of  
 4209 Children and Families; the Department of Juvenile Justice; the  
 4210 Department of Agriculture and Consumer Services; the Department  
 4211 of State; the Fish and Wildlife Conservation Commission; and any  
 4212 applicable water management; or ~~districts and regional planning~~  
 4213 ~~councils, or~~

4214 (b) Petition the department for an extension of the  
 4215 deadline for submitting a proposed reuse plan. Such an extension  
 4216 request must be justified by changes or delays in the closure  
 4217 process by the federal Department of Defense or for reasons  
 4218 otherwise deemed to promote the orderly and beneficial planning  
 4219 of the subject military base reuse. The department may grant  
 4220 extensions to the required submission date of the reuse plan.

4221 **Section 90. Subsections (1) and (4) of section 290.004,**  
 4222 **Florida Statutes, are amended to read:**

4223 290.004 Definitions relating to Florida Enterprise Zone  
 4224 Act.—As used in ss. 290.001-290.016:

4225 (1) "Community investment corporation" means a ~~black~~

4226 ~~business investment corporation,~~ a certified development  
4227 corporation, a small business investment corporation, or other  
4228 similar entity incorporated under Florida law that has limited  
4229 its investment policy to making investments solely in small  
4230 businesses and minority business enterprises in economically  
4231 disadvantaged areas.

4232 (4) "~~Minority~~ Business enterprise in an economically  
4233 disadvantaged area" has the same meaning as provided in s.  
4234 288.703.

4235 **Section 91. Paragraph (f) of subsection (1) of section**  
4236 **290.0057, Florida Statutes, is amended to read:**

4237 290.0057 Enterprise zone development plan.—

4238 (1) Any application for designation as a new enterprise  
4239 zone must be accompanied by a strategic plan adopted by the  
4240 governing body of the municipality or county, or the governing  
4241 bodies of the county and one or more municipalities together. At  
4242 a minimum, the plan must:

4243 (f) Identify the amount of local and private resources  
4244 that will be available in the nominated area and the  
4245 private/public partnerships to be used, which may include  
4246 participation by, and cooperation with, universities, community  
4247 colleges, small business development centers, ~~black~~ business  
4248 investment corporations in economically disadvantaged areas,  
4249 certified development corporations, and other private and public  
4250 entities.

4251           **Section 92. Subsection (3) of section 320.63, Florida**  
 4252 **Statutes, is amended to read:**

4253           320.63 Application for license; contents.—Any person  
 4254 desiring to be licensed pursuant to ss. 320.60–320.70 shall make  
 4255 application therefor to the department upon a form containing  
 4256 such information as the department requires. The department  
 4257 shall require, with such application or otherwise and from time  
 4258 to time, all of the following, which information may be  
 4259 considered by the department in determining the fitness of the  
 4260 applicant or licensee to engage in the business for which the  
 4261 applicant or licensee desires to be licensed:

4262           (3) From each manufacturer, distributor, or importer which  
 4263 utilizes an identical blanket basic agreement for its dealers or  
 4264 distributors in this state, which agreement comprises all or any  
 4265 part of the applicant's or licensee's agreements with motor  
 4266 vehicle dealers in this state, a copy of the written agreement  
 4267 and all supplements thereto, together with a list of the  
 4268 applicant's or licensee's authorized dealers or distributors and  
 4269 their addresses. The applicant or licensee shall further notify  
 4270 the department immediately of the appointment of any additional  
 4271 dealer or distributor. The applicant or licensee shall annually  
 4272 report to the department on its efforts to add new minority  
 4273 dealer points, including difficulties encountered under ss.  
 4274 320.61–320.70. ~~For purposes of this section "minority" shall~~  
 4275 ~~have the same meaning as that given it in the definition of~~

4276 ~~"minority person" in s. 288.703.~~ Not later than 60 days before  
 4277 the date a revision or modification to a franchise agreement is  
 4278 offered uniformly to a licensee's motor vehicle dealers in this  
 4279 state, the licensee shall notify the department of such  
 4280 revision, modification, or addition to the franchise agreement  
 4281 on file with the department. In no event may a franchise  
 4282 agreement, or any addendum or supplement thereto, be offered to  
 4283 a motor vehicle dealer in this state until the applicant or  
 4284 licensee files an affidavit with the department acknowledging  
 4285 that the terms or provisions of the agreement, or any related  
 4286 document, are not inconsistent with, prohibited by, or contrary  
 4287 to the provisions contained in ss. 320.60-320.70. Any franchise  
 4288 agreement offered to a motor vehicle dealer in this state shall  
 4289 provide that all terms and conditions in such agreement  
 4290 inconsistent with the law and rules of this state are of no  
 4291 force and effect.

4292 **Section 93. Paragraph (f) of subsection (1) of section**  
 4293 **334.045, Florida Statutes, is amended to read:**

4294 334.045 Transportation performance and productivity  
 4295 standards; development; measurement; application.—

4296 (1) The Florida Transportation Commission shall develop  
 4297 and adopt measures for evaluating the performance and  
 4298 productivity of the department. The measures may be both  
 4299 quantitative and qualitative and must, to the maximum extent  
 4300 practical, assess those factors that are within the department's

4301 control. The measures must, at a minimum, assess performance in  
 4302 the following areas:

4303 (f) Business enterprises in economically disadvantaged  
 4304 areas ~~business enterprise and minority business programs.~~

4305 **Section 94. Paragraph (b) of subsection (3) of section**  
 4306 **335.188, Florida Statutes, is amended to read:**

4307 335.188 Access management standards; access control  
 4308 classification system; criteria.—

4309 (3) The control classification system shall be developed  
 4310 consistent with the following:

4311 (b) The access control classification system shall be  
 4312 developed in cooperation with counties, municipalities, the  
 4313 state land planning agency, ~~regional planning councils,~~  
 4314 metropolitan planning organizations, and other local  
 4315 governmental entities.

4316 **Section 95. Subsection (4) of section 338.227, Florida**  
 4317 **Statutes, is amended to read:**

4318 338.227 Turnpike revenue bonds.—

4319 (4) The Department of Transportation and the Department of  
 4320 Management Services shall create and implement an outreach  
 4321 program designed to enhance the participation of ~~minority~~  
 4322 ~~persons and minority~~ business enterprises in economically  
 4323 disadvantaged areas in all contracts entered into by their  
 4324 respective departments for services related to the financing of  
 4325 department projects for the Strategic Intermodal System Plan

4326 developed pursuant to s. 339.64. These services shall include,  
 4327 but are not limited to, bond counsel and bond underwriters.

4328 **Section 96. Paragraph (b) of subsection (4) of section**  
 4329 **339.155, Florida Statutes, is amended to read:**

4330 339.155 Transportation planning.—

4331 (4) ADDITIONAL TRANSPORTATION PLANS.—

4332 ~~(b) Each regional planning council, as provided for in s.~~  
 4333 ~~186.504, or any successor agency thereto, shall develop, as an~~  
 4334 ~~element of its strategic regional policy plan, transportation~~  
 4335 ~~goals and policies. The transportation goals and policies must~~  
 4336 ~~be prioritized to comply with the prevailing principles provided~~  
 4337 ~~in subsection (1) and s. 334.046(1). The transportation goals~~  
 4338 ~~and policies shall be consistent, to the maximum extent~~  
 4339 ~~feasible, with the goals and policies of the metropolitan~~  
 4340 ~~planning organization and the Florida Transportation Plan. The~~  
 4341 ~~transportation goals and policies of the regional planning~~  
 4342 ~~council will be advisory only and shall be submitted to the~~  
 4343 ~~department and any affected metropolitan planning organization~~  
 4344 ~~for their consideration and comments. Metropolitan planning~~  
 4345 ~~organization plans and other local transportation plans shall be~~  
 4346 ~~developed consistent, to the maximum extent feasible, with the~~  
 4347 ~~regional transportation goals and policies.~~

4348 **Section 97. Paragraph (g) of subsection (6) of section**  
 4349 **339.175, Florida Statutes, is amended to read:**

4350 339.175 Metropolitan planning organization.—

4351 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,  
4352 privileges, and authority of an M.P.O. are those specified in  
4353 this section or incorporated in an interlocal agreement  
4354 authorized under s. 163.01. Each M.P.O. shall perform all acts  
4355 required by federal or state laws or rules, now and subsequently  
4356 applicable, which are necessary to qualify for federal aid. It  
4357 is the intent of this section that each M.P.O. be involved in  
4358 the planning and programming of transportation facilities,  
4359 including, but not limited to, airports, intercity and high-  
4360 speed rail lines, seaports, and intermodal facilities, to the  
4361 extent permitted by state or federal law. An M.P.O. may not  
4362 perform project production or delivery for capital improvement  
4363 projects on the State Highway System.

4364 (g) Each M.P.O. shall have an executive or staff director  
4365 who reports directly to the M.P.O. governing board for all  
4366 matters regarding the administration and operation of the M.P.O.  
4367 and any additional personnel as deemed necessary. The executive  
4368 director and any additional personnel may be employed either by  
4369 an M.P.O. or by another governmental entity, such as a county or  
4370 ~~, city, or regional planning council,~~ that has a staff services  
4371 agreement signed and in effect with the M.P.O. Each M.P.O. may  
4372 enter into contracts with local or state agencies, private  
4373 planning firms, private engineering firms, or other public or  
4374 private entities to accomplish its transportation planning and  
4375 programming duties and administrative functions.

4376           **Section 98. Paragraph (b) of subsection (3) and paragraph**  
 4377 **(c) of subsection (4) of section 339.2821, Florida Statutes, are**  
 4378 **amended to read:**

4379           339.2821 Economic development transportation projects.—

4380           (3)

4381           (b) The department must ensure that small ~~and minority~~  
 4382 businesses and businesses in economically disadvantaged areas  
 4383 have equal access to participate in transportation projects  
 4384 funded pursuant to this section.

4385           (4) A contract between the department and a governmental  
 4386 body for a transportation project must:

4387           (c) Require that the governmental body provide the  
 4388 department with progress reports. Each progress report must  
 4389 contain:

4390           1. A narrative description of the work completed and  
 4391 whether the work is proceeding according to the transportation  
 4392 project schedule;

4393           2. A description of each change order executed by the  
 4394 governmental body;

4395           3. A budget summary detailing planned expenditures  
 4396 compared to actual expenditures; and

4397           4. The identity of each small ~~or minority~~ business or  
 4398 business in an economically disadvantaged area used as a  
 4399 contractor or subcontractor.

4400           **Section 99. Subsections (3) and (4) of section 339.63,**



4401 **Florida Statutes, are amended to read:**

4402           339.63 System facilities designated; additions and  
4403 deletions.—

4404           (3) After the initial designation of the Strategic  
4405 Intermodal System under subsection (1), the department shall, in  
4406 coordination with the metropolitan planning organizations, local  
4407 governments, ~~regional planning councils~~, transportation  
4408 providers, and affected public agencies, add facilities to or  
4409 delete facilities from the Strategic Intermodal System described  
4410 in paragraphs (2) (b) and (c) based upon criteria adopted by the  
4411 department.

4412           (4) After the initial designation of the Strategic  
4413 Intermodal System under subsection (1), the department shall, in  
4414 coordination with the metropolitan planning organizations, local  
4415 governments, ~~regional planning councils~~, transportation  
4416 providers, and affected public agencies, add facilities to or  
4417 delete facilities from the Strategic Intermodal System described  
4418 in paragraph (2) (a) based upon criteria adopted by the  
4419 department. However, an airport that is designated as a reliever  
4420 airport to a Strategic Intermodal System airport which has at  
4421 least 75,000 itinerant operations per year, has a runway length  
4422 of at least 5,500 linear feet, is capable of handling aircraft  
4423 weighing at least 60,000 pounds with a dual wheel configuration  
4424 which is served by at least one precision instrument approach,  
4425 and serves a cluster of aviation-dependent industries, shall be

4426 designated as part of the Strategic Intermodal System by the  
4427 Secretary of Transportation upon the request of a reliever  
4428 airport meeting this criteria.

