



747702

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2025	.	
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	.	

The Committee on Commerce and Tourism (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 24.113, Florida Statutes, is repealed.

Section 2. Section 186.501, Florida Statutes, is repealed.

Section 3. Section 186.502, Florida Statutes, is repealed.

Section 4. Section 186.503, Florida Statutes, is repealed.

Section 5. Section 186.504, Florida Statutes, is repealed.

Section 6. Section 186.505, Florida Statutes, is repealed.



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- 11 Section 7. Section 186.506, Florida Statutes, is repealed.
12 Section 8. Section 186.507, Florida Statutes, is repealed.
13 Section 9. Section 186.508, Florida Statutes, is repealed.
14 Section 10. Section 186.509, Florida Statutes, is repealed.
15 Section 11. Section 186.511, Florida Statutes, is repealed.
16 Section 12. Section 186.512, Florida Statutes, is repealed.
17 Section 13. Section 186.513, Florida Statutes, is repealed.
18 Section 14. Section 186.515, Florida Statutes, is repealed.
19 Section 15. Section 287.0931, Florida Statutes, is
20 repealed.
21 Section 16. Section 288.12266, Florida Statutes, is
22 repealed.
23 Section 17. Section 288.124, Florida Statutes, is repealed.
24 Section 18. Section 288.706, Florida Statutes, is repealed.
25 Section 19. Section 288.7094, Florida Statutes, is
26 repealed.
27 Section 20. Section 288.7102, Florida Statutes, is
28 repealed.
29 Section 21. Section 288.71025, Florida Statutes, is
30 repealed.
31 Section 22. Section 288.7103, Florida Statutes, is
32 repealed.
33 Section 23. Section 288.714, Florida Statutes, is repealed.
34 Section 24. Section 331.351, Florida Statutes, is repealed.
35 Section 25. Paragraphs (e) and (k) of subsection (4) and
36 paragraph (a) of subsection (5) of section 20.60, Florida
37 Statutes, are amended to read:
38 20.60 Department of Commerce; creation; powers and duties.—
39 (4) The purpose of the department is to assist the Governor



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40 in working with the Legislature, state agencies, business
41 leaders, and economic development professionals to formulate and
42 implement coherent and consistent policies and strategies
43 designed to promote economic opportunities for all Floridians.
44 The department is the state's chief agency for business
45 recruitment and expansion and economic development. To
46 accomplish such purposes, the department shall:

47 (e) Manage the activities of public-private partnerships
48 and state agencies in order to avoid duplication and promote
49 coordinated and consistent implementation of programs in areas
50 including, but not limited to, tourism; international trade and
51 investment; business recruitment, creation, retention, and
52 expansion; ~~minority~~ and small business development; business
53 development in rural or urban areas; defense, space, and
54 aerospace development; rural community development; and the
55 development and promotion of professional and amateur sporting
56 events.

57 (k) Assist, promote, and enhance economic opportunities for
58 this state's ~~minority-owned~~ businesses and rural or ~~and~~ urban
59 communities.

60 (5) The divisions within the department have specific
61 responsibilities to achieve the duties, responsibilities, and
62 goals of the department. Specifically:

63 (a) The Division of Economic Development shall:

64 1. Analyze and evaluate business prospects identified by
65 the Governor and the secretary.

66 2. Administer certain tax refund, tax credit, and grant
67 programs created in law. Notwithstanding any other provision of
68 law, the department may expend interest earned from the



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69 investment of program funds deposited in the Grants and
70 Donations Trust Fund to contract for the administration of those
71 programs, or portions of the programs, assigned to the
72 department by law, by the appropriations process, or by the
73 Governor. Such expenditures are ~~shall be~~ subject to review under
74 chapter 216.

75 3. Develop measurement protocols for the state incentive
76 programs and for the contracted entities which will be used to
77 determine their performance and competitive value to the state.
78 Performance measures, benchmarks, and sanctions must be
79 developed in consultation with the legislative appropriations
80 committees and the appropriate substantive committees, and are
81 subject to the review and approval process provided in s.
82 216.177. The approved performance measures, standards, and
83 sanctions must ~~shall~~ be included and made a part of the
84 strategic plan for contracts entered into for delivery of
85 programs authorized by this section.

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

88 a. Strategies for the promotion of business formation,
89 expansion, recruitment, and retention through aggressive
90 marketing, attraction of venture capital and finance
91 development, domestic trade, international development, and
92 export assistance, which lead to more and better jobs and higher
93 wages for all geographic regions, ~~disadvantaged communities,~~ and
94 populations of the state, including rural areas, ~~minority~~
95 ~~businesses,~~ and urban core areas.

96 b. The development of realistic policies and programs to
97 further the economic diversity of the state, its regions, and



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98 their associated industrial clusters.

99 c. Specific provisions for the stimulation of economic
100 development and job creation in rural areas and midsize cities
101 and counties of the state, including strategies for rural
102 marketing and the development of infrastructure in rural areas.

103 d. Provisions for the promotion of the successful long-term
104 economic development of the state with increased emphasis in
105 market research and information.

106 e. Plans for the generation of foreign investment in the
107 state which create jobs paying above-average wages and which
108 result in reverse investment in the state, including programs
109 that establish viable overseas markets, assist in meeting the
110 financing requirements of export-ready firms, broaden
111 opportunities for international joint venture relationships, use
112 the resources of academic and other institutions, coordinate
113 trade assistance and facilitation services, and facilitate
114 availability of and access to education and training programs
115 that assure requisite skills and competencies necessary to
116 compete successfully in the global marketplace.

117 f. The identification of business sectors that are of
118 current or future importance to the state's economy and to the
119 state's global business image, and development of specific
120 strategies to promote the development of such sectors.

121 g. Strategies for talent development necessary in the state
122 to encourage economic development growth, taking into account
123 factors such as the state's talent supply chain, education and
124 training opportunities, and available workforce.

125 h. Strategies and plans to support this state's defense,
126 space, and aerospace industries and the emerging complementary



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127 business activities and industries that support the development
128 and growth of defense, space, and aerospace in this state.

129 5. Update the strategic plan every 5 years.

130 6. Involve CareerSource Florida, Inc.; direct-support
131 organizations of the department; local governments; the general
132 public; local and regional economic development organizations;
133 other local, state, and federal economic, international, and
134 workforce development entities; the business community; and
135 educational institutions to assist with the strategic plan.

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

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

142 9. Establish the Office of Secure Florida. The office is
143 responsible for administering and enforcing:

144 a. E-Verify and employment authorization compliance, as set
145 forth in ss. 448.09 and 448.095.

146 b. The prohibition against the purchase and registration of
147 real property in this state by foreign principals, as set forth
148 in ss. 692.203 and 692.204.

149 Section 26. Paragraph (r) of subsection (5) of section
150 212.08, Florida Statutes, is amended to read:

151 212.08 Sales, rental, use, consumption, distribution, and
152 storage tax; specified exemptions.—The sale at retail, the
153 rental, the use, the consumption, the distribution, and the
154 storage to be used or consumed in this state of the following
155 are hereby specifically exempt from the tax imposed by this



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156 chapter.

157 (5) EXEMPTIONS; ACCOUNT OF USE.—

158 (r) *Data center property*.—

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

160 a. "Critical IT load" means that portion of electric power
161 capacity, expressed in terms of megawatts, which is reserved
162 solely for owners or tenants of a data center to operate their
163 computer server equipment. The term does not include any
164 ancillary load for cooling, lighting, common areas, or other
165 equipment.

166 b. "Cumulative capital investment" means the combined total
167 of all expenses incurred by the owners or tenants of a data
168 center after July 1, 2017, in connection with acquiring,
169 constructing, installing, equipping, or expanding the data
170 center. However, the term does not include any expenses incurred
171 in the acquisition of improved real property operating as a data
172 center at the time of acquisition or within 6 months before the
173 acquisition.

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

175 (I) Consists of one or more contiguous parcels in this
176 state, along with the buildings, substations and other
177 infrastructure, fixtures, and personal property located on the
178 parcels;

179 (II) Is used exclusively to house and operate equipment
180 that receives, stores, aggregates, manages, processes,
181 transforms, retrieves, researches, or transmits data; or that is
182 necessary for the proper operation of equipment that receives,
183 stores, aggregates, manages, processes, transforms, retrieves,
184 researches, or transmits data;



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185 (III) Has a critical IT load of 15 megawatts or higher, and
186 a critical IT load of 1 megawatt or higher dedicated to each
187 individual owner or tenant within the data center; and

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

189 d. "Data center property" means property used exclusively
190 at a data center to construct, outfit, operate, support, power,
191 cool, dehumidify, secure, or protect a data center and any
192 contiguous dedicated substations. The term includes, but is not
193 limited to, construction materials, component parts, machinery,
194 equipment, computers, servers, installations, redundancies, and
195 operating or enabling software, including any replacements,
196 updates and new versions, and upgrades to or for such property,
197 regardless of whether the property is a fixture or is otherwise
198 affixed to or incorporated into real property. The term also
199 includes electricity used exclusively at a data center.

200 2. Data center property is exempt from the tax imposed by
201 this chapter, except for the tax imposed by s. 212.031. To be
202 eligible for the exemption provided by this paragraph, the data
203 center's owners and tenants must make a cumulative capital
204 investment of \$150 million or more for the data center and the
205 data center must have a critical IT load of 15 megawatts or
206 higher and a critical IT load of 1 megawatt or higher dedicated
207 to each individual owner or tenant within the data center. Each
208 of these requirements must be satisfied no later than 5 years
209 after the commencement of construction of the data center.

210 3.a. To receive the exemption provided by this paragraph,
211 the person seeking the exemption must apply to the department
212 for a temporary tax exemption certificate. The application must
213 state that a qualifying data center designation is being sought



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214 and provide information that the requirements of subparagraph 2.
215 will be met. Upon a tentative determination by the department
216 that the data center will meet the requirements of subparagraph
217 2., the department must issue the certificate.

218 b.(I) The certificateholder shall maintain all necessary
219 books and records to support the exemption provided by this
220 paragraph. Upon satisfaction of all requirements of subparagraph
221 2., the certificateholder must deliver the temporary tax
222 certificate to the department together with documentation
223 sufficient to show the satisfaction of the requirements. Such
224 documentation must include written declarations, pursuant to s.
225 92.525, from:

226 (A) A professional engineer, licensed pursuant to chapter
227 471, certifying that the critical IT load requirement set forth
228 in subparagraph 2. has been satisfied at the data center; and

229 (B) A Florida certified public accountant, as defined in s.
230 473.302, certifying that the cumulative capital investment
231 requirement set forth in subparagraph 2. has been satisfied for
232 the data center.

233
234 The professional engineer and the Florida certified public
235 accountant may not be professionally related with the data
236 center's owners, tenants, or contractors, except that they may
237 be retained by a data center owner to certify that the
238 requirements of subparagraph 2. have been met.

239 (II) If the department determines that the subparagraph 2.
240 requirements have been satisfied, the department must issue a
241 permanent tax exemption certificate.

242 (III) Notwithstanding s. 212.084(4), the permanent tax



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243 exemption certificate remains valid and effective for as long as
244 the data center described in the exemption application continues
245 to operate as a data center as defined in subparagraph 1., with
246 review by the department every 5 years to ensure compliance. As
247 part of the review, the certificateholder shall, within 3 months
248 before the end of any 5-year period, submit a written
249 declaration, pursuant to s. 92.525, certifying that the critical
250 IT load of 15 megawatts or higher and the critical IT load of 1
251 megawatt or higher dedicated to each individual owner or tenant
252 within the data center required by subparagraph 2. continues to
253 be met. All owners, tenants, contractors, and others purchasing
254 exempt data center property shall maintain all necessary books
255 and records to support the exemption as to those purchases.

256 (IV) Notwithstanding s. 213.053, the department may share
257 information concerning a temporary or permanent data center
258 exemption certificate among all owners, tenants, contractors,
259 and others purchasing exempt data center property pursuant to
260 such certificate.

261 c. If, in an audit conducted by the department, it is
262 determined that the certificateholder or any owners, tenants,
263 contractors, or others purchasing, renting, or leasing data
264 center property do not meet the criteria of this paragraph, the
265 amount of taxes exempted at the time of purchase, rental, or
266 lease is immediately due and payable to the department from the
267 purchaser, renter, or lessee of those particular items, together
268 with the appropriate interest and penalty computed from the date
269 of purchase in the manner prescribed by this chapter.

270 Notwithstanding s. 95.091(3)(a), any tax due as provided in this
271 sub-subparagraph may be assessed by the department within 6



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272 years after the date the data center property was purchased.

273 d. Purchasers, lessees, and renters of data center property
274 who qualify for the exemption provided by this paragraph shall
275 obtain from the data center a copy of the tax exemption
276 certificate issued pursuant to sub-subparagraph a. or sub-
277 subparagraph b. Before or at the time of purchase of the item or
278 items eligible for exemption, the purchaser, lessee, or renter
279 shall provide to the seller a copy of the tax exemption
280 certificate and a signed certificate of entitlement. Purchasers,
281 lessees, and renters with self-accrual authority shall maintain
282 all documentation necessary to prove the exempt status of
283 purchases.

284 e. For any purchase, lease, or rental of property that is
285 exempt pursuant to this paragraph, the possession of a copy of a
286 tax exemption certificate issued pursuant to sub-subparagraph a.
287 or sub-subparagraph b. and a signed certificate of entitlement
288 relieves the seller of the responsibility of collecting the tax
289 on the sale, lease, or rental of such property, and the
290 department must look solely to the purchaser, renter, or lessee
291 for recovery of the tax if it determines that the purchase,
292 rental, or lease was not entitled to the exemption.

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

295 Section 27. Paragraph (b) of subsection (1) of section
296 215.559, Florida Statutes, is amended to read:

297 215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss
298 Mitigation Program is established in the Division of Emergency
299 Management.

300 (1) The Legislature shall annually appropriate \$10 million



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301 of the moneys authorized for appropriation under s.
302 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
303 division for the purposes set forth in this section. Of the
304 amount:

305 (b) Three million dollars in funds shall be used to
306 construct or retrofit facilities used as public hurricane
307 shelters. Each year the division shall prioritize the use of
308 these funds for projects included in the annual report of the
309 Shelter Development Report prepared in accordance with s.
310 252.385(3). The division must give funding priority to projects
311 in regional planning council regions, as such regions existed on
312 January 1, 2025, that have shelter deficits and to projects that
313 maximize the use of state funds.

314 Section 28. Paragraph (b) of subsection (2) and subsection
315 (3) of section 252.385, Florida Statutes, are amended to read:

316 252.385 Public shelter space; public records exemption.—
317 (2)

318 (b) By January 31 of each even-numbered year, the division
319 shall prepare and submit a statewide emergency shelter plan to
320 the Governor and Cabinet for approval, subject to the
321 requirements for approval in s. 1013.37(2). The emergency
322 shelter plan must project, for each of the next 5 years, the
323 hurricane shelter needs of the state, including periods of time
324 during which a concurrent public health emergency may
325 necessitate more space for each individual to accommodate
326 physical distancing. In addition to information on the general
327 shelter needs throughout this state, the plan must identify the
328 general location and square footage of special needs shelters
329 annually through 2030, by regional planning council region. The



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330 plan must also include information on the availability of
331 shelters that accept pets. The Department of Health shall assist
332 the division in determining the estimated need for special needs
333 shelter space and the adequacy of facilities to meet the needs
334 of persons with special needs based on information from the
335 registries of persons with special needs and other information.

336 (3) The division shall annually provide to the President of
337 the Senate, the Speaker of the House of Representatives, and the
338 Governor a list of facilities recommended to be retrofitted
339 using state funds. State funds must ~~should~~ be maximized and
340 targeted to regional planning council regions, as such regions
341 existed on January 1, 2025, with hurricane evacuation shelter
342 deficits. The owner or lessee of a public hurricane evacuation
343 shelter that is included on the list of facilities recommended
344 for retrofitting is not required to perform any recommended
345 improvements.

346 Section 29. Paragraph (d) of subsection (21) of section
347 253.025, Florida Statutes, is amended to read:

348 253.025 Acquisition of state lands.—

349 (21)

350 (d) A conveyance at less than appraised value must state
351 that the land will revert to the board of trustees if the land
352 is not used for its intended purposes as a military installation
353 buffer or if the military installation closes. Federal
354 Government agencies, including the Department of Defense and its
355 subordinate Departments of the Army, Navy, and Air Force, and
356 the Department of Homeland Security's United States Coast Guard,
357 are exempt from this paragraph if the primary purpose of
358 remaining as a military installation buffer continues, even



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359 though the specific military purpose, mission, and function on
360 the conveyed land is modified or changes from that which was
361 present or proposed at the time of the conveyance.

362 Section 30. Subsection (18) of section 287.012, Florida
363 Statutes, is amended to read:

364 287.012 Definitions.—As used in this part, the term:
365 ~~(18) “Minority business enterprise” has the same meaning as~~
366 ~~provided in s. 288.703.~~

367 Section 31. Paragraph (a) of subsection (2) and paragraph
368 (b) of subsection (3) of section 287.042, Florida Statutes, are
369 amended to read:

370 287.042 Powers, duties, and functions.—The department shall
371 have the following powers, duties, and functions:

372 (2) (a) To establish purchasing agreements and procure state
373 term contracts for commodities and contractual services,
374 pursuant to s. 287.057, under which state agencies shall, and
375 eligible users may, make purchases pursuant to s. 287.056. The
376 department may restrict purchases from some term contracts to
377 state agencies only for those term contracts where the inclusion
378 of other governmental entities will have an adverse effect on
379 competition or to those federal facilities located in this
380 state. In such planning or purchasing the Office of Supplier
381 Development Diversity may monitor to ensure that opportunities
382 are afforded for contracting with rural or urban minority
383 business enterprises. The department, for state term contracts,
384 and all agencies, for multiyear contractual services or term
385 contracts, shall explore reasonable and economical means to
386 utilize certified rural or urban minority business enterprises.
387 Purchases by any county, municipality, private nonprofit



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388 community transportation coordinator designated pursuant to
389 chapter 427, while conducting business related solely to the
390 Commission for the Transportation Disadvantaged, or other local
391 public agency under the provisions in the state purchasing
392 contracts, and purchases, from the corporation operating the
393 correctional work programs, of products or services that are
394 subject to paragraph (1)(f), are exempt from the competitive
395 solicitation requirements otherwise applying to their purchases.

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

400 (b)1. Development of procedures for advertising
401 solicitations. These procedures must provide for electronic
402 posting of solicitations for at least 10 days before the date
403 set for receipt of bids, proposals, or replies, unless the
404 department or other agency determines in writing that a shorter
405 period of time is necessary to avoid harming the interests of
406 the state. The Office of Supplier Development Diversity may
407 consult with the department regarding the development of
408 solicitation distribution procedures to ensure that maximum
409 distribution is afforded to certified rural or urban minority
410 business enterprises as defined in s. 288.703.

411 2. Development of procedures for electronic posting. The
412 department shall designate a centralized website on the Internet
413 for the department and other agencies to electronically post
414 solicitations, decisions or intended decisions, and other
415 matters relating to procurement.

416 Section 32. Section 287.09451, Florida Statutes, is amended



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417 to read:

418 287.09451 Office of Supplier Development Diversity; powers,
419 duties, and functions.—

420 (1) The Legislature finds that there is evidence of a
421 systematic pattern of past and continuing ~~racial~~ discrimination
422 against rural or urban minority business enterprises and a
423 disparity in the availability and use of such rural or urban
424 ~~minority~~ business enterprises in the state procurement system.
425 It is determined to be a compelling state interest to rectify
426 such discrimination and disparity. Based upon statistical data
427 profiling this discrimination, the Legislature has enacted ~~race-~~
428 ~~conscious and gender-conscious~~ remedial programs to ensure rural
429 or urban minority participation in the economic life of the
430 state, in state contracts for the purchase of commodities and
431 services, and in construction contracts. The purpose and intent
432 of this section is to increase participation by ~~minority~~
433 business enterprises in rural or urban areas, accomplished by
434 encouraging the use of such rural or urban minority business
435 enterprises and the entry of new and diversified rural or urban
436 ~~minority~~ business enterprises into the marketplace.

437 (2) The Office of Supplier Development Diversity is
438 established within the Department of Management Services to
439 assist ~~minority~~ business enterprises located in rural or urban
440 areas in becoming suppliers of commodities, services, and
441 construction to state government.

442 (3) The secretary shall appoint an executive director for
443 the Office of Supplier Development Diversity, who shall serve at
444 the pleasure of the secretary.

445 (4) The Office of Supplier Development has ~~Diversity shall~~



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446 ~~have~~ the following powers, duties, and functions:

447 (a) To adopt rules to determine what constitutes a "good
448 faith effort" for purposes of state agency compliance with the
449 rural or urban minority business enterprise procurement goals
450 set forth in s. 287.042. Factors which must ~~shall~~ be considered
451 ~~by the Minority Business Enterprise Assistance Office~~ in
452 determining good faith effort must ~~shall~~ include, but are not ~~be~~
453 limited to:

454 1. Whether the agency scheduled presolicitation or prebid
455 meetings for the purpose of informing rural or urban minority
456 business enterprises of contracting and subcontracting
457 opportunities.

458 2. Whether the contractor advertised in general
459 circulation, trade association, or rural-focused or urban-
460 focused minority-focus media concerning the subcontracting
461 opportunities.

462 3. Whether the agency effectively used services and
463 resources of available rural or urban minority community
464 organizations; ~~minority~~ contractors' groups located in rural or
465 urban areas; local, state, and federal ~~minority business~~
466 assistance offices urban businesses located in rural or urban
467 areas; and other organizations that provide assistance in the
468 recruitment and placement of rural or urban minority business
469 enterprises ~~or minority persons~~.

470 4. Whether the agency provided written notice to a
471 reasonable number of rural or urban minority business
472 enterprises that their interest in contracting with the agency
473 was being solicited in sufficient time to allow the rural or
474 urban minority business enterprises to participate effectively.



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475 (b) To adopt rules to determine what constitutes a "good
476 faith effort" for purposes of contractor compliance with
477 contractual requirements relating to the use of services or
478 commodities of a rural or urban ~~minority~~ business enterprise
479 under s. 287.094(2). Factors which must ~~shall~~ be considered by
480 the Office of Supplier Development ~~Diversity~~ in determining
481 whether a contractor has made good faith efforts must ~~shall~~
482 include, but are not ~~be~~ limited to:

483 1. Whether the contractor attended any presolicitation or
484 prebid meetings that were scheduled by the agency to inform
485 rural or urban ~~minority~~ business enterprises of contracting and
486 subcontracting opportunities.

487 2. Whether the contractor advertised in general
488 circulation, trade association, or rural-focused or urban-
489 focused ~~minority-focus~~ media concerning the subcontracting
490 opportunities.

491 3. Whether the contractor provided written notice to a
492 reasonable number of specific rural or urban ~~minority~~ business
493 enterprises that their interest in the contract was being
494 solicited in sufficient time to allow the rural or urban
495 ~~minority~~ business enterprises to participate effectively.

496 4. Whether the contractor followed up initial solicitations
497 of interest by contacting rural or urban ~~minority~~ business
498 enterprises ~~or minority persons~~ to determine with certainty
499 whether the rural or urban ~~minority~~ business enterprises ~~or~~
500 ~~minority persons~~ were interested.

501 5. Whether the contractor selected portions of the work to
502 be performed by rural or urban ~~minority~~ business enterprises in
503 order to increase the likelihood of meeting the rural or urban



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504 ~~minority~~ business enterprise procurement goals, including, where
505 appropriate, breaking down contracts into economically feasible
506 units to facilitate rural or urban ~~minority~~ business enterprise
507 participation.

508 6. Whether the contractor provided interested rural or
509 urban ~~minority~~ business enterprises ~~or minority persons~~ with
510 adequate information about the plans, specifications, and
511 requirements of the contract or the availability of jobs.

512 7. Whether the contractor negotiated in good faith with
513 interested rural or urban ~~minority~~ business enterprises ~~or~~
514 ~~minority persons~~, not rejecting rural or urban ~~minority~~ business
515 enterprises ~~or minority persons~~ as unqualified without sound
516 reasons based on a thorough investigation of their capabilities.

517 8. Whether the contractor effectively used the services of
518 available rural or urban ~~minority~~ community organizations; rural
519 or urban ~~minority~~ contractors' groups; local, state, and federal
520 rural or urban ~~minority~~ business assistance offices; and other
521 organizations that provide assistance in the recruitment and
522 placement of rural or urban ~~minority~~ business enterprises ~~or~~
523 ~~minority persons~~.

524 (c) To adopt rules and do all things necessary or
525 convenient to guide all state agencies toward making
526 expenditures for commodities, contractual services,
527 construction, and architectural and engineering services with
528 certified rural or urban ~~minority~~ business enterprises in
529 accordance with the rural or urban ~~minority~~ business enterprise
530 procurement goals set forth in s. 287.042.

531 (d) To monitor the degree to which agencies procure
532 services, commodities, and construction from rural or urban



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533 ~~minority~~ business enterprises in conjunction with the Department
534 of Financial Services as specified in s. 17.11.

535 (e) To receive and disseminate information relative to
536 procurement opportunities, availability of rural or urban
537 ~~minority~~ business enterprises, and technical assistance.

538 (f) To advise agencies on methods and techniques for
539 achieving procurement objectives.

540 (g) To provide a central rural or urban ~~minority~~ business
541 enterprise certification process which includes independent
542 verification of status as a rural or urban ~~minority~~ business
543 enterprise.

544 (h) To develop procedures to investigate complaints against
545 rural or urban ~~minority~~ business enterprises or contractors
546 alleged to violate any provision related to this section or s.
547 287.0943, that may include visits to worksites or business
548 premises, and to refer all information on businesses suspected
549 of misrepresenting its rural or urban ~~minority~~ status to the
550 Department of Management Services for investigation. When an
551 investigation is completed and there is reason to believe that a
552 violation has occurred, the matter shall be referred to the
553 office of the Attorney General, Department of Legal Affairs, for
554 prosecution.

555 (i) To maintain a directory of all rural or urban ~~minority~~
556 business enterprises which have been certified and provide this
557 information to any agency or business requesting it.

558 (j) To encourage all firms which do more than \$1 million in
559 business with the state within a 12-month period to develop,
560 implement, and submit to this office a rural or urban ~~minority~~
561 business development plan.



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562 (k) To communicate on a monthly basis with the Small and
563 Minority Business Advisory Council to keep the council informed
564 on issues relating to rural or urban ~~minority~~ enterprise
565 procurement.

566 (l) To serve as an advocate for rural or urban ~~minority~~
567 business enterprises, and coordinate with the small, rural and
568 minority business ombudsman, as defined in s. 288.703, which
569 duties shall include:

570 1. Ensuring that agencies supported by state funding
571 effectively target the delivery of services and resources, as
572 related to rural or urban ~~minority~~ business enterprises.

573 2. Establishing standards within each industry with which
574 the state government contracts on how agencies and contractors
575 may provide the maximum practicable opportunity for rural or
576 urban ~~minority~~ business enterprises.

577 3. Assisting agencies and contractors by providing outreach
578 to rural or urban ~~minority~~ businesses, by specifying and
579 monitoring technical and managerial competence for rural or
580 urban ~~minority~~ business enterprises, and by consulting in
581 planning of agency procurement to determine how best to provide
582 opportunities for rural or urban ~~minority~~ business enterprises.

583 4. Integrating technical and managerial assistance for
584 rural or urban ~~minority~~ business enterprises with government
585 contracting opportunities.

586 (m) To certify rural or urban ~~minority~~ business
587 enterprises, as defined in s. 288.703, and as specified in ss.
588 287.0943 and 287.09431, and shall recertify such rural or urban
589 ~~minority~~ businesses at least once every 2 years. Rural or urban
590 ~~Minority~~ business enterprises must be recertified at least once



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591 every 2 years. Such certifications may include an electronic
592 signature.

593 (n)1. To develop procedures to be used by an agency in
594 identifying commodities, contractual services, architectural and
595 engineering services, and construction contracts, except those
596 architectural, engineering, construction, or other related
597 services or contracts subject to the provisions of chapter 339,
598 that could be provided by rural or urban ~~minority~~ business
599 enterprises. Each agency is encouraged to spend 21 percent of
600 the moneys actually expended for construction contracts, 25
601 percent of the moneys actually expended for architectural and
602 engineering contracts, 24 percent of the moneys actually
603 expended for commodities, and 50.5 percent of the moneys
604 actually expended for contractual services during the previous
605 fiscal year, except for the state university construction
606 program which are ~~shall be~~ based upon public education capital
607 outlay projections for the subsequent fiscal year, and reported
608 to the Legislature pursuant to s. 216.023, for the purpose of
609 entering into contracts with certified rural or urban ~~minority~~
610 business enterprises as defined in s. 288.703, or approved joint
611 ventures. However, in the event of budget reductions pursuant to
612 s. 216.221, the base amounts may be adjusted to reflect such
613 reductions. ~~The overall spending goal for each industry category~~
614 ~~shall be subdivided as follows:~~

615 ~~a. For construction contracts: 4 percent for black~~
616 ~~Americans, 6 percent for Hispanic-Americans, and 11 percent for~~
617 ~~American women.~~

618 ~~b. For architectural and engineering contracts: 9 percent~~
619 ~~for Hispanic-Americans, 1 percent for Asian-Americans, and 15~~



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620 ~~percent for American women.~~

621 ~~e. For commodities: 2 percent for black Americans, 4~~
622 ~~percent for Hispanic Americans, 0.5 percent for Asian Americans,~~
623 ~~0.5 percent for Native Americans, and 17 percent for American~~
624 ~~women.~~

625 ~~d. For contractual services: 6 percent for black Americans,~~
626 ~~7 percent for Hispanic Americans, 1 percent for Asian Americans,~~
627 ~~0.5 percent for Native Americans, and 36 percent for American~~
628 ~~women.~~

629 2. For the purposes of commodities contracts for the
630 purchase of equipment to be used in the construction and
631 maintenance of state transportation facilities involving the
632 Department of Transportation, the term terms "certified rural or
633 urban minority business enterprise" has the same meaning as and
634 "minority person" ~~have the same meanings as provided in s.~~
635 288.703. In order to ensure that the goals established under
636 this paragraph for contracting with certified rural or urban
637 ~~minority~~ business enterprises are met, the department, with the
638 assistance of the Office of Supplier Development Diversity,
639 shall make recommendations to the Legislature on revisions to
640 the goals, based on an updated statistical analysis, at least
641 once every 5 years. Such recommendations must ~~shall~~ be based on
642 statistical data indicating the availability of and disparity in
643 the use of rural or urban minority businesses contracting with
644 the state.

645 3. In determining the base amounts for assessing compliance
646 with this paragraph, the Office of Supplier Development
647 ~~Diversity~~ may develop, by rule, guidelines for all agencies to
648 use in establishing such base amounts. These rules must include,



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649 but are not limited to, guidelines for calculation of base
650 amounts, a deadline for the agencies to submit base amounts, a
651 deadline for approval of the base amounts by the Office of
652 Supplier Development Diversity, and procedures for adjusting the
653 base amounts as a result of budget reductions made pursuant to
654 s. 216.221.

655 4. To determine guidelines for the use of price
656 preferences, weighted preference formulas, or other preferences,
657 as appropriate to the particular industry or trade, to increase
658 the participation of rural or urban minority businesses in state
659 contracting. These guidelines must ~~shall~~ include consideration
660 of:

661 a. Size and complexity of the project.

662 b. The concentration of transactions with rural or urban
663 minority business enterprises for the commodity or contractual
664 services in question in prior agency contracting.

665 c. The specificity and definition of work allocated to
666 participating rural or urban minority business enterprises.

667 d. The capacity of participating rural or urban minority
668 business enterprises to complete the tasks identified in the
669 project.

