

By the Committee on Commerce and Tourism; and Senator Collins

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1 A bill to be entitled
2 An act relating to rural and urban business
3 enterprises; repealing ss. 24.113, 186.501, 186.502,
4 186.503, 186.504, 186.505, 186.506, 186.507, 186.508,
5 186.509, 186.511, 186.512, 186.513, 186.515, 287.0931,
6 288.12266, 288.124, 288.706, 288.7094, 288.7102,
7 288.71025, 288.7103, and 288.714, F.S., relating to
8 minority participation; a short title; legislative
9 findings and public purpose; definitions relating to
10 the Florida Regional Planning Council Act; regional
11 planning councils, creation, and membership; regional
12 planning councils, powers and duties; the Executive
13 Office of the Governor, powers and duties; strategic
14 regional policy plans; strategic regional policy plan
15 adoption, consistency with state comprehensive plan;
16 dispute resolution process; evaluation of strategic
17 regional policy plan, changes in plan; designation of
18 regional planning councils; reports; creation of
19 regional planning councils under ch. 163, F.S.;
20 minority business enterprises; the Targeted Marketing
21 Assistance Program; convention grants program; the
22 Florida Minority Business Loan Mobilization Program;
23 black business investment corporations; the Black
24 Business Loan Program; prohibited acts and penalties;
25 eligibility for a loan, loan guarantee, or investment;
26 and quarterly and annual reports, respectively;
27 amending s. 20.60, F.S.; revising the purpose of the
28 Department of Commerce; revising the responsibilities
29 of the Division of Economic Development within the

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30 department; assigning responsibility to the division
31 for the Office of Secure Florida within the
32 department; specifying the responsibilities of the
33 office; amending s. 212.08, F.S.; deleting a
34 prohibition that the Department of Revenue may not
35 issue temporary tax exemption certificates after a
36 specified date; amending s. 215.559, F.S.; requiring
37 the Division of Emergency Management to give funding
38 priority to projects for the Hurricane Loss Mitigation
39 Program in regional planning council regions as such
40 regions existed on a specified date; amending s.
41 252.385, F.S.; requiring that the statewide emergency
42 shelter plan identify the general location and square
43 footage of special needs shelters by regional planning
44 council regions, as such regions existed on a
45 specified date, during the next 5 years; requiring
46 that state funds be maximized and targeted to regional
47 planning council regions as such regions existed on a
48 specified date; amending s. 253.025, F.S.; providing
49 an exemption for Federal Government agencies regarding
50 land being reverted to the Board of Trustees of the
51 Internal Improvement Trust Fund if land conveyances
52 are at less than the appraised value; amending s.
53 287.012, F.S.; deleting the definition of the term
54 "minority business enterprise"; amending s. 287.042,
55 F.S.; conforming provisions to changes made by the
56 act; amending s. 287.09451, F.S.; revising legislative
57 findings; renaming the Office of Supplier Diversity as
58 the Office of Supplier Development; specifying that

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59 the purpose and duties of the office are to assist
60 rural or urban business enterprises, rather than
61 minority business enterprises; conforming a provision
62 to changes made by the act; making technical changes;
63 amending s. 287.0947, F.S.; renaming the Florida
64 Advisory Council on Small and Minority Business
65 Development as the Florida Advisory Council on Small,
66 Rural, and Urban Business Development; revising the
67 composition of the council's membership; revising the
68 council's powers and duties; conforming a cross-
69 reference; amending s. 288.001, F.S.; revising the
70 criteria for membership of the statewide advisory
71 board of the Florida Small Business Development Center
72 Network; amending s. 288.0065, F.S.; revising the list
73 of information that must be included in the
74 department's annual incentives report; amending s.
75 288.1167, F.S.; revising the sports franchise contract
76 provisions for food and beverage concession and
77 contract awards; amending s. 288.1229, F.S.; revising
78 the representational criteria for the board of
79 directors of the Florida Sports Foundation; amending
80 s. 288.7015, F.S.; revising the duties of the state's
81 rules ombudsman; amending s. 288.702, F.S.; renaming
82 the Florida Small and Minority Business Assistance Act
83 as the Florida Small Business Act; conforming a cross-
84 reference; amending s. 288.703, F.S.; defining,
85 deleting, and revising terms; amending s. 288.705,
86 F.S.; requiring the Small Business Development Center,
87 in coordination with Minority Business Development