4429 **Section 100. Subsection (1) and paragraph (a) of**  
4430 **subsection (3) of section 339.64, Florida Statutes, are amended**  
4431 **to read:**

4432 339.64 Strategic Intermodal System Plan.—

4433 (1) The department shall develop, in cooperation with  
4434 metropolitan planning organizations, ~~regional planning councils,~~  
4435 local governments, and other transportation providers, a  
4436 Strategic Intermodal System Plan. The plan shall be consistent  
4437 with the Florida Transportation Plan developed pursuant to s.  
4438 339.155 and shall be updated at least once every 5 years,  
4439 subsequent to updates of the Florida Transportation Plan.

4440 (3)(a) During the development of updates to the Strategic  
4441 Intermodal System Plan, the department shall provide  
4442 metropolitan planning organizations, ~~regional planning councils,~~  
4443 local governments, transportation providers, affected public  
4444 agencies, and citizens with an opportunity to participate in and  
4445 comment on the development of the update.

4446 **Section 101. Subsection (1) of section 341.041, Florida**  
4447 **Statutes, is amended to read:**

4448 341.041 Transit responsibilities of the department.—The  
4449 department shall, within the resources provided pursuant to  
4450 chapter 216:

4451 (1) Develop a statewide plan that provides for public  
 4452 transit and intercity bus service needs at least 5 years in  
 4453 advance. The plan shall be developed in a manner that will  
 4454 assure maximum use of existing facilities, and optimum  
 4455 integration and coordination of the various modes of  
 4456 transportation, including both governmentally owned and  
 4457 privately owned resources, in the most cost-effective manner  
 4458 possible. The plan shall also incorporate plans adopted by local  
 4459 ~~and regional~~ planning agencies which are consistent, to the  
 4460 maximum extent feasible, with adopted ~~strategic policy plans and~~  
 4461 approved local government comprehensive plans for the region and  
 4462 units of local government covered by the plan and shall, insofar  
 4463 as practical, conform to federal planning requirements. The plan  
 4464 shall be consistent with the goals of the Florida Transportation  
 4465 Plan developed pursuant to s. 339.155.

4466 **Section 102. Paragraph (m) of subsection (3) of section**  
 4467 **343.54, Florida Statutes, is amended to read:**

4468 343.54 Powers and duties.—

4469 (3) The authority may exercise all powers necessary,  
 4470 appurtenant, convenient, or incidental to the carrying out of  
 4471 the aforesaid purposes, including, but not limited to, the  
 4472 following rights and powers:

4473 (m) To cooperate with other governmental entities and to  
 4474 contract with other governmental agencies, including the  
 4475 Department of Transportation, the Federal Government, ~~regional~~

4476 ~~planning councils,~~ counties, and municipalities.

4477 **Section 103. Paragraph (e) of subsection (1) of section**  
 4478 **373.309, Florida Statutes, is amended to read:**

4479 373.309 Authority to adopt rules and procedures.—

4480 (1) The department shall adopt, and may from time to time  
 4481 amend, rules governing the location, construction, repair, and  
 4482 abandonment of water wells and shall be responsible for the  
 4483 administration of this part. With respect thereto, the  
 4484 department shall:

4485 (e) Encourage prevention of potable water well  
 4486 contamination and promote cost-effective remediation of  
 4487 contaminated potable water supplies by use of the Water Quality  
 4488 Assurance Trust Fund as provided in s. 376.307(1)(e) and  
 4489 establish by rule:

4490 1. Delineation of areas of groundwater contamination for  
 4491 implementation of well location and construction, testing,  
 4492 permitting, and clearance requirements as set forth in  
 4493 subparagraphs 2., 3., 4., 5., and 6. The department shall make  
 4494 available to water management districts, ~~regional planning~~  
 4495 ~~councils,~~ the Department of Health, and county building and  
 4496 zoning departments, maps or other information on areas of  
 4497 contamination, including areas of ethylene dibromide  
 4498 contamination. Such maps or other information shall be made  
 4499 available to property owners, realtors, real estate  
 4500 associations, property appraisers, and other interested persons

4501 upon request and upon payment of appropriate costs.

4502       2. Requirements for testing for suspected contamination in  
4503 areas of known contamination, as a prerequisite for clearance of  
4504 a water well for drinking purposes. The department is authorized  
4505 to establish criteria for acceptance of water quality testing  
4506 results from the Department of Health and laboratories certified  
4507 by the Department of Health, and is authorized to establish  
4508 requirements for sample collection quality assurance.

4509       3. Requirements for mandatory connection to available  
4510 potable water systems in areas of known contamination, wherein  
4511 the department may prohibit the permitting and construction of  
4512 new potable water wells.

4513       4. Location and construction standards for public and all  
4514 other potable water wells permitted in areas of contamination.  
4515 Such standards shall be designed to minimize the effects of such  
4516 contamination.

4517       5. A procedure for permitting all potable water wells in  
4518 areas of known contamination. Any new water well that is to be  
4519 used for drinking water purposes and that does not meet  
4520 construction standards pursuant to subparagraph 4. must be  
4521 abandoned and plugged by the owner. Water management districts  
4522 shall implement, through delegation from the department, the  
4523 permitting and enforcement responsibilities of this  
4524 subparagraph.

4525       6. A procedure for clearing for use all potable water

4526 wells, except wells that serve a public water supply system, in  
4527 areas of known contamination. If contaminants are found upon  
4528 testing pursuant to subparagraph 2., a well may not be cleared  
4529 for use without a filter or other means of preventing the users  
4530 of the well from being exposed to deleterious amounts of  
4531 contaminants. The Department of Health shall implement the  
4532 responsibilities of this subparagraph.

4533 7. Fees to be paid for well construction permits and  
4534 clearance for use. The fees shall be based on the actual costs  
4535 incurred by the water management districts, the Department of  
4536 Health, or other political subdivisions in carrying out the  
4537 responsibilities related to potable water well permitting and  
4538 clearance for use. The fees shall provide revenue to cover all  
4539 such costs and shall be set according to the following schedule:

- 4540 a. The well construction permit fee may not exceed \$500.  
4541 b. The clearance fee may not exceed \$50.

4542 8. Procedures for implementing well-location,  
4543 construction, testing, permitting, and clearance requirements as  
4544 set forth in subparagraphs 2.-6. within areas that research or  
4545 monitoring data indicate are vulnerable to contamination with  
4546 nitrate, or areas in which the department provides a subsidy for  
4547 restoration or replacement of contaminated drinking water  
4548 supplies through extending existing water lines or developing  
4549 new water supply systems pursuant to s. 376.307(1)(e). The  
4550 department shall consult with the Florida Ground Water

4551 Association in the process of developing rules pursuant to this  
4552 subparagraph.

4553

4554 All fees and funds collected by each delegated entity pursuant  
4555 to this part shall be deposited in the appropriate operating  
4556 account of that entity.

4557 **Section 104. Section 373.607, Florida Statutes, is amended**  
4558 **to read:**

4559 373.607 ~~Minority~~ Business enterprise in economically  
4560 disadvantaged areas procurement goals; implementation of  
4561 recommendations.—Each water management district, as created in  
4562 this chapter, may implement the recommendations from any study  
4563 conducted pursuant to chapter 91-162, Laws of Florida, to  
4564 achieve ~~minority~~ business enterprise in economically  
4565 disadvantaged areas procurement goals.

4566 **Section 105. Paragraph (g) of subsection (1) of section**  
4567 **376.84, Florida Statutes, is amended to read:**

4568 376.84 Brownfield redevelopment economic incentives.—It is  
4569 the intent of the Legislature that brownfield redevelopment  
4570 activities be viewed as opportunities to significantly improve  
4571 the utilization, general condition, and appearance of these  
4572 sites. Different standards than those in place for new  
4573 development, as allowed under current state and local laws,  
4574 should be used to the fullest extent to encourage the  
4575 redevelopment of a brownfield. State and local governments are

4576 encouraged to offer redevelopment incentives for this purpose,  
4577 as an ongoing public investment in infrastructure and services,  
4578 to help eliminate the public health and environmental hazards,  
4579 and to promote the creation of jobs in these areas. Such  
4580 incentives may include financial, regulatory, and technical  
4581 assistance to persons and businesses involved in the  
4582 redevelopment of the brownfield pursuant to this act.

4583 (1) Financial incentives and local incentives for  
4584 redevelopment may include, but not be limited to:

4585 (g) ~~Minority~~ Business enterprise in economically  
4586 disadvantaged areas programs as provided in s. 287.0943.

4587 **Section 106. Subsection (3) of section 380.055, Florida**  
4588 **Statutes, is amended to read:**

4589 380.055 Big Cypress Area.—

4590 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The  
4591 "Big Cypress Area," as defined in this subsection, is hereby  
4592 designated as an area of critical state concern. "Big Cypress  
4593 Area" means the area generally depicted on the map entitled  
4594 "Boundary Map, Big Cypress National Freshwater Reserve,  
4595 Florida," numbered BC-91,001 and dated November 1971, which is  
4596 on file and available for public inspection in the office of the  
4597 National Park Service, Department of the Interior, Washington,  
4598 D.C., and in the office of the Board of Trustees of the Internal  
4599 Improvement Trust Fund, which is the area proposed as the  
4600 Federal Big Cypress National Freshwater Reserve, Florida, and



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4601 that area described as follows: Sections 1, 2, 11, 12 and 13 in  
4602 Township 49 South, Range 31 East; and Township 49 South, Range  
4603 32 East, less Sections 19, 30 and 31; and Township 49 South,  
4604 Range 33 East; and Township 49 South, Range 34 East; and  
4605 Sections 1 through 5 and 10 through 14 in Township 50 South,  
4606 Range 32 East; and Sections 1 through 18 and 20 through 25 in  
4607 Township 50 South, Range 33 East; and Township 50 South, Range  
4608 34 East, less Section 31; and Sections 1 and 2 in Township 51  
4609 South, Range 34 East; All in Collier County, Florida, which  
4610 described area shall be known as the "Big Cypress National  
4611 Preserve Addition, Florida," together with such contiguous land  
4612 and water areas as are ecologically linked with the Everglades  
4613 National Park, certain of the estuarine fisheries of South  
4614 Florida, or the freshwater aquifer of South Florida, the  
4615 definitive boundaries of which shall be set in the following  
4616 manner: Within 120 days following the effective date of this  
4617 act, the state land planning agency shall recommend definitive  
4618 boundaries for the Big Cypress Area to the Administration  
4619 Commission, after giving notice to all local governments ~~and~~  
4620 ~~regional planning agencies~~ which include within their boundaries  
4621 any part of the area proposed to be included in the Big Cypress  
4622 Area and holding such hearings as the state land planning agency  
4623 deems appropriate. Within 45 days following receipt of the  
4624 recommended boundaries, the Administration Commission shall  
4625 adopt, modify, or reject the recommendation and shall by rule

4626 establish the boundaries of the area defined as the Big Cypress  
 4627 Area.

4628 **Section 107. Subsections (6) and (9) and paragraph (b) of**  
 4629 **subsection (12) of section 380.06, Florida Statutes, are amended**  
 4630 **to read:**

4631 380.06 Developments of regional impact.—

4632 (6) REPORTS.—Notwithstanding any condition in a  
 4633 development order for an approved development of regional  
 4634 impact, the developer is not required to submit an annual or a  
 4635 biennial report on the development of regional impact to the  
 4636 local government, ~~the regional planning agency,~~ the state land  
 4637 planning agency, and all affected permit agencies unless  
 4638 required to do so by the local government that has jurisdiction  
 4639 over the development. The penalty for failure to file such a  
 4640 required report is as prescribed by the local government.