670 e. The available pool of rural or urban minority business
671 enterprises as prime contractors, either alone or as partners in
672 an approved joint venture that serves as the prime contractor.

673 5. To determine guidelines for use of joint ventures to
674 meet rural or urban minority business enterprises spending
675 goals. For purposes of this section, the term "joint venture"
676 means any association of two or more business concerns to carry
677 out a single business enterprise for profit, for which purpose



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678 they combine their property, capital, efforts, skills, and
679 knowledge. The guidelines must ~~shall~~ allow transactions with
680 joint ventures to be eligible for credit against the rural or
681 urban ~~minority~~ business enterprise goals of an agency when the
682 contracting joint venture demonstrates that at least one partner
683 to the joint venture is a certified rural or urban ~~minority~~
684 business enterprise as defined in s. 288.703, and that such
685 partner is responsible for a clearly defined portion of the work
686 to be performed, and shares in the ownership, control,
687 management, responsibilities, risks, and profits of the joint
688 venture. Such demonstration must ~~shall~~ be by verifiable
689 documents and sworn statements and may be reviewed by the Office
690 of Supplier Development Diversity at or before the time a
691 contract bid, proposal, or reply is submitted. An agency may
692 count toward its rural or urban ~~minority~~ business enterprise
693 goals a portion of the total dollar amount of a contract equal
694 to the percentage of the ownership and control held by the
695 qualifying certified rural or urban ~~minority~~ business partners
696 in the contracting joint venture, so long as the joint venture
697 meets the guidelines adopted by the office.

698 (o)1. To establish a system to record and measure the use
699 of certified rural or urban ~~minority~~ business enterprises in
700 state contracting. This system must ~~shall~~ maintain information
701 and statistics on certified rural or urban ~~minority~~ business
702 enterprise participation, awards, dollar volume of expenditures
703 and agency goals, and other appropriate types of information to
704 analyze progress in the access of certified rural or urban
705 ~~minority~~ business enterprises to state contracts and to monitor
706 agency compliance with this section. Such reporting must



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707 include, but is not limited to, the identification of all
708 subcontracts in state contracting by dollar amount and by number
709 of subcontracts and the identification of the utilization of
710 certified rural or urban ~~minority~~ business enterprises as prime
711 contractors and subcontractors by dollar amounts of contracts
712 and subcontracts, number of contracts and subcontracts, ~~minority~~
713 ~~status~~, industry, and any conditions or circumstances that
714 significantly affected the performance of subcontractors.
715 Agencies shall report their compliance with the requirements of
716 this reporting system at least annually and at the request of
717 the office. All agencies shall cooperate with the office in
718 establishing this reporting system. Except in construction
719 contracting, all agencies shall review contracts costing in
720 excess of CATEGORY FOUR as defined in s. 287.017 to determine
721 whether ~~if~~ such contracts could be divided into smaller
722 contracts to be separately solicited and awarded, and shall,
723 when economical, offer such smaller contracts to encourage rural
724 or urban ~~minority~~ participation.

725 2. To report agency compliance with ~~the provisions of~~
726 subparagraph 1. for the preceding fiscal year to the Governor
727 ~~and Cabinet~~, the President of the Senate, and the Speaker of the
728 House of Representatives on or before February 1 of each year.
729 The report must contain, at a minimum, the following:

730 a. Total expenditures of each agency by industry.

731 b. The dollar amount and percentage of contracts awarded to
732 certified rural or urban ~~minority~~ business enterprises by each
733 state agency.

734 c. The dollar amount and percentage of contracts awarded
735 indirectly to certified rural or urban ~~minority~~ business



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736 enterprises as subcontractors by each state agency.

737 d. The total dollar amount and percentage of contracts
738 awarded to certified rural or urban ~~minority~~ business
739 enterprises, whether directly or indirectly, as subcontractors.

740 e. A statement and assessment of good faith efforts taken
741 by each state agency.

742 f. A status report of agency compliance with subsection
743 (6), as determined by the Rural or Urban ~~Minority~~ Business
744 Enterprise Office.

745 (5) (a) Each agency shall, at the time the specifications or
746 designs are developed or contract sizing is determined for any
747 proposed procurement costing in excess of CATEGORY FOUR, as
748 defined in s. 287.017, forward a notice to the Office of
749 Supplier Development ~~Diversity~~ of the proposed procurement and
750 any determination on the designs of specifications of the
751 proposed procurement that impose requirements on prospective
752 vendors, no later than 30 days before ~~prior to~~ the issuance of a
753 solicitation, except that this provision does ~~shall~~ not apply to
754 emergency acquisitions. The 30-day notice period does ~~shall~~ not
755 toll the time for any other procedural requirements.

756 (b) If the Office of Supplier Development ~~Diversity~~
757 determines that the proposed procurement will not likely allow
758 opportunities for rural or urban ~~minority~~ business enterprises,
759 the office may, within 20 days after it receives the information
760 specified in paragraph (a), propose the implementation of rural
761 or urban ~~minority~~ business enterprise utilization provisions or
762 submit alternative procurement methods that would significantly
763 increase rural or urban ~~minority~~ business enterprise contracting
764 opportunities.



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765 (c) Whenever the agency and the Office of Supplier
766 Development Diversity disagree, the matter must ~~shall~~ be
767 submitted for determination to the head of the agency or the
768 senior-level official designated pursuant to this section as
769 liaison for rural or urban ~~minority~~ business enterprise issues.

770 (d) If the proposed procurement proceeds to competitive
771 solicitation, the office is hereby granted standing to protest,
772 pursuant to this section, in a timely manner, any contract award
773 during competitive solicitation for contractual services and
774 construction contracts that fail to include rural or urban
775 ~~minority~~ business enterprise participation, if any responsible
776 and responsive vendor has demonstrated the ability to achieve
777 any level of participation, or, any contract award for
778 commodities where, a reasonable and economical opportunity to
779 reserve a contract, statewide or district level, for rural or
780 urban ~~minority~~ participation was not executed or, an agency
781 failed to adopt an applicable preference for rural or urban
782 ~~minority~~ participation. The bond requirement is ~~shall be~~ waived
783 for the office purposes of this subsection.

784 (e) An agency may presume that a vendor offering no rural
785 or urban ~~minority~~ participation has not made a good faith effort
786 when other vendors offer rural or urban ~~minority~~ participation
787 of firms listed as relevant to the agency's purchasing needs in
788 the pertinent locality or statewide to complete the project.

789 (f) Paragraph (a) will not apply when the Office of
790 Supplier Development Diversity determines that an agency has
791 established a work plan to allow advance consultation and
792 planning with rural or urban ~~minority~~ business enterprises and
793 where such plan clearly demonstrates:



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794 1. A high level of advance planning by the agency with
795 rural or urban minority business enterprises.

796 2. A high level of accessibility, knowledge, and experience
797 by rural or urban minority business enterprises in the agency's
798 contract decisionmaking process.

799 3. A high quality of agency monitoring and enforcement of
800 internal implementation of rural or urban minority business
801 utilization provisions.

802 4. A high quality of agency monitoring and enforcement of
803 contractor utilization of rural or urban minority business
804 enterprises, especially tracking subcontractor data, and
805 ensuring the integrity of subcontractor reporting.

806 5. A high quality of agency outreach, agency networking of
807 major vendors with rural or urban minority vendors, and
808 innovation in techniques to improve utilization of rural or
809 urban minority business enterprises.

810 6. Substantial commitment, sensitivity, and proactive
811 attitude by the agency head and among the agency rural and urban
812 minority business staff.

813 (6) Each state agency shall coordinate its rural or urban
814 minority business enterprise procurement activities with the
815 Office of Supplier Development Diversity. At a minimum, each
816 agency shall:

817 (a) Adopt a rural or urban minority business enterprise
818 utilization plan for review and approval by the Office of
819 Supplier Development Diversity which should require meaningful
820 and useful methods to attain the legislative intent in assisting
821 rural or urban minority business enterprises.

822 (b) Designate a senior-level employee in the agency as a



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823 rural or urban ~~minority~~ enterprise assistance officer,
824 responsible for overseeing the agency's rural or urban ~~minority~~
825 business utilization activities, and who is not also charged
826 with purchasing responsibility. A senior-level agency employee
827 and agency purchasing officials is ~~shall be~~ accountable to the
828 agency head for the agency's rural or urban ~~minority~~ business
829 utilization performance. The Office of Supplier Development
830 ~~Diversity~~ shall advise each agency on compliance performance.

831 (c) If an agency deviates significantly from its
832 utilization plan in 2 consecutive or 3 out of 5 total fiscal
833 years, the Office of Supplier Development ~~Diversity~~ may review
834 any and all solicitations and contract awards of the agency as
835 deemed necessary until such time as the agency meets its
836 utilization plan.

837 Section 33. Section 287.0947, Florida Statutes, is amended
838 to read:

839 287.0947 Florida Advisory Council on Small, Rural, and
840 Urban ~~and Minority~~ Business Development; creation; membership;
841 duties.-

842 (1) The Secretary of Management Services may create the
843 Florida Advisory Council on Small, Rural, and Urban ~~and Minority~~
844 Business Development with the purpose of advising and assisting
845 the secretary in carrying out the secretary's duties with
846 respect to rural or urban ~~minority~~ businesses and economic and
847 business development. It is the intent of the Legislature that
848 the membership of such council include practitioners,
849 laypersons, financiers, and others with business development
850 experience who can provide invaluable insight and expertise for
851 this state in the diversification of its markets and networking



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852 of business opportunities. The council shall initially be
853 composed ~~consist~~ of 19 persons, each of whom is or has been
854 actively engaged in small, rural, and urban ~~and minority~~
855 business development, either in private industry, in
856 governmental service, or as a scholar of recognized achievement
857 in the study of such matters. Initially, the council shall be
858 composed ~~consist~~ of members representing all regions of this the
859 state and shall include at least one member from each group
860 identified within the definition of "minority person" in s.
861 288.703 ~~s. 288.703(4)~~, considering also gender and nationality
862 subgroups, and shall be composed ~~consist~~ of the following:

863 (a) Four members ~~consisting of~~ representatives of local and
864 federal small, rural, and urban ~~and minority~~ business assistance
865 programs or community development programs.

866 (b) Eight members representing ~~composed of representatives~~
867 ~~of the~~ rural and urban ~~minority~~ private business sectors ~~sector~~,
868 including certified rural or urban ~~minority~~ business enterprises
869 and rural or urban ~~minority~~ supplier development councils, among
870 whom at least two are ~~shall be~~ women and at least four are ~~shall~~
871 ~~be~~ minority persons.

872 (c) Two representatives of local government, one of whom is
873 ~~shall be~~ a representative of a large local government, and one
874 of whom is ~~shall be~~ a representative of a small local
875 government.

876 (d) Two representatives from the banking and insurance
877 industry.

878 (e) Two members from the private business sector,
879 representing the construction and commodities industries.

880 (f) The Secretary of Commerce or his or her designee.



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882 A candidate for appointment may be considered if eligible to be
883 certified as an owner of a rural or urban ~~minority~~ business
884 enterprise, or if otherwise qualified under the criteria above.
885 Vacancies may be filled by appointment of the secretary, in the
886 manner of the original appointment.

887 (2) Each appointed member shall serve for a term of 2 years
888 from the date of appointment, except that a vacancy must ~~shall~~
889 be filled by appointment for the remainder of the unexpired
890 term. The council shall annually elect a chair and a vice chair.
891 The council shall adopt internal procedures or bylaws necessary
892 for efficient operations. Members of the council shall serve
893 without compensation or honorarium but shall be entitled to per
894 diem and travel expenses pursuant to s. 112.061 for the
895 performance of duties for the council. The executive
896 administrator of the commission may remove a council member for
897 cause.

898 (3) Within 30 days after its initial meeting, the council
899 shall elect from among its members a chair and a vice chair.

900 (4) The council shall meet at the call of its chair, at the
901 request of a majority of its membership, at the request of the
902 commission or its executive administrator, or at such times as
903 may be prescribed by rule, but not less than once a year, to
904 offer its views on issues related to small, rural, and urban ~~and~~
905 ~~minority~~ business development of concern to this state. A
906 majority of the members of the council shall constitute a
907 quorum.

908 (5) The powers and duties of the council include, but are
909 not limited to the following: researching and reviewing the role



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910 of small, rural, and urban ~~and minority~~ businesses in the
911 state's economy; reviewing issues and emerging topics relating
912 to small, rural, and urban ~~and minority~~ business economic
913 development; studying the ability of financial markets and
914 institutions to meet small business credit needs and determining
915 the impact of government demands on credit for small, rural, and
916 urban businesses; assessing the implementation of s.
917 187.201(21), requiring a state economic development
918 comprehensive plan, as it relates to small and certified rural
919 or urban business enterprises as defined in s. 288.703 ~~minority~~
920 ~~businesses~~; assessing the reasonableness and effectiveness of
921 efforts by any state agency or by all state agencies
922 collectively to assist rural or urban ~~minority~~ business
923 enterprises; and advising the Governor, the secretary, and the
924 Legislature on matters relating to small, rural, and urban ~~and~~
925 ~~minority~~ business development which are of importance to the
926 international strategic planning and activities of this state.

927 (6) On or before January 1 of each year, the council shall
928 present an annual report to the secretary that sets forth in
929 appropriate detail the business transacted by the council during
930 the year and any recommendations to the secretary, including
931 those to improve business opportunities for small, rural, and
932 urban ~~and minority~~ business enterprises.

933 Section 34. Paragraph (b) of subsection (4) of section
934 288.001, Florida Statutes, is amended, and paragraph (b) of
935 subsection (3) is reenacted, to read:

936 288.001 The Florida Small Business Development Center
937 Network.—

938 (3) OPERATION; POLICIES AND PROGRAMS.—



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939 (b) The network's statewide director shall consult with the
940 Board of Governors, the department, and the network's statewide
941 advisory board to ensure that the network's policies and
942 programs align with the statewide goals of the State University
943 System and the statewide strategic economic development plan as
944 provided under s. 20.60.

945 (4) STATEWIDE ADVISORY BOARD.—

946 (b) The statewide advisory board shall be composed ~~consist~~
947 of 19 members from across the state. At least 12 members must be
948 representatives of the private sector who are knowledgeable of
949 the needs and challenges of small businesses. The members must
950 represent various segments and industries of the economy in this
951 state and must bring knowledge and skills to the statewide
952 advisory board which would enhance the board's collective
953 knowledge of small business assistance needs and challenges.
954 ~~Minority and gender~~ Representation for this state's rural or
955 urban areas must be considered when making appointments to the
956 board. The board must include the following members:

957 1. Three members appointed from the private sector by the
958 President of the Senate.

959 2. Three members appointed from the private sector by the
960 Speaker of the House of Representatives.

961 3. Three members appointed from the private sector by the
962 Governor.

963 4. Three members appointed from the private sector by the
964 network's statewide director.

965 5. One member appointed by the host institution.

966 6. The Secretary of Commerce, or his or her designee.

967 7. The Chief Financial Officer, or his or her designee.



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968 8. The President of the Florida Chamber of Commerce, or his
969 or her designee.

970 9. The Small Business Development Center Project Officer
971 from the U.S. Small Business Administration at the South Florida
972 District Office, or his or her designee.

973 10. The executive director of the National Federation of
974 Independent Businesses, Florida, or his or her designee.

975 11. The executive director of the Florida United Business
976 Association, or his or her designee.

977 Section 35. Subsection (8) of section 288.0065, Florida
978 Statutes, is amended to read:

979 288.0065 Annual incentives report.—By December 30 of each
980 year, the department shall provide the Governor, the President
981 of the Senate, and the Speaker of the House of Representatives a
982 detailed incentives report quantifying the economic benefits for
983 all of the economic development incentive programs administered
984 by the department and its public-private partnerships. The
985 annual incentives report must include:

986 (8) A description of the trends relating to business
987 interest in, and usage of, the various incentives, and the
988 number of ~~minority-owned or woman-owned~~ small businesses and
989 businesses in rural or urban areas receiving incentives.

990 Section 36. Section 288.1167, Florida Statutes, is amended
991 to read:

992 288.1167 Sports franchise contract provisions for food and
993 beverage concession and contract awards to ~~minority~~ business
994 enterprises in rural or urban areas.—Any applicant who receives
995 funding pursuant to the provisions of s. 212.20 must demonstrate
996 that:



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997 (1) Funds and facilities with respect to food and beverage
998 and related concessions shall be awarded to certified rural or
999 urban small minority business enterprises ~~as defined in s.~~
1000 ~~288.703~~ on the same terms and conditions as the general food and
1001 beverage concessionaire and in accordance with the rural or
1002 urban minority business enterprise procurement goals set forth
1003 in s. 287.09451;

1004 (2) At least 15 percent of a company contracted to manage a
1005 professional sports franchise facility or a spring training
1006 franchise facility is owned by certified rural or urban minority
1007 business enterprises ~~or by a minority person~~ as that term is
1008 ~~those terms are~~ defined in s. 288.703; or

1009 (3) At least 15 percent of all operational service
1010 contracts with a professional sports franchise facility or a
1011 spring training franchise facility are awarded to certified
1012 rural or urban minority business enterprises as that term is
1013 defined in s. 288.703 or to a minority person located in a rural
1014 or urban area ~~as those terms are defined in s. 288.703.~~

1015 Section 37. Paragraph (b) of subsection (2) of section
1016 288.1229, Florida Statutes, is amended to read:

1017 288.1229 Promotion and development of sports-related
1018 industries and amateur athletics; direct-support organization
1019 established; powers and duties.—

1020 (2) The Florida Sports Foundation must:

1021 (b) Be governed by a board of directors, which must be
1022 composed ~~consist~~ of up to 15 members appointed by the Governor.

1023 In making appointments, the Governor shall ~~must~~ consider a
1024 potential member's background in community service and sports
1025 activism in, and financial support of, the sports industry,



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1026 professional sports, or organized amateur athletics. Members
1027 must be residents of the state and highly knowledgeable about or
1028 active in professional or organized amateur sports.

1029 1. The board must contain representatives of all
1030 geographical regions of the state ~~and must represent ethnic and~~
1031 ~~gender diversity.~~

1032 2. The terms of office of the members shall be 4 years. No
1033 member may serve more than two consecutive terms. The Governor
1034 may remove any member for cause and shall fill all vacancies
1035 that occur.

1036 Section 38. Subsection (2) of section 288.7015, Florida
1037 Statutes, is amended to read:

1038 288.7015 Appointment of rules ombudsman; duties.—The
1039 Governor shall appoint a rules ombudsman, as defined in s.
1040 288.703, in the Executive Office of the Governor, for
1041 considering the impact of agency rules on the state's citizens
1042 and businesses. The duties of the rules ombudsman are to:

1043 (2) Review state agency rules that adversely or
1044 disproportionately impact businesses, particularly those
1045 relating to small and certified rural or urban business
1046 enterprise as that term is defined in s. 288.703 ~~minority~~
1047 ~~businesses.~~

1048 Section 39. Section 288.702, Florida Statutes, is amended
1049 to read:

1050 288.702 Short title.—This section and ss. 288.703-288.705
1051 ~~ss. 288.703-288.706~~ may be cited as the "Florida Small ~~and~~
1052 ~~Minority Business Assistance Act."~~

1053 Section 40. Section 288.703, Florida Statutes, is amended
1054 to read:



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1055 288.703 Definitions.—As used in ss. 288.702-288.705 ~~ss.~~
1056 ~~288.702-288.706~~, the term:

1057 (1) “Certified rural or urban business enterprise” means a
1058 business located in a defined geographic area within this state
1059 where one of the following conditions has been documented in the
1060 most recent census conducted by the Bureau of the Census of the
1061 United States Department of Commerce:

1062 a. Per capita income in the area is less than 80 percent of
1063 this state’s per capita income.

1064 b. The unemployment rate in the area has been greater than
1065 the unemployment rate for this state by more than 1 percent over
1066 the previous 24 months from the time the comparison is made.

1067 ~~“Certified minority business enterprise” means a business~~
1068 ~~which has been certified by the certifying organization or~~
1069 ~~jurisdiction in accordance with s. 287.0943(1) and (2).~~

1070 (2) “Financial institution” means any bank, trust company,
1071 insurance company, savings and loan association, credit union,
1072 federal lending agency, or foundation.

1073 ~~(3) “Minority business enterprise” means any small business~~
1074 ~~concern as defined in subsection (6) which is organized to~~
1075 ~~engage in commercial transactions, which is domiciled in~~
1076 ~~Florida, and which is at least 51-percent owned by minority~~
1077 ~~persons who are members of an insular group that is of a~~
1078 ~~particular racial, ethnic, or gender makeup or national origin,~~
1079 ~~which has been subjected historically to disparate treatment due~~
1080 ~~to identification in and with that group resulting in an~~
1081 ~~underrepresentation of commercial enterprises under the group’s~~
1082 ~~control, and whose management and daily operations are~~
1083 ~~controlled by such persons. A minority business enterprise may~~



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1084 ~~primarily involve the practice of a profession. Ownership by a~~
1085 ~~minority person does not include ownership which is the result~~
1086 ~~of a transfer from a nonminority person to a minority person~~
1087 ~~within a related immediate family group if the combined total~~
1088 ~~net asset value of all members of such family group exceeds \$1~~
1089 ~~million. For purposes of this subsection, the term "related~~
1090 ~~immediate family group" means one or more children under 16~~
1091 ~~years of age and a parent of such children or the spouse of such~~
1092 ~~parent residing in the same house or living unit.~~

1093 (3)~~(4)~~ "Minority person" means a lawful, permanent resident
1094 of Florida who is:

1095 (a) An African American, a person having origins in any of
1096 the black racial groups of the African Diaspora, regardless of
1097 cultural origin.

1098 (b) A Hispanic American, a person of Spanish or Portuguese
1099 culture with origins in Spain, Portugal, Mexico, South America,
1100 Central America, or the Caribbean, regardless of race.

1101 (c) An Asian American, a person having origins in any of
1102 the original peoples of the Far East, Southeast Asia, the Indian
1103 Subcontinent, or the Pacific Islands, including the Hawaiian
1104 Islands before 1778.

1105 (d) A Native American, a person who has origins in any of
1106 the Indian Tribes of North America before 1835, upon
1107 presentation of proper documentation thereof as established by
1108 rule of the Department of Management Services.

1109 (e) An American woman.

1110 (4)~~(5)~~ "Ombudsman" means an office or individual whose
1111 responsibilities include coordinating with the Office of
1112 Supplier Development ~~Diversity~~ for the interests of and



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1113 providing assistance to rural or urban ~~small and minority~~
1114 business enterprises in dealing with governmental agencies and
1115 in developing proposals for changes in state agency rules.

1116 (5)~~(6)~~ "Small business" means an independently owned and
1117 operated business concern that employs 200 or fewer permanent
1118 full-time employees and that, together with its affiliates, has
1119 a net worth of not more than \$5 million or any firm based in
1120 this state which has a Small Business Administration 8(a)
1121 certification. As applicable to sole proprietorships, the \$5
1122 million net worth requirement includes ~~shall include~~ both
1123 personal and business investments.

1124 Section 41. Section 288.705, Florida Statutes, is amended
1125 to read:

1126 288.705 Statewide contracts register.—All state agencies
1127 shall in a timely manner provide the Florida Small Business
1128 Development Center Procurement System with all formal
1129 solicitations for contractual services, supplies, and
1130 commodities. The Small Business Development Center shall
1131 coordinate with Minority Business Development Centers to compile
1132 and distribute this information to small and rural or urban
1133 ~~minority~~ businesses requesting such service for the period of
1134 time necessary to familiarize the business with the market
1135 represented by state agencies. On or before February 1 of each
1136 year, the Small Business Development Center shall report to the
1137 department on the use of the statewide contracts register. The
1138 report must ~~shall~~ include, but not be limited to, information
1139 relating to:

1140 (1) The total number of solicitations received from state
1141 agencies during the calendar year.



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1142 (2) The number of solicitations received from each state
1143 agency during the calendar year.

1144 (3) The method of distributing solicitation information to
1145 businesses requesting such service.

1146 (4) The total number of businesses using the service.

1147 ~~(5) The percentage of businesses using the service which~~
1148 ~~are owned and controlled by minorities.~~

1149 (5)~~(6)~~ The percentage of service-disabled veteran business
1150 enterprises using the service.

1151 Section 42. Subsection (1) of section 288.776, Florida
1152 Statutes, is amended to read:

1153 288.776 Board of directors; powers and duties.—

1154 (1) (a) The corporation shall have a board of directors
1155 consisting of 15 members representing all geographic areas of
1156 the state. ~~Minority and gender representation must be considered~~
1157 ~~when making appointments to the board.~~ The board membership must
1158 include:

1159 1. A representative of the following businesses, all of
1160 which must be registered to do business in this state: a foreign
1161 bank, a state bank, a federal bank, an insurance company
1162 involved in covering trade financing risks, and a small or
1163 medium-sized exporter.

1164 2. The following persons or their designee: the Secretary
1165 of Commerce, the Chief Financial Officer, the Secretary of
1166 State, and a senior official of the United States Department of
1167 Commerce.

1168 (b) Appointees who are not state or Federal Government
1169 officials shall serve for a term of 3 years and shall be
1170 eligible for reappointment. Nonstate and nonfederal official



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1171 vacancies on the board shall be filled by the board within 30
1172 days after the effective date of the vacancy.

1173 Section 43. Section 288.9628, Florida Statutes, is created
1174 to read:

1175 288.9628 Research, Innovation, Science, and Engineering
1176 (RISE) Investment Tax Credit Program.-

1177 (1) LEGISLATIVE FINDINGS.-The Legislature finds that
1178 strengthening the state's early-stage business ecosystem and
1179 supporting cutting-edge innovation are essential for fostering
1180 innovation and economic growth. The early-stage business
1181 ecosystem, fueled by the state's colleges, universities, and
1182 private industry growth, represents significant opportunity for
1183 the state to retain entrepreneurial talent and provides an
1184 overall benefit for jobseekers, job creators, families,
1185 communities, and the state's economy.

1186 (2) RISE PROGRAM CREATED.-There is established within the
1187 department the Research, Innovation, Science, and Engineering
1188 (RISE) Investment Tax Credit Program. The purpose of the program
1189 is to increase venture capital investment in this state. The
1190 department shall coordinate with the Florida Opportunity Fund
1191 and the State Board of Administration in reviewing and approving
1192 applications for tax credits under this section.

1193 (3) DEFINITIONS.-As used in this section, the term:

1194 (a) "Accredited investor" has the same meaning as in s.
1195 517.021.

1196 (b) "Advisory affiliate" has the same meaning as in s.
1197 517.12(22).

1198 (c) "Affiliate" has the same meaning as in s. 517.021.

1199 (d) "Applicant" means an advisory affiliate, an exempt



1200 reporting adviser, or an investment adviser who submits or
1201 updates an application on behalf of a qualifying private fund.

1202 (e) "Associated person" has the same meaning as in s.
1203 517.021.

1204 (f) "Company" means any business in this state, or a
1205 business with more than 50 percent of its workforce in this
1206 state, with 500 or fewer employees, and which is engaged in a
1207 project.

1208 (g) "Department" means the Department of Commerce.

1209 (h) "Exempt reporting adviser" has the same meaning as in
1210 s. 517.12(22).

1211 (i) "Investment adviser" has the same meaning as in s.
1212 517.021.

1213 (j) "Investor" means any person or entity that has made a
1214 capital contribution to a qualifying private fund.

1215 (k) "Private fund adviser" has the same meaning as in s.
1216 517.12(22).

1217 (l) "Project" means research and development that leads to
1218 or is anticipated to lead to the creation of new or useful
1219 improvement of technologies, agricultural technologies, devices,
1220 processes, machines, manufacturing, or composition of matter. A
1221 project may result from the innovative activities of a company
1222 or research at a university or college in this state.

1223 (m) "Qualifying investment" has the same meaning as in 17
1224 C.F.R. s. 275.203(1)-1(c)(3) and, for purposes of this section,
1225 includes investment in one or more companies or projects.

1226 (n) "Qualifying portfolio company" has the same meaning as
1227 in 17 C.F.R. s. 275.203(1)-1(c)(4) and, for purposes of this
1228 section, includes a company as defined in this subsection.



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1229 (o) "Qualifying private fund" has the same meaning as in s.
1230 517.12(22) and includes an angel investor group as defined in s.
1231 517.021.

1232 (p) "Total capital commitment" means the total amount of
1233 cash funding the qualifying private fund intends to raise to
1234 make one or more qualifying investments in one or more
1235 qualifying portfolio companies.

1236 (4) APPLICATION.—

1237 (a) An applicant must apply to the department for
1238 authorization to claim RISE tax credits under this section. The
1239 department must review and approve or deny a complete
1240 application within 60 calendar days after the complete
1241 application has been submitted.

1242 (b) An applicant must demonstrate to the department's
1243 satisfaction within 12 months after the complete application has
1244 been submitted that the qualifying private fund has received at
1245 least the total capital commitment contained in its application.

1246 (c) The application must include, at a minimum:

1247 1. The names of any accredited investors, advisory
1248 affiliates, affiliates, associated persons, exempt reporting
1249 advisers, investment advisers, or private fund advisers
1250 associated with the qualifying private fund, if there are any at
1251 the time of application.

1252 2. The names of any investors in the qualifying private
1253 fund, if there are any at the time of application.

1254 3. The estimated total number of qualifying investments in
1255 qualifying portfolio companies.

1256 4. The total capital commitment of the qualifying private
1257 fund.



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1258 (d) If, at any time after an applicant has submitted a
1259 complete application, there has been a material change that
1260 affects the accuracy or completeness of the information
1261 contained in the application, the applicant must update its
1262 application.

1263 (5) TAX CREDITS; GENERALLY.—

1264 (a) The amount of tax credits available pursuant to this
1265 section in a fiscal year may not exceed \$100 million.

1266 (b) The department may not issue a tax credit to a
1267 qualifying private fund until the qualifying private fund
1268 demonstrates that it has received its total capital commitment.

1269 (c) The department may not authorize more than \$10 million
1270 in tax credits to a qualifying private fund in a fiscal year.

1271 (6) TAX CREDITS; SUBMISSION AND AUTHORIZATION.—

1272 (a) To receive tax credits, a qualifying private fund must
1273 provide documentation that demonstrates to the department's
1274 reasonable satisfaction that the qualifying investment meets the
1275 requirements of this section. For purposes of this section,
1276 follow-on or add-on commitments may only be considered by the
1277 department after the follow-on or add-on investment has been
1278 deployed.

1279 (b) A qualifying private fund must make at least one
1280 qualified investment in at least one qualifying portfolio
1281 project to be eligible to receive tax credits under this
1282 section.

1283 (c) Each submission by a qualifying private fund to receive
1284 tax credits for a qualifying investment in a qualifying
1285 portfolio company must include, at a minimum, all of the
1286 following:.



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1287 1. The amount of cash deployed by the qualifying private
1288 fund to a qualifying investment in a qualifying portfolio
1289 company.

1290 2. The total number of employees employed by the qualifying
1291 portfolio company.

1292 3. The total number of Florida-based, full-time equivalent
1293 employees employed by the qualifying portfolio company.

1294 (7) TAX CREDITS; RECEIPT; REVOCATION.—

1295 (a) A qualifying private fund may receive tax credits
1296 equivalent to 25 percent of a qualifying investment in a
1297 qualifying portfolio company.

1298 (b) Upon a determination by the department that the
1299 qualifying investment meets the requirements of this section,
1300 the department shall authorize the Department of Revenue to
1301 issue tax credits to the qualifying private fund.

1302 (c) The Department of Revenue may not issue more than one-
1303 fifth of the tax credits authorized for a qualifying investment
1304 in a qualifying portfolio company in a fiscal year.