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88 Centers, to compile and distribute certain information
89 to small businesses and businesses located in rural or
90 urban areas, rather than to minority businesses;
91 revising the list of information that must be included
92 by the Small Business Development Center in its annual
93 report to the Department of Commerce; amending s.
94 288.776, F.S.; deleting a membership requirement of
95 the board of directors of the Florida Export Finance
96 Corporation; creating s. 288.9628, F.S.; providing
97 legislative findings; establishing the Research,
98 Innovation, Science, and Engineering (RISE) Investment
99 Tax Credit Program within the Department of Commerce;
100 providing the purpose for the program; requiring the
101 department to coordinate with the Florida Opportunity
102 Fund and the State Board of Administration for a
103 specified purpose; defining terms; requiring an
104 applicant to apply to the department for authorization
105 to claim tax credits; requiring the department to
106 review and act upon such application within a
107 specified timeframe; requiring the applicant to
108 provide certain information required by the
109 department; specifying the information that must be
110 included in the application; requiring an applicant to
111 update its application if there has been a material
112 change; prohibiting tax credits from exceeding a
113 specified amount in a fiscal year; prohibiting the
114 department from issuing a tax credit to a qualifying
115 private fund until the private fund demonstrates it
116 has received its total capital commitment; prohibiting

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117 the department from authorizing more than a specified
118 amount of tax credits to a qualifying private fund in
119 a fiscal year; requiring a qualifying private fund to
120 provide documentation to show that the qualifying
121 investment meets the department's requirements to
122 issue a tax credit; providing that follow-on or add-on
123 capital commitments may only be considered after the
124 follow-on or add-on investment has been deployed;
125 requiring a qualifying private fund to make a
126 specified number of qualified investments in a
127 specified number of qualifying portfolio projects to
128 be eligible for a tax credit; specifying the
129 information that must be included in the submission by
130 a qualifying private fund; authorizing a qualifying
131 private fund to receive tax credits equivalent to a
132 certain percentage of a qualifying investment in a
133 qualifying portfolio company; requiring the department
134 to authorize the Department of Revenue to issue tax
135 credits to a qualifying private fund if certain
136 requirements are met; prohibiting the Department of
137 Revenue from issuing more than a specified fraction of
138 the tax credits authorized for a qualifying investment
139 in a qualifying portfolio company in a fiscal year;
140 authorizing credits received to be applied against the
141 qualifying private fund's corporate income tax
142 liability; authorizing a qualifying private fund to
143 transfer or sell any portion of its tax credit;
144 requiring such transfer or sale to take place within a
145 specified timeframe, after which the credit expires;

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146 prohibiting such transfer or sale if the department
147 authorizes the credit but the Department of Revenue
148 has not yet issued such credit; authorizing the
149 department to revoke or modify its previous decisions
150 if it is discovered that the qualifying private fund
151 submitted any false statement, representation, or
152 certification in its application or if information in
153 a previous application materially changes; requiring
154 the department to notify the Department of Revenue of
155 any such revocation or modification affecting
156 previously granted tax credits; requiring the
157 qualifying private fund to notify the Department of
158 Revenue of any change in its tax credit claimed;
159 requiring that a qualifying private fund annually
160 report to the department for each investment within a
161 specified timeframe in order to remain eligible to
162 receive tax credits; providing that failure to do so
163 will result in the qualifying private fund's tax
164 credit being revoked; requiring a qualifying private
165 fund to submit specified information to the department
166 in order to receive a tax credit; requiring the
167 department to revoke its approval of tax credits for
168 the qualifying investment if it fails to meet certain
169 requirements; requiring the department to issue a
170 notice of revocation and recapture to the qualifying
171 private fund and the Department of Revenue; requiring
172 such qualifying private fund to repay to the
173 department an amount equal to a certain percent of the
174 tax credits authorized by the department and claimed