4641 (9) VALIDITY OF COMPREHENSIVE APPLICATION.—Any agreement  
 4642 previously entered into by a developer, ~~a regional planning~~  
 4643 ~~agency,~~ and a local government regarding a development project  
 4644 that includes two or more developments of regional impact and  
 4645 was the subject of a comprehensive development-of-regional-  
 4646 impact application remains valid unless it expired on or before  
 4647 April 6, 2018.

4648 (12) PROPOSED DEVELOPMENTS.—

4649 (b) This subsection does not apply to:

4650 1. Amendments to a development order governing an existing

4651 development of regional impact.

4652 2. An application for development approval filed with a  
4653 concurrent plan amendment application pending as of May 14,  
4654 2015, if the applicant elects to have the application reviewed  
4655 pursuant to this section as it existed on that date. The  
4656 election shall be in writing and filed with the affected local  
4657 government, ~~regional planning council~~, and state land planning  
4658 agency before December 31, 2018.

4659 **Section 108. Subsection (2) of section 380.061, Florida**  
4660 **Statutes, is amended to read:**

4661 380.061 The Florida Quality Developments program.—

4662 (2) Following written notification to the state land  
4663 planning agency ~~and the appropriate regional planning agency~~, a  
4664 local government with an approved Florida Quality Development  
4665 within its jurisdiction must set a public hearing pursuant to  
4666 its local procedures and shall adopt a local development order  
4667 to replace and supersede the development order adopted by the  
4668 state land planning agency for the Florida Quality Development.  
4669 Thereafter, the Florida Quality Development shall follow the  
4670 procedures and requirements for developments of regional impact  
4671 as specified in this chapter.

4672 **Section 109. Paragraph (f) of subsection (2) of section**  
4673 **380.0651, Florida Statutes, is amended to read:**

4674 380.0651 Statewide guidelines, standards, and exemptions.—

4675 (2) STATUTORY EXEMPTIONS.—The following developments are

4676 exempt from s. 380.06:

4677 (f) Any increase in the seating capacity of an existing  
4678 sports facility having a permanent seating capacity of at least  
4679 50,000 spectators, provided that such an increase does not  
4680 increase permanent seating capacity by more than 5 percent per  
4681 year and does not exceed a total of 10 percent in any 5-year  
4682 period. The sports facility must notify the appropriate local  
4683 government within which the facility is located of the increase  
4684 at least 6 months before the initial use of the increased  
4685 seating in order to permit the appropriate local government to  
4686 develop a traffic management plan for the traffic generated by  
4687 the increase. Any traffic management plan must be consistent  
4688 with the local comprehensive plan, ~~the regional policy plan,~~ and  
4689 the state comprehensive plan.

4690  
4691 If a use is exempt from review pursuant to paragraphs (a)-(u),  
4692 but will be part of a larger project that is subject to review  
4693 pursuant to s. 380.06(12), the impact of the exempt use must be  
4694 included in the review of the larger project, unless such exempt  
4695 use involves a development that includes a landowner, tenant, or  
4696 user that has entered into a funding agreement with the state  
4697 land planning agency under the Innovation Incentive Program and  
4698 the agreement contemplates a state award of at least \$50  
4699 million.

4700 **Section 110. Subsection (2) of section 380.07, Florida**

4701 **Statutes, is amended to read:**

4702 380.07 Florida Land and Water Adjudicatory Commission.—

4703 (2) Whenever any local government issues any development  
 4704 order in any area of critical state concern, or in regard to the  
 4705 abandonment of any approved development of regional impact,  
 4706 copies of such orders as prescribed by rule by the state land  
 4707 planning agency shall be transmitted to the state land planning  
 4708 agency, ~~the regional planning agency,~~ and the owner or developer  
 4709 of the property affected by such order. The state land planning  
 4710 agency shall adopt rules describing development order rendition  
 4711 and effectiveness in designated areas of critical state concern.  
 4712 Within 45 days after the order is rendered, the owner, the  
 4713 developer, or the state land planning agency may appeal the  
 4714 order to the Florida Land and Water Adjudicatory Commission by  
 4715 filing a petition alleging that the development order is not  
 4716 consistent with this part.

4717 **Section 111. Subsection (3) of section 380.507, Florida**  
 4718 **Statutes, is amended to read:**

4719 380.507 Powers of the trust.—The trust shall have all the  
 4720 powers necessary or convenient to carry out the purposes and  
 4721 provisions of this part, including:

4722 (3) To provide technical and financial assistance to local  
 4723 governments, state agencies, water management districts,  
 4724 ~~regional planning councils,~~ and nonprofit agencies to carry out  
 4725 projects and activities and develop programs to achieve the

4726 | purposes of this part.

4727 |       **Section 112. Paragraph (b) of subsection (8) of section**  
 4728 | **381.986, Florida Statutes, is amended to read:**

4729 |       381.986 Medical use of marijuana.—

4730 |       (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

4731 |       (b) An applicant for licensure as a medical marijuana  
 4732 | treatment center shall apply to the department on a form  
 4733 | prescribed by the department and adopted in rule. The department  
 4734 | shall adopt rules pursuant to ss. 120.536(1) and 120.54  
 4735 | establishing a procedure for the issuance and biennial renewal  
 4736 | of licenses, including initial application and biennial renewal  
 4737 | fees sufficient to cover the costs of implementing and  
 4738 | administering this section, and establishing supplemental  
 4739 | licensure fees for payment beginning May 1, 2018, sufficient to  
 4740 | cover the costs of administering ss. 381.989 and 1004.4351. The  
 4741 | department shall identify applicants with strong diversity plans  
 4742 | reflecting this state's commitment to diversity and implement  
 4743 | training programs and other educational programs to enable  
 4744 | ~~minority persons and minority~~ business enterprises in  
 4745 | economically disadvantaged areas, as defined in s. 288.703, and  
 4746 | veteran business enterprises, as defined in s. 295.187, to  
 4747 | compete for medical marijuana treatment center licensure and  
 4748 | contracts. Subject to the requirements in subparagraphs (a)2.-  
 4749 | 4., the department shall issue a license to an applicant if the  
 4750 | applicant meets the requirements of this section and pays the

4751 initial application fee. The department shall renew the  
4752 licensure of a medical marijuana treatment center biennially if  
4753 the licensee meets the requirements of this section and pays the  
4754 biennial renewal fee. However, the department may not renew the  
4755 license of a medical marijuana treatment center that has not  
4756 begun to cultivate, process, and dispense marijuana by the date  
4757 that the medical marijuana treatment center is required to renew  
4758 its license. An individual may not be an applicant, owner,  
4759 officer, board member, or manager on more than one application  
4760 for licensure as a medical marijuana treatment center. An  
4761 individual or entity may not be awarded more than one license as  
4762 a medical marijuana treatment center. An applicant for licensure  
4763 as a medical marijuana treatment center must demonstrate:

4764 1. That, for the 5 consecutive years before submitting the  
4765 application, the applicant has been registered to do business in  
4766 the state.

4767 2. Possession of a valid certificate of registration  
4768 issued by the Department of Agriculture and Consumer Services  
4769 pursuant to s. 581.131.

4770 3. The technical and technological ability to cultivate  
4771 and produce marijuana, including, but not limited to, low-THC  
4772 cannabis.

4773 4. The ability to secure the premises, resources, and  
4774 personnel necessary to operate as a medical marijuana treatment  
4775 center.

4776           5. The ability to maintain accountability of all raw  
4777 materials, finished products, and any byproducts to prevent  
4778 diversion or unlawful access to or possession of these  
4779 substances.

4780           6. An infrastructure reasonably located to dispense  
4781 marijuana to registered qualified patients statewide or  
4782 regionally as determined by the department.

4783           7. The financial ability to maintain operations for the  
4784 duration of the 2-year approval cycle, including the provision  
4785 of certified financial statements to the department.

4786           a. Upon approval, the applicant must post a \$5 million  
4787 performance bond issued by an authorized surety insurance  
4788 company rated in one of the three highest rating categories by a  
4789 nationally recognized rating service. However, a medical  
4790 marijuana treatment center serving at least 1,000 qualified  
4791 patients is only required to maintain a \$2 million performance  
4792 bond.

4793           b. In lieu of the performance bond required under sub-  
4794 subparagraph a., the applicant may provide an irrevocable letter  
4795 of credit payable to the department or provide cash to the  
4796 department. If provided with cash under this sub-subparagraph,  
4797 the department shall deposit the cash in the Grants and  
4798 Donations Trust Fund within the Department of Health, subject to  
4799 the same conditions as the bond regarding requirements for the  
4800 applicant to forfeit ownership of the funds. If the funds



4801 deposited under this sub-subparagraph generate interest, the  
 4802 amount of that interest shall be used by the department for the  
 4803 administration of this section.

4804 8. That all owners, officers, board members, and managers  
 4805 have passed a background screening pursuant to subsection (9).

4806 9. The employment of a medical director to supervise the  
 4807 activities of the medical marijuana treatment center.

4808 10. A ~~diversity~~ plan that promotes and ensures the  
 4809 involvement of ~~minority persons and minority~~ business  
 4810 enterprises in economically disadvantaged areas, as defined in  
 4811 s. 288.703, or veteran business enterprises, as defined in s.  
 4812 295.187, in ownership, management, and employment. An applicant  
 4813 for licensure renewal must show the effectiveness of the  
 4814 ~~diversity~~ plan by including the following with his or her  
 4815 application for renewal:

4816 a. Representation of business enterprises in economically  
 4817 disadvantaged areas ~~minority persons~~ and veterans in the medical  
 4818 marijuana treatment center's workforce;

4819 b. Efforts to recruit business enterprises in economically  
 4820 disadvantaged areas ~~minority persons~~ and veterans for  
 4821 employment; and

4822 c. A record of contracts for services with ~~minority~~  
 4823 business enterprises in economically disadvantaged areas and  
 4824 veteran business enterprises.

4825 **Section 113. Subsection (6) of section 403.0752, Florida**

4826 **Statutes, is amended to read:**

4827 403.0752 Ecosystem management agreements.—

4828 (6) The secretary of the department may form ecosystem  
 4829 management advisory teams for consultation and participation in  
 4830 the preparation of an ecosystem management agreement. The  
 4831 secretary shall request the participation of at least the state  
 4832 and regional and local government entities having regulatory  
 4833 authority over the activities to be subject to the ecosystem  
 4834 management agreement. Such teams may also include  
 4835 representatives of other participating or advisory government  
 4836 agencies, which may include ~~regional planning councils~~, private  
 4837 landowners, public landowners and managers, public and private  
 4838 utilities, corporations, and environmental interests. Team  
 4839 members shall be selected in a manner that ensures adequate  
 4840 representation of the diverse interests and perspectives within  
 4841 the designated ecosystem. Participation by any department of  
 4842 state government is at the discretion of that agency.

4843 **Section 114. Subsection (1) of section 403.50663, Florida**  
 4844 **Statutes, is amended to read:**

4845 403.50663 Informational public meetings.—

4846 (1) A local government within whose jurisdiction the power  
 4847 plant is proposed to be sited may hold one informational public  
 4848 meeting in addition to the hearings specifically authorized by  
 4849 this act on any matter associated with the electrical power  
 4850 plant proceeding. Such informational public meetings shall be

4851 held by the local government ~~or by the regional planning council~~  
4852 ~~if the local government does not hold such meeting~~ within 70  
4853 days after the filing of the application. The purpose of an  
4854 informational public meeting is for the local government ~~or~~  
4855 ~~regional planning council~~ to further inform the public about the  
4856 proposed electrical power plant or associated facilities, obtain  
4857 comments from the public, and formulate its recommendation with  
4858 respect to the proposed electrical power plant.