1305 (d) Credits received pursuant to this section may be
1306 applied against the qualifying private fund's corporate income
1307 tax liability. A qualifying private fund may elect to sell or
1308 transfer, in whole or in part, any tax credit issued under this
1309 section. An election to sell or transfer any tax credit received
1310 pursuant to this section must be made no later than 5 years
1311 after the date the credit is received by the qualifying private
1312 fund, after which the credit expires and may not be used. A
1313 qualifying private fund may not sell or transfer credits that
1314 have been authorized by the department but not yet issued by the
1315 Department of Revenue.



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1316 (e) The department may revoke or modify any written
1317 decision qualifying, certifying, or otherwise granting
1318 eligibility for tax credits under this section if it is
1319 discovered that the qualifying private fund submitted any false
1320 statement, representation, or certification in any application
1321 filed in an attempt to receive tax credits under this section,
1322 or if the information in a previously completed application
1323 materially changes. The department must immediately notify the
1324 Department of Revenue of any revoked or modified orders
1325 affecting previously granted tax credits. Additionally, the
1326 qualifying private fund must notify the Department of Revenue of
1327 any change in its tax credit claimed.

1328 (8) COMPLIANCE.—

1329 (a) A qualifying private fund must annually report to the
1330 department for each qualifying investment for 5 years after
1331 authorization to receive credits. Failure to do so will result
1332 in the qualifying private fund's tax credit being revoked.

1333 (b) In order to receive a tax credit, a qualifying fund
1334 must submit to the department all of the following:

1335 1. A certification that there have been no material changes
1336 to the information contained in the application or, if material
1337 changes have occurred since the submission of the application, a
1338 disclosure containing all material changes.

1339 2. Documentation supporting the total number of full-time
1340 equivalent employees employed by the qualifying portfolio
1341 company.

1342 3. Documentation supporting the total number of full-time
1343 equivalent employees employed in this state by the qualifying
1344 portfolio company.



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1345 4. Documentation supporting that the qualifying private
1346 fund has not exited its position from the qualifying portfolio
1347 company through acquisition by a company not based in this
1348 state.

1349 (9) SANCTIONS.—

1350 (a) If a qualifying investment fails to meet the
1351 requirements of paragraph (8)(a) or paragraph (8)(b), the
1352 department must revoke its approval of tax credits for the
1353 qualifying investment. The department shall issue a notice of
1354 revocation and recapture to the qualifying private fund and the
1355 Department of Revenue. The qualifying private fund must repay to
1356 the department an amount equal to 50 percent of the tax credits
1357 authorized by the department and claimed by a qualifying
1358 portfolio company for the qualifying investment. Recaptured
1359 funds must be deposited into the General Revenue Fund.

1360 (b) If the department determines that the qualifying
1361 private fund submitted any false statement, representation, or
1362 certification in any application as provided in paragraph
1363 (7)(e), the department must revoke its approval of tax credits
1364 for the qualifying investment. The department shall issue a
1365 notice of revocation and recapture to the qualifying private
1366 fund and the Department of Revenue. The qualifying private fund
1367 must repay to the department an amount equal to 100 percent of
1368 the tax credits authorized by the department and claimed by a
1369 qualifying portfolio company for the qualifying investment.
1370 Recaptured funds must be deposited into the General Revenue
1371 Fund.

1372 (10) CONSTRUCTION.—For purposes of this section and part
1373 III of chapter 692, committed capital invested in a qualifying



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1374 portfolio company by a venture capital fund may not be construed
1375 as having ownership of the qualifying portfolio company.

1376 (11) REPORTING.—Beginning December 30, 2026, the department
1377 shall include the amounts of tax credits authorized and
1378 received, the total number of jobs created, and the total number
1379 of jobs created in this state in its annual incentives report
1380 required under s. 288.0065.

1381 (12) PRIORITY OF TAX CREDITS.—Fifty percent of the tax
1382 credits provided in this section must be made available from
1383 July 1 to December 31 of each year to provide tax credits for
1384 qualifying investments in qualifying portfolio companies located
1385 in a rural community as defined in s. 288.0656. All remaining
1386 tax credits must be made available from January 1 to June 30 of
1387 each year on a first-come, first-served basis, subject to the
1388 eligibility of the qualifying investment.

1389 (13) RULEMAKING.—The department is authorized to adopt
1390 rules to implement this section.

1391 Section 44. Subsection (10) of section 290.0056, Florida
1392 Statutes, is amended to read:

1393 290.0056 Enterprise zone development agency.—

1394 (10) Contingent upon approval by the governing body, the
1395 agency may invest in community investment corporations which
1396 conduct, or agree to conduct, loan guarantee programs assisting
1397 rural or urban ~~minority~~ business enterprises located in the
1398 enterprise zone. In making such investments, the agency shall
1399 first attempt to invest in existing community investment
1400 corporations providing services in the enterprise zone. Such
1401 investments shall be made under conditions required by law and
1402 as the agency may require, including, but not limited to:



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1403 (a) The funds invested by the agency shall be used to
1404 provide loan guarantees to individuals for rural or urban
1405 ~~minority~~ business enterprises located in the enterprise zone.

1406 (b) The community investment corporation may not approve
1407 any application for a loan guarantee unless the person applying
1408 for the loan guarantee shows that he or she has applied for the
1409 loan or loan guarantee through normal banking channels and that
1410 the loan or loan guarantee has been refused by at least one bank
1411 or other financial institution.

1412 Section 45. Paragraph (f) of subsection (1) of section
1413 290.0057, Florida Statutes, is amended to read:

1414 290.0057 Enterprise zone development plan.—

1415 (1) Any application for designation as a new enterprise
1416 zone must be accompanied by a strategic plan adopted by the
1417 governing body of the municipality or county, or the governing
1418 bodies of the county and one or more municipalities together. At
1419 a minimum, the plan must:

1420 (f) Identify the amount of local and private resources that
1421 will be available in the nominated area and the private/public
1422 partnerships to be used, which may include participation by, and
1423 cooperation with, universities, community colleges, small
1424 business development centers, ~~black~~ business investment
1425 corporations in rural or urban areas as defined in s. 288.703,
1426 certified development corporations, and other private and public
1427 entities.

1428 Section 46. Subsection (4) of section 331.302, Florida
1429 Statutes, is amended to read:

1430 331.302 Space Florida; creation; purpose.—

1431 (4) Space Florida is not an agency as defined in ss.



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1432 216.011, ~~and~~ 287.012, and 287.055. Space Florida is exempt from
1433 the bidding requirements in s. 255.20 when Space Florida engages
1434 in professional or construction services, or both, under an
1435 arrangement with a person in which:

1436 (a) The person offering personal or construction goods or
1437 services is not subject to the requirements of s. 287.055;

1438 (b) Space Florida and the person execute a contract with
1439 terms acceptable to Space Florida; and

1440 (c) The person provides to Space Florida by contract an
1441 unqualified representation and warranty that the payments by the
1442 person to Space Florida in return for the possession and use of
1443 the project by the person will not be derived, directly or
1444 indirectly, from state or local government funds.

1445
1446 For purposes of this subsection, monies received by the person
1447 contracted to provide goods produced and services provided from
1448 government entities in the ordinary course of its operation of
1449 the project are not state or local government funds.

1450 Section 47. Section 331.351, Florida Statutes, is amended
1451 to read:

1452 331.351 Participation by rural or urban ~~women, minorities,~~
1453 ~~and socially and economically disadvantaged~~ business enterprises
1454 encouraged.—It is the intent of the Legislature and the public
1455 policy of this state that rural or urban ~~women, minorities, and~~
1456 ~~socially and economically disadvantaged~~ business enterprises be
1457 encouraged to participate fully in all phases of economic and
1458 community development. Accordingly, to achieve such purpose,
1459 Space Florida shall, in accordance with applicable state and
1460 federal law, involve and utilize rural or urban ~~women,~~



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1461 ~~minorities, and socially and economically disadvantaged~~ business
1462 enterprises in all phases of the design, development,
1463 construction, maintenance, and operation of spaceports developed
1464 under this act.

1465 Section 48. Paragraph (b) of subsection (4) and subsection
1466 (9) of section 445.08, Florida Statutes, are amended to read:

1467 445.08 Florida Law Enforcement Recruitment Bonus Payment
1468 Program.—

1469 (4) The department shall develop an annual plan for the
1470 administration of the program and distribution of bonus
1471 payments. Applicable employing agencies shall assist the
1472 department with the collection of any data necessary to
1473 determine bonus payment amounts and to distribute the bonus
1474 payments, and shall otherwise provide the department with any
1475 information or assistance needed to fulfill the requirements of
1476 this section. At a minimum, the plan must include:

1477 (b) The minimum eligibility requirements a newly employed
1478 officer must meet to receive and retain a bonus payment, which
1479 must include:

1480 1. Obtaining certification for employment or appointment as
1481 a law enforcement officer pursuant to s. 943.1395.

1482 2. Gaining full-time employment with a Florida criminal
1483 justice agency.

1484 3. Maintaining ~~continuous~~ full-time employment with a
1485 Florida criminal justice agency for at least 2 years from the
1486 date on which the officer obtained certification. The required
1487 2-year employment period may be satisfied by maintaining
1488 employment at one or more employing agencies, but such period
1489 must not contain any break in service longer than 180 ~~15~~



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1490 ~~calendar~~ days. A law enforcement officer must provide
1491 documentation to the department justifying the break in service.
1492 The department shall establish the acceptable circumstances for
1493 any such break in service. Any break in service will not count
1494 toward satisfying the 2-year full-time employment requirement of
1495 this section.

1496
1497 The department may establish other criteria deemed necessary to
1498 determine bonus payment eligibility and distribution.

1499 ~~(9) This section expires July 1, 2025.~~

1500 Section 49. Paragraph (a) of subsection (4) of section
1501 447.203, Florida Statutes, is amended to read:

1502 447.203 Definitions.—As used in this part:

1503 (4) “Managerial employees” are those employees who:

1504 (a) Perform jobs that are not of a routine, clerical, or
1505 ministerial nature and require the exercise of independent
1506 judgment in the performance of such jobs and to whom one or more
1507 of the following applies:

1508 1. They formulate or assist in formulating policies which
1509 are applicable to bargaining unit employees.

1510 2. They may reasonably be required on behalf of the
1511 employer to assist in the preparation for the conduct of
1512 collective bargaining negotiations.

1513 3. They have a role in the administration of agreements
1514 resulting from collective bargaining negotiations.

1515 4. They have a significant role in personnel
1516 administration.

1517 5. They have a significant role in employee relations.

1518 6. They are included in the definition of administrative



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1519 personnel contained in s. 1012.01(3).

1520 7. They have a significant role in the preparation or
1521 administration of budgets for any public agency or institution
1522 or subdivision thereof.

1523 8. They have a significant and specific role executing
1524 statewide business and economic development projects in support
1525 of business recruitment, retention, and expansion.

1526
1527 However, in determining whether an individual is a managerial
1528 employee pursuant to paragraph (a) or paragraph (b), above, the
1529 commission may consider historic relationships of the employee
1530 to the public employer and to co-employees ~~coemployees~~.

1531 Section 50. Local governments may enter into agreements to
1532 create regional planning entities pursuant to chapter 163,
1533 Florida Statutes.

1534 Section 51. Subsection (2) of section 17.11, Florida
1535 Statutes, is amended to read:

1536 17.11 To report disbursements made.—

1537 (2) The Chief Financial Officer shall also cause to have
1538 reported from the Florida Accounting Information Resource
1539 Subsystem no less than quarterly the disbursements which
1540 agencies made to small businesses, as defined in the Florida
1541 ~~Small and Minority Business Assistance Act,~~ and to certified
1542 rural or urban minority business enterprises in the aggregate ~~and~~
1543 ~~and to certified minority business enterprises broken down into~~
1544 ~~categories of minority persons, as well as gender and~~
1545 ~~nationality subgroups.~~ This information must ~~shall~~ be made
1546 available to the agencies, the Office of Supplier Development
1547 Diversity, the Governor, the President of the Senate, and the



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1548 Speaker of the House of Representatives. Each agency shall be
1549 responsible for the accuracy of information entered into the
1550 Florida Accounting Information Resource Subsystem for use in
1551 this reporting.

1552 Section 52. Paragraph (f) of subsection (1) of section
1553 68.082, Florida Statutes, is amended to read:

1554 68.082 False claims against the state; definitions;
1555 liability.—

1556 (1) As used in this section, the term:

1557 (f) "State" means the government of the state or any
1558 department, division, bureau, commission, regional ~~planning~~
1559 agency, board, district, authority, agency, or other
1560 instrumentality of the state.

1561 Section 53. Paragraph (a) of subsection (1) of section
1562 120.52, Florida Statutes, is amended to read:

1563 120.52 Definitions.—As used in this act:

1564 (1) "Agency" means the following officers or governmental
1565 entities if acting pursuant to powers other than those derived
1566 from the constitution:

1567 (a) The Governor; each state officer and state department,
1568 and each departmental unit described in s. 20.04; the Board of
1569 Governors of the State University System; the Commission on
1570 Ethics; the Fish and Wildlife Conservation Commission; a
1571 regional water supply authority; ~~a regional planning agency;~~ a
1572 multicounty special district, but only if a majority of its
1573 governing board is comprised of nonelected persons; educational
1574 units; and each entity described in chapters 163, 373, 380, and
1575 582 ~~and s. 186.504.~~

1576



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1577 This definition does not include a municipality or legal entity
1578 created solely by a municipality; a legal entity or agency
1579 created in whole or in part pursuant to part II of chapter 361;
1580 a metropolitan planning organization created pursuant to s.
1581 339.175; a separate legal or administrative entity created
1582 pursuant to s. 339.175 of which a metropolitan planning
1583 organization is a member; an expressway authority pursuant to
1584 chapter 348 or any transportation authority or commission under
1585 chapter 343 or chapter 349; or a legal or administrative entity
1586 created by an interlocal agreement pursuant to s. 163.01(7),
1587 unless any party to such agreement is otherwise an agency as
1588 defined in this subsection.

1589 Section 54. Subsection (4) of section 120.525, Florida
1590 Statutes, is amended to read:

1591 120.525 Meetings, hearings, and workshops.—

1592 ~~(4) For purposes of establishing a quorum at meetings of~~
1593 ~~regional planning councils that cover three or more counties, a~~
1594 ~~voting member who appears via telephone, real-time~~
1595 ~~videoconferencing, or similar real-time electronic or video~~
1596 ~~communication that is broadcast publicly at the meeting location~~
1597 ~~may be counted toward the quorum requirement if at least one-~~
1598 ~~third of the voting members of the regional planning council are~~
1599 ~~physically present at the meeting location. A member must~~
1600 ~~provide oral, written, or electronic notice of his or her intent~~
1601 ~~to appear via telephone, real-time videoconferencing, or similar~~
1602 ~~real-time electronic or video communication to the regional~~
1603 ~~planning council at least 24 hours before the scheduled meeting.~~

1604 Section 55. Subsection (9) of section 120.65, Florida
1605 Statutes, is amended to read:



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1606 120.65 Administrative law judges.-
1607 (9) The division shall be reimbursed for administrative law
1608 judge services and travel expenses by the following entities:
1609 water management districts, ~~regional planning councils~~, school
1610 districts, community colleges, the Division of Florida Colleges,
1611 state universities, the Board of Governors of the State
1612 University System, the State Board of Education, the Florida
1613 School for the Deaf and the Blind, and the Commission for
1614 Independent Education. These entities shall contract with the
1615 division to establish a contract rate for services and
1616 provisions for reimbursement of administrative law judge travel
1617 expenses and video teleconferencing expenses attributable to
1618 hearings conducted on behalf of these entities. The contract
1619 rate must be based on a total-cost-recovery methodology.
1620 Section 56. Subsections (43) and (47) of section 163.3164,
1621 Florida Statutes, are amended to read:
1622 163.3164 Community Planning Act; definitions.-As used in
1623 this act:
1624 ~~(43) "Regional planning agency" means the council created~~
1625 ~~pursuant to chapter 186.~~
1626 ~~(46)(47)~~ "Structure" has the same meaning as in s. 380.031
1627 ~~s. 380.031(19)~~.
1628 Section 57. Paragraph (h) of subsection (6) of section
1629 163.3177, Florida Statutes, is amended to read:
1630 163.3177 Required and optional elements of comprehensive
1631 plan; studies and surveys.-
1632 (6) In addition to the requirements of subsections (1)-(5),
1633 the comprehensive plan must ~~shall~~ include the following
1634 elements:



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1635 (h)1. An intergovernmental coordination element showing
1636 relationships and stating principles and guidelines to be used
1637 in coordinating the adopted comprehensive plan with the plans of
1638 school boards, regional water supply authorities, and other
1639 units of local government providing services but not having
1640 regulatory authority over the use of land, with the
1641 comprehensive plans of adjacent municipalities, the county,
1642 adjacent counties, or the region, with the state comprehensive
1643 plan and with the applicable regional water supply plan approved
1644 pursuant to s. 373.709, as the case may require and as such
1645 adopted plans or plans in preparation may exist. This element of
1646 the local comprehensive plan must demonstrate consideration of
1647 the particular effects of the local plan, when adopted, upon the
1648 development of adjacent municipalities, the county, adjacent
1649 counties, or the region, or upon the state comprehensive plan,
1650 as the case may require.

1651 a. The intergovernmental coordination element must provide
1652 procedures for identifying and implementing joint planning
1653 areas, especially for the purpose of annexation, municipal
1654 incorporation, and joint infrastructure service areas.

1655 b. The intergovernmental coordination element must ~~shall~~
1656 provide for a dispute resolution process, ~~as established~~
1657 ~~pursuant to s. 186.509~~, for bringing intergovernmental disputes
1658 to closure in a timely manner.

1659 c. The intergovernmental coordination element must ~~shall~~
1660 provide for interlocal agreements as established pursuant to s.
1661 333.03(1)(b).

1662 2. The intergovernmental coordination element must ~~shall~~
1663 also state principles and guidelines to be used in coordinating



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1664 the adopted comprehensive plan with the plans of school boards
1665 and other units of local government providing facilities and
1666 services but not having regulatory authority over the use of
1667 land. In addition, the intergovernmental coordination element
1668 must describe joint processes for collaborative planning and
1669 decisionmaking on population projections and public school
1670 siting, the location and extension of public facilities subject
1671 to concurrency, and siting facilities with countywide
1672 significance, including locally unwanted land uses whose nature
1673 and identity are established in an agreement.

1674 3. Within 1 year after adopting their intergovernmental
1675 coordination elements, each county, all the municipalities
1676 within that county, the district school board, and any unit of
1677 local government service providers in that county shall
1678 establish by interlocal or other formal agreement executed by
1679 all affected entities, the joint processes described in this
1680 subparagraph consistent with their adopted intergovernmental
1681 coordination elements. The agreement must:

1682 a. Ensure that the local government addresses through
1683 coordination mechanisms the impacts of development proposed in
1684 the local comprehensive plan upon development in adjacent
1685 municipalities, the county, adjacent counties, the region, and
1686 the state. The area of concern for municipalities must ~~shall~~
1687 include adjacent municipalities, the county, and counties
1688 adjacent to the municipality. The area of concern for counties
1689 must ~~shall~~ include all municipalities within the county,
1690 adjacent counties, and adjacent municipalities.

1691 b. Ensure coordination in establishing level of service
1692 standards for public facilities with any state, regional, or



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1693 local entity having operational and maintenance responsibility
1694 for such facilities.

1695 Section 58. Subsection (5) of section 163.3178, Florida
1696 Statutes, is amended to read:

1697 163.3178 Coastal management.—

1698 (5) A ~~The appropriate~~ dispute resolution process ~~provided~~
1699 ~~under s. 186.509~~ must be used to reconcile inconsistencies
1700 between port master plans and local comprehensive plans. In
1701 recognition of the state's commitment to deepwater ports, the
1702 state comprehensive plan must include goals, objectives, and
1703 policies that establish a statewide strategy for enhancement of
1704 existing deepwater ports, ensuring that priority is given to
1705 water-dependent land uses. As an incentive for promoting plan
1706 consistency, port facilities as defined in s. 315.02(6) on lands
1707 owned or controlled by a deepwater port as defined in s.
1708 311.09(1), as of the effective date of this act are ~~shall~~ not ~~be~~
1709 subject to development-of-regional-impact review provided the
1710 port either successfully completes an alternative comprehensive
1711 development agreement with a local government pursuant to ss.
1712 163.3220-163.3243 or successfully enters into a development
1713 agreement with the state land planning agency and applicable
1714 local government pursuant to s. 380.032 or, where the port is a
1715 department of a local government, successfully enters into a
1716 development agreement with the state land planning agency
1717 pursuant to s. 380.032. Port facilities as defined in s.
1718 315.02(6) on lands not owned or controlled by a deepwater port
1719 as defined in s. 311.09(1) as of the effective date of this act
1720 are ~~shall~~ not ~~be~~ subject to development-of-regional-impact
1721 review provided the port successfully enters into a development



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1722 agreement with the state land planning agency and applicable
1723 local government pursuant to s. 380.032 or, where the port is a
1724 department of a local government, successfully enters into a
1725 development agreement with the state land planning agency
1726 pursuant to s. 380.032.

1727 Section 59. Paragraph (c) of subsection (1) and paragraph
1728 (b) of subsection (3) of section 163.3184, Florida Statutes, are
1729 amended to read:

1730 163.3184 Process for adoption of comprehensive plan or plan
1731 amendment.—

1732 (1) DEFINITIONS.—As used in this section, the term:

1733 (c) "Reviewing agencies" means:

1734 1. The state land planning agency;

1735 ~~2. The appropriate regional planning council;~~

1736 ~~2.3.~~ The appropriate water management district;

1737 ~~3.4.~~ The Department of Environmental Protection;

1738 ~~4.5.~~ The Department of State;

1739 ~~5.6.~~ The Department of Transportation;

1740 ~~6.7.~~ In the case of plan amendments relating to public
1741 schools, the Department of Education;

1742 ~~7.8.~~ In the case of plans or plan amendments that affect a
1743 military installation listed in s. 163.3175, the commanding
1744 officer of the affected military installation;

1745 ~~8.9.~~ In the case of county plans and plan amendments, the
1746 Fish and Wildlife Conservation Commission and the Department of
1747 Agriculture and Consumer Services; and

1748 ~~9.10.~~ In the case of municipal plans and plan amendments,
1749 the county in which the municipality is located.

1750 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF



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1751 COMPREHENSIVE PLAN AMENDMENTS.—

1752 (b)1. The local government, after the initial public
1753 hearing held pursuant to subsection (11), shall transmit within
1754 10 working days the amendment or amendments and appropriate
1755 supporting data and analyses to the reviewing agencies. The
1756 local governing body shall also transmit a copy of the
1757 amendments and supporting data and analyses to any other local
1758 government or governmental agency that has filed a written
1759 request with the governing body.

1760 2. The reviewing agencies and any other local government or
1761 governmental agency specified in subparagraph 1. may provide
1762 comments regarding the amendment or amendments to the local
1763 government. State agencies shall only comment on important state
1764 resources and facilities that will be adversely impacted by the
1765 amendment if adopted. Comments provided by state agencies shall
1766 state with specificity how the plan amendment will adversely
1767 impact an important state resource or facility and shall
1768 identify measures the local government may take to eliminate,
1769 reduce, or mitigate the adverse impacts. Such comments, if not
1770 resolved, may result in a challenge by the state land planning
1771 agency to the plan amendment. Agencies and local governments
1772 must transmit their comments to the affected local government
1773 such that they are received by the local government not later
1774 than 30 days after the date on which the agency or government
1775 received the amendment or amendments. Reviewing agencies shall
1776 also send a copy of their comments to the state land planning
1777 agency.

1778 3. Comments to the local government from a ~~regional~~
1779 ~~planning council~~, county, or municipality are ~~shall be~~ limited



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1780 as follows:

1781 ~~a. The regional planning council review and comments shall~~
1782 ~~be limited to adverse effects on regional resources or~~
1783 ~~facilities identified in the strategic regional policy plan and~~
1784 ~~extrajurisdictional impacts that would be inconsistent with the~~
1785 ~~comprehensive plan of any affected local government within the~~
1786 ~~region. A regional planning council may not review and comment~~
1787 ~~on a proposed comprehensive plan amendment prepared by such~~
1788 ~~council unless the plan amendment has been changed by the local~~
1789 ~~government subsequent to the preparation of the plan amendment~~
1790 ~~by the regional planning council.~~

1791 ~~b.~~ County comments must ~~shall~~ be in the context of the
1792 relationship and effect of the proposed plan amendments on the
1793 county plan.

1794 ~~b.e.~~ Municipal comments must ~~shall~~ be in the context of the
1795 relationship and effect of the proposed plan amendments on the
1796 municipal plan.

1797 ~~c.d.~~ Military installation comments must ~~shall~~ be provided
1798 in accordance with s. 163.3175.

1799 4. Comments to the local government from state agencies
1800 must ~~shall~~ be limited to the following subjects as they relate
1801 to important state resources and facilities that will be
1802 adversely impacted by the amendment if adopted:

1803 a. The Department of Environmental Protection shall limit
1804 its comments to the subjects of air and water pollution;
1805 wetlands and other surface waters of the state; federal and
1806 state-owned lands and interest in lands, including state parks,
1807 greenways and trails, and conservation easements; solid waste;
1808 water and wastewater treatment; and the Everglades ecosystem



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1809 restoration.

1810 b. The Department of State shall limit its comments to the
1811 subjects of historic and archaeological resources.

1812 c. The Department of Transportation shall limit its
1813 comments to issues within the agency's jurisdiction as it
1814 relates to transportation resources and facilities of state
1815 importance.

1816 d. The Fish and Wildlife Conservation Commission shall
1817 limit its comments to subjects relating to fish and wildlife
1818 habitat and listed species and their habitat.

1819 e. The Department of Agriculture and Consumer Services
1820 shall limit its comments to the subjects of agriculture,
1821 forestry, and aquaculture issues.

1822 f. The Department of Education shall limit its comments to
1823 the subject of public school facilities.

1824 g. The appropriate water management district shall limit
1825 its comments to flood protection and floodplain management,
1826 wetlands and other surface waters, and regional water supply.

1827 h. The state land planning agency shall limit its comments
1828 to important state resources and facilities outside the
1829 jurisdiction of other commenting state agencies and may include
1830 comments on countervailing planning policies and objectives
1831 served by the plan amendment that should be balanced against
1832 potential adverse impacts to important state resources and
1833 facilities.

1834 Section 60. Subsection (2) of section 163.3245, Florida
1835 Statutes, is amended to read:

1836 163.3245 Sector plans.—

1837 (2) The ~~Upon the request of a~~ local government having



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1838 jurisdiction, ~~the applicable regional planning council~~ shall
1839 conduct a scoping meeting with affected local governments and
1840 those agencies identified in s. 163.3184(1)(c) before
1841 preparation of the sector plan. The purpose of this meeting is
1842 to assist the state land planning agency and the local
1843 government in the identification of the relevant planning issues
1844 to be addressed and the data and resources available to assist
1845 in the preparation of the sector plan. ~~If a scoping meeting is~~
1846 ~~conducted, the regional planning council shall make written~~
1847 ~~recommendations to the state land planning agency and affected~~
1848 ~~local governments on the issues requested by the local~~
1849 ~~government.~~ The scoping meeting must ~~shall~~ be noticed and open
1850 to the public. If the entire planning area proposed for the
1851 sector plan is within the jurisdiction of two or more local
1852 governments, some or all of them may enter into a joint planning
1853 agreement pursuant to s. 163.3171 with respect to the geographic
1854 area to be subject to the sector plan, the planning issues that
1855 will be emphasized, procedures for intergovernmental
1856 coordination to address extrajurisdictional impacts, supporting
1857 application materials including data and analysis, procedures
1858 for public participation, or other issues.

1859 Section 61. Paragraph (i) of subsection (2) of section
1860 163.568, Florida Statutes, is amended to read:

1861 163.568 Purposes and powers.—

1862 (2) The authority is granted the authority to exercise all
1863 powers necessary, appurtenant, convenient, or incidental to the
1864 carrying out of the aforesaid purposes, including, but not
1865 limited to, the following rights and powers:

1866 (i) To develop transportation plans, and to coordinate its



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1867 planning and programs with those of appropriate municipal,
1868 county, and state agencies and other political subdivisions of
1869 the state. All transportation plans are subject to review and
1870 approval by the Department of Transportation ~~and by the regional~~
1871 ~~planning agency~~, if any, for consistency with programs or
1872 planning for the area and region.

1873 Section 62. Subsection (2) of section 164.1031, Florida
1874 Statutes, is amended to read:

1875 164.1031 Definitions.—For purposes of this act:

1876 (2) "Regional governmental entities" includes ~~regional~~
1877 ~~planning councils~~, metropolitan planning organizations, water
1878 supply authorities that include more than one county, local
1879 health councils, water management districts, and other regional
1880 entities that are authorized and created by general or special
1881 law that have duties or responsibilities extending beyond the
1882 jurisdiction of a single county.

1883 Section 63. Subsection (5) of section 186.003, Florida
1884 Statutes, is amended to read:

1885 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—

1886 As used in ss. 186.001-186.031 and 186.801-186.901, the term:

1887 ~~(5) "Regional planning agency" means the regional planning~~
1888 ~~council created pursuant to ss. 186.501-186.515 to exercise~~
1889 ~~responsibilities under ss. 186.001-186.031 and 186.801-186.901~~
1890 ~~in a particular region of the state.~~

1891 Section 64. Subsection (7) of section 186.006, Florida
1892 Statutes, is amended to read:

1893 186.006 Powers and responsibilities of Executive Office of
1894 the Governor.—For the purpose of establishing consistency and
1895 uniformity in the state and regional planning process and in



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1896 order to ensure that the intent of ss. 186.001-186.031 and
1897 186.801-186.901 is accomplished, the Executive Office of the
1898 Governor shall:

1899 (7) Act as the state clearinghouse ~~and designate the~~
1900 ~~regional planning councils as the regional data clearinghouses.~~

1901 Section 65. Subsections (7) and (8) of section 186.007,
1902 Florida Statutes, are amended to read:

1903 186.007 State comprehensive plan; preparation; revision.—

1904 (7) In preparing and revising the state comprehensive plan,
1905 the Executive Office of the Governor shall, to the extent
1906 feasible, consider studies, reports, and plans of each
1907 department, agency, and institution of state and local
1908 government, ~~each regional planning agency,~~ and the Federal
1909 Government and shall take into account the existing and
1910 prospective resources, capabilities, and needs of state and
1911 local levels of government.

1912 (8) The revision of the state comprehensive plan is a
1913 continuing process. Each section of the plan must ~~shall~~ be
1914 reviewed and analyzed biennially by the Executive Office of the
1915 Governor in conjunction with the planning officers of other
1916 state agencies significantly affected by the ~~provisions of the~~
1917 ~~particular section under review.~~ In conducting this review and
1918 analysis, the Executive Office of the Governor shall review and
1919 consider, with the assistance of the state land planning agency,
1920 any relevant reports, data, or analyses ~~and regional planning~~
1921 ~~councils, the evaluation and appraisal reports prepared pursuant~~
1922 ~~to s. 186.511.~~ Any necessary revisions of the state
1923 comprehensive plan shall be proposed by the Governor in a
1924 written report and be accompanied by an explanation of the need



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1925 for such changes. If the Governor determines that changes are
1926 unnecessary, the written report must explain why changes are
1927 unnecessary. The proposed revisions and accompanying
1928 explanations may be submitted in the report required by s.
1929 186.031. Any proposed revisions to the plan must ~~shall~~ be
1930 submitted to the Legislature as provided in s. 186.008(2) at
1931 least 30 days before ~~prior to~~ the regular legislative session
1932 occurring in each even-numbered year.