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175 by a qualifying portfolio company for the qualifying
176 investment; requiring that such funds be deposited
177 into the General Revenue Fund; providing construction;
178 requiring the department to include specified
179 information in its annual incentives report beginning
180 on a specified date and annually thereafter; requiring
181 that a certain percentage of tax credits be made
182 available during a specified period of time for a
183 specified purpose; requiring that all remaining tax
184 credits be made available during a specified period of
185 time on a first-come, first-served basis, subject to
186 eligibility of the qualifying investment; authorizing
187 the department to adopt rules; amending s. 290.0056,
188 F.S.; conforming provisions to changes made by the
189 act; amending s. 290.0057, F.S.; revising enterprise
190 zone development plan requirements to include business
191 investment corporations in rural or urban areas;
192 amending s. 331.302, F.S.; providing that Space
193 Florida is not an agency for purposes of its ability
194 to bid and contract for certain professional and
195 construction services under certain circumstances, and
196 is therefore exempt from certain requirements;
197 providing that monies received by the person under
198 contract with Space Florida to provide certain goods
199 and services are not state or local government funds;
200 amending s. 331.351, F.S.; revising legislative intent
201 that rural or urban business enterprises, rather than
202 women, minorities, and socially and economically
203 disadvantaged business enterprises, be encouraged to

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204 participate fully in specified development; amending
205 s. 445.08, F.S.; revising the minimum eligibility
206 requirements for the Florida Law Enforcement
207 Recruitment Bonus Payment Program for newly employed
208 law enforcement officers; deleting an expiration date;
209 amending s. 447.203, F.S.; revising the definition of
210 the term "managerial employees"; authorizing local
211 governments to enter into agreements to create
212 regional planning entities; amending ss. 17.11,
213 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177,
214 163.3178, 163.3184, 163.3245, 163.568, 164.1031,
215 186.003, 186.006, 186.007, 186.008, 186.803, 187.201,
216 212.096, 218.32, 255.101, 255.102, 258.501, 260.0142,
217 287.042, 287.055, 287.057, 287.0943, 287.09431,
218 288.0001, 288.7031, 288.975, 290.004, 320.08058,
219 335.188, 339.155, 339.175, 339.285, 339.63, 339.64,
220 341.041, 343.54, 366.93, 369.303, 369.307, 373.309,
221 373.415, 376.3072, 377.703, 378.411, 380.031, 380.045,
222 380.05, 380.055, 380.06, 380.061, 380.07, 380.23,
223 380.507, 381.986, 403.031, 403.0752, 403.503,
224 403.50663, 403.507, 403.509, 403.5115, 403.5175,
225 403.518, 403.522, 403.526, 403.5271, 403.5272,
226 403.5363, 403.5365, 403.537, 403.704, 403.7225,
227 403.7226, 403.723, 403.9403, 403.941, 403.9422,
228 403.973, 408.033, 420.609, 473.3065, 501.171,
229 625.3255, 657.042, 658.67, and 1013.30, F.S.;
230 conforming provisions to changes made by the act;
231 revising and conforming cross-references; making
232 technical changes; reenacting s. 110.205(2)(w), F.S.,

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233 relating to career service exemptions, to incorporate
234 the amendment made to s. 447.203, F.S., in references
235 thereto; reenacting ss. 163.3162(2)(d) and 373.129(8),
236 F.S., relating to agricultural lands and practices and
237 maintenance of actions, respectively, to incorporate
238 the amendment made to s. 164.1031, F.S., in references
239 thereto; reenacting s. 339.2819(1) and (3), F.S.,
240 relating to the Transportation Regional Incentive
241 Program, to incorporate the amendment made to s.
242 339.155, F.S., in references thereto; reenacting s.
243 380.0552(5) and (6), F.S., relating to the Florida
244 Keys Area, to incorporate the amendments made to ss.
245 380.045 and 380.05, F.S., in references thereto;
246 reenacting s. 403.5064(1)(a), F.S., relating to
247 application schedules, to incorporate the amendment
248 made to s. 403.507, F.S., in a reference thereto;
249 reenacting ss. 403.5251(1)(a) and 403.5271(1)(d) and
250 (f), F.S., relating to application and schedules and
251 alternate corridors, respectively, to incorporate the
252 amendment made to s. 403.526, F.S., in references
253 thereto; reenacting s. 403.9421(5)(c), F.S., relating
254 to fees and disposition, to incorporate the amendment
255 made to s. 403.941, F.S., in a reference thereto;
256 providing an effective date.