4859 **Section 115. Paragraph (a) of subsection (2) of section**  
4860 **403.507, Florida Statutes, is amended to read:**

4861 403.507 Preliminary statements of issues, reports, project  
4862 analyses, and studies.—

4863 (2) (a) No later than 100 days after the certification  
4864 application has been determined complete, the following agencies  
4865 shall prepare reports as provided below and shall submit them to  
4866 the department and the applicant, unless a final order denying  
4867 the determination of need has been issued under s. 403.519:

4868 1. The Department of Commerce shall prepare a report  
4869 containing recommendations which address the impact upon the  
4870 public of the proposed electrical power plant, based on the  
4871 degree to which the electrical power plant is consistent with  
4872 the applicable portions of the state comprehensive plan,  
4873 emergency management, and other such matters within its  
4874 jurisdiction. The Department of Commerce may also comment on the  
4875 consistency of the proposed electrical power plant with

4876 applicable ~~strategic regional policy plans~~ or local  
 4877 comprehensive plans and land development regulations.

4878 2. The water management district shall prepare a report as  
 4879 to matters within its jurisdiction, including but not limited  
 4880 to, the impact of the proposed electrical power plant on water  
 4881 resources, regional water supply planning, and district-owned  
 4882 lands and works.

4883 3. Each local government in whose jurisdiction the  
 4884 proposed electrical power plant is to be located shall prepare a  
 4885 report as to the consistency of the proposed electrical power  
 4886 plant with all applicable local ordinances, regulations,  
 4887 standards, or criteria that apply to the proposed electrical  
 4888 power plant, including any applicable local environmental  
 4889 regulations adopted pursuant to s. 403.182 or by other means.

4890 4. The Fish and Wildlife Conservation Commission shall  
 4891 prepare a report as to matters within its jurisdiction.

4892 5. The Department of Transportation shall address the  
 4893 impact of the proposed electrical power plant on matters within  
 4894 its jurisdiction.

4895 **Section 116. Paragraph (c) of subsection (2) of section**  
 4896 **403.518, Florida Statutes, is amended to read:**

4897 403.518 Fees; disposition.—The department shall charge the  
 4898 applicant the following fees, as appropriate, which, unless  
 4899 otherwise specified, shall be paid into the Florida Permit Fee  
 4900 Trust Fund:

4901 (2) An application fee, which shall not exceed \$200,000.  
4902 The fee shall be fixed by rule on a sliding scale related to the  
4903 size, type, ultimate site capacity, or increase in electrical  
4904 generating capacity proposed by the application.

4905 (c)1. Upon written request with proper itemized accounting  
4906 within 90 days after final agency action by the board or  
4907 department or withdrawal of the application, the agencies that  
4908 prepared reports pursuant to s. 403.507 or participated in a  
4909 hearing pursuant to s. 403.508 may submit a written request to  
4910 the department for reimbursement of expenses incurred during the  
4911 certification proceedings. The request shall contain an  
4912 accounting of expenses incurred which may include time spent  
4913 reviewing the application, preparation of any studies required  
4914 of the agencies by this act, agency travel and per diem to  
4915 attend any hearing held pursuant to this act, and for any local  
4916 government's ~~or regional planning council's~~ provision of notice  
4917 of public meetings required as a result of the application for  
4918 certification. The department shall review the request and  
4919 verify that the expenses are valid. Valid expenses shall be  
4920 reimbursed; however, in the event the amount of funds available  
4921 for reimbursement is insufficient to provide for full  
4922 compensation to the agencies requesting reimbursement,  
4923 reimbursement shall be on a prorated basis.

4924 2. If the application review is held in abeyance for more  
4925 than 1 year, the agencies may submit a request for

4926 reimbursement. This time period shall be measured from the date  
 4927 the applicant has provided written notification to the  
 4928 department that it desires to have the application review  
 4929 process placed on hold. The fee disbursement shall be processed  
 4930 in accordance with subparagraph 1.

4931 **Section 117. Paragraph (a) of subsection (2) of section**  
 4932 **403.526, Florida Statutes, is amended to read:**

4933 403.526 Preliminary statements of issues, reports, and  
 4934 project analyses; studies.—

4935 (2)(a) No later than 90 days after the filing of the  
 4936 application, the following agencies shall prepare reports as  
 4937 provided below, unless a final order denying the determination  
 4938 of need has been issued under s. 403.537:

4939 1. The department shall prepare a report as to the impact  
 4940 of each proposed transmission line or corridor as it relates to  
 4941 matters within its jurisdiction.

4942 2. Each water management district in the jurisdiction of  
 4943 which a proposed transmission line or corridor is to be located  
 4944 shall prepare a report as to the impact on water resources and  
 4945 other matters within its jurisdiction.

4946 3. The Department of Commerce shall prepare a report  
 4947 containing recommendations which address the impact upon the  
 4948 public of the proposed transmission line or corridor, based on  
 4949 the degree to which the proposed transmission line or corridor  
 4950 is consistent with the applicable portions of the state

4951 comprehensive plan, emergency management, and other matters  
4952 within its jurisdiction. The Department of Commerce may also  
4953 comment on the consistency of the proposed transmission line or  
4954 corridor with applicable ~~strategic regional policy plans or~~  
4955 local comprehensive plans and land development regulations.

4956 4. The Fish and Wildlife Conservation Commission shall  
4957 prepare a report as to the impact of each proposed transmission  
4958 line or corridor on fish and wildlife resources and other  
4959 matters within its jurisdiction.

4960 5. Each local government shall prepare a report as to the  
4961 impact of each proposed transmission line or corridor on matters  
4962 within its jurisdiction, including the consistency of the  
4963 proposed transmission line or corridor with all applicable local  
4964 ordinances, regulations, standards, or criteria that apply to  
4965 the proposed transmission line or corridor, including local  
4966 comprehensive plans, zoning regulations, land development  
4967 regulations, and any applicable local environmental regulations  
4968 adopted pursuant to s. 403.182 or by other means. A change by  
4969 the responsible local government or local agency in local  
4970 comprehensive plans, zoning ordinances, or other regulations  
4971 made after the date required for the filing of the local  
4972 government's report required by this section is not applicable  
4973 to the certification of the proposed transmission line or  
4974 corridor unless the certification is denied or the application  
4975 is withdrawn.

4976           6. The Department of Transportation shall prepare a report  
 4977 as to the impact of the proposed transmission line or corridor  
 4978 on state roads, railroads, airports, aeronautics, seaports, and  
 4979 other matters within its jurisdiction.

4980           7. The commission shall prepare a report containing its  
 4981 determination under s. 403.537, and the report may include the  
 4982 comments from the commission with respect to any other subject  
 4983 within its jurisdiction.

4984           8. Any other agency, if requested by the department, shall  
 4985 also perform studies or prepare reports as to subjects within  
 4986 the jurisdiction of the agency which may potentially be affected  
 4987 by the proposed transmission line.

4988           **Section 118. Subsection (1) of section 403.5272, Florida**  
 4989 **Statutes, is amended to read:**

4990           403.5272 Informational public meetings.—

4991           (1) A local government whose jurisdiction is to be crossed  
 4992 by a proposed corridor may hold one informational public meeting  
 4993 in addition to the hearings specifically authorized by this act  
 4994 on any matter associated with the transmission line proceeding.  
 4995 The informational public meeting may be conducted by the local  
 4996 government ~~or the regional planning council~~ and shall be held no  
 4997 later than 55 days after the application is filed. The purpose  
 4998 of an informational public meeting is for the local government  
 4999 ~~or regional planning council~~ to further inform the public about  
 5000 the transmission line proposed, obtain comments from the public,



5001 and formulate its recommendation with respect to the proposed  
5002 transmission line.

5003 **Section 119. Subsection (4), paragraph (a) of subsection**  
5004 **(5), and paragraph (a) of subsection (6) of section 403.5363,**  
5005 **Florida Statutes, are amended to read:**

5006 403.5363 Public notices; requirements.—

5007 (4) A local government ~~or regional planning council~~ that  
5008 proposes to conduct an informational public meeting pursuant to  
5009 s. 403.5272 must publish notice of the meeting in a newspaper of  
5010 general circulation within the county or counties in which the  
5011 proposed electrical transmission line will be located no later  
5012 than 7 days before ~~prior to~~ the meeting. A newspaper of general  
5013 circulation shall be the newspaper that has the largest daily  
5014 circulation in that county and has its principal office in that  
5015 county. If the newspaper with the largest daily circulation has  
5016 its principal office outside the county, the notices shall  
5017 appear in both the newspaper having the largest circulation in  
5018 that county and in a newspaper authorized to publish legal  
5019 notices in that county.

5020 (5)(a) A good faith effort shall be made by the applicant  
5021 to provide direct notice of the filing of an application for  
5022 certification by United States mail or hand delivery no later  
5023 than 45 days after filing of the application to all local  
5024 landowners whose property, as noted in the most recent local  
5025 government tax records, and residences are located within one-

5026 quarter mile of the proposed boundaries of a transmission line  
 5027 corridor that only includes a transmission line as defined by s.  
 5028 403.522(21) ~~s. 403.522(22)~~.

5029 (6) (a) A good faith effort shall be made by the proponent  
 5030 of an alternate corridor that includes a transmission line, as  
 5031 defined by s. 403.522(21) ~~s. 403.522(22)~~, to provide direct  
 5032 notice of the filing of an alternate corridor for certification  
 5033 by United States mail or hand delivery of the filing no later  
 5034 than 30 days after filing of the alternate corridor to all local  
 5035 landowners whose property, as noted in the most recent local  
 5036 government tax records, and residences are located within one-  
 5037 quarter mile of the proposed boundaries of a transmission line  
 5038 corridor that includes a transmission line as defined by s.  
 5039 403.522(21) ~~s. 403.522(22)~~.

5040 **Section 120. Paragraph (d) of subsection (1) of section**  
 5041 **403.5365, Florida Statutes, is amended to read:**

5042 403.5365 Fees; disposition.—The department shall charge  
 5043 the applicant the following fees, as appropriate, which, unless  
 5044 otherwise specified, shall be paid into the Florida Permit Fee  
 5045 Trust Fund:

5046 (1) An application fee.

5047 (d)1. Upon written request with proper itemized accounting  
 5048 within 90 days after final agency action by the siting board or  
 5049 the department or the written notification of the withdrawal of  
 5050 the application, the agencies that prepared reports under s.

5051 403.526 or s. 403.5271 or participated in a hearing under s.  
 5052 403.527 or s. 403.5271 may submit a written request to the  
 5053 department for reimbursement of expenses incurred during the  
 5054 certification proceedings. The request must contain an  
 5055 accounting of expenses incurred, which may include time spent  
 5056 reviewing the application, preparation of any studies required  
 5057 of the agencies by this act, agency travel and per diem to  
 5058 attend any hearing held under this act, and for the local  
 5059 government ~~or regional planning council~~ providing additional  
 5060 notice of the informational public meeting. The department shall  
 5061 review the request and verify whether a claimed expense is  
 5062 valid. Valid expenses shall be reimbursed; however, if the  
 5063 amount of funds available for reimbursement is insufficient to  
 5064 provide for full compensation to the agencies, reimbursement  
 5065 shall be on a prorated basis.

5066 2. If the application review is held in abeyance for more  
 5067 than 1 year, the agencies may submit a request for reimbursement  
 5068 under subparagraph 1. This time period shall be measured from  
 5069 the date the applicant has provided written notification to the  
 5070 department that it desires to have the application review  
 5071 process placed on hold. The fee disbursement shall be processed  
 5072 in accordance with subparagraph 1.