1933 Section 66. Subsection (1) of section 186.008, Florida
1934 Statutes, is amended to read:

1935 186.008 State comprehensive plan; revision;
1936 implementation.—

1937 (1) On or before October 1 of every odd-numbered year, the
1938 Executive Office of the Governor shall prepare, and the Governor
1939 shall recommend to the Administration Commission, any proposed
1940 revisions to the state comprehensive plan deemed necessary. The
1941 Governor shall transmit his or her recommendations and
1942 explanation as required by s. 186.007(8). Copies must ~~shall~~ also
1943 be provided to each state agency, ~~to each regional planning~~
1944 ~~agency,~~ to any other unit of government that requests a copy,
1945 and to any member of the public who requests a copy.

1946 Section 67. Section 186.803, Florida Statutes, is amended
1947 to read:

1948 186.803 Use of geographic information by governmental
1949 entities.—When state agencies, water management districts,
1950 ~~regional planning councils,~~ local governments, and other
1951 governmental entities use maps, including geographic information
1952 maps and other graphic information materials, as the source of
1953 data for planning or any other purposes, they must take into



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1954 account that the accuracy and reliability of such maps and data
1955 may be limited by various factors, including the scale of the
1956 maps, the timeliness and accuracy of the underlying information,
1957 the availability of more accurate site-specific information, and
1958 the presence or absence of ground truthing or peer review of the
1959 underlying information contained in such maps and other graphic
1960 information. This section does not apply to maps adopted
1961 pursuant to part II of chapter 163.

1962 Section 68. Paragraph (b) of subsection (20) and paragraph
1963 (b) of subsection (21) of section 187.201, Florida Statutes, are
1964 amended to read:

1965 187.201 State Comprehensive Plan adopted.—The Legislature
1966 hereby adopts as the State Comprehensive Plan the following
1967 specific goals and policies:

1968 (20) GOVERNMENTAL EFFICIENCY.—

1969 (b) *Policies*.—

1970 1. Encourage greater cooperation between, among, and within
1971 all levels of Florida government through the use of appropriate
1972 interlocal agreements and mutual participation for mutual
1973 benefit.

1974 2. Allow the creation of independent special taxing
1975 districts which have uniform general law standards and
1976 procedures and do not overburden other governments and their
1977 taxpayers while preventing the proliferation of independent
1978 special taxing districts which do not meet these standards.

1979 3. Encourage the use of municipal services taxing units and
1980 other dependent special districts to provide needed
1981 infrastructure where the fiscal capacity exists to support such
1982 an approach.



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1983 4. Eliminate regulatory activities that are not tied to
1984 specific public and natural resource protection needs.

1985 5. Eliminate needless duplication of, and promote
1986 cooperation in, governmental activities between, among, and
1987 within state, regional, county, city, and other governmental
1988 units.

1989 6. Ensure, wherever possible, that the geographic
1990 boundaries of water management districts, ~~regional planning~~
1991 ~~councils~~, and substate districts of the executive departments
1992 are shall be coterminous for related state or agency programs
1993 and functions and promote interagency agreements in order to
1994 reduce the number of districts and councils with jurisdiction in
1995 any one county.

1996 7. Encourage and provide for the restructuring of city and
1997 county political jurisdictions with the goals of greater
1998 efficiency and high-quality and more equitable and responsive
1999 public service programs.

2000 8. Replace multiple, small scale, economically inefficient
2001 local public facilities with regional facilities where they are
2002 proven to be more economical, particularly in terms of energy
2003 efficiency, and yet can retain the quality of service expected
2004 by the public.

2005 9. Encourage greater efficiency and economy at all levels
2006 of government through adoption and implementation of effective
2007 records management, information management, and evaluation
2008 procedures.

2009 10. Throughout government, establish citizen management
2010 efficiency groups and internal management groups to make
2011 recommendations for greater operating efficiencies and improved



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2012 management practices.

2013 11. Encourage governments to seek outside contracting on a
2014 competitive-bid basis when cost-effective and appropriate.

2015 12. Discourage undue expansion of state government and make
2016 every effort to streamline state government in a cost-effective
2017 manner.

2018 13. Encourage joint venture solutions to mutual problems
2019 between levels of government and private enterprise.

2020 (21) THE ECONOMY.—

2021 (b) *Policies*.—

2022 1. Attract new job-producing industries, corporate
2023 headquarters, distribution and service centers, regional
2024 offices, and research and development facilities to provide
2025 quality employment for the residents of Florida.

2026 2. Promote entrepreneurship, small and ~~small and minority-~~
2027 ~~owned~~ business startups, and business startups in rural or urban
2028 areas as described in s. 288.703 by providing technical and
2029 information resources, facilitating capital formation, and
2030 removing regulatory restraints which are unnecessary for the
2031 protection of consumers and society.

2032 3. Maintain, as one of the state's primary economic assets,
2033 the environment, including clean air and water, beaches,
2034 forests, historic landmarks, and agricultural and natural
2035 resources.

2036 4. Strengthen Florida's position in the world economy
2037 through attracting foreign investment and promoting
2038 international banking and trade.

2039 5. Build on the state's attractiveness to make it a leader
2040 in the visual and performing arts and in all phases of film,



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2041 television, and recording production.

2042 6. Promote economic development for Florida residents
2043 through partnerships among education, business, industry,
2044 agriculture, and the arts.

2045 7. Provide increased opportunities for training Florida's
2046 workforce to provide skilled employees for new and expanding
2047 business.

2048 8. Promote economic self-sufficiency through training and
2049 educational programs which result in productive employment.

2050 9. Promote cooperative employment arrangements between
2051 private employers and public sector employment efforts to
2052 provide productive, permanent employment opportunities for
2053 public assistance recipients through provisions of education
2054 opportunities, tax incentives, and employment training.

2055 10. Provide for nondiscriminatory employment opportunities.

2056 11. Provide quality child day care for public assistance
2057 families and others who need it in order to work.

2058 12. Encourage the development of a business climate that
2059 provides opportunities for the growth and expansion of existing
2060 state industries, particularly those industries which are
2061 compatible with Florida's environment.

2062 13. Promote coordination among Florida's ports to increase
2063 their utilization.

2064 14. Encourage the full utilization by businesses of the
2065 economic development enhancement programs implemented by the
2066 Legislature for the purpose of extensively involving private
2067 businesses in the development and expansion of permanent job
2068 opportunities, especially for the economically disadvantaged,
2069 through the utilization of enterprise zones, community



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2070 development corporations, and other programs designed to enhance
2071 economic and employment opportunities.

2072 Section 69. Paragraph (g) of subsection (3) of section
2073 212.096, Florida Statutes, is amended to read:

2074 212.096 Sales, rental, storage, use tax; enterprise zone
2075 jobs credit against sales tax.—

2076 (3) In order to claim this credit, an eligible business
2077 must file under oath with the governing body or enterprise zone
2078 development agency having jurisdiction over the enterprise zone
2079 where the business is located, as applicable, a statement which
2080 includes:

2081 (g) Whether the business is a small business as defined by
2082 s. 288.703 ~~s. 288.703(6)~~.

2083 Section 70. Paragraph (c) of subsection (1) and subsection
2084 (2) of section 218.32, Florida Statutes, are amended to read:

2085 218.32 Annual financial reports; local governmental
2086 entities.—

2087 (1)

2088 (c) Each ~~regional planning council created under s.~~
2089 ~~186.504, each~~ local government finance commission, board, or
2090 council, and each municipal power corporation created as a
2091 separate legal or administrative entity by interlocal agreement
2092 under s. 163.01(7) shall submit to the department a copy of its
2093 audit report and an annual financial report for the previous
2094 fiscal year in a format prescribed by the department.

2095 (2) The department shall annually by December 1 file a
2096 verified report with the Governor, the Legislature, the Auditor
2097 General, and the Special District Accountability Program of the
2098 Department of Commerce showing the revenues, both locally



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2099 derived and derived from intergovernmental transfers, and the
2100 expenditures of each local governmental entity, ~~regional~~
2101 ~~planning council~~, local government finance commission, and
2102 municipal power corporation that is required to submit an annual
2103 financial report. In preparing the verified report, the
2104 department may request additional information from the local
2105 governmental entity. The information requested must be provided
2106 to the department within 45 days after the request. If the local
2107 governmental entity does not comply with the request, the
2108 department shall notify the Legislative Auditing Committee,
2109 which may take action pursuant to s. 11.40(2). The report must
2110 include, but is not limited to:

2111 (a) The total revenues and expenditures of each local
2112 governmental entity that is a component unit included in the
2113 annual financial report of the reporting entity.

2114 (b) The amount of outstanding long-term debt by each local
2115 governmental entity. For purposes of this paragraph, the term
2116 "long-term debt" means any agreement or series of agreements to
2117 pay money, which, at inception, contemplate terms of payment
2118 exceeding 1 year in duration.

2119 Section 71. Section 255.101, Florida Statutes, is amended
2120 to read:

2121 255.101 Contracts for public construction works;
2122 utilization of rural or urban ~~minority~~ business enterprises.—

2123 (1) All county officials, boards of county commissioners,
2124 school boards, city councils, city commissioners, and all other
2125 public officers of state boards or commissions which are charged
2126 with the letting of contracts for public works and for the
2127 construction of public bridges, buildings, and other structures



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2128 shall operate in accordance with s. 287.093, except that all
2129 contracts for the construction of state facilities should comply
2130 with ~~provisions in~~ s. 287.09451, and rules adopted pursuant
2131 thereto, for the utilization of rural or urban ~~minority~~ business
2132 enterprises. When construction is financed in whole or in part
2133 from federal funds and where federal provisions for utilization
2134 of rural or urban ~~minority~~ business enterprises apply, this
2135 section may ~~shall~~ not apply.

2136 (2) Counties, municipalities, and special districts as
2137 defined in chapter 189, or other political subdivisions of the
2138 state are encouraged to be sensitive to the effect of job-size
2139 barriers on rural or urban ~~minority~~ businesses. To this end,
2140 these governmental entities are encouraged to competitively
2141 award public construction projects exceeding \$100,000.

2142 Section 72. Section 255.102, Florida Statutes, is amended
2143 to read:

2144 255.102 Contractor utilization of rural or urban ~~minority~~
2145 business enterprises.-

2146 (1) Agencies shall consider the use of price preferences,
2147 weighted preference formulas, or other preferences for
2148 construction contracts, as determined appropriate by the Office
2149 of Supplier Development Diversity to increase ~~minority~~
2150 participation in rural or urban areas.

2151 (2) The Office of Supplier Development Diversity, in
2152 collaboration with the Board of Governors of the State
2153 University System, shall adopt rules to determine what is a
2154 "good faith effort" for purposes of contractor compliance with
2155 rural or urban areas ~~minority~~ participation goals established
2156 for competitively awarded building and construction projects.



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2157 Pro forma efforts may ~~shall~~ not be considered good faith.
2158 Factors which must ~~shall~~ be considered by the state agency in
2159 determining whether a contractor has made good faith efforts
2160 ~~shall~~ include, but not be limited to:

2161 (a) Whether the contractor attended any presolicitation or
2162 prebid meetings that were scheduled by the agency to inform
2163 rural or urban minority business enterprises of contracting and
2164 subcontracting opportunities.

2165 (b) Whether the contractor advertised in general
2166 circulation, trade association, or rural-focused or urban-
2167 focused minority-focus media concerning the subcontracting
2168 opportunities.

2169 (c) Whether the contractor provided written notice to all
2170 relevant subcontractors listed on the minority vendor list for
2171 that locality and statewide as provided by the agency as of the
2172 date of issuance of the invitation to bid, that their interest
2173 in the contract was being solicited in sufficient time to allow
2174 the rural or urban minority business enterprises to participate
2175 effectively.

2176 (d) Whether the contractor followed up initial
2177 solicitations of interest by contacting rural or urban minority
2178 business enterprises, the Office of Supplier Development
2179 Diversity, or minority persons who responded and provided
2180 detailed information about prebid meetings, access to plans,
2181 specifications, contractor's project manager, subcontractor
2182 bonding, if any, payment schedule, bid addenda, and other
2183 assistance provided by the contractor to enhance rural or urban
2184 minority business enterprise participation.

2185 (e) Whether the contractor selected portions of the work to



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2186 be performed by rural or urban ~~minority~~ business enterprises in
2187 order to increase the likelihood of meeting the rural or urban
2188 ~~minority~~ business enterprise procurement goals, including, where
2189 appropriate, breaking down contracts into economically feasible
2190 units to facilitate rural or urban ~~minority~~ business enterprise
2191 participation under reasonable and economical conditions of
2192 performance.

2193 (f) Whether the contractor provided the Office of Supplier
2194 Development Diversity as well as interested rural or urban
2195 ~~minority~~ business enterprises or ~~minority~~ persons with adequate
2196 information about the plans, specifications, and requirements of
2197 the contract or the availability of jobs at a time no later than
2198 when such information was provided to other subcontractors.

2199 (g) Whether the contractor negotiated in good faith with
2200 interested rural or urban ~~minority~~ business enterprises or
2201 ~~minority~~ persons, not rejecting rural or urban ~~minority~~ business
2202 enterprises or ~~minority~~ persons as unqualified without sound
2203 reasons based on a thorough investigation of their capabilities
2204 or imposing implausible conditions of performance on the
2205 contract.

2206 (h) Whether the contractor diligently seeks to replace a
2207 rural or urban ~~minority~~ business enterprise subcontractor that
2208 is unable to perform successfully with another rural or urban
2209 ~~minority~~ business enterprise.

2210 (i) Whether the contractor effectively used the services of
2211 available rural or urban ~~minority~~ community organizations; rural
2212 or urban ~~minority~~ contractors' groups; local, state, and federal
2213 rural or urban ~~minority~~ business assistance offices; and other
2214 organizations that provide assistance in the recruitment and



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2215 placement of rural or urban ~~minority~~ business enterprises or
2216 ~~minority~~ persons.

2217 (3) If an agency considers any other criteria in
2218 determining whether a contractor has made a good faith effort,
2219 the agency must ~~shall~~ adopt such criteria in accordance with s.
2220 120.54, and, where required by that section, by rule, after May
2221 31, 1994. In adopting such criteria, the agency shall identify
2222 the specific factors in as objective a manner as possible to be
2223 used to assess a contractor's performance against said criteria.

2224 (4) Notwithstanding ~~the provisions of s. 287.09451 to the~~
2225 ~~contrary~~, agencies shall monitor good faith efforts of
2226 contractors in competitively awarded building and construction
2227 projects, in accordance with rules established pursuant to this
2228 section. It is the responsibility of the contractor to exercise
2229 good faith efforts in accordance with rules established pursuant
2230 to this section, and to provide documentation necessary to
2231 assess efforts to include rural or urban ~~minority~~ business
2232 participation.

2233 Section 73. Paragraph (a) of subsection (7) of section
2234 258.501, Florida Statutes, is amended to read:

2235 258.501 Myakka River; wild and scenic segment.—

2236 (7) MANAGEMENT COORDINATING COUNCIL.—

2237 (a) Upon designation, the department shall create a
2238 permanent council to provide interagency and intergovernmental
2239 coordination in the management of the river. The coordinating
2240 council shall be composed of one representative appointed from
2241 each of the following: the department, the Department of
2242 Transportation, the Fish and Wildlife Conservation Commission,
2243 the Department of Commerce, the Florida Forest Service of the



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2244 Department of Agriculture and Consumer Services, the Division of
2245 Historical Resources of the Department of State, ~~the Tampa Bay~~
2246 ~~Regional Planning Council~~, the Southwest Florida Water
2247 Management District, ~~the Southwest Florida Regional Planning~~
2248 ~~Council~~, Manatee County, Sarasota County, Charlotte County, the
2249 City of Sarasota, the City of North Port, agricultural
2250 interests, environmental organizations, and any others deemed
2251 advisable by the department.

2252 Section 74. Subsections (1) and (3) of section 260.0142,
2253 Florida Statutes, are amended to read:

2254 260.0142 Florida Greenways and Trails Council; composition;
2255 powers and duties.—

2256 (1) There is created within the department the Florida
2257 Greenways and Trails Council which shall advise the department
2258 in the execution of the department's powers and duties under
2259 this chapter. The council shall be composed of 19 ~~21~~ members,
2260 consisting of:

2261 (a)1. Five ~~Six~~ members appointed by the Governor, with two
2262 members representing the trail user community, two members
2263 representing the greenway user community, ~~one member from the~~
2264 ~~board of the Florida Wildlife Corridor Foundation~~, and one
2265 member representing private landowners.

2266 2. Three members appointed by the President of the Senate,
2267 with one member representing the trail user community and two
2268 members representing the greenway user community.

2269 3. Three members appointed by the Speaker of the House of
2270 Representatives, with two members representing the trail user
2271 community and one member representing the greenway user
2272 community.



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

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

1. The Secretary of Environmental Protection or a designee.

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

3. The Secretary of Transportation or a designee.

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

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

6. A representative of the water management districts. Membership on the council must rotate among the five districts. The districts shall determine the order of rotation.

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

~~8. A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection. Membership on the council must rotate among the seven regional planning councils. The regional planning councils shall~~



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2302 ~~determine the order of rotation.~~

2303 ~~8.9.~~ A representative of local governments to be appointed
2304 by the Secretary of Environmental Protection. Membership must
2305 alternate between a county representative and a municipal
2306 representative.

2307 (3) The term of all appointees shall be for 2 years unless
2308 otherwise specified. The appointees of the Governor, the
2309 President of the Senate, and the Speaker of the House of
2310 Representatives may be reappointed for no more than four
2311 consecutive terms. The representatives of the water management
2312 districts, ~~regional planning councils,~~ and local governments may
2313 be reappointed for no more than two consecutive terms. All other
2314 appointees shall serve until replaced.

2315 Section 75. Subsections (8), (9), and (12) of section
2316 287.057, Florida Statutes, are amended to read:

2317 287.057 Procurement of commodities or contractual
2318 services.—

2319 (8) (a) In order to strive to meet the rural or urban
2320 ~~minority~~ business enterprise procurement goals set forth in s.
2321 287.09451, an agency may reserve any contract for competitive
2322 solicitation only among certified rural or urban ~~minority~~
2323 business enterprises. Agencies shall review all their contracts
2324 each fiscal year and shall determine which contracts may be
2325 reserved for solicitation only among certified rural or urban
2326 ~~minority~~ business enterprises. This reservation may only be used
2327 when it is determined, by reasonable and objective means, before
2328 the solicitation that there are capable, qualified certified
2329 rural or urban ~~minority~~ business enterprises available to submit
2330 a bid, proposal, or reply on a contract to provide for effective



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2331 competition. The Office of Supplier Development Diversity shall
2332 consult with any agency in reaching such determination when
2333 deemed appropriate.

2334 (b) Before a contract may be reserved for solicitation only
2335 among certified rural or urban minority business enterprises,
2336 the agency head must find that such a reservation is in the best
2337 interests of the state. All determinations are ~~shall be~~ subject
2338 to s. 287.09451(5). Once a decision has been made to reserve a
2339 contract, but before sealed bids, proposals, or replies are
2340 requested, the agency shall estimate what it expects the amount
2341 of the contract to be, based on the nature of the services or
2342 commodities involved and their value under prevailing market
2343 conditions. If all the sealed bids, proposals, or replies
2344 received are over this estimate, the agency may reject the bids,
2345 proposals, or replies and request new ones from certified rural
2346 or urban minority business enterprises, or the agency may reject
2347 the bids, proposals, or replies and reopen the bidding to all
2348 eligible vendors.

2349 (c) All agencies shall consider the use of price
2350 preferences of up to 10 percent, weighted preference formulas,
2351 or other preferences for vendors as determined appropriate
2352 pursuant to guidelines established in accordance with s.
2353 287.09451(4) to increase the participation of certified rural or
2354 urban minority business enterprises.

2355 (d) All agencies shall avoid any undue concentration of
2356 contracts or purchases in categories of commodities or
2357 contractual services in order to meet the certified rural or
2358 urban minority business enterprise purchasing goals in s.
2359 287.09451.



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2360 (9) An agency may reserve any contract for competitive
2361 solicitation only among vendors who agree to use certified rural
2362 or urban minority business enterprises as subcontractors or
2363 subvendors. The percentage of funds, in terms of gross contract
2364 amount and revenues, which must be expended with the certified
2365 rural or urban minority business enterprise subcontractors and
2366 subvendors shall be determined by the agency before such
2367 contracts may be reserved. In order to bid on a contract so
2368 reserved, the vendor shall identify those certified rural or
2369 urban minority business enterprises which will be utilized as
2370 subcontractors or subvendors by sworn statement. At the time of
2371 performance or project completion, the contractor shall report
2372 by sworn statement the payments and completion of work for all
2373 certified rural or urban minority business enterprises used in
2374 the contract.

2375 (12) If two equal responses to a solicitation or a request
2376 for quote are received and one response is from a certified
2377 rural or urban minority business enterprise, the agency must
2378 ~~shall~~ enter into a contract with the certified rural or urban
2379 minority business enterprise.

2380 Section 76. Section 287.0943, Florida Statutes, is amended
2381 to read:

2382 287.0943 Certification of rural or urban minority business
2383 enterprises.-

2384 (1) A business certified by any local governmental
2385 jurisdiction or organization shall be accepted by the Department
2386 of Management Services, Office of Supplier Development
2387 Diversity, as a certified rural or urban minority business
2388 enterprise for purposes of doing business with state government



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2389 when the Office of Supplier Development Diversity determines
2390 that the state's rural or urban minority business enterprise
2391 certification criteria are applied in the local certification
2392 process.

2393 (2) (a) The office is hereby directed to convene a "Rural or
2394 Urban Minority Business Certification Task Force." The task
2395 force shall meet as often as necessary, but no less frequently
2396 than annually.

2397 (b) The task force shall be regionally balanced and
2398 comprised of officials representing the department, counties,
2399 municipalities, school boards, special districts, and other
2400 political subdivisions of the state who administer programs to
2401 assist rural or urban minority businesses in procurement or
2402 development in government-sponsored programs. The following
2403 organizations may appoint two members each of the task force who
2404 fit the description above:

- 2405 1. The Florida League of Cities, Inc.
- 2406 2. The Florida Association of Counties.
- 2407 3. The Florida School Boards Association, Inc.
- 2408 4. The Association of Special Districts.
- 2409 5. The Florida Association of Rural or Urban Minority
2410 Business Enterprise Officials.
- 2411 6. The Florida Association of Government Purchasing
2412 Officials.

2413
2414 In addition, the Office of Supplier Development Diversity shall
2415 appoint seven members consisting of three representatives of
2416 rural or urban minority business enterprises, one of whom should
2417 be a woman business owner, two officials of the office, and two



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2418 at-large members to ensure balance. A quorum shall consist of
2419 one-third of the current members, and the task force may take
2420 action by majority vote. Any vacancy may only be filled by the
2421 organization or agency originally authorized to appoint the
2422 position.

2423 (c) The purpose of the task force will be to propose
2424 uniform criteria and procedures by which participating entities
2425 and organizations can qualify businesses to participate in
2426 procurement or contracting programs as certified rural or urban
2427 ~~minority~~ business enterprises in accordance with the
2428 certification criteria established by law.

2429 (d) A final list of the criteria and procedures proposed by
2430 the task force shall be considered by the secretary. The task
2431 force may seek technical assistance from qualified providers of
2432 technical, business, and managerial expertise to ensure the
2433 reliability of the certification criteria developed.

2434 (e) In assessing the status of ownership and control,
2435 certification criteria shall, at a minimum:

2436 1. Link ownership by a ~~minority~~ person owning a business
2437 enterprise in a rural or urban area as defined in s. 288.703, or
2438 as dictated by the legal obligations of a certifying
2439 organization, to day-to-day control and financial risk by the
2440 qualifying ~~minority~~ owner, and to demonstrated expertise or
2441 licensure of an a ~~minority~~ owner in any trade or profession that
2442 the rural or urban ~~minority~~ business enterprise will offer to
2443 the state when certified. Businesses must comply with all state
2444 licensing requirements before becoming certified as a rural or
2445 urban ~~minority~~ business enterprise.

2446 2. ~~If present ownership was obtained by transfer, require~~



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2447 ~~the minority person on whom eligibility is based to have owned~~
2448 ~~at least 51 percent of the applicant firm for a minimum of 2~~
2449 ~~years, when any previous majority ownership interest in the firm~~
2450 ~~was by a nonminority who is or was a relative, former employer,~~
2451 ~~or current employer of the minority person on whom eligibility~~
2452 ~~is based. This requirement does not apply to minority persons~~
2453 ~~who are otherwise eligible who take a 51 percent or greater~~
2454 ~~interest in a firm that requires professional licensure to~~
2455 ~~operate and who will be the qualifying licenseholder for the~~
2456 ~~firm when certified. A transfer made within a related immediate~~
2457 ~~family group from a nonminority person to a minority person in~~
2458 ~~order to establish ownership by a minority person shall be~~
2459 ~~deemed to have been made solely for purposes of satisfying~~
2460 ~~certification criteria and shall render such ownership invalid~~
2461 ~~for purposes of qualifying for such certification if the~~
2462 ~~combined total net asset value of all members of such family~~
2463 ~~group exceeds \$1 million. For purposes of this subparagraph, the~~
2464 ~~term "related immediate family group" means one or more children~~
2465 ~~under 16 years of age and a parent of such children or the~~
2466 ~~spouse of such parent residing in the same house or living unit.~~

2467 3. Require that prospective certified rural or urban
2468 minority business enterprises be currently performing or seeking
2469 to perform a useful business function. A "useful business
2470 function" is defined as a business function which results in the
2471 provision of materials, supplies, equipment, or services to
2472 customers. Acting as a conduit to transfer funds to a non-rural
2473 or a non-urban nonminority business does not constitute a useful
2474 business function unless it is done so in a normal industry
2475 practice. As used in this section, the term "acting as a



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2476 conduit" means, in part, not acting as a regular dealer by
2477 making sales of material, goods, or supplies from items bought,
2478 kept in stock, and regularly sold to the public in the usual
2479 course of business. Brokers, manufacturer's representatives,
2480 sales representatives, and nonstocking distributors are
2481 considered as conduits that do not perform a useful business
2482 function, unless normal industry practice dictates.

2483 (f) When a business receives payments or awards exceeding
2484 \$100,000 in one fiscal year, a review of its certification
2485 status or an audit will be conducted within 2 years. In
2486 addition, random reviews or audits will be conducted as deemed
2487 appropriate by the Office of Supplier Development Diversity.

2488 (g) The certification criteria approved by the task force
2489 and adopted by the Department of Management Services must shall
2490 be included in a statewide and interlocal agreement as defined
2491 in s. 287.09431 and, in accordance with s. 163.01, shall be
2492 executed according to the terms included therein.

2493 (h) The certification procedures should allow an applicant
2494 seeking certification to designate on the application form the
2495 information the applicant considers to be proprietary,
2496 confidential business information. As used in this paragraph,
2497 the term "proprietary, confidential business information"
2498 includes, but is not limited to, any information that would be
2499 exempt from public inspection pursuant to the provisions of
2500 chapter 119; trade secrets; internal auditing controls and
2501 reports; contract costs; or other information the disclosure of
2502 which would injure the affected party in the marketplace or
2503 otherwise violate s. 286.041. The executor in receipt of the
2504 application shall issue written and final notice of any



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2505 information for which noninspection is requested but not
2506 provided for by law.

2507 (i) A business that is certified under the provisions of
2508 the statewide and interlocal agreement is ~~shall be~~ deemed a
2509 certified rural or urban ~~minority~~ enterprise in all
2510 jurisdictions or organizations where the agreement is in effect,
2511 and that business is deemed available to do business as such
2512 within any such jurisdiction or with any such organization
2513 statewide. All state agencies must accept rural or urban
2514 ~~minority~~ business enterprises certified in accordance with the
2515 statewide and interlocal agreement of s. 287.09431, and that
2516 business shall also be deemed a "certified rural or urban
2517 ~~minority~~ business enterprise" as defined in s. 288.703. However,
2518 any governmental jurisdiction or organization that administers a
2519 rural or urban ~~minority~~ business purchasing program may reserve
2520 the right to establish further certification procedures
2521 necessary to comply with federal law.

2522 (j) The statewide and interlocal agreement must ~~shall~~ be
2523 guided by the terms and conditions found therein and may be
2524 amended at any meeting of the task force and subsequently
2525 adopted by the secretary of the Department of Management
2526 Services. The amended agreement must be enacted, initialed, and
2527 legally executed by at least two-thirds of the certifying
2528 entities party to the existing agreement and adopted by the
2529 state as originally executed in order to bind the certifying
2530 entity.

2531 (k) The task force shall meet for the first time no later
2532 than 45 days after the effective date of this act.

2533 (3) (a) The office shall review and evaluate the



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2534 certification programs and procedures of all prospective
2535 executors of the statewide and interlocal agreement to determine
2536 whether ~~if~~ their programs exhibit the capacity to meet the
2537 standards of the agreement.

2538 (b) The evaluations shall, at a minimum, consider: the
2539 certifying entity's capacity to conduct investigations of
2540 applicants seeking certification under the designated criteria;
2541 the ability of the certifying entity to collect the requisite
2542 data and to establish adequate protocol to store and exchange
2543 said information among the executors of the agreement and to
2544 provide adequate security to prevent unauthorized access to
2545 information gathered during the certification process; and the
2546 degree to which any legal obligations or supplemental
2547 requirements unique to the certifying entity exceed the capacity
2548 of that entity to conduct certifications.

2549 (c) Any firms certified by organizations or governmental
2550 entities determined not to meet the state certification criteria
2551 may ~~shall~~ not be eligible to participate as certified rural or
2552 urban ~~minority~~ business enterprises in the rural or urban
2553 ~~minority~~ business assistance programs of the state. For a period
2554 of 1 year from the effective date of this legislation, the
2555 executor of the statewide and interlocal agreement may elect to
2556 accept only rural or urban ~~minority~~ business enterprises
2557 certified pursuant to criteria in place at the time the
2558 agreement was signed. After the 1-year period, either party may
2559 elect to withdraw from the agreement without further notice.

2560 (d) Any organizations or governmental entities determined
2561 by the office not to meet the standards of the agreement may
2562 ~~shall~~ not be eligible to execute the statewide and interlocal



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2563 agreement as a participating organization until approved by the
2564 office.

2565 (e) Any participating program receiving three or more
2566 challenges to its certification decisions pursuant to subsection
2567 (4) from other organizations that are executors to the statewide
2568 and interlocal agreement, shall be subject to a review by the
2569 office, as provided in paragraphs (a) and (b), of the
2570 organization's capacity to perform under such agreement and in
2571 accordance with the core criteria established by the task force.
2572 The office shall submit a report to the secretary of the
2573 Department of Management Services regarding the results of the
2574 review.

2575 (f) The office shall maintain a directory of all executors
2576 of the statewide and interlocal agreement. The directory should
2577 be communicated to the general public.

2578 (4) A certification may be challenged by any executor to
2579 the statewide and interlocal agreement upon the grounds of
2580 failure by the certifying organization to adhere to the adopted
2581 criteria or to the certifying organization's rules and
2582 procedures, or on the grounds of a misrepresentation or fraud by
2583 the certified rural or urban ~~minority~~ business enterprise. The
2584 challenge must ~~shall~~ proceed according to procedures specified
2585 in the agreement.

2586 (5) (a) The secretary of the Department of Management
2587 Services shall execute the statewide and interlocal agreement
2588 established under s. 287.09431 on behalf of the state. The
2589 office shall certify rural or urban ~~minority~~ business
2590 enterprises in accordance with the laws of this state and, by
2591 affidavit, shall recertify such rural or urban ~~minority~~ business



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2592 enterprises not less than once each year.

2593 (b) The office shall contract with parties to the statewide
2594 and interlocal agreement to perform onsite visits associated
2595 with state certifications.