257

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

259

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

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

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- 262 Section 3. Section 186.502, Florida Statutes, is repealed.
- 263 Section 4. Section 186.503, Florida Statutes, is repealed.
- 264 Section 5. Section 186.504, Florida Statutes, is repealed.
- 265 Section 6. Section 186.505, Florida Statutes, is repealed.
- 266 Section 7. Section 186.506, Florida Statutes, is repealed.
- 267 Section 8. Section 186.507, Florida Statutes, is repealed.
- 268 Section 9. Section 186.508, Florida Statutes, is repealed.
- 269 Section 10. Section 186.509, Florida Statutes, is repealed.
- 270 Section 11. Section 186.511, Florida Statutes, is repealed.
- 271 Section 12. Section 186.512, Florida Statutes, is repealed.
- 272 Section 13. Section 186.513, Florida Statutes, is repealed.
- 273 Section 14. Section 186.515, Florida Statutes, is repealed.
- 274 Section 15. Section 287.0931, Florida Statutes, is
275 repealed.
- 276 Section 16. Section 288.12266, Florida Statutes, is
277 repealed.
- 278 Section 17. Section 288.124, Florida Statutes, is repealed.
- 279 Section 18. Section 288.706, Florida Statutes, is repealed.
- 280 Section 19. Section 288.7094, Florida Statutes, is
281 repealed.
- 282 Section 20. Section 288.7102, Florida Statutes, is
283 repealed.
- 284 Section 21. Section 288.71025, Florida Statutes, is
285 repealed.
- 286 Section 22. Section 288.7103, Florida Statutes, is
287 repealed.
- 288 Section 23. Section 288.714, Florida Statutes, is repealed.
- 289 Section 24. Section 331.351, Florida Statutes, is repealed.
- 290 Section 25. Paragraphs (e) and (k) of subsection (4) and

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291 paragraph (a) of subsection (5) of section 20.60, Florida
292 Statutes, are amended to read:

293 20.60 Department of Commerce; creation; powers and duties.—

294 (4) The purpose of the department is to assist the Governor
295 in working with the Legislature, state agencies, business
296 leaders, and economic development professionals to formulate and
297 implement coherent and consistent policies and strategies
298 designed to promote economic opportunities for all Floridians.
299 The department is the state's chief agency for business
300 recruitment and expansion and economic development. To
301 accomplish such purposes, the department shall:

302 (e) Manage the activities of public-private partnerships
303 and state agencies in order to avoid duplication and promote
304 coordinated and consistent implementation of programs in areas
305 including, but not limited to, tourism; international trade and
306 investment; business recruitment, creation, retention, and
307 expansion; ~~minority~~ and small business development; business
308 development in rural or urban areas; defense, space, and
309 aerospace development; rural community development; and the
310 development and promotion of professional and amateur sporting
311 events.

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

315 (5) The divisions within the department have specific
316 responsibilities to achieve the duties, responsibilities, and
317 goals of the department. Specifically:

318 (a) The Division of Economic Development shall:

319 1. Analyze and evaluate business prospects identified by

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320 the Governor and the secretary.

321 2. Administer certain tax refund, tax credit, and grant
322 programs created in law. Notwithstanding any other provision of
323 law, the department may expend interest earned from the
324 investment of program funds deposited in the Grants and
325 Donations Trust Fund to contract for the administration of those
326 programs, or portions of the programs, assigned to the
327 department by law, by the appropriations process, or by the
328 Governor. Such expenditures are ~~shall be~~ subject to review under
329 chapter 216.