5073 **Section 121. Paragraphs (a) and (d) of subsection (1) of**  
 5074 **section 403.537, Florida Statutes, are amended to read:**

5075 403.537 Determination of need for transmission line;

5076 powers and duties.—

5077 (1) (a) Upon request by an applicant or upon its own  
 5078 motion, the Florida Public Service Commission shall schedule a  
 5079 public hearing, after notice, to determine the need for a  
 5080 transmission line regulated by the Florida Electric Transmission  
 5081 Line Siting Act, ss. 403.52-403.5365. The notice shall be  
 5082 published at least 21 days before the date set for the hearing  
 5083 and shall be published by the applicant in at least one-quarter  
 5084 page size notice in newspapers of general circulation, and by  
 5085 the commission in the manner specified in chapter 120, by giving  
 5086 notice to counties ~~and regional planning councils~~ in whose  
 5087 jurisdiction the transmission line could be placed, and by  
 5088 giving notice to any persons who have requested to be placed on  
 5089 the mailing list of the commission for this purpose. Within 21  
 5090 days after receipt of a request for determination by an  
 5091 applicant, the commission shall set a date for the hearing. The  
 5092 hearing shall be held pursuant to s. 350.01 within 45 days after  
 5093 the filing of the request, and a decision shall be rendered  
 5094 within 60 days after such filing.

5095 (d) The determination by the commission of the need for  
 5096 the transmission line, as defined in s. 403.522(21) ~~s.~~  
 5097 ~~403.522(22)~~, is binding on all parties to any certification  
 5098 proceeding under the Florida Electric Transmission Line Siting  
 5099 Act and is a condition precedent to the conduct of the  
 5100 certification hearing prescribed therein. An order entered

5101 pursuant to this section constitutes final agency action.

5102 **Section 122. Subsection (17) of section 403.704, Florida**  
 5103 **Statutes, is amended to read:**

5104 403.704 Powers and duties of the department.—The  
 5105 department shall have responsibility for the implementation and  
 5106 enforcement of this act. In addition to other powers and duties,  
 5107 the department shall:

5108 (17) Provide technical assistance to local governments and  
 5109 regional agencies to ensure consistency between county hazardous  
 5110 waste management assessments; coordinate the development of such  
 5111 assessments ~~with the assistance of the appropriate regional~~  
 5112 ~~planning councils~~; and review and make recommendations to the  
 5113 Legislature relative to the sufficiency of the assessments to  
 5114 meet state hazardous waste management needs.

5115 **Section 123. Subsection (1) of section 403.7226, Florida**  
 5116 **Statutes, is amended to read:**

5117 403.7226 Technical assistance by the department.—The  
 5118 department shall:

5119 (1) Provide technical assistance to county governments ~~and~~  
 5120 ~~regional planning councils~~ to ensure consistency in implementing  
 5121 local hazardous waste management assessments as provided in ss.  
 5122 403.7225, 403.7234, and 403.7236. In order to ensure that each  
 5123 local assessment is properly implemented and that all  
 5124 information gathered during the assessment is uniformly compiled  
 5125 and documented, each county ~~or regional planning council~~ shall

5126 | contact the department during the preparation of the local  
 5127 | assessment to receive technical assistance. Each county ~~or~~  
 5128 | ~~regional planning council~~ shall follow guidelines established by  
 5129 | the department, and adopted by rule as appropriate, in order to  
 5130 | properly implement these assessments.

5131 | **Section 124. Subsection (22) of section 403.9403, Florida**  
 5132 | **Statutes, is amended to read:**

5133 | 403.9403 Definitions.—As used in ss. 403.9401-403.9425,  
 5134 | the term:

5135 | ~~(22) "Regional planning council" means a regional planning~~  
 5136 | ~~council created pursuant to chapter 186 in the jurisdiction of~~  
 5137 | ~~which the project is proposed to be located.~~

5138 | **Section 125. Paragraph (a) of subsection (2) of section**  
 5139 | **403.941, Florida Statutes, is amended to read:**

5140 | 403.941 Preliminary statements of issues, reports, and  
 5141 | studies.—

5142 | (2) (a) The affected agencies shall prepare reports as  
 5143 | provided in this paragraph and shall submit them to the  
 5144 | department and the applicant within 60 days after the  
 5145 | application is determined sufficient:

5146 | 1. The department shall prepare a report as to the impact  
 5147 | of each proposed natural gas transmission pipeline or corridor  
 5148 | as it relates to matters within its jurisdiction.

5149 | 2. Each water management district in the jurisdiction of  
 5150 | which a proposed natural gas transmission pipeline or corridor

5151 is to be located shall prepare a report as to the impact on  
5152 water resources and other matters within its jurisdiction.

5153 3. The Department of Commerce shall prepare a report  
5154 containing recommendations which address the impact upon the  
5155 public of the proposed natural gas transmission pipeline or  
5156 corridor, based on the degree to which the proposed natural gas  
5157 transmission pipeline or corridor is consistent with the  
5158 applicable portions of the state comprehensive plan and other  
5159 matters within its jurisdiction. The Department of Commerce may  
5160 also comment on the consistency of the proposed natural gas  
5161 transmission pipeline or corridor with applicable ~~strategie~~  
5162 ~~regional policy plans or~~ local comprehensive plans and land  
5163 development regulations.

5164 4. The Fish and Wildlife Conservation Commission shall  
5165 prepare a report as to the impact of each proposed natural gas  
5166 transmission pipeline or corridor on fish and wildlife resources  
5167 and other matters within its jurisdiction.

5168 5. Each local government in which the natural gas  
5169 transmission pipeline or natural gas transmission pipeline  
5170 corridor will be located shall prepare a report as to the impact  
5171 of each proposed natural gas transmission pipeline or corridor  
5172 on matters within its jurisdiction, including the consistency of  
5173 the proposed natural gas transmission pipeline or corridor with  
5174 all applicable local ordinances, regulations, standards, or  
5175 criteria that apply to the proposed natural gas transmission

5176 pipeline or corridor, including local comprehensive plans,  
5177 zoning regulations, land development regulations, and any  
5178 applicable local environmental regulations adopted pursuant to  
5179 s. 403.182 or by other means. No change by the responsible local  
5180 government or local agency in local comprehensive plans, zoning  
5181 ordinances, or other regulations made after the date required  
5182 for the filing of the local government's report required by this  
5183 section shall be applicable to the certification of the proposed  
5184 natural gas transmission pipeline or corridor unless the  
5185 certification is denied or the application is withdrawn.

5186 6. The Department of Transportation shall prepare a report  
5187 on the effect of the natural gas transmission pipeline or  
5188 natural gas transmission pipeline corridor on matters within its  
5189 jurisdiction, including roadway crossings by the pipeline. The  
5190 report shall contain at a minimum:

5191 a. A report by the applicant to the department stating  
5192 that all requirements of the department's utilities  
5193 accommodation guide have been or will be met in regard to the  
5194 proposed pipeline or pipeline corridor; and

5195 b. A statement by the department as to the adequacy of the  
5196 report to the department by the applicant.

5197 7. The Department of State, Division of Historical  
5198 Resources, shall prepare a report on the impact of the natural  
5199 gas transmission pipeline or natural gas transmission pipeline  
5200 corridor on matters within its jurisdiction.



5201 8. The commission shall prepare a report addressing  
5202 matters within its jurisdiction. The commission's report shall  
5203 include its determination of need issued pursuant to s.  
5204 403.9422.

5205 **Section 126. Paragraph (a) of subsection (1) of section**  
5206 **403.9422, Florida Statutes, is amended to read:**

5207 403.9422 Determination of need for natural gas  
5208 transmission pipeline; powers and duties.—

5209 (1) (a) Upon request by an applicant or upon its own  
5210 motion, the commission shall schedule a public hearing, after  
5211 notice, to determine the need for a natural gas transmission  
5212 pipeline regulated by ss. 403.9401-403.9425. Such notice shall  
5213 be published at least 45 days before the date set for the  
5214 hearing and shall be published in at least one-quarter page size  
5215 in newspapers of general circulation and in the Florida  
5216 Administrative Register, by giving notice to counties ~~and~~  
5217 ~~regional planning councils~~ in whose jurisdiction the natural gas  
5218 transmission pipeline could be placed, and by giving notice to  
5219 any persons who have requested to be placed on the mailing list  
5220 of the commission for this purpose. Within 21 days after receipt  
5221 of a request for determination by an applicant, the commission  
5222 shall set a date for the hearing. The hearing shall be held  
5223 pursuant to s. 350.01 within 75 days after the filing of the  
5224 request, and a decision shall be rendered within 90 days after  
5225 such filing.

5226           **Section 127. Subsection (4) of section 403.973, Florida**  
 5227 **Statutes, is amended to read:**

5228           403.973 Expedited permitting; amendments to comprehensive  
 5229 plans.—

5230           (4) The regional teams shall be established through the  
 5231 execution of a project-specific memorandum of agreement  
 5232 developed and executed by the applicant and the secretary, with  
 5233 input solicited from the respective heads of the Department of  
 5234 Transportation and its district offices, the Department of  
 5235 Agriculture and Consumer Services, the Fish and Wildlife  
 5236 Conservation Commission, ~~appropriate regional planning councils,~~  
 5237 appropriate water management districts, and voluntarily  
 5238 participating municipalities and counties. The memorandum of  
 5239 agreement should also accommodate participation in this  
 5240 expedited process by other local governments and federal  
 5241 agencies as circumstances warrant.

5242           **Section 128. Paragraph (f) of subsection (1) of section**  
 5243 **501.171, Florida Statutes, is amended to read:**

5244           501.171 Security of confidential personal information.—

5245           (1) DEFINITIONS.—As used in this section, the term:

5246           (f) "Governmental entity" means any department, division,  
 5247 bureau, commission, ~~regional planning agency,~~ board, district,  
 5248 authority, agency, or other instrumentality of this state that  
 5249 acquires, maintains, stores, or uses data in electronic form  
 5250 containing personal information.

5251           **Section 129. Section 625.3255, Florida Statutes, is**  
 5252 **amended to read:**

5253           625.3255 Capital participation instrument.—An insurer may  
 5254 invest in any capital participation instrument or evidence of  
 5255 indebtedness issued by the Department of Commerce pursuant to  
 5256 the Florida Assistance to Small Businesses and Businesses in  
 5257 Economically Disadvantaged Areas ~~Minority Business Assistance~~  
 5258 Act.

5259           **Section 130. Subsection (7) of section 627.3511, Florida**  
 5260 **Statutes, is amended to read:**

5261           627.3511 Depopulation of Citizens Property Insurance  
 5262 Corporation.—

5263           ~~(7) A minority business, which is at least 51 percent~~  
 5264 ~~owned by minority persons as described in s. 288.703, desiring~~  
 5265 ~~to operate or become licensed as a property and casualty insurer~~  
 5266 ~~may exempt up to \$50 of the escrow requirements of the take-out~~  
 5267 ~~bonus, as described in this section. Such minority business,~~  
 5268 ~~which has applied for a certificate of authority to engage in~~  
 5269 ~~business as a property and casualty insurer, may simultaneously~~  
 5270 ~~file the business' proposed take-out plan, as described in this~~  
 5271 ~~section, with the corporation.~~

5272           **Section 131. Paragraph (b) of subsection (4) of section**  
 5273 **657.042, Florida Statutes, is amended to read:**

5274           657.042 Investment powers and limitations.—A credit union  
 5275 may invest its funds subject to the following definitions,

5276 | restrictions, and limitations:

5277 |       (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF  
5278 | CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of  
5279 | the credit union may be invested in any of the following:

5280 |       (b) Any capital participation instrument or evidence of  
5281 | indebtedness issued by the Department of Commerce pursuant to  
5282 | the Assistance to Florida Small Businesses and Businesses in  
5283 | Economically Disadvantaged Areas ~~Minority Business Assistance~~  
5284 | Act.

5285 |       **Section 132. Paragraph (f) of subsection (4) of section**  
5286 | **658.67, Florida Statutes, is amended to read:**

5287 |       658.67 Investment powers and limitations.—A bank may  
5288 | invest its funds, and a trust company may invest its corporate  
5289 | funds, subject to the following definitions, restrictions, and  
5290 | limitations:

5291 |       (4) INVESTMENTS SUBJECT TO LIMITATION OF 10 PERCENT OR  
5292 | LESS OF CAPITAL ACCOUNTS.—

5293 |       (f) Up to 10 percent of the capital accounts of a bank or  
5294 | trust company may be invested in any capital participation  
5295 | instrument or evidence of indebtedness issued by the Department  
5296 | of Commerce pursuant to the Florida Assistance to Small  
5297 | Businesses and Businesses in Economically Disadvantaged Areas  
5298 | ~~Minority Business Assistance~~ Act.