2596 (6) (a) The office shall maintain up-to-date records of all
2597 certified rural or urban ~~minority~~ business enterprises, as
2598 defined in s. 288.703, and of applications for certification
2599 that were denied and shall make this list available to all
2600 agencies. The office shall, for statistical purposes, collect
2601 and track subgroupings of gender and nationality status for each
2602 certified rural or urban ~~minority~~ business enterprise. Agency
2603 spending shall also be tracked for these subgroups. The records
2604 may include information about certified rural or urban ~~minority~~
2605 business enterprises that provide legal services, auditing
2606 services, and health services. Agencies shall use this list in
2607 efforts to meet the certified rural or urban ~~minority~~ business
2608 enterprise procurement goals set forth in s. 287.09451.

2609 (b) The office shall establish and administer a
2610 computerized data bank to carry out the requirements of
2611 paragraph (a), to be available to all executors of the statewide
2612 and interlocal agreement. Data maintained in the data bank must
2613 ~~shall~~ be sufficient to allow each executor to reasonably monitor
2614 certifications it has issued.

2615 (7) The office shall identify rural or urban ~~minority~~
2616 business enterprises eligible for certification in all areas of
2617 state services and commodities purchasing. The office may
2618 contract with a private firm or other agency, if necessary, in
2619 seeking to identify rural or urban ~~minority~~ business enterprises
2620 for certification. Agencies may request the office to identify



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2621 certifiable rural or urban ~~minority~~ business enterprises that
2622 are in the business of providing a given service or commodity;
2623 the office shall respond to such requests and seek out such
2624 certifiable rural or urban ~~minority~~ business enterprises.

2625 (8) The office shall adopt rules necessary to implement
2626 this section.

2627 (9) State agencies shall comply with this act except to the
2628 extent that the requirements of this act are in conflict with
2629 federal law.

2630 (10) Any transfer of ownership or permanent change in the
2631 management and daily operations of a certified rural or urban
2632 ~~minority~~ business enterprise which may affect certification must
2633 be reported to the original certifying jurisdiction or entity
2634 and to the office within 14 days of the transfer or change
2635 taking place. In the event of a transfer of ownership, the
2636 transferee seeking to do business with the state as a certified
2637 rural or urban ~~minority~~ business enterprise is responsible for
2638 such reporting. In the event of a permanent change in the
2639 management and daily operations, owners seeking to do business
2640 with the state as a certified rural or urban ~~minority~~ business
2641 enterprise are responsible for reporting such change to the
2642 office. A ~~Any person violating the provisions of this subsection~~
2643 ~~commits shall be guilty of~~ a misdemeanor of the first degree,
2644 punishable as provided in s. 775.082 or s. 775.083.

2645 (11) To deter fraud in the program, the Auditor General may
2646 review the criteria by which a business became certified as a
2647 certified rural or urban ~~minority~~ business enterprise.

2648 (12) Any executor of the statewide and interlocal agreement
2649 may revoke the certification or recertification of a firm doing



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2650 business as a certified rural or urban ~~minority~~ business
2651 enterprise if the rural or urban ~~minority~~ business enterprise
2652 does not meet the requirements of the jurisdiction or certifying
2653 entity that certified or recertified the firm as a certified
2654 rural or urban ~~minority~~ business enterprise, or the requirements
2655 of ~~subsection (2)~~, s. 288.703(2), and any rule of the office or
2656 the Department of Management Services or if the business
2657 acquired certification or recertification by means of falsely
2658 representing any entity as a rural or urban ~~minority~~ business
2659 enterprise for purposes of qualifying for certification or
2660 recertification.

2661 (13) Unless permanently revoked, a certified rural or urban
2662 ~~minority~~ business enterprise for which certification or
2663 recertification has been revoked may not apply or reapply for
2664 certification or recertification for a minimum of 36 months
2665 after the date of the notice of revocation.

2666 (14) (a) Except for certification decisions issued by the
2667 Office of Supplier Development Diversity, an executor to the
2668 statewide and interlocal agreement shall, in accordance with its
2669 rules and procedures:

2670 1. Give reasonable notice to affected persons or parties of
2671 its decision to deny certification based on failure to meet
2672 eligibility requirements of the statewide and interlocal
2673 agreement of s. 287.09431, together with a summary of the
2674 grounds therefor.

2675 2. Give affected persons or parties an opportunity, at a
2676 convenient time and place, to present to the agency written or
2677 oral evidence in opposition to the action or of the executor's
2678 refusal to act.



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2679 3. Give a written explanation of any subsequent decision of
2680 the executor overruling the objections.

2681 (b) An applicant that is denied rural or urban ~~minority~~
2682 business enterprise certification based on failure to meet
2683 eligibility requirements of the statewide and interlocal
2684 agreement pursuant to s. 287.09431 may not reapply for
2685 certification or recertification until at least 6 months after
2686 the date of the notice of the denial of certification or
2687 recertification.

2688 (15) The office shall adopt rules in compliance with this
2689 part.

2690 Section 77. Paragraph (d) of subsection (3) of section
2691 287.055, Florida Statutes, is amended to read:

2692 287.055 Acquisition of professional architectural,
2693 engineering, landscape architectural, or surveying and mapping
2694 services; definitions; procedures; contingent fees prohibited;
2695 penalties.—

2696 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

2697 (d) Each agency shall evaluate professional services,
2698 including capabilities, adequacy of personnel, past record,
2699 experience, whether the firm is a certified minority business
2700 enterprise as defined by the Florida Small ~~and Minority~~ Business
2701 ~~Assistance~~ Act, and other factors determined by the agency to be
2702 applicable to its particular requirements. When securing
2703 professional services, an agency must endeavor to meet the rural
2704 or urban ~~minority~~ business enterprise procurement goals under s.
2705 287.09451.

2706 Section 78. Section 287.09431, Florida Statutes, is amended
2707 to read:



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2708 287.09431 Statewide and interlocal agreement on
2709 certification of business concerns for the status of rural or
2710 urban minority business enterprise.—The statewide and interlocal
2711 agreement on certification of business concerns for the status
2712 of rural or urban minority business enterprise is hereby enacted
2713 and entered into with all jurisdictions or organizations legally
2714 joining therein. If, within 2 years from the date that the
2715 certification core criteria are approved by the Department of
2716 Management Services, the agreement included herein is not
2717 executed by a majority of county and municipal governing bodies
2718 that administer a rural or urban minority business assistance
2719 program on the effective date of this act, then the Legislature
2720 shall review this agreement. It is the intent of the Legislature
2721 that if the agreement is not executed by a majority of the
2722 requisite governing bodies, then a statewide uniform
2723 certification process should be adopted, and that such said
2724 agreement ~~should~~ be repealed and replaced by a mandatory state
2725 government certification process.

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ARTICLE I

2728

2729 PURPOSE, FINDINGS, AND POLICY.—

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(1) The parties to this agreement, desiring by common
action to establish a uniform certification process in order to
reduce the multiplicity of applications by business concerns to
state and local governmental programs for rural or urban
minority business assistance, declare that it is the policy of
each of them, on the basis of cooperation with one another, to
remedy social and economic disadvantage suffered by certain



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2737 groups, resulting in their being historically underutilized in
2738 ownership and control of commercial enterprises. Thus, the
2739 parties seek to address this history by increasing the
2740 participation of the identified groups in opportunities afforded
2741 by government procurement.

2742 (2) The parties find that the State of Florida presently
2743 certifies firms for participation in the rural or urban minority
2744 business assistance programs of the state. The parties find
2745 further that some counties, municipalities, school boards,
2746 special districts, and other divisions of local government
2747 require a separate, yet similar, and in most cases redundant
2748 certification in order for businesses to participate in the
2749 programs sponsored by each government entity.

2750 (3) The parties find further that this redundant
2751 certification has proven to be unduly burdensome to ~~the~~
2752 ~~minority-owned~~ firms located in rural or urban areas as defined
2753 in s. 288.703 which are intended to benefit from the underlying
2754 purchasing incentives.

2755 (4) The parties agree that:

2756 (a) They will facilitate integrity, stability, and
2757 cooperation in the statewide and interlocal certification
2758 process, and in other elements of programs established to assist
2759 ~~minority-owned~~ businesses located in rural or urban areas.

2760 (b) They shall cooperate with agencies, organizations, and
2761 associations interested in certification and other elements of
2762 rural or urban minority business assistance.

2763 (c) It is the purpose of this agreement to provide for a
2764 uniform process whereby the status of a business concern may be
2765 determined in a singular review of the business information for



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2766 these purposes, in order to eliminate any undue expense, delay,
2767 or confusion to the ~~minority-owned~~ businesses located in rural
2768 or urban areas in seeking to participate in the rural or urban
2769 ~~minority~~ business assistance programs of state and local
2770 jurisdictions.

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ARTICLE II

2773

2774 DEFINITIONS.—As used in this agreement and contracts made
2775 pursuant to it, unless the context clearly requires otherwise:

2776 (1) "Awarding organization" means any political subdivision
2777 or organization authorized by law, ordinance, or agreement to
2778 enter into contracts and for which the governing body has
2779 entered into this agreement.

2780 (2) "Department" means the Department of Management
2781 Services.

2782 ~~(3) "Minority" means a person who is a lawful, permanent~~
2783 ~~resident of the state, having origins in one of the minority~~
2784 ~~groups as described and adopted by the Department of Management~~
2785 ~~Services, hereby incorporated by reference.~~

2786 (4) "Rural or urban ~~minority~~ business enterprise" means any
2787 small business concern as defined in subsection (5) ~~(6)~~ that
2788 meets all of the criteria described and adopted by the
2789 Department of Management Services, hereby incorporated by
2790 reference.

2791 (3) ~~(5)~~ "Participating state or local organization" means
2792 any political subdivision of the state or organization
2793 designated by such that elects to participate in the
2794 certification process pursuant to this agreement, which has been



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2795 approved according to s. 287.0943(3) and has legally entered
2796 into this agreement.

2797 ~~(5)+(6)~~ "Small business concern" means an independently
2798 owned and operated business concern which is of a size and type
2799 as described and adopted by vote related to this agreement of
2800 the commission, hereby incorporated by reference.

2801

2802

ARTICLE III

2803

2804 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

2805 (1) All awarding organizations shall accept a certification
2806 granted by any participating organization which has been
2807 approved according to s. 287.0943(3) and has entered into this
2808 agreement, as valid status of rural or urban ~~minority~~ business
2809 enterprise.

2810 (2) A participating organization shall certify a business
2811 concern that meets the definition of a rural or urban ~~minority~~
2812 business enterprise in this agreement, in accordance with the
2813 duly adopted eligibility criteria.

2814 (3) All participating organizations shall issue notice of
2815 certification decisions granting or denying certification to all
2816 other participating organizations within 14 days of the
2817 decision. Such notice may be made through electronic media.

2818 (4) ~~A~~ ~~No~~ certification may not ~~will~~ be granted without an
2819 onsite visit to verify ownership and control of the prospective
2820 rural or urban ~~minority~~ business enterprise, unless verification
2821 can be accomplished by other methods of adequate verification or
2822 assessment of ownership and control.

2823 (5) The certification of a rural or urban ~~minority~~ business



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2824 enterprise pursuant to the terms of this agreement may ~~shall~~ not
2825 be suspended, revoked, or otherwise impaired except on any
2826 grounds which would be sufficient for revocation or suspension
2827 of a certification in the jurisdiction of the participating
2828 organization.

2829 (6) The certification determination of a party may be
2830 challenged by any other participating organization by the
2831 issuance of a timely written notice by the challenging
2832 organization to the certifying organization's determination
2833 within 10 days of receiving notice of the certification
2834 decision, stating the grounds for such challenge ~~therefor~~.

2835 (7) The sole accepted grounds for challenge are ~~shall be~~
2836 the failure of the certifying organization to adhere to the
2837 adopted criteria or the certifying organization's rules or
2838 procedures, or the perpetuation of a misrepresentation or fraud
2839 by the firm.

2840 (8) The certifying organization shall reexamine its
2841 certification determination and submit written notice to the
2842 applicant and the challenging organization of its findings
2843 within 30 days after the receipt of the notice of challenge.

2844 (9) If the certification determination is affirmed, the
2845 challenging agency may subsequently submit timely written notice
2846 to the firm of its intent to revoke certification of the firm.

2847

2848

ARTICLE IV

2849

2850 APPROVED AND ACCEPTED PROGRAMS. ~~Nothing in~~ This agreement
2851 may not ~~shall~~ be construed to repeal or otherwise modify any
2852 ordinance, law, or regulation of a party relating to the



747702

2853 existing rural or urban ~~minority~~ business assistance provisions
2854 and procedures by which rural or urban ~~minority~~ business
2855 enterprises participate therein.

2856

2857

ARTICLE V

2858

2859 TERM.—The term of the agreement is ~~shall be~~ 5 years, after
2860 which it may be reexecuted by the parties.

2861

2862

ARTICLE VI

2863

2864 AGREEMENT EVALUATION.—The designated state and local
2865 officials may meet ~~from time to time~~ as a group to evaluate
2866 progress under the agreement, to formulate recommendations for
2867 changes, or to propose a new agreement.

2868

2869

ARTICLE VII

2870

2871 OTHER ARRANGEMENTS.—~~Nothing in~~ This agreement may not ~~shall~~
2872 be construed to prevent or inhibit other arrangements or
2873 practices of any party in order to comply with federal law.

2874

2875

ARTICLE VIII

2876

2877 EFFECT AND WITHDRAWAL.—

2878 (1) This agreement becomes ~~shall become~~ effective when
2879 properly executed by a legal representative of the participating
2880 organization, when enacted into the law of the state and after
2881 an ordinance or other legislation is enacted into law by the



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2882 governing body of each participating organization. Thereafter it
2883 becomes ~~shall become~~ effective as to any participating
2884 organization upon the enactment of this agreement by the
2885 governing body of that organization.

2886 (2) Any party may withdraw from this agreement by enacting
2887 legislation repealing the same, but ~~no~~ such withdrawal may not
2888 ~~shall~~ take effect until one year after the governing body of the
2889 withdrawing party has given notice in writing of the withdrawal
2890 to the other parties.

2891 (3) A ~~No~~ withdrawal may not ~~shall~~ relieve the withdrawing
2892 party of any obligations imposed upon it by law.

2893
2894 ARTICLE IX

2895
2896 FINANCIAL RESPONSIBILITY.—

2897 (1) A participating organization is ~~shall~~ not be
2898 financially responsible or liable for the obligations of any
2899 other participating organization related to this agreement.

2900 (2) ~~The provisions of~~ This agreement does not ~~shall~~
2901 constitute ~~neither~~ a waiver of any governmental immunity under
2902 Florida law or ~~nor~~ a waiver of any defenses of the parties under
2903 Florida law. ~~The provisions of~~ This agreement is ~~are~~ solely for
2904 the benefit of its executors and is not intended to create or
2905 grant any rights, contractual or otherwise, to any person or
2906 entity.

2907
2908 ARTICLE X

2909
2910 VENUE AND GOVERNING LAW.—The obligations of the parties to



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2911 this agreement are performable only within the county where the
2912 participating organization is located, and statewide for the
2913 Office of Supplier Development Diversity, and venue for any
2914 legal action in connection with this agreement is shall lie, for
2915 any participating organization except the Office of Supplier
2916 Development, Diversity, exclusively in the county where the
2917 participating organization is located. This agreement is shall
2918 ~~be~~ governed by and construed in accordance with the laws and
2919 court decisions of this the state.

2920

2921

ARTICLE XI

2922

2923 CONSTRUCTION AND SEVERABILITY.—This agreement must shall be
2924 liberally construed so as to effectuate the purposes thereof.
2925 ~~The provisions of~~ This agreement is shall be severable and if
2926 any phrase, clause, sentence, or provision of this agreement is
2927 declared to be contrary to the State Constitution or the United
2928 States Constitution, or the application thereof to any
2929 government, agency, person, or circumstance is held invalid, the
2930 validity of the remainder of this agreement and the
2931 applicability thereof to any government, agency, person, or
2932 circumstance is shall not be affected ~~thereby~~. If this agreement
2933 is shall be held contrary to the State Constitution, the
2934 agreement remains shall remain in full force and effect as to
2935 all severable matters.

2936

2937

Section 79. Paragraph (b) of subsection (2) of section
288.0001, Florida Statutes, is amended to read:

2938

2939

288.0001 Economic Development Programs Evaluation.—The
Office of Economic and Demographic Research and the Office of



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2940 Program Policy Analysis and Government Accountability (OPPAGA)
2941 shall develop and present to the Governor, the President of the
2942 Senate, the Speaker of the House of Representatives, and the
2943 chairs of the legislative appropriations committees the Economic
2944 Development Programs Evaluation.

2945 (2) The Office of Economic and Demographic Research and
2946 OPPAGA shall provide a detailed analysis of economic development
2947 programs as provided in the following schedule:

2948 (b) By January 1, 2015, and every 3 years thereafter, an
2949 analysis of:

2950 1. The entertainment industry sales tax exemption program
2951 established under s. 288.1258.

2952 2. VISIT Florida and its programs established or funded
2953 under ss. 288.122-288.12265 ~~and 288.124~~.

2954 3. The Florida Sports Foundation and related programs,
2955 including those established under ss. 288.1162, 288.11621,
2956 288.1166, and 288.1167.

2957 Section 80. Section 288.7031, Florida Statutes, is amended
2958 to read:

2959 288.7031 Application of certain definitions.—The
2960 definitions of “small business,” and “certified rural or urban
2961 minority business enterprise,” and ~~“certified minority business~~
2962 ~~enterprise”~~ provided in s. 288.703 apply to the state and all
2963 political subdivisions of the state.

2964 Section 81. Paragraph (f) of subsection (2), paragraph (c)
2965 of subsection (4), and subsections (7) and (8), and (9) of
2966 section 288.975, Florida Statutes, are amended to read:

2967 288.975 Military base reuse plans.—

2968 (2) As used in this section, the term:



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2969 ~~(f) "Regional policy plan" means a strategic regional~~
2970 ~~policy plan that has been adopted by rule by a regional planning~~
2971 ~~council pursuant to s. 186.508.~~

2972 (4)

2973 (c) Military base reuse plans shall identify projected
2974 impacts to significant regional resources and natural resources
2975 ~~of regional significance as identified by applicable regional~~
2976 ~~planning councils in their regional policy plans~~ and the actions
2977 that shall be taken to mitigate such impacts.

2978 (7) A military base reuse plan must ~~shall~~ be consistent
2979 with the comprehensive plan of the host local government and may
2980 ~~shall~~ not conflict with the comprehensive plan of any affected
2981 local governments. A military base reuse plan must ~~shall~~ be
2982 consistent with the nonprocedural requirements of part II of
2983 chapter 163 and rules adopted thereunder, ~~applicable regional~~
2984 ~~policy plans,~~ and the state comprehensive plan.

2985 (8) At the request of a host local government, the
2986 department shall coordinate a presubmission workshop concerning
2987 a military base reuse plan within the boundaries of the host
2988 jurisdiction. Agencies that must ~~shall~~ participate in the
2989 workshop ~~shall~~ include any affected local governments; the
2990 Department of Environmental Protection; the department; the
2991 Department of Transportation; the Department of Health; the
2992 Department of Children and Families; the Department of Juvenile
2993 Justice; the Department of Agriculture and Consumer Services;
2994 the Department of State; the Fish and Wildlife Conservation
2995 Commission; and any applicable water management districts ~~and~~
2996 ~~regional planning councils~~. The purposes of the workshop are
2997 ~~shall be~~ to assist the host local government to understand



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2998 issues of concern to the above listed entities pertaining to the
2999 military base site and to identify opportunities for better
3000 coordination of planning and review efforts with the information
3001 and analyses generated by the federal environmental impact
3002 statement process and the federal community base reuse planning
3003 process.

3004 (9) If a host local government elects to use the optional
3005 provisions of this act, it must ~~shall~~, no later than 12 months
3006 after notifying the agencies of its intent pursuant to
3007 subsection (3) either:

3008 (a) Send a copy of the proposed military base reuse plan
3009 for review to any affected local governments; the Department of
3010 Environmental Protection; the department; the Department of
3011 Transportation; the Department of Health; the Department of
3012 Children and Families; the Department of Juvenile Justice; the
3013 Department of Agriculture and Consumer Services; the Department
3014 of State; the Fish and Wildlife Conservation Commission; and any
3015 applicable water management districts ~~and regional planning~~
3016 ~~councils~~, or

3017 (b) Petition the department for an extension of the
3018 deadline for submitting a proposed reuse plan. Such an extension
3019 request must be justified by changes or delays in the closure
3020 process by the federal Department of Defense or for reasons
3021 otherwise deemed to promote the orderly and beneficial planning
3022 of the subject military base reuse. The department may grant
3023 extensions to the required submission date of the reuse plan.

3024 Section 82. Subsection (4) of section 290.004, Florida
3025 Statutes, is amended to read:

3026 290.004 Definitions relating to Florida Enterprise Zone



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3027 Act.—As used in ss. 290.001-290.016:

3028 (4) “Certified rural or urban Minority business enterprise”
3029 has the same meaning as provided in s. 288.703.

3030 Section 83. Paragraph (b) of subsection (26) of section
3031 320.08058, Florida Statutes, is amended to read:

3032 320.08058 Specialty license plates.—

3033 (26) TAMPA BAY ESTUARY LICENSE PLATES.—

3034 (b) The annual use fees shall be distributed to the Tampa
3035 Bay Estuary Program created by s. 163.01.

3036 1. A maximum of 5 percent of such fees may be used for
3037 marketing the plate.

3038 ~~2. Twenty percent of the proceeds from the annual use fee,~~
3039 ~~not to exceed \$50,000, shall be provided to the Tampa Bay~~
3040 ~~Regional Planning Council for activities of the Agency on Bay~~
3041 ~~Management implementing the Council/Agency Action Plan for the~~
3042 ~~restoration of the Tampa Bay estuary, as approved by the Tampa~~
3043 ~~Bay Estuary Program Policy Board.~~

3044 ~~2.3.~~ The remaining proceeds must be used to implement the
3045 Comprehensive Conservation and Management Plan for Tampa Bay,
3046 pursuant to priorities approved by the Tampa Bay Estuary Program
3047 Policy Board.

3048 Section 84. Paragraph (b) of subsection (3) of section
3049 335.188, Florida Statutes, is amended to read:

3050 335.188 Access management standards; access control
3051 classification system; criteria.—

3052 (3) The control classification system shall be developed
3053 consistent with the following:

3054 (b) The access control classification system shall be
3055 developed in cooperation with counties, municipalities, the



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3056 state land planning agency, ~~regional planning councils,~~
3057 metropolitan planning organizations, and other local
3058 governmental entities.

3059 Section 85. Paragraph (b) of subsection (4) of section
3060 339.155, Florida Statutes, is amended to read:

3061 339.155 Transportation planning.—

3062 (4) ADDITIONAL TRANSPORTATION PLANS.—

3063 ~~(b) Each regional planning council, as provided for in s.~~
3064 ~~186.504, or any successor agency thereto, shall develop, as an~~
3065 ~~element of its strategic regional policy plan, transportation~~
3066 ~~goals and policies. The transportation goals and policies must~~
3067 ~~be prioritized to comply with the prevailing principles provided~~
3068 ~~in subsection (1) and s. 334.046(1). The transportation goals~~
3069 ~~and policies shall be consistent, to the maximum extent~~
3070 ~~feasible, with the goals and policies of the metropolitan~~
3071 ~~planning organization and the Florida Transportation Plan. The~~
3072 ~~transportation goals and policies of the regional planning~~
3073 ~~council will be advisory only and shall be submitted to the~~
3074 ~~department and any affected metropolitan planning organization~~
3075 ~~for their consideration and comments. Metropolitan planning~~
3076 ~~organization plans and other local transportation plans shall be~~
3077 ~~developed consistent, to the maximum extent feasible, with the~~
3078 ~~regional transportation goals and policies.~~

3079 Section 86. Paragraph (g) of subsection (6) of section
3080 339.175, Florida Statutes, is amended to read:

3081 339.175 Metropolitan planning organization.—

3082 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
3083 privileges, and authority of an M.P.O. are those specified in
3084 this section or incorporated in an interlocal agreement



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3085 authorized under s. 163.01. Each M.P.O. shall perform all acts
3086 required by federal or state laws or rules, now and subsequently
3087 applicable, which are necessary to qualify for federal aid. It
3088 is the intent of this section that each M.P.O. be involved in
3089 the planning and programming of transportation facilities,
3090 including, but not limited to, airports, intercity and high-
3091 speed rail lines, seaports, and intermodal facilities, to the
3092 extent permitted by state or federal law. An M.P.O. may not
3093 perform project production or delivery for capital improvement
3094 projects on the State Highway System.

3095 (g) Each M.P.O. shall have an executive or staff director
3096 who reports directly to the M.P.O. governing board for all
3097 matters regarding the administration and operation of the M.P.O.
3098 and any additional personnel as deemed necessary. The executive
3099 director and any additional personnel may be employed either by
3100 an M.P.O. or by another governmental entity, such as a county,
3101 or city, ~~or regional planning council,~~ that has a staff services
3102 agreement signed and in effect with the M.P.O. Each M.P.O. may
3103 enter into contracts with local or state agencies, private
3104 planning firms, private engineering firms, or other public or
3105 private entities to accomplish its transportation planning and
3106 programming duties and administrative functions.

3107 Section 87. Subsection (6) of section 339.285, Florida
3108 Statutes, is amended to read:

3109 339.285 Enhanced Bridge Program for Sustainable
3110 Transportation.—

3111 (6) Preference shall be given to bridge projects located on
3112 corridors that connect to the Strategic Intermodal System,
3113 created under s. 339.64, and that have been identified as



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3114 regionally significant in accordance with s. 339.155(4)(b), (c),
3115 and (d) ~~s. 339.155(4)(c), (d), and (e).~~

3116 Section 88. Subsections (3) and (4) of section 339.63,
3117 Florida Statutes, are amended to read:

3118 339.63 System facilities designated; additions and
3119 deletions.—

3120 (3) After the initial designation of the Strategic
3121 Intermodal System under subsection (1), the department shall, in
3122 coordination with the metropolitan planning organizations, local
3123 governments, ~~regional planning councils,~~ transportation
3124 providers, and affected public agencies, add facilities to or
3125 delete facilities from the Strategic Intermodal System described
3126 in paragraphs (2)(b) and (c) based upon criteria adopted by the
3127 department.

3128 (4) After the initial designation of the Strategic
3129 Intermodal System under subsection (1), the department shall, in
3130 coordination with the metropolitan planning organizations, local
3131 governments, ~~regional planning councils,~~ transportation
3132 providers, and affected public agencies, add facilities to or
3133 delete facilities from the Strategic Intermodal System described
3134 in paragraph (2)(a) based upon criteria adopted by the
3135 department. However, an airport that is designated as a reliever
3136 airport to a Strategic Intermodal System airport which has at
3137 least 75,000 itinerant operations per year, has a runway length
3138 of at least 5,500 linear feet, is capable of handling aircraft
3139 weighing at least 60,000 pounds with a dual wheel configuration
3140 which is served by at least one precision instrument approach,
3141 and serves a cluster of aviation-dependent industries, shall be
3142 designated as part of the Strategic Intermodal System by the



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3143 Secretary of Transportation upon the request of a reliever
3144 airport meeting this criteria.

3145 Section 89. Subsection (1) and paragraph (a) of subsection
3146 (3) of section 339.64, Florida Statutes, are amended to read:

3147 339.64 Strategic Intermodal System Plan.—

3148 (1) The department shall develop, in cooperation with
3149 metropolitan planning organizations, ~~regional planning councils,~~
3150 local governments, and other transportation providers, a
3151 Strategic Intermodal System Plan. The plan shall be consistent
3152 with the Florida Transportation Plan developed pursuant to s.
3153 339.155 and shall be updated at least once every 5 years,
3154 subsequent to updates of the Florida Transportation Plan.

3155 (3) (a) During the development of updates to the Strategic
3156 Intermodal System Plan, the department shall provide
3157 metropolitan planning organizations, ~~regional planning councils,~~
3158 local governments, transportation providers, affected public
3159 agencies, and citizens with an opportunity to participate in and
3160 comment on the development of the update.

3161 Section 90. Subsection (1) of section 341.041, Florida
3162 Statutes, is amended to read:

3163 341.041 Transit responsibilities of the department.—The
3164 department shall, within the resources provided pursuant to
3165 chapter 216:

3166 (1) Develop a statewide plan that provides for public
3167 transit and intercity bus service needs at least 5 years in
3168 advance. The plan shall be developed in a manner that will
3169 assure maximum use of existing facilities, and optimum
3170 integration and coordination of the various modes of
3171 transportation, including both governmentally owned and



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3172 privately owned resources, in the most cost-effective manner
3173 possible. The plan shall also incorporate plans adopted by local
3174 ~~and regional~~ planning agencies which are consistent, to the
3175 maximum extent feasible, with ~~adopted strategic policy plans and~~
3176 approved local government comprehensive plans for the region and
3177 units of local government covered by the plan and shall, insofar
3178 as practical, conform to federal planning requirements. The plan
3179 shall be consistent with the goals of the Florida Transportation
3180 Plan developed pursuant to s. 339.155.

3181 Section 91. Paragraph (m) of subsection (3) of section
3182 343.54, Florida Statutes, is amended to read:

3183 343.54 Powers and duties.—

3184 (3) The authority may exercise all powers necessary,
3185 appurtenant, convenient, or incidental to the carrying out of
3186 the aforesaid purposes, including, but not limited to, the
3187 following rights and powers:

3188 (m) To cooperate with other governmental entities and to
3189 contract with other governmental agencies, including the
3190 Department of Transportation, the Federal Government, ~~regional~~
3191 ~~planning councils~~, counties, and municipalities.

3192 Section 92. Paragraphs (c) and (d) of subsection (1) of
3193 section 366.93, Florida Statutes, are amended to read:

3194 366.93 Cost recovery for the siting, design, licensing, and
3195 construction of nuclear and integrated gasification combined
3196 cycle power plants.—

3197 (1) As used in this section, the term:

3198 (c) "Integrated gasification combined cycle power plant" or
3199 "plant" means an electrical power plant as defined in s. 403.503
3200 ~~s. 403.503(14)~~ which uses synthesis gas produced by integrated



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3201 gasification technology.

3202 (d) "Nuclear power plant" or "plant" means an electrical
3203 power plant as defined in s. 403.503 ~~s. 403.503(14)~~ which uses
3204 nuclear materials for fuel.

3205 Section 93. Subsection (1) of section 369.303, Florida
3206 Statutes, is amended to read:

3207 369.303 Definitions.—As used in this part:

3208 ~~(1) "Council" means the East Central Florida Regional~~
3209 ~~Planning Council.~~

3210 Section 94. Subsection (3) of section 369.307, Florida
3211 Statutes, is amended to read:

3212 369.307 Developments of regional impact in the Wekiva River
3213 Protection Area; land acquisition.—

3214 (3) The Wekiva River Protection Area is hereby declared to
3215 be a natural resource of state and regional importance. The St.
3216 Johns River Water Management District ~~East Central Florida~~
3217 ~~Regional Planning Council~~ shall adopt policies that ~~as part of~~
3218 ~~its strategic regional policy plan and regional issues list~~
3219 ~~which~~ will protect the water quantity, water quality, hydrology,
3220 wetlands, aquatic and wetland-dependent wildlife species,
3221 habitat of all species ~~designated pursuant to rules 39-27.003,~~
3222 ~~39-27.004, and 39-27.005, Florida Administrative Code, and~~
3223 native vegetation in the Wekiva River Protection Area. The water
3224 management district ~~council~~ shall also cooperate with the
3225 department in the department's implementation ~~of the provisions~~
3226 of s. 369.305.