5299 |       **Section 133. Subsection (3) of section 957.09, Florida**  
5300 | **Statutes, is amended to read:**

5301 957.09 Applicability of chapter to other provisions of  
 5302 law.—

5303 (3) The provisions of law governing the participation of  
 5304 ~~minority~~ business enterprises in economically disadvantaged  
 5305 areas ~~apply are applicable~~ to this chapter.

5306 **Section 134. Paragraph (d) of subsection (7) of section**  
 5307 **1001.706, Florida Statutes, is amended to read:**

5308 1001.706 Powers and duties of the Board of Governors.—

5309 (7) POWERS AND DUTIES RELATING TO PROPERTY.—

5310 (d) The Board of Governors, or the board's designee, shall  
 5311 ensure compliance with the provisions of s. 287.09451 for all  
 5312 procurement and ss. 255.101 and 255.102 for construction  
 5313 contracts, and rules adopted pursuant thereto, relating to the  
 5314 utilization of ~~minority~~ business enterprises in economically  
 5315 disadvantaged areas, except that procurements costing less than  
 5316 the amount provided for in CATEGORY FIVE as provided in s.  
 5317 287.017 shall not be subject to s. 287.09451.

5318 **Section 135. Subsection (6) of section 1013.30, Florida**  
 5319 **Statutes, is amended to read:**

5320 1013.30 University campus master plans and campus  
 5321 development agreements.—

5322 (6) Before a campus master plan is adopted, a copy of the  
 5323 draft master plan must be sent for review or made available  
 5324 electronically to the host and any affected local governments,  
 5325 the state land planning agency, the Department of Environmental

5326 Protection, the Department of Transportation, the Department of  
5327 State, the Fish and Wildlife Conservation Commission, and the  
5328 applicable water management district ~~and regional planning~~  
5329 ~~council~~. At the request of a governmental entity, a hard copy of  
5330 the draft master plan shall be submitted within 7 business days  
5331 of an electronic copy being made available. These agencies must  
5332 be given 90 days after receipt of the campus master plans in  
5333 which to conduct their review and provide comments to the  
5334 university board of trustees. The commencement of this review  
5335 period must be advertised in newspapers of general circulation  
5336 within the host local government and any affected local  
5337 government to allow for public comment. Following receipt and  
5338 consideration of all comments and the holding of an informal  
5339 information session and at least two public hearings within the  
5340 host jurisdiction, the university board of trustees shall adopt  
5341 the campus master plan. It is the intent of the Legislature that  
5342 the university board of trustees comply with the notice  
5343 requirements set forth in s. 163.3184(11) to ensure full public  
5344 participation in this planning process. The informal public  
5345 information session must be held before the first public  
5346 hearing. The first public hearing shall be held before the draft  
5347 master plan is sent to the agencies specified in this  
5348 subsection. The second public hearing shall be held in  
5349 conjunction with the adoption of the draft master plan by the  
5350 university board of trustees. Campus master plans developed

5351 under this section are not rules and are not subject to chapter  
5352 120 except as otherwise provided in this section.

5353 **Section 136. Paragraph (c) of subsection (1) of section**  
5354 **1013.46, Florida Statutes, is amended to read:**

5355 1013.46 Advertising and awarding contracts;  
5356 prequalification of contractor.—

5357 (1)

5358 (c) As an option, any county, municipality, or board may  
5359 set aside up to 10 percent of the total amount of funds  
5360 allocated for the purpose of entering into construction capital  
5361 project contracts with ~~minority~~ business enterprises in  
5362 economically disadvantaged areas, as defined in s. 287.094. Such  
5363 contracts shall be competitively bid only among such ~~minority~~  
5364 business enterprises. The set-aside ~~shall be used to redress~~  
5365 ~~present effects of past discriminatory practices and~~ shall be  
5366 subject to periodic reassessment to account for changing needs  
5367 and circumstances.

5368 **Section 137. Paragraph (d) of subsection (2) of section**  
5369 **212.055, Florida Statutes, is amended to read:**

5370 212.055 Discretionary sales surtaxes; legislative intent;  
5371 authorization and use of proceeds.—It is the legislative intent  
5372 that any authorization for imposition of a discretionary sales  
5373 surtax shall be published in the Florida Statutes as a  
5374 subsection of this section, irrespective of the duration of the  
5375 levy. Each enactment shall specify the types of counties

5376 authorized to levy; the rate or rates which may be imposed; the  
5377 maximum length of time the surtax may be imposed, if any; the  
5378 procedure which must be followed to secure voter approval, if  
5379 required; the purpose for which the proceeds may be expended;  
5380 and such other requirements as the Legislature may provide.  
5381 Taxable transactions and administrative procedures shall be as  
5382 provided in s. 212.054.

5383 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

5384 (d) The proceeds of the surtax authorized by this  
5385 subsection and any accrued interest shall be expended by the  
5386 school district, within the county and municipalities within the  
5387 county, or, in the case of a negotiated joint county agreement,  
5388 within another county, to finance, plan, and construct  
5389 infrastructure; to acquire any interest in land for public  
5390 recreation, conservation, or protection of natural resources or  
5391 to prevent or satisfy private property rights claims resulting  
5392 from limitations imposed by the designation of an area of  
5393 critical state concern; to provide loans, grants, or rebates to  
5394 residential or commercial property owners who make energy  
5395 efficiency improvements to their residential or commercial  
5396 property, if a local government ordinance authorizing such use  
5397 is approved by referendum; or to finance the closure of county-  
5398 owned or municipally owned solid waste landfills that have been  
5399 closed or are required to be closed by order of the Department  
5400 of Environmental Protection. Any use of the proceeds or interest



5401 for purposes of landfill closure before July 1, 1993, is  
 5402 ratified. The proceeds and any interest may not be used for the  
 5403 operational expenses of infrastructure, except that a county  
 5404 that has a population of fewer than 75,000 and that is required  
 5405 to close a landfill may use the proceeds or interest for long-  
 5406 term maintenance costs associated with landfill closure.  
 5407 Counties, as defined in s. 125.011, and charter counties may, in  
 5408 addition, use the proceeds or interest to retire or service  
 5409 indebtedness incurred for bonds issued before July 1, 1987, for  
 5410 infrastructure purposes, and for bonds subsequently issued to  
 5411 refund such bonds. Any use of the proceeds or interest for  
 5412 purposes of retiring or servicing indebtedness incurred for  
 5413 refunding bonds before July 1, 1999, is ratified.

5414 1. For the purposes of this paragraph, the term  
 5415 "infrastructure" means:

5416 a. Any fixed capital expenditure or fixed capital outlay  
 5417 associated with the construction, reconstruction, or improvement  
 5418 of public facilities that have a life expectancy of 5 or more  
 5419 years, any related land acquisition, land improvement, design,  
 5420 and engineering costs, and all other professional and related  
 5421 costs required to bring the public facilities into service. For  
 5422 purposes of this sub-subparagraph, the term "public facilities"  
 5423 means facilities as defined in s. 163.3164(40) ~~s. 163.3164(41)~~,  
 5424 s. 163.3221(13), or s. 189.012(5), and includes facilities that  
 5425 are necessary to carry out governmental purposes, including, but

5426 | not limited to, fire stations, general governmental office  
5427 | buildings, and animal shelters, regardless of whether the  
5428 | facilities are owned by the local taxing authority or another  
5429 | governmental entity.

5430 |       b. A fire department vehicle, an emergency medical service  
5431 | vehicle, a sheriff's office vehicle, a police department  
5432 | vehicle, or any other vehicle, and the equipment necessary to  
5433 | outfit the vehicle for its official use or equipment that has a  
5434 | life expectancy of at least 5 years.

5435 |       c. Any expenditure for the construction, lease, or  
5436 | maintenance of, or provision of utilities or security for,  
5437 | facilities, as defined in s. 29.008.

5438 |       d. Any fixed capital expenditure or fixed capital outlay  
5439 | associated with the improvement of private facilities that have  
5440 | a life expectancy of 5 or more years and that the owner agrees  
5441 | to make available for use on a temporary basis as needed by a  
5442 | local government as a public emergency shelter or a staging area  
5443 | for emergency response equipment during an emergency officially  
5444 | declared by the state or by the local government under s.  
5445 | 252.38. Such improvements are limited to those necessary to  
5446 | comply with current standards for public emergency evacuation  
5447 | shelters. The owner must enter into a written contract with the  
5448 | local government providing the improvement funding to make the  
5449 | private facility available to the public for purposes of  
5450 | emergency shelter at no cost to the local government for a

5451 minimum of 10 years after completion of the improvement, with  
5452 the provision that the obligation will transfer to any  
5453 subsequent owner until the end of the minimum period.

5454 e. Any land acquisition expenditure for a residential  
5455 housing project in which at least 30 percent of the units are  
5456 affordable to individuals or families whose total annual  
5457 household income does not exceed 120 percent of the area median  
5458 income adjusted for household size, if the land is owned by a  
5459 local government or by a special district that enters into a  
5460 written agreement with the local government to provide such  
5461 housing. The local government or special district may enter into  
5462 a ground lease with a public or private person or entity for  
5463 nominal or other consideration for the construction of the  
5464 residential housing project on land acquired pursuant to this  
5465 sub-subparagraph.

5466 f. Instructional technology used solely in a school  
5467 district's classrooms. As used in this sub-subparagraph, the  
5468 term "instructional technology" means an interactive device that  
5469 assists a teacher in instructing a class or a group of students  
5470 and includes the necessary hardware and software to operate the  
5471 interactive device. The term also includes support systems in  
5472 which an interactive device may mount and is not required to be  
5473 affixed to the facilities.

5474 2. For the purposes of this paragraph, the term "energy  
5475 efficiency improvement" means any energy conservation and

5476 efficiency improvement that reduces consumption through  
5477 conservation or a more efficient use of electricity, natural  
5478 gas, propane, or other forms of energy on the property,  
5479 including, but not limited to, air sealing; installation of  
5480 insulation; installation of energy-efficient heating, cooling,  
5481 or ventilation systems; installation of solar panels; building  
5482 modifications to increase the use of daylight or shade;  
5483 replacement of windows; installation of energy controls or  
5484 energy recovery systems; installation of electric vehicle  
5485 charging equipment; installation of systems for natural gas fuel  
5486 as defined in s. 206.9951; and installation of efficient  
5487 lighting equipment.

5488         3. Notwithstanding any other provision of this subsection,  
5489 a local government infrastructure surtax imposed or extended  
5490 after July 1, 1998, may allocate up to 15 percent of the surtax  
5491 proceeds for deposit into a trust fund within the county's  
5492 accounts created for the purpose of funding economic development  
5493 projects having a general public purpose of improving local  
5494 economies, including the funding of operational costs and  
5495 incentives related to economic development. The ballot statement  
5496 must indicate the intention to make an allocation under the  
5497 authority of this subparagraph.

5498         **Section 138. Paragraph (g) of subsection (3) of section**  
5499 **212.096, Florida Statutes, is amended to read:**

5500         212.096 Sales, rental, storage, use tax; enterprise zone

5501 jobs credit against sales tax.—

5502 (3) In order to claim this credit, an eligible business  
 5503 must file under oath with the governing body or enterprise zone  
 5504 development agency having jurisdiction over the enterprise zone  
 5505 where the business is located, as applicable, a statement which  
 5506 includes:

5507 (g) Whether the business is a small business as defined by  
 5508 s. 288.703(4) ~~s. 288.703(6)~~.