3227 Section 95. Paragraph (e) of subsection (1) of section
3228 373.309, Florida Statutes, is amended to read:

3229 373.309 Authority to adopt rules and procedures.—



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3230 (1) The department shall adopt, and may from time to time
3231 amend, rules governing the location, construction, repair, and
3232 abandonment of water wells and shall be responsible for the
3233 administration of this part. With respect thereto, the
3234 department shall:

3235 (e) Encourage prevention of potable water well
3236 contamination and promote cost-effective remediation of
3237 contaminated potable water supplies by use of the Water Quality
3238 Assurance Trust Fund as provided in s. 376.307(1)(e) and
3239 establish by rule:

3240 1. Delineation of areas of groundwater contamination for
3241 implementation of well location and construction, testing,
3242 permitting, and clearance requirements as set forth in
3243 subparagraphs 2.-6. ~~3., 4., 5., and 6.~~ The department shall
3244 make available to water management districts, ~~regional planning~~
3245 ~~councils~~, the Department of Health, and county building and
3246 zoning departments, maps or other information on areas of
3247 contamination, including areas of ethylene dibromide
3248 contamination. Such maps or other information shall be made
3249 available to property owners, realtors, real estate
3250 associations, property appraisers, and other interested persons
3251 upon request and upon payment of appropriate costs.

3252 2. Requirements for testing for suspected contamination in
3253 areas of known contamination, as a prerequisite for clearance of
3254 a water well for drinking purposes. The department is authorized
3255 to establish criteria for acceptance of water quality testing
3256 results from the Department of Health and laboratories certified
3257 by the Department of Health, and is authorized to establish
3258 requirements for sample collection quality assurance.



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3259 3. Requirements for mandatory connection to available
3260 potable water systems in areas of known contamination, wherein
3261 the department may prohibit the permitting and construction of
3262 new potable water wells.

3263 4. Location and construction standards for public and all
3264 other potable water wells permitted in areas of contamination.
3265 Such standards shall be designed to minimize the effects of such
3266 contamination.

3267 5. A procedure for permitting all potable water wells in
3268 areas of known contamination. Any new water well that is to be
3269 used for drinking water purposes and that does not meet
3270 construction standards pursuant to subparagraph 4. must be
3271 abandoned and plugged by the owner. Water management districts
3272 shall implement, through delegation from the department, the
3273 permitting and enforcement responsibilities of this
3274 subparagraph.

3275 6. A procedure for clearing for use all potable water
3276 wells, except wells that serve a public water supply system, in
3277 areas of known contamination. If contaminants are found upon
3278 testing pursuant to subparagraph 2., a well may not be cleared
3279 for use without a filter or other means of preventing the users
3280 of the well from being exposed to deleterious amounts of
3281 contaminants. The Department of Health shall implement the
3282 responsibilities of this subparagraph.

3283 7. Fees to be paid for well construction permits and
3284 clearance for use. The fees shall be based on the actual costs
3285 incurred by the water management districts, the Department of
3286 Health, or other political subdivisions in carrying out the
3287 responsibilities related to potable water well permitting and



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3288 clearance for use. The fees shall provide revenue to cover all
3289 such costs and shall be set according to the following schedule:

3290 a. The well construction permit fee may not exceed \$500.

3291 b. The clearance fee may not exceed \$50.

3292 8. Procedures for implementing well-location, construction,
3293 testing, permitting, and clearance requirements as set forth in
3294 subparagraphs 2.-6. within areas that research or monitoring
3295 data indicate are vulnerable to contamination with nitrate, or
3296 areas in which the department provides a subsidy for restoration
3297 or replacement of contaminated drinking water supplies through
3298 extending existing water lines or developing new water supply
3299 systems pursuant to s. 376.307(1)(e). The department shall
3300 consult with the Florida Ground Water Association in the process
3301 of developing rules pursuant to this subparagraph.

3302
3303 All fees and funds collected by each delegated entity pursuant
3304 to this part shall be deposited in the appropriate operating
3305 account of that entity.

3306 Section 96. Subsections (1) and (2) of section 373.415,
3307 Florida Statutes, are amended to read:

3308 373.415 Protection zones; duties of the St. Johns River
3309 Water Management District.—

3310 (1) Not later than November 1, 1988, the St. Johns River
3311 Water Management District shall adopt rules establishing
3312 protection zones adjacent to the watercourses in the Wekiva
3313 River System, as designated in s. 369.303 ~~s. 369.303(10)~~. Such
3314 protection zones shall be sufficiently wide to prevent harm to
3315 the Wekiva River System, including water quality, water
3316 quantity, hydrology, wetlands, and aquatic and wetland-dependent



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3317 wildlife species, caused by any of the activities regulated
3318 under this part. Factors on which the widths of the protection
3319 zones shall be based shall include, but not be limited to:

3320 (a) The biological significance of the wetlands and uplands
3321 adjacent to the designated watercourses in the Wekiva River
3322 System, including the nesting, feeding, breeding, and resting
3323 needs of aquatic species and wetland-dependent wildlife species.

3324 (b) The sensitivity of these species to disturbance,
3325 including the short-term and long-term adaptability to
3326 disturbance of the more sensitive species, both migratory and
3327 resident.

3328 (c) The susceptibility of these lands to erosion, including
3329 the slope, soils, runoff characteristics, and vegetative cover.

3330
3331 In addition, the rules may establish permitting thresholds,
3332 permitting exemptions, or general permits, if such thresholds,
3333 exemptions, or general permits do not allow significant adverse
3334 impacts to the Wekiva River System to occur individually or
3335 cumulatively.

3336 (2) Notwithstanding ~~the provisions of~~ s. 120.60, the St.
3337 Johns River Water Management District may ~~shall~~ not issue any
3338 permit under this part within the Wekiva River Protection Area,
3339 as defined in s. 369.303 ~~s. 369.303(9)~~, until the appropriate
3340 local government has provided written notification to the
3341 district that the proposed activity is consistent with the local
3342 comprehensive plan and is in compliance with any land
3343 development regulation in effect in the area where the
3344 development will take place. The district may, however, inform
3345 any property owner who makes a request for such information as



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3346 to the location of the protection zone or zones on his or her
3347 property. However, if a development proposal is amended as the
3348 result of the review by the district, a permit may be issued
3349 before ~~prior~~ to the development proposal being returned, if
3350 necessary, to the local government for additional review.

3351 Section 97. Paragraph (a) of subsection (2) of section
3352 376.3072, Florida Statutes, is amended to read:

3353 376.3072 Florida Petroleum Liability and Restoration
3354 Insurance Program.—

3355 (2) (a) An owner or operator of a petroleum storage system
3356 may become an insured in the restoration insurance program at a
3357 facility if:

3358 1. A site at which an incident has occurred is eligible for
3359 restoration if the insured is a participant in the third-party
3360 liability insurance program or otherwise meets applicable
3361 financial responsibility requirements. After July 1, 1993, the
3362 insured must also provide the required excess insurance coverage
3363 or self-insurance for restoration to achieve the financial
3364 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,
3365 not covered by paragraph (d).

3366 2. A site which had a discharge reported before January 1,
3367 1989, for which notice was given pursuant to s. 376.3071(10) and
3368 which is ineligible for the third-party liability insurance
3369 program solely due to that discharge is eligible for
3370 participation in the restoration program for an incident
3371 occurring on or after January 1, 1989, pursuant to subsection
3372 (3). Restoration funding for an eligible contaminated site will
3373 be provided without participation in the third-party liability
3374 insurance program until the site is restored as required by the



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3375 department or until the department determines that the site does
3376 not require restoration.

3377 3. Notwithstanding paragraph (b), a site where an
3378 application is filed with the department before January 1, 1995,
3379 where the owner is a small business under s. 288.703 ~~s.~~
3380 ~~288.703(6)~~, a Florida College System institution with less than
3381 2,500 FTE, a religious institution as defined by s.
3382 212.08(7)(m), a charitable institution as defined by s.
3383 212.08(7)(p), or a county or municipality with a population of
3384 less than 50,000, is eligible for up to \$400,000 of eligible
3385 restoration costs, less a deductible of \$10,000 for small
3386 businesses, eligible Florida College System institutions, and
3387 religious or charitable institutions, and \$30,000 for eligible
3388 counties and municipalities, if:

3389 a. Except as provided in sub-subparagraph e., the facility
3390 was in compliance with department rules at the time of the
3391 discharge.

3392 b. The owner or operator has, upon discovery of a
3393 discharge, promptly reported the discharge to the department,
3394 and drained and removed the system from service, if necessary.

3395 c. The owner or operator has not intentionally caused or
3396 concealed a discharge or disabled leak detection equipment.

3397 d. The owner or operator proceeds to complete initial
3398 remedial action as specified in department rules.

3399 e. The owner or operator, if required and if it has not
3400 already done so, applies for third-party liability coverage for
3401 the facility within 30 days after receipt of an eligibility
3402 order issued by the department pursuant to this subparagraph.

3403



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3404 However, the department may consider in-kind services from
3405 eligible counties and municipalities in lieu of the \$30,000
3406 deductible. The cost of conducting initial remedial action as
3407 defined by department rules is an eligible restoration cost
3408 pursuant to this subparagraph.

3409 4.a. By January 1, 1997, facilities at sites with existing
3410 contamination must have methods of release detection to be
3411 eligible for restoration insurance coverage for new discharges
3412 subject to department rules for secondary containment. Annual
3413 storage system testing, in conjunction with inventory control,
3414 shall be considered to be a method of release detection until
3415 the later of December 22, 1998, or 10 years after the date of
3416 installation or the last upgrade. Other methods of release
3417 detection for storage tanks which meet such requirement are:

3418 (I) Interstitial monitoring of tank and integral piping
3419 secondary containment systems;

3420 (II) Automatic tank gauging systems; or

3421 (III) A statistical inventory reconciliation system with a
3422 tank test every 3 years.

3423 b. For pressurized integral piping systems, the owner or
3424 operator must use:

3425 (I) An automatic in-line leak detector with flow
3426 restriction meeting the requirements of department rules used in
3427 conjunction with an annual tightness or pressure test; or

3428 (II) An automatic in-line leak detector with electronic
3429 flow shut-off meeting the requirements of department rules.

3430 c. For suction integral piping systems, the owner or
3431 operator must use:

3432 (I) A single check valve installed directly below the



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3433 suction pump if there are no other valves between the dispenser
3434 and the tank; or

3435 (II) An annual tightness test or other approved test.

3436 d. Owners of facilities with existing contamination that
3437 install internal release detection systems pursuant to sub-
3438 subparagraph a. shall permanently close their external
3439 groundwater and vapor monitoring wells pursuant to department
3440 rules by December 31, 1998. Upon installation of the internal
3441 release detection system, such wells must be secured and taken
3442 out of service until permanent closure.

3443 e. Facilities with vapor levels of contamination meeting
3444 the requirements of or below the concentrations specified in the
3445 performance standards for release detection methods specified in
3446 department rules may continue to use vapor monitoring wells for
3447 release detection.

3448 f. The department may approve other methods of release
3449 detection for storage tanks and integral piping which have at
3450 least the same capability to detect a new release as the methods
3451 specified in this subparagraph.

3452
3453 Sites meeting the criteria of this subsection for which a site
3454 rehabilitation completion order was issued before June 1, 2008,
3455 do not qualify for the 2008 increase in site rehabilitation
3456 funding assistance and are bound by the pre-June 1, 2008,
3457 limits. Sites meeting the criteria of this subsection for which
3458 a site rehabilitation completion order was not issued before
3459 June 1, 2008, regardless of whether they have previously
3460 transitioned to nonstate-funded cleanup status, may continue
3461 state-funded cleanup pursuant to s. 376.3071(6) until a site



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3462 rehabilitation completion order is issued or the increased site
3463 rehabilitation funding assistance limit is reached, whichever
3464 occurs first.

3465 Section 98. Paragraph (k) of subsection (2) of section
3466 377.703, Florida Statutes, is amended to read:

3467 377.703 Additional functions of the Department of
3468 Agriculture and Consumer Services.—

3469 (2) DUTIES.—The department shall perform the following
3470 functions, unless as otherwise provided, consistent with the
3471 development of a state energy policy:

3472 (k) The department shall coordinate energy-related programs
3473 of state government, including, but not limited to, the programs
3474 provided in this section. To this end, the department shall:

3475 1. Provide assistance to other state agencies, counties,
3476 and municipalities, ~~and regional planning agencies~~ to further
3477 and promote their energy planning activities.

3478 2. Require, in cooperation with the Department of
3479 Management Services, all state agencies to operate state-owned
3480 and state-leased buildings in accordance with energy
3481 conservation standards as adopted by the Department of
3482 Management Services. Every 3 months, the Department of
3483 Management Services shall furnish the department data on
3484 agencies' energy consumption and emissions of greenhouse gases
3485 in a format prescribed by the department.

3486 3. Promote the development and use of renewable energy
3487 resources, energy efficiency technologies, and conservation
3488 measures.

3489 4. Promote the recovery of energy from wastes, including,
3490 but not limited to, the use of waste heat, the use of



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3491 agricultural products as a source of energy, and recycling of
3492 manufactured products. Such promotion shall be conducted in
3493 conjunction with, and after consultation with, the Department of
3494 Environmental Protection and the Florida Public Service
3495 Commission where electrical generation or natural gas is
3496 involved, and any other relevant federal, state, or local
3497 governmental agency having responsibility for resource recovery
3498 programs.

3499 Section 99. Subsection (3) of section 378.411, Florida
3500 Statutes, is amended to read:

3501 378.411 Certification to receive notices of intent to mine,
3502 to review, and to inspect for compliance.-

3503 (3) In making his or her determination, the secretary shall
3504 consult with the Department of Commerce, ~~the appropriate~~
3505 ~~regional planning council,~~ and the appropriate water management
3506 district.

3507 Section 100. Subsection (15) of section 380.031, Florida
3508 Statutes, is amended to read:

3509 380.031 Definitions.-As used in this chapter:

3510 ~~(15) "Regional planning agency" means the agency designated~~
3511 ~~by the state land planning agency to exercise responsibilities~~
3512 ~~under this chapter in a particular region of the state.~~

3513 Section 101. Subsection (2) of section 380.045, Florida
3514 Statutes, is amended to read:

3515 380.045 Resource planning and management committees;
3516 objectives; procedures.-

3517 (2) The committee must include, but is not limited to,
3518 representation from each of the following: elected officials
3519 from the local governments within the area under study; the



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3520 planning office of each of the local governments within the area
3521 under study; the state land planning agency; any other state
3522 agency under chapter 20 a representative of which the Governor
3523 feels is relevant to the compilation of the committee; and a
3524 water management district, if appropriate, ~~and regional planning~~
3525 ~~council all or part of whose jurisdiction lies within the area~~
3526 ~~under study.~~ After the appointment of the members, the Governor
3527 shall select a chair and vice chair. A staff member of the state
3528 land planning agency shall be appointed by the secretary of such
3529 agency to serve as the secretary of the committee. The state
3530 land planning agency shall, to the greatest extent possible,
3531 provide technical assistance and administrative support to the
3532 committee. Meetings will be called as needed by the chair or on
3533 the demand of three or more members of the committee. The
3534 committee will act on a simple majority of a quorum present and
3535 shall make a report within 6 months to the head of the state
3536 land planning agency. The committee must, from the time of
3537 appointment, remain in existence for no less than 6 months.

3538 Section 102. Subsections (3), (4), (7), (8), and (12) of
3539 section 380.05, Florida Statutes, are amended to read:

3540 380.05 Areas of critical state concern.—

3541 (3) Each local government ~~regional planning agency~~ may
3542 ~~recommend to the state land planning agency from time to time~~
3543 ~~areas wholly or partially within its jurisdiction that meet the~~
3544 ~~criteria for areas of critical state concern as defined in this~~
3545 ~~section. Each regional planning agency shall solicit from the~~
3546 ~~local governments within its jurisdiction suggestions as to~~
3547 ~~areas to be recommended. A local government in an area where~~
3548 ~~there is no regional planning agency~~ may recommend to the state



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3549 land planning agency from time to time areas wholly or partially
3550 within its jurisdiction that meet the criteria for areas of
3551 critical state concern as defined in this section. If the state
3552 land planning agency does not recommend to the commission as an
3553 area of critical state concern an area substantially similar to
3554 one that has been recommended, it must ~~shall~~ respond in writing
3555 as to its reasons therefor.

3556 (4) Before ~~Prior to~~ submitting any recommendation to the
3557 commission under subsection (1), the state land planning agency
3558 shall give notice to any committee appointed pursuant to s.
3559 380.045 and to all local governments ~~and regional planning~~
3560 ~~agencies~~ that include within their boundaries any part of any
3561 area of critical state concern proposed to be designated by the
3562 rule, in addition to any notice otherwise required under chapter
3563 120.

3564 (7) The state land planning agency ~~and any applicable~~
3565 ~~regional planning agency~~ shall, to the greatest extent possible,
3566 provide technical assistance to local governments in the
3567 preparation of the land development regulations and local
3568 comprehensive plan for areas of critical state concern.

3569 (8) If any local government fails to submit land
3570 development regulations or a local comprehensive plan, or if the
3571 regulations or plan or plan amendment submitted do not comply
3572 with the principles for guiding development set out in the rule
3573 designating the area of critical state concern, within 120 days
3574 after the adoption of the rule designating an area of critical
3575 state concern, or within 120 days after the issuance of a
3576 recommended order on the compliance of the plan or plan
3577 amendment pursuant to s. 163.3184, or within 120 days after the



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3578 effective date of an order rejecting a proposed land development
3579 regulation, the state land planning agency must ~~shall~~ submit to
3580 the commission recommended land development regulations and a
3581 local comprehensive plan or portions thereof applicable to that
3582 local government's portion of the area of critical state
3583 concern. Within 45 days following receipt of the recommendation
3584 from the agency, the commission shall either reject the
3585 recommendation as tendered or adopt the recommendation with or
3586 without modification, and by rule establish land development
3587 regulations and a local comprehensive plan applicable to that
3588 local government's portion of the area of critical state
3589 concern. However, such rule may ~~shall~~ not become effective
3590 before ~~prior to~~ legislative review of an area of critical state
3591 concern pursuant to paragraph (1)(c). In the rule, the
3592 commission shall specify the extent to which its land
3593 development regulations, plans, or plan amendments will
3594 supersede, or will be supplementary to, local land development
3595 regulations and plans. Notice of any proposed rule issued under
3596 this section shall be given to all local governments and
3597 regional ~~planning~~ agencies in the area of critical state
3598 concern, in addition to any other notice required under chapter
3599 120. The land development regulations and local comprehensive
3600 plan adopted by the commission under this section may include
3601 any type of regulation and plan that could have been adopted by
3602 the local government. Any land development regulations or local
3603 comprehensive plan or plan amendments adopted by the commission
3604 under this section shall be administered by the local government
3605 as part of, or in the absence of, the local land development
3606 regulations and local comprehensive plan.



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3607 (12) Upon the request of a substantially interested person
3608 pursuant to s. 120.54(7), a local government or regional
3609 ~~planning~~ agency within the designated area, or the state land
3610 planning agency, the commission may by rule remove, contract, or
3611 expand any designated boundary. Boundary expansions are subject
3612 to legislative review pursuant to paragraph (1)(c). No boundary
3613 may be modified without a specific finding by the commission
3614 that such changes are consistent with necessary resource
3615 protection. The total boundaries of an entire area of critical
3616 state concern may ~~shall~~ not be removed by the commission unless
3617 a minimum time of 1 year has elapsed from the adoption of
3618 regulations and a local comprehensive plan pursuant to
3619 subsection (1), subsection (6), subsection (8), or subsection
3620 (10). Before totally removing such boundaries, the commission
3621 shall make findings that the regulations and plans adopted
3622 pursuant to subsection (1), subsection (6), subsection (8), or
3623 subsection (10) are being effectively implemented by local
3624 governments within the area of critical state concern to protect
3625 the area and that adopted local government comprehensive plans
3626 within the area have been conformed to principles for guiding
3627 development for the area.

3628 Section 103. Subsection (3) of section 380.055, Florida
3629 Statutes, is amended to read:

3630 380.055 Big Cypress Area.—

3631 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The “Big
3632 Cypress Area,” as defined in this subsection, is hereby
3633 designated as an area of critical state concern. “Big Cypress
3634 Area” means the area generally depicted on the map entitled
3635 “Boundary Map, Big Cypress National Freshwater Reserve,



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3636 Florida," numbered BC-91,001 and dated November 1971, which is
3637 on file and available for public inspection in the office of the
3638 National Park Service, Department of the Interior, Washington,
3639 D.C., and in the office of the Board of Trustees of the Internal
3640 Improvement Trust Fund, which is the area proposed as the
3641 Federal Big Cypress National Freshwater Reserve, Florida, and
3642 that area described as follows: Sections 1, 2, 11, 12 and 13 in
3643 Township 49 South, Range 31 East; and Township 49 South, Range
3644 32 East, less Sections 19, 30 and 31; and Township 49 South,
3645 Range 33 East; and Township 49 South, Range 34 East; and
3646 Sections 1 through 5 and 10 through 14 in Township 50 South,
3647 Range 32 East; and Sections 1 through 18 and 20 through 25 in
3648 Township 50 South, Range 33 East; and Township 50 South, Range
3649 34 East, less Section 31; and Sections 1 and 2 in Township 51
3650 South, Range 34 East; All in Collier County, Florida, which
3651 described area shall be known as the "Big Cypress National
3652 Preserve Addition, Florida," together with such contiguous land
3653 and water areas as are ecologically linked with the Everglades
3654 National Park, certain of the estuarine fisheries of South
3655 Florida, or the freshwater aquifer of South Florida, the
3656 definitive boundaries of which shall be set in the following
3657 manner: Within 120 days following the effective date of this
3658 act, the state land planning agency shall recommend definitive
3659 boundaries for the Big Cypress Area to the Administration
3660 Commission, after giving notice to all local governments and
3661 regional ~~planning~~ agencies which include within their boundaries
3662 any part of the area proposed to be included in the Big Cypress
3663 Area and holding such hearings as the state land planning agency
3664 deems appropriate. Within 45 days following receipt of the



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3665 recommended boundaries, the Administration Commission shall
3666 adopt, modify, or reject the recommendation and shall by rule
3667 establish the boundaries of the area defined as the Big Cypress
3668 Area.

3669 Section 104. Subsection (6) and paragraph (b) of subsection
3670 (12) of section 380.06, Florida Statutes, are amended to read:

3671 380.06 Developments of regional impact.—

3672 (6) REPORTS.—Notwithstanding any condition in a development
3673 order for an approved development of regional impact, the
3674 developer is not required to submit an annual or a biennial
3675 report on the development of regional impact to the local
3676 government, ~~the regional planning agency,~~ the state land
3677 planning agency, and all affected permit agencies unless
3678 required to do so by the local government that has jurisdiction
3679 over the development. The penalty for failure to file such a
3680 required report is as prescribed by the local government.

3681 (12) PROPOSED DEVELOPMENTS.—

3682 (b) This subsection does not apply to:

3683 1. Amendments to a development order governing an existing
3684 development of regional impact.

3685 2. An application for development approval filed with a
3686 concurrent plan amendment application pending as of May 14,
3687 2015, if the applicant elects to have the application reviewed
3688 pursuant to this section as it existed on that date. The
3689 election shall be in writing and filed with the affected local
3690 government, ~~regional planning council,~~ and the state land
3691 planning agency before December 31, 2018.

3692 Section 105. Subsection (2) of section 380.061, Florida
3693 Statutes, is amended to read:



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3694 380.061 The Florida Quality Developments program.—
3695 (2) Following written notification to the state land
3696 planning agency ~~and the appropriate regional planning agency~~, a
3697 local government with an approved Florida Quality Development
3698 within its jurisdiction must set a public hearing pursuant to
3699 its local procedures and shall adopt a local development order
3700 to replace and supersede the development order adopted by the
3701 state land planning agency for the Florida Quality Development.
3702 Thereafter, the Florida Quality Development shall follow the
3703 procedures and requirements for developments of regional impact
3704 as specified in this chapter.

3705 Section 106. Subsection (2) of section 380.07, Florida
3706 Statutes, is amended to read:

3707 380.07 Florida Land and Water Adjudicatory Commission.—
3708 (2) Whenever any local government issues any development
3709 order in any area of critical state concern, or in regard to the
3710 abandonment of any approved development of regional impact,
3711 copies of such orders as prescribed by rule by the state land
3712 planning agency shall be transmitted to the state land planning
3713 agency, ~~the regional planning agency~~, and the owner or developer
3714 of the property affected by such order. The state land planning
3715 agency shall adopt rules describing development order rendition
3716 and effectiveness in designated areas of critical state concern.
3717 Within 45 days after the order is rendered, the owner, the
3718 developer, or the state land planning agency may appeal the
3719 order to the Florida Land and Water Adjudicatory Commission by
3720 filing a petition alleging that the development order is not
3721 consistent with this part.

3722 Section 107. Paragraph (c) of subsection (3) of section



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3723 380.23, Florida Statutes, is amended to read:

3724 380.23 Federal consistency.—

3725 (3) Consistency review shall be limited to review of the
3726 following activities, uses, and projects to ensure that such
3727 activities, uses, and projects are conducted in accordance with
3728 the state's coastal management program:

3729 (c) Federally licensed or permitted activities affecting
3730 land or water uses when such activities are in or seaward of the
3731 jurisdiction of local governments required to develop a coastal
3732 zone protection element as provided in s. 380.24 and when such
3733 activities involve:

3734 1. Permits and licenses required under the Rivers and
3735 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3736 2. Permits and licenses required under the Marine
3737 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
3738 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3739 3. Permits and licenses required under the Federal Water
3740 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
3741 amended, unless such permitting activities have been delegated
3742 to the state pursuant to said act.

3743 4. Permits and licenses relating to the transportation of
3744 hazardous substance materials or transportation and dumping
3745 which are issued pursuant to the Hazardous Materials
3746 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
3747 33 U.S.C. s. 1321, as amended.

3748 5. Permits and licenses required under 15 U.S.C. ss. 717-
3749 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.
3750 1331-1356 for construction and operation of interstate gas
3751 pipelines and storage facilities.



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3752 6. Permits and licenses required for the siting and
3753 construction of any new electrical power plants as defined in s.
3754 403.503 ~~s. 403.503(14)~~, as amended, and the licensing and
3755 relicensing of hydroelectric power plants under the Federal
3756 Power Act, 16 U.S.C. ss. 791a et seq., as amended.

3757 7. Permits and licenses required under the Mining Law of
3758 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
3759 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
3760 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
3761 amended; the Federal Land Policy and Management Act, 43 U.S.C.
3762 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
3763 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
3764 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
3765 pipelines, geological and geophysical activities, or rights-of-
3766 way on public lands and permits and licenses required under the
3767 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
3768 amended.

3769 8. Permits and licenses for areas leased under the OCS
3770 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
3771 leases and approvals of exploration, development, and production
3772 plans.

3773 9. Permits and licenses required under the Deepwater Port
3774 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

3775 10. Permits required for the taking of marine mammals under
3776 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.
3777 s. 1374.

3778 Section 108. Subsection (3) of section 380.507, Florida
3779 Statutes, is amended to read:

3780 380.507 Powers of the trust.—The trust shall have all the



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3781 powers necessary or convenient to carry out the purposes and
3782 provisions of this part, including:

3783 (3) To provide technical and financial assistance to local
3784 governments, state agencies, water management districts,
3785 ~~regional planning councils,~~ and nonprofit agencies to carry out
3786 projects and activities and develop programs to achieve the
3787 purposes of this part.

3788 Section 109. Paragraph (b) of subsection (8) of section
3789 381.986, Florida Statutes, is amended to read:

3790 381.986 Medical use of marijuana.—

3791 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

3792 (b) An applicant for licensure as a medical marijuana
3793 treatment center shall apply to the department on a form
3794 prescribed by the department and adopted in rule. The department
3795 shall adopt rules pursuant to ss. 120.536(1) and 120.54
3796 establishing a procedure for the issuance and biennial renewal
3797 of licenses, including initial application and biennial renewal
3798 fees sufficient to cover the costs of implementing and
3799 administering this section, and establishing supplemental
3800 licensure fees for payment beginning May 1, 2018, sufficient to
3801 cover the costs of administering ss. 381.989 and 1004.4351. The
3802 department shall identify applicants with strong diversity plans
3803 reflecting this state's commitment to diversity and implement
3804 training programs and other educational programs to enable
3805 minority persons and certified rural or urban business
3806 enterprises ~~minority business enterprises,~~ as defined in s.
3807 288.703, and veteran business enterprises, as defined in s.
3808 295.187, to compete for medical marijuana treatment center
3809 licensure and contracts. Subject to the requirements in



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3810 subparagraphs (a)2.-4., the department shall issue a license to
3811 an applicant if the applicant meets the requirements of this
3812 section and pays the initial application fee. The department
3813 shall renew the licensure of a medical marijuana treatment
3814 center biennially if the licensee meets the requirements of this
3815 section and pays the biennial renewal fee. However, the
3816 department may not renew the license of a medical marijuana
3817 treatment center that has not begun to cultivate, process, and
3818 dispense marijuana by the date that the medical marijuana
3819 treatment center is required to renew its license. An individual
3820 may not be an applicant, owner, officer, board member, or
3821 manager on more than one application for licensure as a medical
3822 marijuana treatment center. An individual or entity may not be
3823 awarded more than one license as a medical marijuana treatment
3824 center. An applicant for licensure as a medical marijuana
3825 treatment center must demonstrate:

3826 1. That, for the 5 consecutive years before submitting the
3827 application, the applicant has been registered to do business in
3828 the state.

3829 2. Possession of a valid certificate of registration issued
3830 by the Department of Agriculture and Consumer Services pursuant
3831 to s. 581.131.

3832 3. The technical and technological ability to cultivate and
3833 produce marijuana, including, but not limited to, low-THC
3834 cannabis.

3835 4. The ability to secure the premises, resources, and
3836 personnel necessary to operate as a medical marijuana treatment
3837 center.

3838 5. The ability to maintain accountability of all raw



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3839 materials, finished products, and any byproducts to prevent
3840 diversion or unlawful access to or possession of these
3841 substances.

3842 6. An infrastructure reasonably located to dispense
3843 marijuana to registered qualified patients statewide or
3844 regionally as determined by the department.

3845 7. The financial ability to maintain operations for the
3846 duration of the 2-year approval cycle, including the provision
3847 of certified financial statements to the department.

3848 a. Upon approval, the applicant must post a \$5 million
3849 performance bond issued by an authorized surety insurance
3850 company rated in one of the three highest rating categories by a
3851 nationally recognized rating service. However, a medical
3852 marijuana treatment center serving at least 1,000 qualified
3853 patients is only required to maintain a \$2 million performance
3854 bond.

3855 b. In lieu of the performance bond required under sub-
3856 subparagraph a., the applicant may provide an irrevocable letter
3857 of credit payable to the department or provide cash to the
3858 department. If provided with cash under this sub-subparagraph,
3859 the department shall deposit the cash in the Grants and
3860 Donations Trust Fund within the Department of Health, subject to
3861 the same conditions as the bond regarding requirements for the
3862 applicant to forfeit ownership of the funds. If the funds
3863 deposited under this sub-subparagraph generate interest, the
3864 amount of that interest shall be used by the department for the
3865 administration of this section.

3866 8. That all owners, officers, board members, and managers
3867 have passed a background screening pursuant to subsection (9).



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3868 9. The employment of a medical director to supervise the
3869 activities of the medical marijuana treatment center.