5509 **Section 139. Subsection (6) of section 339.285, Florida**  
 5510 **Statutes, is amended to read:**

5511 339.285 Enhanced Bridge Program for Sustainable  
 5512 Transportation.—

5513 (6) Preference shall be given to bridge projects located  
 5514 on corridors that connect to the Strategic Intermodal System,  
 5515 created under s. 339.64, and that have been identified as  
 5516 regionally significant in accordance with s. 339.155(4)(b), (c),  
 5517 and (d) ~~s. 339.155(4)(c), (d), and (e)~~.

5518 **Section 140. Subsections (1) and (2) of section 373.415,**  
 5519 **Florida Statutes, are amended to read:**

5520 373.415 Protection zones; duties of the St. Johns River  
 5521 Water Management District.—

5522 (1) Not later than November 1, 1988, the St. Johns River  
 5523 Water Management District shall adopt rules establishing  
 5524 protection zones adjacent to the watercourses in the Wekiva  
 5525 River System, as designated in s. 369.303(9) ~~s. 369.303(10)~~.

5526 Such protection zones shall be sufficiently wide to prevent harm  
5527 to the Wekiva River System, including water quality, water  
5528 quantity, hydrology, wetlands, and aquatic and wetland-dependent  
5529 wildlife species, caused by any of the activities regulated  
5530 under this part. Factors on which the widths of the protection  
5531 zones shall be based shall include, but not be limited to:

5532 (a) The biological significance of the wetlands and  
5533 uplands adjacent to the designated watercourses in the Wekiva  
5534 River System, including the nesting, feeding, breeding, and  
5535 resting needs of aquatic species and wetland-dependent wildlife  
5536 species.

5537 (b) The sensitivity of these species to disturbance,  
5538 including the short-term and long-term adaptability to  
5539 disturbance of the more sensitive species, both migratory and  
5540 resident.

5541 (c) The susceptibility of these lands to erosion,  
5542 including the slope, soils, runoff characteristics, and  
5543 vegetative cover.

5544

5545 In addition, the rules may establish permitting thresholds,  
5546 permitting exemptions, or general permits, if such thresholds,  
5547 exemptions, or general permits do not allow significant adverse  
5548 impacts to the Wekiva River System to occur individually or  
5549 cumulatively.

5550 (2) Notwithstanding the provisions of s. 120.60, the St.

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2025

5551 Johns River Water Management District shall not issue any permit  
5552 under this part within the Wekiva River Protection Area, as  
5553 defined in s. 369.303(8) ~~s. 369.303(9)~~, until the appropriate  
5554 local government has provided written notification to the  
5555 district that the proposed activity is consistent with the local  
5556 comprehensive plan and is in compliance with any land  
5557 development regulation in effect in the area where the  
5558 development will take place. The district may, however, inform  
5559 any property owner who makes a request for such information as  
5560 to the location of the protection zone or zones on his or her  
5561 property. However, if a development proposal is amended as the  
5562 result of the review by the district, a permit may be issued  
5563 prior to the development proposal being returned, if necessary,  
5564 to the local government for additional review.

5565 **Section 141. Paragraph (a) of subsection (2) of section**  
5566 **376.3072, Florida Statutes, is amended to read:**

5567 376.3072 Florida Petroleum Liability and Restoration  
5568 Insurance Program.—

5569 (2) (a) An owner or operator of a petroleum storage system  
5570 may become an insured in the restoration insurance program at a  
5571 facility if:

5572 1. A site at which an incident has occurred is eligible  
5573 for restoration if the insured is a participant in the third-  
5574 party liability insurance program or otherwise meets applicable  
5575 financial responsibility requirements. After July 1, 1993, the

5576 insured must also provide the required excess insurance coverage  
5577 or self-insurance for restoration to achieve the financial  
5578 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,  
5579 not covered by paragraph (d).

5580 2. A site which had a discharge reported before January 1,  
5581 1989, for which notice was given pursuant to s. 376.3071(10) and  
5582 which is ineligible for the third-party liability insurance  
5583 program solely due to that discharge is eligible for  
5584 participation in the restoration program for an incident  
5585 occurring on or after January 1, 1989, pursuant to subsection  
5586 (3). Restoration funding for an eligible contaminated site will  
5587 be provided without participation in the third-party liability  
5588 insurance program until the site is restored as required by the  
5589 department or until the department determines that the site does  
5590 not require restoration.

5591 3. Notwithstanding paragraph (b), a site where an  
5592 application is filed with the department before January 1, 1995,  
5593 where the owner is a small business under s. 288.706(4) ~~s.~~  
5594 ~~288.703(6)~~, a Florida College System institution with less than  
5595 2,500 FTE, a religious institution as defined by s.  
5596 212.08(7)(m), a charitable institution as defined by s.  
5597 212.08(7)(p), or a county or municipality with a population of  
5598 less than 50,000, is eligible for up to \$400,000 of eligible  
5599 restoration costs, less a deductible of \$10,000 for small  
5600 businesses, eligible Florida College System institutions, and



5601 religious or charitable institutions, and \$30,000 for eligible  
5602 counties and municipalities, if:

5603 a. Except as provided in sub-subparagraph e., the facility  
5604 was in compliance with department rules at the time of the  
5605 discharge.

5606 b. The owner or operator has, upon discovery of a  
5607 discharge, promptly reported the discharge to the department,  
5608 and drained and removed the system from service, if necessary.

5609 c. The owner or operator has not intentionally caused or  
5610 concealed a discharge or disabled leak detection equipment.

5611 d. The owner or operator proceeds to complete initial  
5612 remedial action as specified in department rules.

5613 e. The owner or operator, if required and if it has not  
5614 already done so, applies for third-party liability coverage for  
5615 the facility within 30 days after receipt of an eligibility  
5616 order issued by the department pursuant to this subparagraph.

5617

5618 However, the department may consider in-kind services from  
5619 eligible counties and municipalities in lieu of the \$30,000  
5620 deductible. The cost of conducting initial remedial action as  
5621 defined by department rules is an eligible restoration cost  
5622 pursuant to this subparagraph.

5623 4.a. By January 1, 1997, facilities at sites with existing  
5624 contamination must have methods of release detection to be  
5625 eligible for restoration insurance coverage for new discharges

5626 subject to department rules for secondary containment. Annual  
5627 storage system testing, in conjunction with inventory control,  
5628 shall be considered to be a method of release detection until  
5629 the later of December 22, 1998, or 10 years after the date of  
5630 installation or the last upgrade. Other methods of release  
5631 detection for storage tanks which meet such requirement are:

5632 (I) Interstitial monitoring of tank and integral piping  
5633 secondary containment systems;

5634 (II) Automatic tank gauging systems; or

5635 (III) A statistical inventory reconciliation system with a  
5636 tank test every 3 years.

5637 b. For pressurized integral piping systems, the owner or  
5638 operator must use:

5639 (I) An automatic in-line leak detector with flow  
5640 restriction meeting the requirements of department rules used in  
5641 conjunction with an annual tightness or pressure test; or

5642 (II) An automatic in-line leak detector with electronic  
5643 flow shut-off meeting the requirements of department rules.

5644 c. For suction integral piping systems, the owner or  
5645 operator must use:

5646 (I) A single check valve installed directly below the  
5647 suction pump if there are no other valves between the dispenser  
5648 and the tank; or

5649 (II) An annual tightness test or other approved test.

5650 d. Owners of facilities with existing contamination that

5651 install internal release detection systems pursuant to sub-  
5652 subparagraph a. shall permanently close their external  
5653 groundwater and vapor monitoring wells pursuant to department  
5654 rules by December 31, 1998. Upon installation of the internal  
5655 release detection system, such wells must be secured and taken  
5656 out of service until permanent closure.

5657 e. Facilities with vapor levels of contamination meeting  
5658 the requirements of or below the concentrations specified in the  
5659 performance standards for release detection methods specified in  
5660 department rules may continue to use vapor monitoring wells for  
5661 release detection.

5662 f. The department may approve other methods of release  
5663 detection for storage tanks and integral piping which have at  
5664 least the same capability to detect a new release as the methods  
5665 specified in this subparagraph.

5666  
5667 Sites meeting the criteria of this subsection for which a site  
5668 rehabilitation completion order was issued before June 1, 2008,  
5669 do not qualify for the 2008 increase in site rehabilitation  
5670 funding assistance and are bound by the pre-June 1, 2008,  
5671 limits. Sites meeting the criteria of this subsection for which  
5672 a site rehabilitation completion order was not issued before  
5673 June 1, 2008, regardless of whether they have previously  
5674 transitioned to nonstate-funded cleanup status, may continue  
5675 state-funded cleanup pursuant to s. 376.3071(6) until a site

5676 rehabilitation completion order is issued or the increased site  
5677 rehabilitation funding assistance limit is reached, whichever  
5678 occurs first.

5679 **Section 142. Paragraph (k) of subsection (2) of section**  
5680 **377.703, Florida Statutes, is amended to read:**

5681 377.703 Additional functions of the Department of  
5682 Agriculture and Consumer Services.—

5683 (2) DUTIES.—The department shall perform the following  
5684 functions, unless as otherwise provided, consistent with the  
5685 development of a state energy policy:

5686 (k) The department shall coordinate energy-related  
5687 programs of state government, including, but not limited to, the  
5688 programs provided in this section. To this end, the department  
5689 shall:

5690 1. Provide assistance to other state agencies, counties,  
5691 and municipalities, ~~and regional planning agencies~~ to further  
5692 and promote their energy planning activities.

5693 2. Require, in cooperation with the Department of  
5694 Management Services, all state agencies to operate state-owned  
5695 and state-leased buildings in accordance with energy  
5696 conservation standards as adopted by the Department of  
5697 Management Services. Every 3 months, the Department of  
5698 Management Services shall furnish the department data on  
5699 agencies' energy consumption and emissions of greenhouse gases  
5700 in a format prescribed by the department.

5701           3. Promote the development and use of renewable energy  
5702 resources, energy efficiency technologies, and conservation  
5703 measures.

5704           4. Promote the recovery of energy from wastes, including,  
5705 but not limited to, the use of waste heat, the use of  
5706 agricultural products as a source of energy, and recycling of  
5707 manufactured products. Such promotion shall be conducted in  
5708 conjunction with, and after consultation with, the Department of  
5709 Environmental Protection and the Florida Public Service  
5710 Commission where electrical generation or natural gas is  
5711 involved, and any other relevant federal, state, or local  
5712 governmental agency having responsibility for resource recovery  
5713 programs.

5714           **Section 143. Subsection (3) of section 378.411, Florida**  
5715 **Statutes, is amended to read:**

5716           378.411 Certification to receive notices of intent to  
5717 mine, to review, and to inspect for compliance.—

5718           (3) In making his or her determination, the secretary  
5719 shall consult with the Department of Commerce, ~~the appropriate~~  
5720 ~~regional planning council,~~ and the appropriate water management  
5721 district.

5722           **Section 144. Subsection (15) of section 380.031, Florida**  
5723 **Statutes, is amended to read:**

5724           380.031 Definitions.—As used in this chapter:

5725           ~~(15) "Regional planning agency" means the agency~~

5726 ~~designated by the state land planning agency to exercise~~  
 5727 ~~responsibilities under this chapter in a particular region of~~  
 5728 ~~the state.~~

5729 **Section 145. Paragraph (a) of subsection (6) and paragraph**  
 5730 **(a) of subsection (7) of section 403.5115, Florida Statutes, are**  
 5731 **amended to read:**

5732 403.5115 Public notice.—

5733 (6) (a) A good faith effort shall be made by the applicant  
 5734 to provide direct written notice of the filing of an application  
 5735 for certification by United States mail or hand delivery no  
 5736 later than 45 days after filing of the application to all local  
 5737 landowners whose property, as noted in the most recent local  
 5738 government tax records, and residences are located within the  
 5739 following distances of the proposed project:

5740 1. Three miles of the proposed main site boundaries of the  
 5741 proposed electrical power plant.