3870 10. A diversity plan that promotes and ensures the
3871 involvement of minority persons and certified rural or urban
3872 ~~minority~~ business enterprises, as defined in s. 288.703, or
3873 veteran business enterprises, as defined in s. 295.187, in
3874 ownership, management, and employment. An applicant for
3875 licensure renewal must show the effectiveness of the diversity
3876 plan by including the following with his or her application for
3877 renewal:

3878 a. Representation of minority persons and veterans in the
3879 medical marijuana treatment center's workforce;

3880 b. Efforts to recruit minority persons and veterans for
3881 employment; and

3882 c. A record of contracts for services with rural or urban
3883 ~~minority~~ business enterprises and veteran business enterprises.

3884 Section 110. Subsection (4) of section 403.031, Florida
3885 Statutes, is amended to read:

3886 403.031 Definitions.—In construing this chapter, or rules
3887 and regulations adopted pursuant hereto, the following words,
3888 phrases, or terms, unless the context otherwise indicates, have
3889 the following meanings:

3890 (4) "Electrical power plant" means, for purposes of this
3891 part of this chapter, any electrical generating facility that
3892 uses any process or fuel and that is owned or operated by an
3893 electric utility, as defined in s. 403.503 ~~s. 403.503(14)~~, and
3894 includes any associated facility that directly supports the
3895 operation of the electrical power plant.

3896 Section 111. Subsection (6) of section 403.0752, Florida



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3897 Statutes, is amended to read:

3898 403.0752 Ecosystem management agreements.—

3899 (6) The secretary of the department may form ecosystem
3900 management advisory teams for consultation and participation in
3901 the preparation of an ecosystem management agreement. The
3902 secretary shall request the participation of at least the state
3903 and regional and local government entities having regulatory
3904 authority over the activities to be subject to the ecosystem
3905 management agreement. Such teams may also include
3906 representatives of other participating or advisory government
3907 agencies, which may include ~~regional planning councils~~, private
3908 landowners, public landowners and managers, public and private
3909 utilities, corporations, and environmental interests. Team
3910 members shall be selected in a manner that ensures adequate
3911 representation of the diverse interests and perspectives within
3912 the designated ecosystem. Participation by any department of
3913 state government is at the discretion of that agency.

3914 Section 112. Subsection (27) of section 403.503, Florida
3915 Statutes, is amended to read:

3916 403.503 Definitions relating to Florida Electrical Power
3917 Plant Siting Act.—As used in this act:

3918 ~~(27) "Regional planning council" means a regional planning~~
3919 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
3920 ~~the electrical power plant is proposed to be located.~~

3921 Section 113. Subsection (1) of section 403.50663, Florida
3922 Statutes, is amended to read:

3923 403.50663 Informational public meetings.—

3924 (1) A local government within whose jurisdiction the power
3925 plant is proposed to be sited may hold one informational public



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3926 meeting in addition to the hearings specifically authorized by
3927 this act on any matter associated with the electrical power
3928 plant proceeding. Such informational public meetings shall be
3929 held by the local government ~~or by the regional planning council~~
3930 ~~if the local government does not hold such meeting~~ within 70
3931 days after the filing of the application. The purpose of an
3932 informational public meeting is for the local government ~~or~~
3933 ~~regional planning council~~ to further inform the public about the
3934 proposed electrical power plant or associated facilities, obtain
3935 comments from the public, and formulate its recommendation with
3936 respect to the proposed electrical power plant.

3937 Section 114. Paragraph (a) of subsection (2) of section
3938 403.507, Florida Statutes, is amended to read:

3939 403.507 Preliminary statements of issues, reports, project
3940 analyses, and studies.—

3941 (2)(a) No later than 100 days after the certification
3942 application has been determined complete, the following agencies
3943 shall prepare reports as provided below and shall submit them to
3944 the department and the applicant, unless a final order denying
3945 the determination of need has been issued under s. 403.519:

3946 1. The Department of Commerce shall prepare a report
3947 containing recommendations which address the impact upon the
3948 public of the proposed electrical power plant, based on the
3949 degree to which the electrical power plant is consistent with
3950 the applicable portions of the state comprehensive plan,
3951 emergency management, and other such matters within its
3952 jurisdiction. The Department of Commerce may also comment on the
3953 consistency of the proposed electrical power plant with
3954 applicable ~~strategic regional policy plans or local~~



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3955 comprehensive plans and land development regulations.

3956 2. The water management district shall prepare a report as
3957 to matters within its jurisdiction, including but not limited
3958 to, the impact of the proposed electrical power plant on water
3959 resources, regional water supply planning, and district-owned
3960 lands and works.

3961 3. Each local government in whose jurisdiction the proposed
3962 electrical power plant is to be located shall prepare a report
3963 as to the consistency of the proposed electrical power plant
3964 with all applicable local ordinances, regulations, standards, or
3965 criteria that apply to the proposed electrical power plant,
3966 including any applicable local environmental regulations adopted
3967 pursuant to s. 403.182 or by other means.

3968 4. The Fish and Wildlife Conservation Commission shall
3969 prepare a report as to matters within its jurisdiction.

3970 5. The Department of Transportation shall address the
3971 impact of the proposed electrical power plant on matters within
3972 its jurisdiction.

3973 Section 115. Paragraphs (a) and (c) of subsection (4) of
3974 section 403.509, Florida Statutes, are amended to read:

3975 403.509 Final disposition of application.—

3976 (4) (a) Any transmission line corridor certified by the
3977 board, or secretary if applicable, shall meet the criteria of
3978 this section. When more than one transmission line corridor is
3979 proper for certification under s. 403.503 ~~s. 403.503(11)~~ and
3980 meets the criteria of this section, the board, or secretary if
3981 applicable, shall certify the transmission line corridor that
3982 has the least adverse impact regarding the criteria in
3983 subsection (3), including costs.



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3984 (c) If the board, or secretary if applicable, finds that
3985 two or more of the corridors that comply with subsection (3)
3986 have the least adverse impacts regarding the criteria in
3987 subsection (3), including costs, and that the corridors are
3988 substantially equal in adverse impacts regarding the criteria in
3989 subsection (3), including costs, the board, or secretary if
3990 applicable, shall certify the corridor preferred by the
3991 applicant if the corridor is one proper for certification under
3992 s. 403.503 ~~s. 403.503(11)~~.

3993 Section 116. Paragraph (a) of subsection (6) and paragraph
3994 (a) of subsection (7) of section 403.5115, Florida Statutes, are
3995 amended to read:

3996 403.5115 Public notice.—

3997 (6) (a) A good faith effort shall be made by the applicant
3998 to provide direct written notice of the filing of an application
3999 for certification by United States mail or hand delivery no
4000 later than 45 days after filing of the application to all local
4001 landowners whose property, as noted in the most recent local
4002 government tax records, and residences are located within the
4003 following distances of the proposed project:

4004 1. Three miles of the proposed main site boundaries of the
4005 proposed electrical power plant.

4006 2. One-quarter mile for a transmission line corridor that
4007 only includes a transmission line as defined by s. 403.522 ~~s.~~
4008 ~~403.522(22)~~.

4009 3. One-quarter mile for all other linear associated
4010 facilities extending away from the main site boundary except for
4011 a transmission line corridor that includes a transmission line
4012 that operates below those defined by s. 403.522 ~~s. 403.522(22)~~.



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4013 (7) (a) A good faith effort shall be made by the proponent
4014 of an alternate corridor that includes a transmission line, as
4015 defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct written
4016 notice of the filing of an alternate corridor for certification
4017 by United States mail or hand delivery of the filing no later
4018 than 30 days after filing of the alternate corridor to all local
4019 landowners whose property, as noted in the most recent local
4020 government tax records, and residences, are located within one-
4021 quarter mile of the proposed boundaries of a transmission line
4022 corridor that includes a transmission line as defined by s.
4023 403.522 ~~s. 403.522(22)~~.

4024 Section 117. Subsection (1) of section 403.5175, Florida
4025 Statutes, is amended to read:

4026 403.5175 Existing electrical power plant site
4027 certification.—

4028 (1) An electric utility that owns or operates an existing
4029 electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~
4030 may apply for certification of an existing power plant and its
4031 site in order to obtain all agency licenses necessary to ensure
4032 compliance with federal or state environmental laws and
4033 regulation using the centrally coordinated, one-stop licensing
4034 process established by this part. An application for
4035 certification under this section must be in the form prescribed
4036 by department rule. Applications must be reviewed and processed
4037 using the same procedural steps and notices as for an
4038 application for a new facility, except that a determination of
4039 need by the Public Service Commission is not required.

4040 Section 118. Paragraph (c) of subsection (2) of section
4041 403.518, Florida Statutes, is amended to read:



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4042 403.518 Fees; disposition.—The department shall charge the
4043 applicant the following fees, as appropriate, which, unless
4044 otherwise specified, shall be paid into the Florida Permit Fee
4045 Trust Fund:

4046 (2) An application fee, which may ~~shall~~ not exceed
4047 \$200,000. The fee shall be fixed by rule on a sliding scale
4048 related to the size, type, ultimate site capacity, or increase
4049 in electrical generating capacity proposed by the application.

4050 (c)1. Upon written request with proper itemized accounting
4051 within 90 days after final agency action by the board or
4052 department or withdrawal of the application, the agencies that
4053 prepared reports pursuant to s. 403.507 or participated in a
4054 hearing pursuant to s. 403.508 may submit a written request to
4055 the department for reimbursement of expenses incurred during the
4056 certification proceedings. The request must ~~shall~~ contain an
4057 accounting of expenses incurred which may include time spent
4058 reviewing the application, preparation of any studies required
4059 of the agencies by this act, agency travel and per diem to
4060 attend any hearing held pursuant to this act, and for any local
4061 government's ~~or regional planning council's~~ provision of notice
4062 of public meetings required as a result of the application for
4063 certification. The department shall review the request and
4064 verify that the expenses are valid. Valid expenses must ~~shall~~ be
4065 reimbursed; however, in the event the amount of funds available
4066 for reimbursement is insufficient to provide for full
4067 compensation to the agencies requesting reimbursement,
4068 reimbursement is ~~shall be~~ on a prorated basis.

4069 2. If the application review is held in abeyance for more
4070 than 1 year, the agencies may submit a request for



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4071 reimbursement. This time period is ~~shall be~~ measured from the
4072 date the applicant has provided written notification to the
4073 department that it desires to have the application review
4074 process placed on hold. The fee disbursement shall be processed
4075 in accordance with subparagraph 1.

4076 Section 119. Subsection (21) of section 403.522, Florida
4077 Statutes, is amended to read:

4078 403.522 Definitions relating to the Florida Electric
4079 Transmission Line Siting Act.—As used in this act:

4080 ~~(21) "Regional planning council" means a regional planning~~
4081 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
4082 ~~the project is proposed to be located.~~

4083 Section 120. Paragraph (a) of subsection (1) of section
4084 403.5251, Florida Statutes, is amended to read:

4085 403.5251 Application; schedules.—

4086 (1)(a) The formal date of the filing of the application for
4087 certification and commencement of the review process for
4088 certification is the date on which the applicant submits:

4089 1. Copies of the application for certification in a
4090 quantity and format, electronic or otherwise as prescribed by
4091 rule, to the department and other agencies identified in s.
4092 403.526(2).

4093 2. The application fee as specified under s. 403.5365 to
4094 the department.

4095
4096 The department shall provide to the applicant and the Division
4097 of Administrative Hearings the names and addresses of any
4098 additional agencies or persons entitled to notice and copies of
4099 the application and amendments, if any, within 7 days after



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4100 receiving the application for certification and the application
4101 fees.

4102 Section 121. Paragraph (a) of subsection (2) of section
4103 403.526, Florida Statutes, is amended to read:

4104 403.526 Preliminary statements of issues, reports, and
4105 project analyses; studies.—

4106 (2) (a) No later than 90 days after the filing of the
4107 application, the following agencies shall prepare reports as
4108 provided below, unless a final order denying the determination
4109 of need has been issued under s. 403.537:

4110 1. The department shall prepare a report as to the impact
4111 of each proposed transmission line or corridor as it relates to
4112 matters within its jurisdiction.

4113 2. Each water management district in the jurisdiction of
4114 which a proposed transmission line or corridor is to be located
4115 shall prepare a report as to the impact on water resources and
4116 other matters within its jurisdiction.

4117 3. The Department of Commerce shall prepare a report
4118 containing recommendations which address the impact upon the
4119 public of the proposed transmission line or corridor, based on
4120 the degree to which the proposed transmission line or corridor
4121 is consistent with the applicable portions of the state
4122 comprehensive plan, emergency management, and other matters
4123 within its jurisdiction. The Department of Commerce may also
4124 comment on the consistency of the proposed transmission line or
4125 corridor with applicable ~~strategic regional policy plans or~~
4126 local comprehensive plans and land development regulations.

4127 4. The Fish and Wildlife Conservation Commission shall
4128 prepare a report as to the impact of each proposed transmission



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4129 line or corridor on fish and wildlife resources and other
4130 matters within its jurisdiction.

4131 5. Each local government shall prepare a report as to the
4132 impact of each proposed transmission line or corridor on matters
4133 within its jurisdiction, including the consistency of the
4134 proposed transmission line or corridor with all applicable local
4135 ordinances, regulations, standards, or criteria that apply to
4136 the proposed transmission line or corridor, including local
4137 comprehensive plans, zoning regulations, land development
4138 regulations, and any applicable local environmental regulations
4139 adopted pursuant to s. 403.182 or by other means. A change by
4140 the responsible local government or local agency in local
4141 comprehensive plans, zoning ordinances, or other regulations
4142 made after the date required for the filing of the local
4143 government's report required by this section is not applicable
4144 to the certification of the proposed transmission line or
4145 corridor unless the certification is denied or the application
4146 is withdrawn.

4147 6. The Department of Transportation shall prepare a report
4148 as to the impact of the proposed transmission line or corridor
4149 on state roads, railroads, airports, aeronautics, seaports, and
4150 other matters within its jurisdiction.

4151 7. The commission shall prepare a report containing its
4152 determination under s. 403.537, and the report may include the
4153 comments from the commission with respect to any other subject
4154 within its jurisdiction.

4155 8. Any other agency, if requested by the department, shall
4156 also perform studies or prepare reports as to subjects within
4157 the jurisdiction of the agency which may potentially be affected



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4158 by the proposed transmission line.

4159 Section 122. Paragraphs (d) and (f) of subsection (1) of
4160 section 403.5271, Florida Statutes, are amended to read:

4161 403.5271 Alternate corridors.—

4162 (1) No later than 45 days before the originally scheduled
4163 certification hearing, any party may propose alternate
4164 transmission line corridor routes for consideration under the
4165 provisions of this act.

4166 (d) Within 21 days after acceptance of an alternate
4167 corridor by the department and the applicant, the party
4168 proposing an alternate corridor shall have the burden of
4169 providing all data to the agencies listed in s. 403.5365 ~~s.~~
4170 ~~403.526(2)~~ and newly affected agencies necessary for the
4171 preparation of a supplementary report on the proposed alternate
4172 corridor.

4173 (f) The agencies listed in s. 403.5365 ~~s. 403.526(2)~~ and
4174 any newly affected agencies shall file supplementary reports
4175 with the applicant and the department which address the proposed
4176 alternate corridors no later than 24 days after the data
4177 submitted pursuant to paragraph (d) or paragraph (e) is
4178 determined to be complete.

4179 Section 123. Subsection (1) of section 403.5272, Florida
4180 Statutes, is amended to read:

4181 403.5272 Informational public meetings.—

4182 (1) A local government whose jurisdiction is to be crossed
4183 by a proposed corridor may hold one informational public meeting
4184 in addition to the hearings specifically authorized by this act
4185 on any matter associated with the transmission line proceeding.
4186 The informational public meeting ~~may be conducted by the local~~



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4187 ~~government or the regional planning council~~ and shall be held no
4188 later than 55 days after the application is filed. The purpose
4189 of an informational public meeting is for the local government
4190 ~~or regional planning council~~ to further inform the public about
4191 the transmission line proposed, obtain comments from the public,
4192 and formulate its recommendation with respect to the proposed
4193 transmission line.

4194 Section 124. Subsection (4), paragraph (a) of subsection
4195 (5), and paragraph (a) of subsection (6) of section 403.5363,
4196 Florida Statutes, are amended to read:

4197 403.5363 Public notices; requirements.-

4198 (4) A local government ~~or regional planning council~~ that
4199 proposes to conduct an informational public meeting pursuant to
4200 s. 403.5272 must publish notice of the meeting in a newspaper of
4201 general circulation within the county or counties in which the
4202 proposed electrical transmission line will be located no later
4203 than 7 days before ~~prior~~ to the meeting. A newspaper of general
4204 circulation shall be the newspaper that has the largest daily
4205 circulation in that county and has its principal office in that
4206 county. If the newspaper with the largest daily circulation has
4207 its principal office outside the county, the notices shall
4208 appear in both the newspaper having the largest circulation in
4209 that county and in a newspaper authorized to publish legal
4210 notices in that county.

4211 (5) (a) A good faith effort shall be made by the applicant
4212 to provide direct notice of the filing of an application for
4213 certification by United States mail or hand delivery no later
4214 than 45 days after filing of the application to all local
4215 landowners whose property, as noted in the most recent local



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4216 government tax records, and residences are located within one-
4217 quarter mile of the proposed boundaries of a transmission line
4218 corridor that only includes a transmission line as defined by s.
4219 403.522 ~~s. 403.522(22)~~.

4220 (6) (a) A good faith effort shall be made by the proponent
4221 of an alternate corridor that includes a transmission line, as
4222 defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct notice
4223 of the filing of an alternate corridor for certification by
4224 United States mail or hand delivery of the filing no later than
4225 30 days after filing of the alternate corridor to all local
4226 landowners whose property, as noted in the most recent local
4227 government tax records, and residences are located within one-
4228 quarter mile of the proposed boundaries of a transmission line
4229 corridor that includes a transmission line as defined by s.
4230 403.522 ~~s. 403.522(22)~~.

4231 Section 125. Paragraph (d) of subsection (1) of section
4232 403.5365, Florida Statutes, is amended to read:

4233 403.5365 Fees; disposition.—The department shall charge the
4234 applicant the following fees, as appropriate, which, unless
4235 otherwise specified, shall be paid into the Florida Permit Fee
4236 Trust Fund:

4237 (1) An application fee.

4238 (d)1. Upon written request with proper itemized accounting
4239 within 90 days after final agency action by the siting board or
4240 the department or the written notification of the withdrawal of
4241 the application, the agencies that prepared reports under s.
4242 403.526 or s. 403.5271 or participated in a hearing under s.
4243 403.527 or s. 403.5271 may submit a written request to the
4244 department for reimbursement of expenses incurred during the



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4245 certification proceedings. The request must contain an
4246 accounting of expenses incurred, which may include time spent
4247 reviewing the application, preparation of any studies required
4248 of the agencies by this act, agency travel and per diem to
4249 attend any hearing held under this act, and for the local
4250 government ~~or regional planning council~~ providing additional
4251 notice of the informational public meeting. The department shall
4252 review the request and verify whether a claimed expense is
4253 valid. Valid expenses shall be reimbursed; however, if the
4254 amount of funds available for reimbursement is insufficient to
4255 provide for full compensation to the agencies, reimbursement
4256 shall be on a prorated basis.

4257 2. If the application review is held in abeyance for more
4258 than 1 year, the agencies may submit a request for reimbursement
4259 under subparagraph 1. This time period shall be measured from
4260 the date the applicant has provided written notification to the
4261 department that it desires to have the application review
4262 process placed on hold. The fee disbursement shall be processed
4263 in accordance with subparagraph 1.

4264 Section 126. Paragraphs (a) and (d) of subsection (1) of
4265 section 403.537, Florida Statutes, are amended to read:

4266 403.537 Determination of need for transmission line; powers
4267 and duties.—

4268 (1) (a) Upon request by an applicant or upon its own motion,
4269 the Florida Public Service Commission shall schedule a public
4270 hearing, after notice, to determine the need for a transmission
4271 line regulated by the Florida Electric Transmission Line Siting
4272 Act, ss. 403.52-403.5365. The notice shall be published at least
4273 21 days before the date set for the hearing and shall be



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4274 published by the applicant in at least one-quarter page size
4275 notice in newspapers of general circulation, and by the
4276 commission in the manner specified in chapter 120, by giving
4277 notice to counties ~~and regional planning councils~~ in whose
4278 jurisdiction the transmission line could be placed, and by
4279 giving notice to any persons who have requested to be placed on
4280 the mailing list of the commission for this purpose. Within 21
4281 days after receipt of a request for determination by an
4282 applicant, the commission shall set a date for the hearing. The
4283 hearing shall be held pursuant to s. 350.01 within 45 days after
4284 the filing of the request, and a decision shall be rendered
4285 within 60 days after such filing.

4286 (d) The determination by the commission of the need for the
4287 transmission line, as defined in s. 403.522 ~~s. 403.522(22)~~, is
4288 binding on all parties to any certification proceeding under the
4289 Florida Electric Transmission Line Siting Act and is a condition
4290 precedent to the conduct of the certification hearing prescribed
4291 therein. An order entered pursuant to this section constitutes
4292 final agency action.

4293 Section 127. Subsection (17) of section 403.704, Florida
4294 Statutes, is amended to read:

4295 403.704 Powers and duties of the department.—The department
4296 shall have responsibility for the implementation and enforcement
4297 of this act. In addition to other powers and duties, the
4298 department shall:

4299 (17) Provide technical assistance to local governments and
4300 regional agencies to ensure consistency between county hazardous
4301 waste management assessments; coordinate the development of such
4302 assessments ~~with the assistance of the appropriate regional~~



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4303 ~~planning councils~~; and review and make recommendations to the
4304 Legislature relative to the sufficiency of the assessments to
4305 meet state hazardous waste management needs.

4306 Section 128. Subsections (3) and (6) of section 403.7225,
4307 Florida Statutes, are amended to read:

4308 403.7225 Local hazardous waste management assessments.—

4309 (3) Each county ~~or regional planning council~~ shall
4310 coordinate the local hazardous waste management assessments
4311 within its jurisdiction according to guidelines established
4312 under s. 403.7226. If a county declines to perform the local
4313 hazardous waste management assessment, the county must ~~shall~~
4314 make arrangements with the department ~~its regional planning~~
4315 ~~council~~ to perform the assessment.

4316 (6) Unless performed by the county pursuant to subsection
4317 (3), the department ~~regional planning councils~~ shall upon
4318 successful arrangements with a county:

4319 (a) Perform local hazardous waste management assessments;
4320 and

4321 (b) Provide any technical expertise needed by the counties
4322 in developing the assessments.

4323 Section 129. Subsection (1) of section 403.7226, Florida
4324 Statutes, is amended to read:

4325 403.7226 Technical assistance by the department.—The
4326 department shall:

4327 (1) Provide technical assistance to county governments ~~and~~
4328 ~~regional planning councils~~ to ensure consistency in implementing
4329 local hazardous waste management assessments as provided in ss.
4330 403.7225, 403.7234, and 403.7236. In order to ensure that each
4331 local assessment is properly implemented and that all



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4332 information gathered during the assessment is uniformly compiled
4333 and documented, each county ~~or regional planning council~~ shall
4334 contact the department during the preparation of the local
4335 assessment to receive technical assistance. Each county ~~or~~
4336 ~~regional planning council~~ shall follow guidelines established by
4337 the department, and adopted by rule as appropriate, in order to
4338 properly implement these assessments.

4339 Section 130. Subsection (2) of section 403.723, Florida
4340 Statutes, is amended to read:

4341 403.723 Siting of hazardous waste facilities.—It is the
4342 intent of the Legislature to facilitate siting of proper
4343 hazardous waste storage facilities in each region and any
4344 additional storage, treatment, or disposal facilities as
4345 required. The Legislature recognizes the need for facilitating
4346 disposal of waste produced by small generators, reducing the
4347 volume of wastes generated in the state, reducing the toxicity
4348 of wastes generated in the state, and providing treatment and
4349 disposal facilities in the state.

4350 (2) After each county designates areas for storage
4351 facilities, the department ~~each regional planning council~~ shall
4352 designate one or more sites at which a regional hazardous waste
4353 storage or treatment facility could be constructed.

4354 Section 131. Subsection (22) of section 403.9403, Florida
4355 Statutes, is amended to read:

4356 403.9403 Definitions.—As used in ss. 403.9401-403.9425, the
4357 term:

4358 ~~(22) "Regional planning council" means a regional planning~~
4359 ~~council created pursuant to chapter 186 in the jurisdiction of~~
4360 ~~which the project is proposed to be located.~~



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4361 Section 132. Paragraph (a) of subsection (2) of section
4362 403.941, Florida Statutes, is amended to read:

4363 403.941 Preliminary statements of issues, reports, and
4364 studies.—

4365 (2) (a) The affected agencies shall prepare reports as
4366 provided in this paragraph and shall submit them to the
4367 department and the applicant within 60 days after the
4368 application is determined sufficient:

4369 1. The department shall prepare a report as to the impact
4370 of each proposed natural gas transmission pipeline or corridor
4371 as it relates to matters within its jurisdiction.

4372 2. Each water management district in the jurisdiction of
4373 which a proposed natural gas transmission pipeline or corridor
4374 is to be located shall prepare a report as to the impact on
4375 water resources and other matters within its jurisdiction.

4376 3. The Department of Commerce shall prepare a report
4377 containing recommendations which address the impact upon the
4378 public of the proposed natural gas transmission pipeline or
4379 corridor, based on the degree to which the proposed natural gas
4380 transmission pipeline or corridor is consistent with the
4381 applicable portions of the state comprehensive plan and other
4382 matters within its jurisdiction. The Department of Commerce may
4383 also comment on the consistency of the proposed natural gas
4384 transmission pipeline or corridor with applicable strategic
4385 ~~regional policy plans or~~ local comprehensive plans and land
4386 development regulations.

4387 4. The Fish and Wildlife Conservation Commission shall
4388 prepare a report as to the impact of each proposed natural gas
4389 transmission pipeline or corridor on fish and wildlife resources



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4390 and other matters within its jurisdiction.

4391 5. Each local government in which the natural gas
4392 transmission pipeline or natural gas transmission pipeline
4393 corridor will be located shall prepare a report as to the impact
4394 of each proposed natural gas transmission pipeline or corridor
4395 on matters within its jurisdiction, including the consistency of
4396 the proposed natural gas transmission pipeline or corridor with
4397 all applicable local ordinances, regulations, standards, or
4398 criteria that apply to the proposed natural gas transmission
4399 pipeline or corridor, including local comprehensive plans,
4400 zoning regulations, land development regulations, and any
4401 applicable local environmental regulations adopted pursuant to
4402 s. 403.182 or by other means. No change by the responsible local
4403 government or local agency in local comprehensive plans, zoning
4404 ordinances, or other regulations made after the date required
4405 for the filing of the local government's report required by this
4406 section shall be applicable to the certification of the proposed
4407 natural gas transmission pipeline or corridor unless the
4408 certification is denied or the application is withdrawn.

4409 6. The Department of Transportation shall prepare a report
4410 on the effect of the natural gas transmission pipeline or
4411 natural gas transmission pipeline corridor on matters within its
4412 jurisdiction, including roadway crossings by the pipeline. The
4413 report shall contain at a minimum:

4414 a. A report by the applicant to the department stating that
4415 all requirements of the department's utilities accommodation
4416 guide have been or will be met in regard to the proposed
4417 pipeline or pipeline corridor; and

4418 b. A statement by the department as to the adequacy of the



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4419 report to the department by the applicant.

4420 7. The Department of State, Division of Historical
4421 Resources, shall prepare a report on the impact of the natural
4422 gas transmission pipeline or natural gas transmission pipeline
4423 corridor on matters within its jurisdiction.

4424 8. The commission shall prepare a report addressing matters
4425 within its jurisdiction. The commission's report shall include
4426 its determination of need issued pursuant to s. 403.9422.

4427 Section 133. Paragraph (a) of subsection (1) of section
4428 403.9422, Florida Statutes, is amended to read:

4429 403.9422 Determination of need for natural gas transmission
4430 pipeline; powers and duties.—

4431 (1) (a) Upon request by an applicant or upon its own motion,
4432 the commission shall schedule a public hearing, after notice, to
4433 determine the need for a natural gas transmission pipeline
4434 regulated by ss. 403.9401-403.9425. Such notice shall be
4435 published at least 45 days before the date set for the hearing
4436 and shall be published in at least one-quarter page size in
4437 newspapers of general circulation and in the Florida
4438 Administrative Register, by giving notice to counties ~~and~~
4439 ~~regional planning councils~~ in whose jurisdiction the natural gas
4440 transmission pipeline could be placed, and by giving notice to
4441 any persons who have requested to be placed on the mailing list
4442 of the commission for this purpose. Within 21 days after receipt
4443 of a request for determination by an applicant, the commission
4444 shall set a date for the hearing. The hearing shall be held
4445 pursuant to s. 350.01 within 75 days after the filing of the
4446 request, and a decision shall be rendered within 90 days after
4447 such filing.



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4448 Section 134. Subsection (4) of section 403.973, Florida
4449 Statutes, is amended to read:

4450 403.973 Expedited permitting; amendments to comprehensive
4451 plans.—

4452 (4) The regional teams shall be established through the
4453 execution of a project-specific memorandum of agreement
4454 developed and executed by the applicant and the secretary, with
4455 input solicited from the respective heads of the Department of
4456 Transportation and its district offices, the Department of
4457 Agriculture and Consumer Services, the Fish and Wildlife
4458 Conservation Commission, ~~appropriate regional planning councils,~~
4459 appropriate water management districts, and voluntarily
4460 participating municipalities and counties. The memorandum of
4461 agreement should also accommodate participation in this
4462 expedited process by other local governments and federal
4463 agencies as circumstances warrant.

4464 Section 135. Paragraphs (b) and (d) of subsection (1) of
4465 section 408.033, Florida Statutes, are amended to read:

4466 408.033 Local and state health planning.—

4467 (1) LOCAL HEALTH COUNCILS.—

4468 (b) Each local health council may:

4469 1. Develop a district area health plan that permits each
4470 local health council to develop strategies and set priorities
4471 for implementation based on its unique local health needs.

4472 2. Advise the agency on health care issues and resource
4473 allocations.

4474 3. Promote public awareness of community health needs,
4475 emphasizing health promotion and cost-effective health service
4476 selection.



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4477 4. Collect data and conduct analyses and studies related to
4478 health care needs of the district, including the needs of
4479 medically indigent persons, and assist the agency and other
4480 state agencies in carrying out data collection activities that
4481 relate to the functions in this subsection.

4482 5. Monitor the onsite construction progress, if any, of
4483 certificate-of-need approved projects and report council
4484 findings to the agency on forms provided by the agency.

4485 ~~6. Advise and assist any regional planning councils within~~
4486 ~~each district that have elected to address health issues in~~
4487 ~~their strategic regional policy plans with the development of~~
4488 ~~the health element of the plans to address the health goals and~~
4489 ~~policies in the State Comprehensive Plan.~~

4490 6.7. Advise and assist local governments within each
4491 district on the development of an optional health plan element
4492 of the comprehensive plan provided in chapter 163, to assure
4493 compatibility with the health goals and policies in the State
4494 Comprehensive Plan and district health plan. To facilitate the
4495 implementation of this section, the local health council shall
4496 annually provide the local governments in its service area, upon
4497 request, with:

4498 a. A copy and appropriate updates of the district health
4499 plan;

4500 b. A report of nursing home utilization statistics for
4501 facilities within the local government jurisdiction; and

4502 c. Applicable agency rules and calculated need
4503 methodologies for health facilities and services regulated under
4504 s. 408.034 for the district served by the local health council.

4505 ~~7.8.~~ Monitor and evaluate the adequacy, appropriateness,



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4506 and effectiveness, within the district, of local, state,
4507 federal, and private funds distributed to meet the needs of the
4508 medically indigent and other underserved population groups.

4509 ~~8.9.~~ In conjunction with the Department of Health, plan for
4510 services at the local level for persons infected with the human
4511 immunodeficiency virus.