5742 2. One-quarter mile for a transmission line corridor that  
 5743 only includes a transmission line as defined by s. 403.522(21)  
 5744 ~~s. 403.522(22)~~.

5745 3. One-quarter mile for all other linear associated  
 5746 facilities extending away from the main site boundary except for  
 5747 a transmission line corridor that includes a transmission line  
 5748 that operates below those defined by s. 403.522(21) ~~s.~~  
 5749 ~~403.522(22)~~.

5750 (7) (a) A good faith effort shall be made by the proponent

5751 of an alternate corridor that includes a transmission line, as  
5752 defined by s. 403.522(21) ~~s. 403.522(22)~~, to provide direct  
5753 written notice of the filing of an alternate corridor for  
5754 certification by United States mail or hand delivery of the  
5755 filing no later than 30 days after filing of the alternate  
5756 corridor to all local landowners whose property, as noted in the  
5757 most recent local government tax records, and residences, are  
5758 located within one-quarter mile of the proposed boundaries of a  
5759 transmission line corridor that includes a transmission line as  
5760 defined by s. 403.522(21) ~~s. 403.522(22)~~.

5761 **Section 146. Subsection (24) of section 409.901, Florida**  
5762 **Statutes, is amended to read:**

5763 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
5764 409.901-409.920, except as otherwise specifically provided, the  
5765 term:

5766 (24) "Minority physician network" means a network of  
5767 primary care physicians with experience managing Medicaid or  
5768 Medicare recipients that is predominantly owned by minorities as  
5769 defined in s. 760.80(2) ~~s. 288.703~~, which may have a  
5770 collaborative partnership with a public college or university  
5771 and a tax-exempt charitable corporation.

5772 **Section 147. Paragraph (b) of subsection (2) of section**  
5773 **440.45, Florida Statutes, is amended to read:**

5774 440.45 Office of the Judges of Compensation Claims.—

5775 (2)

5776 (b) Except as provided in paragraph (c), the Governor  
 5777 shall appoint a judge of compensation claims from a list of  
 5778 three persons nominated by a statewide nominating commission.  
 5779 The statewide nominating commission shall be composed of the  
 5780 following:

5781 1. Six members, at least one of whom must be a member of a  
 5782 minority group as defined in s. 760.80(2) ~~s. 288.703~~, one of  
 5783 each who resides in each of the territorial jurisdictions of the  
 5784 district courts of appeal, appointed by the Board of Governors  
 5785 of The Florida Bar from among The Florida Bar members engaged in  
 5786 the practice of law. Each member shall be appointed for a 4-year  
 5787 term;

5788 2. Six electors, at least one of whom must be a member of  
 5789 a minority group as defined in s. 760.80(2) ~~s. 288.703~~, one of  
 5790 each who resides in each of the territorial jurisdictions of the  
 5791 district courts of appeal, appointed by the Governor. Each  
 5792 member shall be appointed for a 4-year term; and

5793 3. Six electors, at least one of whom must be a member of  
 5794 a minority group as defined in s. 760.80(2) ~~s. 288.703~~, one of  
 5795 each who resides in the territorial jurisdictions of the  
 5796 district courts of appeal, selected and appointed by a majority  
 5797 vote of the other 10 members of the commission. Each member  
 5798 shall be appointed for a 4-year term.

5799  
 5800 A vacancy occurring on the commission shall be filled by the



5801 original appointing authority for the unexpired balance of the  
 5802 term. An attorney who appears before any judge of compensation  
 5803 claims more than four times a year is not eligible to serve on  
 5804 the statewide nominating commission. The meetings and  
 5805 determinations of the nominating commission as to the judges of  
 5806 compensation claims shall be open to the public.

5807 **Section 148. Subsection (1), paragraph (a) of subsection**  
 5808 **(3), and subsection (6) of section 473.3065, Florida Statutes,**  
 5809 **are amended to read:**

5810 473.3065 Clay Ford Scholarship Program; Certified Public  
 5811 Accountant Education Minority Assistance Advisory Council.—

5812 (1) The Clay Ford Scholarship Program for Florida  
 5813 residents is hereby established in the division for the purpose  
 5814 of providing scholarships to minority persons as defined in s.  
 5815 760.80(2) ~~s. 288.703~~ who are students enrolled in their fifth  
 5816 year of an accounting education program at an institution in  
 5817 this state approved by the board by rule. A Certified Public  
 5818 Accountant Education Minority Assistance Advisory Council shall  
 5819 assist the board in administering the program.

5820 (3) The board shall adopt rules as necessary for  
 5821 administration of the Clay Ford Scholarship Program, including  
 5822 rules relating to the following:

5823 (a) Eligibility criteria for receipt of a scholarship,  
 5824 which, at a minimum, shall include the following factors:

- 5825 1. Financial need.

5826           2. ~~Ethnic, gender, or racial~~ Minority status pursuant to  
 5827 s. 760.80(2) ~~s. 288.703(4)~~.

5828           3. Scholastic ability and performance.

5829           (6) There is hereby created the Certified Public  
 5830 Accountant Education Minority Assistance Advisory Council to  
 5831 assist the board in administering the Clay Ford Scholarship  
 5832 Program. The council shall be diverse and representative of the  
 5833 ~~gender, ethnic, and racial~~ categories set forth in s. 760.80(2)  
 5834 ~~s. 288.703(4)~~.

5835           (a) The council shall consist of five licensed Florida-  
 5836 certified public accountants selected by the board, of whom one  
 5837 shall be a board member who serves as chair of the council, one  
 5838 shall be a representative of the National Association of Black  
 5839 Accountants, one shall be a representative of the Cuban American  
 5840 CPA Association, and two shall be selected at large. At least  
 5841 one member of the council must be a woman.

5842           (b) The board shall determine the terms for initial  
 5843 appointments and appointments thereafter.

5844           (c) Any vacancy on the council shall be filled in the  
 5845 manner provided for the selection of the initial member. Any  
 5846 member appointed to fill a vacancy of an unexpired term shall be  
 5847 appointed for the remainder of that term.

5848           (d) Three consecutive absences or absences constituting 50  
 5849 percent or more of the council's meetings within any 12-month  
 5850 period shall cause the council membership of the member in

5851 question to become void, and the position shall be considered  
 5852 vacant.

5853 (e) The members of the council shall serve without  
 5854 compensation, and any necessary and actual expenses incurred by  
 5855 a member while engaged in the business of the council shall be  
 5856 borne by such member or by the organization or agency such  
 5857 member represents. However, the council member who is a member  
 5858 of the board shall be compensated in accordance with ss.  
 5859 455.207(4) and 112.061.

5860 **Section 149. Subsection (1) of section 641.217, Florida**  
 5861 **Statutes, is amended to read:**

5862 641.217 Minority recruitment and retention plans  
 5863 required.—

5864 (1) Any entity contracting with the Agency for Health Care  
 5865 Administration to provide health care services to Medicaid  
 5866 recipients or state employees on a prepaid or fixed-sum basis  
 5867 must submit to the Agency for Health Care Administration the  
 5868 entity's plan for recruitment and retention of health care  
 5869 practitioners who are minority persons as defined in s.  
 5870 760.80(2) ~~s. 288.703~~. The plan must demonstrate an ability to  
 5871 recruit and retain minority persons which shall include, but is  
 5872 not limited to, the following efforts:

5873 (a) Establishing and maintaining contacts with various  
 5874 organizations representing the interests and concerns of  
 5875 minority constituencies to seek advice and assistance.

5876 (b) Identifying and recruiting at colleges and  
 5877 universities which primarily serve minority students.

5878 (c) Reviewing and analyzing the organization's workforce  
 5879 as to minority representation.

5880 (d) Other factors identified by the Agency for Health Care  
 5881 Administration by rule.

5882 **Section 150. Subsection (1) of section 947.02, Florida**  
 5883 **Statutes, is amended to read:**

5884 947.02 Florida Commission on Offender Review; members,  
 5885 appointment.—

5886 (1) Except as provided in s. 947.021, the members of the  
 5887 Florida Commission on Offender Review shall be appointed by the  
 5888 Governor and Cabinet from a list of eligible applicants  
 5889 submitted by a parole qualifications committee. The appointments  
 5890 of members of the commission shall be certified to the Senate by  
 5891 the Governor and Cabinet for confirmation, and the membership of  
 5892 the commission shall include representation from minority  
 5893 persons as defined in s. 760.80(2) ~~s. 288.703~~.

5894 **Section 151. Section 947.021, Florida Statutes, is amended**  
 5895 **to read:**

5896 947.021 Florida Commission on Offender Review; expedited  
 5897 appointments.—Whenever the Legislature decreases the membership  
 5898 of the commission, all terms of office shall expire,  
 5899 notwithstanding any law to the contrary. Under such  
 5900 circumstances, the Governor and Cabinet shall expedite the

5901 appointment of commissioners. Notwithstanding the parole  
5902 qualifications committee procedure in s. 947.02, members shall  
5903 be directly appointed by the Governor and Cabinet. Members  
5904 appointed to the commission may be selected from incumbents.  
5905 Members shall be certified to the Senate by the Governor and  
5906 Cabinet for confirmation, and the membership of the commission  
5907 shall include representation from minority persons as defined in  
5908 s. 760.80(2) ~~s. 288.703~~.

5909 **Section 152. Paragraph (a) of subsection (4) of section**  
5910 **1004.435, Florida Statutes, is amended to read:**

5911 1004.435 Cancer control and research.—

5912 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;  
5913 CREATION; COMPOSITION.—

5914 (a) There is created within the H. Lee Moffitt Cancer  
5915 Center and Research Institute, Inc., the Florida Cancer Control  
5916 and Research Advisory Council. The council shall consist of 16  
5917 members, which includes the chairperson, all of whom must be  
5918 residents of this state. The State Surgeon General or his or her  
5919 designee within the Department of Health shall be one of the 16  
5920 members. Members, except those appointed by the Governor, the  
5921 Speaker of the House of Representatives, or the President of the  
5922 Senate, must be appointed by the chief executive officer of the  
5923 institution or organization represented, or his or her designee.  
5924 One member must be a representative of the American Cancer  
5925 Society; one member must be a representative of the Sylvester

5926 Comprehensive Cancer Center of the University of Miami; one  
 5927 member must be a representative of the University of Florida  
 5928 Shands Cancer Center; one member must be a representative of the  
 5929 Florida Nurses Association who specializes in the field of  
 5930 oncology and is not from an institution or organization already  
 5931 represented on the council; one member must be a representative  
 5932 of the Florida Osteopathic Medical Association who specializes  
 5933 in the field of oncology; one member must be a member of the  
 5934 Florida Medical Association who specializes in the field of  
 5935 oncology and who represents a cancer center not already  
 5936 represented on the council; one member must be a representative  
 5937 of the H. Lee Moffitt Cancer Center and Research Institute,  
 5938 Inc.; one member must be a representative of the Mayo Clinic in  
 5939 Jacksonville; one member must be a member of the Florida  
 5940 Hospital Association who specializes in the field of oncology  
 5941 and who represents a comprehensive cancer center not already  
 5942 represented on the council; one member must be a representative  
 5943 of the Association of Community Cancer Centers; one member must  
 5944 specialize in pediatric oncology research or clinical care  
 5945 appointed by the Governor; one member must specialize in  
 5946 oncology clinical care or research appointed by the President of  
 5947 the Senate; one member must be a current or former cancer  
 5948 patient or a current or former caregiver to a cancer patient  
 5949 appointed by the Speaker of the House of Representatives; one  
 5950 member must be a member of the House of Representatives

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5951 | appointed by the Speaker of the House of Representatives; and  
5952 | one member must be a member of the Senate appointed by the  
5953 | President of the Senate. At least four of the members must be  
5954 | individuals who are minority persons as defined by s. 760.80(2)  
5955 | ~~s. 288.703~~.

5956 |       **Section 153.** This act shall take effect July 1, 2025.