4512 ~~9.10.~~ Provide technical assistance to encourage and support
4513 activities by providers, purchasers, consumers, and local,
4514 regional, and state agencies in meeting the health care goals,
4515 objectives, and policies adopted by the local health council.

4516 ~~10.11.~~ Provide the agency with data required by rule for
4517 the review of certificate-of-need applications and the
4518 projection of need for health facilities in the district.

4519 (d) Each local health council shall enter into a memorandum
4520 of agreement with each ~~regional planning council in its district~~
4521 ~~that elects to address health issues in its strategic regional~~
4522 ~~policy plan. In addition, each local health council shall enter~~
4523 ~~into a memorandum of agreement with each~~ local government that
4524 includes an optional health element in its comprehensive plan.
4525 Each memorandum of agreement must specify the manner in which
4526 each local government, ~~regional planning council,~~ and local
4527 health council will coordinate its activities to ensure a
4528 unified approach to health planning and implementation efforts.

4529 Section 136. Subsection (1) of section 420.609, Florida
4530 Statutes, is amended to read:

4531 420.609 Affordable Housing Study Commission.—Because the
4532 Legislature firmly supports affordable housing in Florida for
4533 all economic classes:

4534 (1) There is created the Affordable Housing Study



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4535 Commission, which shall be composed of 20 ~~21~~ members to be
4536 appointed by the Governor:

4537 (a) One citizen actively engaged in the residential home
4538 building industry.

4539 (b) One citizen actively engaged in the home mortgage
4540 lending profession.

4541 (c) One citizen actively engaged in the real estate sales
4542 profession.

4543 (d) One citizen actively engaged in apartment development.

4544 (e) One citizen actively engaged in the management and
4545 operation of a rental housing development.

4546 (f) Two citizens who represent very-low-income and low-
4547 income persons.

4548 (g) One citizen representing a community-based organization
4549 with experience in housing development.

4550 (h) One citizen representing a community-based organization
4551 with experience in housing development in a community with a
4552 population of less than 50,000 persons.

4553 (i) Two citizens who represent elderly persons' housing
4554 interests.

4555 ~~(j) One representative of regional planning councils.~~

4556 (j) ~~(k)~~ One representative of the Florida League of Cities.

4557 (k) ~~(l)~~ One representative of the Florida Association of
4558 Counties.

4559 (l) ~~(m)~~ Two citizens representing statewide growth
4560 management organizations.

4561 (m) ~~(n)~~ One citizen of the state to serve as chair of the
4562 commission.

4563 (n) ~~(o)~~ One citizen representing a residential community



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4564 developer.

4565 ~~(o)~~~~(p)~~ One member who is a resident of the state.

4566 ~~(p)~~~~(q)~~ One representative from a local housing authority.

4567 ~~(q)~~~~(r)~~ One citizen representing the housing interests of
4568 homeless persons.

4569 Section 137. Paragraph (a) of subsection (3) and subsection
4570 (6) of section 473.3065, Florida Statutes, is amended to read:

4571 473.3065 Clay Ford Scholarship Program; Certified Public
4572 Accountant Education Minority Assistance Advisory Council.—

4573 (3) The board shall adopt rules as necessary for
4574 administration of the Clay Ford Scholarship Program, including
4575 rules relating to the following:

4576 (a) Eligibility criteria for receipt of a scholarship,
4577 which, at a minimum, shall include the following factors:

4578 1. Financial need.

4579 2. Ethnic, gender, or racial minority status pursuant to s.
4580 288.703 ~~s. 288.703(4)~~.

4581 3. Scholastic ability and performance.

4582 (6) There is hereby created the Certified Public Accountant
4583 Education Minority Assistance Advisory Council to assist the
4584 board in administering the Clay Ford Scholarship Program. The
4585 council shall be diverse and representative of the gender,
4586 ethnic, and racial categories set forth in s. 288.703 ~~s.~~
4587 ~~288.703(4)~~.

4588 (a) The council shall consist of five licensed Florida-
4589 certified public accountants selected by the board, of whom one
4590 shall be a board member who serves as chair of the council, one
4591 shall be a representative of the National Association of Black
4592 Accountants, one shall be a representative of the Cuban American



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4593 CPA Association, and two shall be selected at large. At least
4594 one member of the council must be a woman.

4595 (b) The board shall determine the terms for initial
4596 appointments and appointments thereafter.

4597 (c) Any vacancy on the council shall be filled in the
4598 manner provided for the selection of the initial member. Any
4599 member appointed to fill a vacancy of an unexpired term shall be
4600 appointed for the remainder of that term.

4601 (d) Three consecutive absences or absences constituting 50
4602 percent or more of the council's meetings within any 12-month
4603 period shall cause the council membership of the member in
4604 question to become void, and the position shall be considered
4605 vacant.

4606 (e) The members of the council shall serve without
4607 compensation, and any necessary and actual expenses incurred by
4608 a member while engaged in the business of the council shall be
4609 borne by such member or by the organization or agency such
4610 member represents. However, the council member who is a member
4611 of the board shall be compensated in accordance with ss.
4612 455.207(4) and 112.061.

4613 Section 138. Paragraph (f) of subsection (1) of section
4614 501.171, Florida Statutes, is amended to read:

4615 501.171 Security of confidential personal information.—

4616 (1) DEFINITIONS.—As used in this section, the term:

4617 (f) "Governmental entity" means any department, division,
4618 bureau, commission, ~~regional planning agency,~~ board, district,
4619 authority, agency, or other instrumentality of this state that
4620 acquires, maintains, stores, or uses data in electronic form
4621 containing personal information.



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4622 Section 139. Section 625.3255, Florida Statutes, is amended
4623 to read:

4624 625.3255 Capital participation instrument.—An insurer may
4625 invest in any capital participation instrument or evidence of
4626 indebtedness issued by the Department of Commerce pursuant to
4627 the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act.

4628 Section 140. Paragraph (b) of subsection (4) of section
4629 657.042, Florida Statutes, is amended to read:

4630 657.042 Investment powers and limitations.—A credit union
4631 may invest its funds subject to the following definitions,
4632 restrictions, and limitations:

4633 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
4634 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
4635 the credit union may be invested in any of the following:

4636 (b) Any capital participation instrument or evidence of
4637 indebtedness issued by the Department of Commerce pursuant to
4638 the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act.

4639 Section 141. Paragraph (f) of subsection (4) of section
4640 658.67, Florida Statutes, is amended to read:

4641 658.67 Investment powers and limitations.—A bank may invest
4642 its funds, and a trust company may invest its corporate funds,
4643 subject to the following definitions, restrictions, and
4644 limitations:

4645 (4) INVESTMENTS SUBJECT TO LIMITATION OF 10 PERCENT OR LESS
4646 OF CAPITAL ACCOUNTS.—

4647 (f) Up to 10 percent of the capital accounts of a bank or
4648 trust company may be invested in any capital participation
4649 instrument or evidence of indebtedness issued by the Department
4650 of Commerce pursuant to the Florida Small ~~and Minority~~ Business



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4651 ~~Assistance Act.~~

4652 Section 142. Subsection (6) of section 1013.30, Florida
4653 Statutes, is amended to read:

4654 1013.30 University campus master plans and campus
4655 development agreements.—

4656 (6) Before a campus master plan is adopted, a copy of the
4657 draft master plan must be sent for review or made available
4658 electronically to the host and any affected local governments,
4659 the state land planning agency, the Department of Environmental
4660 Protection, the Department of Transportation, the Department of
4661 State, the Fish and Wildlife Conservation Commission, and the
4662 applicable water management district ~~and regional planning~~
4663 ~~council~~. At the request of a governmental entity, a hard copy of
4664 the draft master plan shall be submitted within 7 business days
4665 of an electronic copy being made available. These agencies must
4666 be given 90 days after receipt of the campus master plans in
4667 which to conduct their review and provide comments to the
4668 university board of trustees. The commencement of this review
4669 period must be advertised in newspapers of general circulation
4670 within the host local government and any affected local
4671 government to allow for public comment. Following receipt and
4672 consideration of all comments and the holding of an informal
4673 information session and at least two public hearings within the
4674 host jurisdiction, the university board of trustees shall adopt
4675 the campus master plan. It is the intent of the Legislature that
4676 the university board of trustees comply with the notice
4677 requirements set forth in s. 163.3184(11) to ensure full public
4678 participation in this planning process. The informal public
4679 information session must be held before the first public



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4680 hearing. The first public hearing shall be held before the draft
4681 master plan is sent to the agencies specified in this
4682 subsection. The second public hearing shall be held in
4683 conjunction with the adoption of the draft master plan by the
4684 university board of trustees. Campus master plans developed
4685 under this section are not rules and are not subject to chapter
4686 120 except as otherwise provided in this section.

4687 Section 143. For the purpose of incorporating the amendment
4688 made by this act to section 447.203, Florida Statutes, in
4689 references thereto, paragraph (w) of subsection (2) of section
4690 110.205, Florida Statutes, is reenacted to read:

4691 110.205 Career service; exemptions.—

4692 (2) EXEMPT POSITIONS.—The exempt positions that are not
4693 covered by this part include the following:

4694 (w) Managerial employees, as defined in s. 447.203(4),
4695 confidential employees, as defined in s. 447.203(5), and
4696 supervisory employees who spend the majority of their time
4697 communicating with, motivating, training, and evaluating
4698 employees, and planning and directing employees' work, and who
4699 have the authority to hire, transfer, suspend, lay off, recall,
4700 promote, discharge, assign, reward, or discipline subordinate
4701 employees or effectively recommend such action, including all
4702 employees serving as supervisors, administrators, and directors.
4703 Excluded are employees also designated as special risk or
4704 special risk administrative support and attorneys who serve as
4705 administrative law judges pursuant to s. 120.65 or for hearings
4706 conducted pursuant to s. 120.57(1)(a). Additionally, registered
4707 nurses licensed under chapter 464, dentists licensed under
4708 chapter 466, psychologists licensed under chapter 490 or chapter



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4709 491, nutritionists or dietitians licensed under part X of
4710 chapter 468, pharmacists licensed under chapter 465,
4711 psychological specialists licensed under chapter 491, physical
4712 therapists licensed under chapter 486, and speech therapists
4713 licensed under part I of chapter 468 are excluded, unless
4714 otherwise collectively bargained.

4715 Section 144. For the purpose of incorporating the amendment
4716 made by this act to section 164.1031, Florida Statutes, in a
4717 reference thereto, paragraph (d) of subsection (2) of section
4718 163.3162, Florida Statutes, is reenacted to read:

4719 163.3162 Agricultural lands and practices.—

4720 (2) DEFINITIONS.—As used in this section, the term:

4721 (d) "Governmental entity" has the same meaning as provided
4722 in s. 164.1031. The term does not include a water management
4723 district, a water control district established under chapter
4724 298, or a special district created by special act for water
4725 management purposes.

4726 Section 145. For the purpose of incorporating the amendment
4727 made by this act to section 164.1031, Florida Statutes, in a
4728 reference thereto, subsection (8) of section 373.129, Florida
4729 Statutes, is reenacted to read:

4730 373.129 Maintenance of actions.—The department, the
4731 governing board of any water management district, any local
4732 board, or a local government to which authority has been
4733 delegated pursuant to s. 373.103(8), is authorized to commence
4734 and maintain proper and necessary actions and proceedings in any
4735 court of competent jurisdiction for any of the following
4736 purposes:

4737 (8) In conflicts arising where a water management district



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4738 is a party to litigation against another governmental entity, as
4739 defined in s. 164.1031, a district has an affirmative duty to
4740 engage in alternative dispute resolution in good faith as
4741 required by chapter 164.

4742 Section 146. For the purpose of incorporating the amendment
4743 made by this act to section 339.155, Florida Statutes, in
4744 references thereto, subsections (1) and (3) of section 339.2819,
4745 Florida Statutes, are reenacted to read:

4746 339.2819 Transportation Regional Incentive Program.—

4747 (1) There is created within the Department of
4748 Transportation a Transportation Regional Incentive Program for
4749 the purpose of providing funds to improve regionally significant
4750 transportation facilities in regional transportation areas
4751 created pursuant to s. 339.155(4).

4752 (3) The department shall allocate funding available for the
4753 Transportation Regional Incentive Program to the districts based
4754 on a factor derived from equal parts of population and motor
4755 fuel collections for eligible counties in regional
4756 transportation areas created pursuant to s. 339.155(4).

4757 Section 147. For the purpose of incorporating the
4758 amendments made by this act to sections 380.045 and 380.05,
4759 Florida Statutes, in a reference thereto, subsections (5) and
4760 (6) of section 380.0552, Florida Statutes, are reenacted to
4761 read:

4762 380.0552 Florida Keys Area; protection and designation as
4763 area of critical state concern.—

4764 (5) APPLICATION OF THIS CHAPTER.—Section 380.05(1)-(5),
4765 (9)-(11), (15), (17), and (21) shall not apply to the area
4766 designated by this section for so long as the designation



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4767 remains in effect. Except as otherwise provided in this section,
4768 s. 380.045 shall not apply to the area designated by this
4769 section. All other provisions of this chapter shall apply,
4770 including s. 380.07.

4771 (6) RESOURCE PLANNING AND MANAGEMENT COMMITTEE.—The
4772 Governor, acting as the chief planning officer of the state,
4773 shall appoint a resource planning and management committee for
4774 the Florida Keys Area with the membership as specified in s.
4775 380.045(2). Meetings shall be called as needed by the chair or
4776 on the demand of three or more members of the committee. The
4777 committee shall:

4778 (a) Serve as a liaison between the state and local
4779 governments within Monroe County.

4780 (b) Develop, with local government officials in the Florida
4781 Keys Area, recommendations to the state land planning agency as
4782 to the sufficiency of the Florida Keys Area's comprehensive plan
4783 and land development regulations.

4784 (c) Recommend to the state land planning agency changes to
4785 state and regional plans and regulatory programs affecting the
4786 Florida Keys Area.

4787 (d) Assist units of local government within the Florida
4788 Keys Area in carrying out the planning functions and other
4789 responsibilities required by this section.

4790 (e) Review, at a minimum, all reports and other materials
4791 provided to it by the state land planning agency or other
4792 governmental agencies.

4793 Section 148. For the purpose of incorporating the amendment
4794 made by this act to section 403.507, Florida Statutes, in a
4795 reference thereto, paragraph (a) of subsection (1) of section



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4796 403.5064, Florida Statutes, is reenacted to read:

4797 403.5064 Application; schedules.—

4798 (1) The formal date of filing of a certification
4799 application and commencement of the certification review process
4800 shall be when the applicant submits:

4801 (a) Copies of the certification application in a quantity
4802 and format as prescribed by rule to the department and other
4803 agencies identified in s. 403.507(2)(a).

4804 Section 149. For the purpose of incorporating the amendment
4805 made by this act to section 403.526, Florida Statutes, in a
4806 reference thereto, paragraph (a) of subsection (1) of section
4807 403.5251, Florida Statutes, is reenacted to read:

4808 403.5251 Application; schedules.—

4809 (1)(a) The formal date of the filing of the application for
4810 certification and commencement of the review process for
4811 certification is the date on which the applicant submits:

4812 1. Copies of the application for certification in a
4813 quantity and format, electronic or otherwise as prescribed by
4814 rule, to the department and other agencies identified in s.
4815 403.526(2).

4816 2. The application fee as specified under s. 403.5365 to
4817 the department.

4818
4819 The department shall provide to the applicant and the Division
4820 of Administrative Hearings the names and addresses of any
4821 additional agencies or persons entitled to notice and copies of
4822 the application and amendments, if any, within 7 days after
4823 receiving the application for certification and the application
4824 fees.



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4825 Section 150. For the purpose of incorporating the amendment
4826 made by this act to section 403.526, Florida Statutes, in
4827 references thereto, paragraphs (d) and (f) of subsection (1) of
4828 section 403.5271, Florida Statutes, are reenacted to read:

4829 403.5271 Alternate corridors.—

4830 (1) No later than 45 days before the originally scheduled
4831 certification hearing, any party may propose alternate
4832 transmission line corridor routes for consideration under the
4833 provisions of this act.

4834 (d) Within 21 days after acceptance of an alternate
4835 corridor by the department and the applicant, the party
4836 proposing an alternate corridor shall have the burden of
4837 providing all data to the agencies listed in s. 403.526(2) and
4838 newly affected agencies necessary for the preparation of a
4839 supplementary report on the proposed alternate corridor.

4840 (f) The agencies listed in s. 403.526(2) and any newly
4841 affected agencies shall file supplementary reports with the
4842 applicant and the department which address the proposed
4843 alternate corridors no later than 24 days after the data
4844 submitted pursuant to paragraph (d) or paragraph (e) is
4845 determined to be complete.

4846 Section 151. For the purpose of incorporating the amendment
4847 made by this act to section 403.941, Florida Statutes, in a
4848 reference thereto, paragraph (c) of subsection (5) of section
4849 403.9421, Florida Statutes, is reenacted to read:

4850 403.9421 Fees; disposition.—The department shall charge the
4851 applicant the following fees, as appropriate, which shall be
4852 paid into the Florida Permit Fee Trust Fund:

4853 (5) In administering fee revenues received under this



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4854 section, the department shall allocate the funds as follows:

4855 (c) The balance of fees remaining shall be used by the
4856 department to reimburse affected agencies included in s.
4857 403.941(2) (a) for costs incurred in application and
4858 postcertification review, respectively.

4859 1. For application processing costs, upon presentation by
4860 an affected agency of a proper itemized accounting within 90
4861 days after the date of the board's order approving certification
4862 or the date on which a pending application is otherwise disposed
4863 of, the department shall reimburse the agencies for authorized
4864 costs from the fee balances remaining. Such reimbursement shall
4865 be authorized for studies and the preparation of any reports
4866 required of the agencies by ss. 403.9401-403.9425, for agency
4867 travel and per diem to attend any hearing held, and for
4868 participation in the proceedings. In the event the amount
4869 available for allocation is insufficient to provide for complete
4870 reimbursement to the agencies, reimbursement shall be on a
4871 prorated basis. If any sums are remaining, the department shall
4872 retain them for use in the same manner as is otherwise
4873 authorized by this section; however, if the certification
4874 application is withdrawn, the remaining sums shall be refunded
4875 to the applicant within 120 days after withdrawal.

4876 2. For postcertification costs, an invoice may be submitted
4877 on an annual basis, commencing from the date of certification,
4878 for expenses incurred by affected agencies conducting
4879 postcertification review work pursuant to the conditions of
4880 certification. In the event the amount available for allocation
4881 is insufficient to provide for complete reimbursement to the
4882 agencies, reimbursement shall be on a prorated basis.



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4883 Section 152. This act shall take effect July 1, 2025.

4884

4885 ===== T I T L E A M E N D M E N T =====

4886 And the title is amended as follows:

4887 Delete everything before the enacting clause

4888 and insert:

4889 A bill to be entitled

4890 An act relating to rural and urban business
4891 enterprises; repealing ss. 24.113, 186.501, 186.502,
4892 186.503, 186.504, 186.505, 186.506, 186.507, 186.508,
4893 186.509, 186.511, 186.512, 186.513, 186.515, 287.0931,
4894 288.12266, 288.124, 288.706, 288.7094, 288.7102,
4895 288.71025, 288.7103, and 288.714, F.S., relating to
4896 minority participation; a short title; legislative
4897 findings and public purpose; definitions relating to
4898 the Florida Regional Planning Council Act; regional
4899 planning councils, creation, and membership; regional
4900 planning councils, powers and duties; the Executive
4901 Office of the Governor, powers and duties; strategic
4902 regional policy plans; strategic regional policy plan
4903 adoption, consistency with state comprehensive plan;
4904 dispute resolution process; evaluation of strategic
4905 regional policy plan, changes in plan; designation of
4906 regional planning councils; reports; creation of
4907 regional planning councils under ch. 163, F.S.;
4908 minority business enterprises; the Targeted Marketing
4909 Assistance Program; convention grants program; the
4910 Florida Minority Business Loan Mobilization Program;
4911 black business investment corporations; the Black



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4912 Business Loan Program; prohibited acts and penalties;
4913 eligibility for a loan, loan guarantee, or investment;
4914 and quarterly and annual reports, respectively;
4915 amending s. 20.60, F.S.; revising the purpose of the
4916 Department of Commerce; revising the responsibilities
4917 of the Division of Economic Development within the
4918 department; assigning responsibility to the division
4919 for the Office of Secure Florida within the
4920 department; specifying the responsibilities of the
4921 office; amending s. 212.08, F.S.; deleting a
4922 prohibition that the Department of Revenue may not
4923 issue temporary tax exemption certificates after a
4924 specified date; amending s. 215.559, F.S.; requiring
4925 the Division of Emergency Management to give funding
4926 priority to projects for the Hurricane Loss Mitigation
4927 Program in regional planning council regions as such
4928 regions existed on a specified date; amending s.
4929 252.385, F.S.; requiring that the statewide emergency
4930 shelter plan identify the general location and square
4931 footage of special needs shelters by regional planning
4932 council regions, as such regions existed on a
4933 specified date, during the next 5 years; requiring
4934 that state funds be maximized and targeted to regional
4935 planning council regions as such regions existed on a
4936 specified date; amending s. 253.025, F.S.; providing
4937 an exemption for Federal Government agencies regarding
4938 land being reverted to the Board of Trustees of the
4939 Internal Improvement Trust Fund if land conveyances
4940 are at less than the appraised value; amending s.



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4941 287.012, F.S.; deleting the definition of the term
4942 "minority business enterprise" amending s. 287.042,
4943 F.S.; conforming provisions to changes made by the
4944 act; amending s. 287.09451, F.S.; revising legislative
4945 findings; renaming the Office of Supplier Diversity as
4946 the Office of Supplier Development; specifying that
4947 the purpose and duties of the office are to assist
4948 rural or urban business enterprises, rather than
4949 minority business enterprises; conforming a provision
4950 to changes made by the act; making technical changes;
4951 amending s. 287.0947, F.S.; renaming the Florida
4952 Advisory Council on Small and Minority Business
4953 Development as the Florida Advisory Council on Small,
4954 Rural, and Urban Business Development; revising the
4955 composition of the council's membership; revising the
4956 council's powers and duties; conforming a cross-
4957 reference; amending s. 288.001, F.S.; revising the
4958 criteria for membership of the statewide advisory
4959 board of the Florida Small Business Development Center
4960 Network; amending s. 288.0065, F.S.; revising what
4961 information must be included in the department's
4962 annual incentives report; amending s. 288.1167, F.S.;
4963 revising the sports franchise contract provisions for
4964 food and beverage concession and contract awards;
4965 amending s. 288.1229, F.S.; revising the
4966 representational criteria for the board of directors
4967 of the Florida Sports Foundation; amending s.
4968 288.7015, F.S.; revising the duties of the state's
4969 rules ombudsman; amending s. 288.702, F.S.; renaming



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4970 the Florida Small and Minority Business Assistance Act
4971 as the Florida Small Business Act; conforming a cross-
4972 reference; amending s. 288.703, F.S.; defining,
4973 deleting, and revising terms; amending s. 288.705,
4974 F.S.; requiring that the Small Business Development
4975 Center, in coordination with Minority Business
4976 Development Centers, compile and distribute certain
4977 information to small businesses and businesses located
4978 in rural or urban areas, rather than to minority
4979 businesses; revising the information to be provided by
4980 the Small Business Development Center in its annual
4981 report to the Department of Commerce; amending s.
4982 288.776, F.S.; deleting a membership requirement of
4983 the board of directors of the Florida Export Finance
4984 Corporation; creating s. 288.9628, F.S.; providing
4985 legislative findings; establishing the Research,
4986 Innovation, Science, and Engineering (RISE) Investment
4987 Tax Credit Program within the Department of Commerce;
4988 providing the purpose for the program; requiring the
4989 department to coordinate with the Florida Opportunity
4990 Fund and the State Board of Administration for a
4991 specified purpose; defining terms; requiring an
4992 applicant to apply to the department for authorization
4993 to claim tax credits; requiring the department to
4994 review and act upon such application within a
4995 specified timeframe; requiring the applicant to
4996 provide certain information required by the
4997 department; specifying the information that must be
4998 included in the application; requiring an applicant to



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4999 update its application if there has been a material
5000 change; prohibiting tax credits from exceeding a
5001 specified amount in a fiscal year; prohibiting the
5002 department from issuing a tax credit to a qualifying
5003 private fund until the private fund demonstrates it
5004 has received its total capital commitment; prohibiting
5005 the department from authorizing more than a specified
5006 amount of tax credits to a qualifying private fund in
5007 a fiscal year; requiring a qualifying private fund to
5008 provide documentation to show that the qualifying
5009 investment meets the department's requirements to
5010 issue a tax credit; providing that follow-on or add-on
5011 capital commitments may only be considered after the
5012 follow-on or add-on investment has been deployed;
5013 requiring a qualifying private fund to make a
5014 specified number of qualified investments in a
5015 specified number of qualifying portfolio projects to
5016 be eligible for a tax credit; specifying the
5017 information that must be included in the submission by
5018 a qualifying private fund; authorizing a qualifying
5019 private fund to receive tax credits equivalent to a
5020 certain percentage of a qualifying investment in a
5021 qualifying portfolio company; requiring the department
5022 to authorize the Department of Revenue to issue tax
5023 credits to a qualifying private fund if certain
5024 requirements are met; prohibiting the Department of
5025 Revenue from issuing more than a specified fraction of
5026 the tax credits authorized for a qualifying investment
5027 in a qualifying portfolio company in a fiscal year;



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5028 authorizing credits received to be applied against the
5029 qualifying private fund's corporate income tax
5030 liability; authorizing a qualifying private fund to
5031 transfer or sell any portion of its tax credit;
5032 requiring such transfer or sale to take place within a
5033 specified timeframe, after which the credit expires;
5034 prohibiting such transfer or sale if the department
5035 authorizes the credit but the Department of Revenue
5036 has not yet issued such credit; authorizing the
5037 department to revoke or modify its previous decisions
5038 if it is discovered that the qualifying private fund
5039 submitted any false statement, representation, or
5040 certification in its application or if information in
5041 a previous application materially changes; requiring
5042 the department to notify the Department of Revenue of
5043 any such revocation or modification affecting
5044 previously granted tax credits; requiring the
5045 qualifying private fund to notify the Department of
5046 Revenue of any change in its tax credit claimed;
5047 requiring that a qualifying private fund annually
5048 report to the department for each investment within a
5049 specified timeframe in order to remain eligible to
5050 receive tax credits; providing that failure to do so
5051 will result in the qualifying private fund's tax
5052 credit being revoked; requiring a qualifying private
5053 fund to submit specified information to the department
5054 in order to receive a tax credit; requiring the
5055 department to revoke its approval of tax credits for
5056 the qualifying investment if it fails to meet certain



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5057 requirements; requiring the department to issue a
5058 notice of revocation and recapture to the qualifying
5059 private fund and the Department of Revenue; requiring
5060 such qualifying private fund to repay to the
5061 department an amount equal to a certain percent of the
5062 tax credits authorized by the department and claimed
5063 by a qualifying portfolio company for the qualifying
5064 investment; requiring that such funds be deposited
5065 into the General Revenue Fund; providing construction;
5066 requiring the department to include specified
5067 information in its annual incentives report beginning
5068 on a specified date and annually thereafter; requiring
5069 that a certain percentage of tax credits be made
5070 available during a specified period of time for a
5071 specified purpose; requiring that all remaining tax
5072 credits be made available during a specified period of
5073 time on a first-come, first-served basis, subject to
5074 eligibility of the qualifying investment; authorizing
5075 the department to adopt rules; amending s. 290.0056,
5076 F.S.; conforming provisions to changes made by the
5077 act; amending s. 290.0057, F.S.; revising enterprise
5078 zone development plan requirements to include business
5079 investment corporations in rural or urban areas;
5080 amending s. 331.302, F.S.; providing that Space
5081 Florida is not an agency for purposes of its ability
5082 to bid and contract for certain professional and
5083 construction services under certain circumstances, and
5084 is therefore exempt from certain requirements;
5085 providing that monies received by the person under



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5086 contract with Space Florida to provide certain goods
5087 and services are not state or local government funds;
5088 amending s. 331.351, F.S.; revising legislative intent
5089 that rural or urban business enterprises, rather than
5090 women, minorities, and socially and economically
5091 disadvantaged business enterprises, be encouraged to
5092 participate fully in specified development; amending
5093 s. 445.08, F.S.; revising the minimum eligibility
5094 requirements for the Florida Law Enforcement
5095 Recruitment Bonus Payment Program for newly employed
5096 law enforcement officers; deleting an expiration date;
5097 amending s. 447.203, F.S.; revising the definition of
5098 the term "managerial employees"; authorizing local
5099 governments to enter into agreements to create
5100 regional planning entities; amending ss. 17.11,
5101 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177,
5102 163.3178, 163.3184, 163.3245, 163.568, 164.1031,
5103 186.003, 186.006, 186.007, 186.008, 186.803, 187.201,
5104 212.096, 218.32, 255.101, 255.102, 258.501, 260.0142,
5105 287.042, 287.055, 287.057, 287.0943, 287.09431,
5106 288.0001, 288.7031, 288.975, 290.004, 320.08058,
5107 335.188, 339.155, 339.175, 339.285, 339.63, 339.64,
5108 341.041, 343.54, 366.93, 369.303, 369.307, 373.309,
5109 373.415, 376.3072, 377.703, 378.411, 380.031, 380.045,
5110 380.05, 380.055, 380.06, 380.061, 380.07, 380.23,
5111 380.507, 381.986, 403.031, 403.0752, 403.503,
5112 403.50663, 403.507, 403.509, 403.5115, 403.5175,
5113 403.518, 403.522, 403.5251, 403.526, 403.5271,
5114 403.5272, 403.5363, 403.5365, 403.537, 403.704,



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5115 403.7225, 403.7226, 403.723, 403.9403, 403.941,
5116 403.9422, 403.973, 408.033, 420.609, 473.3065,
5117 501.171, 625.3255, 657.042, 658.67, and 1013.30, F.S.;
5118 conforming provisions to changes made by the act;
5119 revising and conforming cross-references; making
5120 technical changes; reenacting s. 288.0001(2)(b), F.S.,
5121 relating to the Economic Development Programs
5122 Evaluation, to incorporate the amendments made to s.
5123 288.1167, F.S., in a reference thereto; reenacting s.
5124 110.205(2)(w), F.S., relating to career service
5125 exemptions, to incorporate the amendment made to s.
5126 447.203, F.S., in references thereto; reenacting ss.
5127 163.3162(2)(d) and 373.129(8), F.S., relating to
5128 agricultural lands and practices and maintenance of
5129 actions, respectively, to incorporate the amendment
5130 made to s. 164.1031, F.S., in references thereto;
5131 reenacting s. 339.2819(1) and (3), F.S., relating to
5132 the Transportation Regional Incentive Program, to
5133 incorporate the amendment made to s. 339.155, F.S., in
5134 references thereto; reenacting s. 380.0552(5) and (6),
5135 F.S., relating to the Florida Keys Area, to
5136 incorporate the amendments made to ss. 380.045 and
5137 380.05, F.S., in references thereto; reenacting s.
5138 403.5064(1)(a), F.S., relating to application
5139 schedules, to incorporate the amendment made to s.
5140 403.507, F.S., in a reference thereto; reenacting ss.
5141 403.5251(1)(a) and 403.5271(1)(d) and (f), F.S.,
5142 relating to application schedules and alternate
5143 corridors, respectively, to incorporate the amendment



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5144 made to s. 403.526, F.S., in references thereto;
5145 reenacting s. 403.9421(5)(c), F.S., relating to fees
5146 and disposition, to incorporate the amendment made to
5147 s. 403.941, F.S., in a reference thereto; providing an
5148 effective date.