330 3. Develop measurement protocols for the state incentive
331 programs and for the contracted entities which will be used to
332 determine their performance and competitive value to the state.
333 Performance measures, benchmarks, and sanctions must be
334 developed in consultation with the legislative appropriations
335 committees and the appropriate substantive committees, and are
336 subject to the review and approval process provided in s.
337 216.177. The approved performance measures, standards, and
338 sanctions must ~~shall~~ be included and made a part of the
339 strategic plan for contracts entered into for delivery of
340 programs authorized by this section.

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

343 a. Strategies for the promotion of business formation,
344 expansion, recruitment, and retention through aggressive
345 marketing, attraction of venture capital and finance
346 development, domestic trade, international development, and
347 export assistance, which lead to more and better jobs and higher
348 wages for all geographic regions, ~~disadvantaged communities,~~ and

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349 populations of the state, including rural areas, ~~minority~~
350 ~~businesses~~, and urban core areas.

351 b. The development of realistic policies and programs to
352 further the economic diversity of the state, its regions, and
353 their associated industrial clusters.

354 c. Specific provisions for the stimulation of economic
355 development and job creation in rural areas and midsize cities
356 and counties of the state, including strategies for rural
357 marketing and the development of infrastructure in rural areas.

358 d. Provisions for the promotion of the successful long-term
359 economic development of the state with increased emphasis in
360 market research and information.

361 e. Plans for the generation of foreign investment in the
362 state which create jobs paying above-average wages and which
363 result in reverse investment in the state, including programs
364 that establish viable overseas markets, assist in meeting the
365 financing requirements of export-ready firms, broaden
366 opportunities for international joint venture relationships, use
367 the resources of academic and other institutions, coordinate
368 trade assistance and facilitation services, and facilitate
369 availability of and access to education and training programs
370 that assure requisite skills and competencies necessary to
371 compete successfully in the global marketplace.

372 f. The identification of business sectors that are of
373 current or future importance to the state's economy and to the
374 state's global business image, and development of specific
375 strategies to promote the development of such sectors.

376 g. Strategies for talent development necessary in the state
377 to encourage economic development growth, taking into account

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378 factors such as the state's talent supply chain, education and
379 training opportunities, and available workforce.

380 h. Strategies and plans to support this state's defense,
381 space, and aerospace industries and the emerging complementary
382 business activities and industries that support the development
383 and growth of defense, space, and aerospace in this state.

384 5. Update the strategic plan every 5 years.

385 6. Involve CareerSource Florida, Inc.; direct-support
386 organizations of the department; local governments; the general
387 public; local and regional economic development organizations;
388 other local, state, and federal economic, international, and
389 workforce development entities; the business community; and
390 educational institutions to assist with the strategic plan.

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

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

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

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

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

404 Section 26. Paragraph (r) of subsection (5) of section
405 212.08, Florida Statutes, is amended to read:

406 212.08 Sales, rental, use, consumption, distribution, and

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407 storage tax; specified exemptions.—The sale at retail, the
408 rental, the use, the consumption, the distribution, and the
409 storage to be used or consumed in this state of the following
410 are hereby specifically exempt from the tax imposed by this
411 chapter.

412 (5) EXEMPTIONS; ACCOUNT OF USE.—

413 (r) *Data center property*.—

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

415 a. “Critical IT load” means that portion of electric power
416 capacity, expressed in terms of megawatts, which is reserved
417 solely for owners or tenants of a data center to operate their
418 computer server equipment. The term does not include any
419 ancillary load for cooling, lighting, common areas, or other
420 equipment.

421 b. “Cumulative capital investment” means the combined total
422 of all expenses incurred by the owners or tenants of a data
423 center after July 1, 2017, in connection with acquiring,
424 constructing, installing, equipping, or expanding the data
425 center. However, the term does not include any expenses incurred
426 in the acquisition of improved real property operating as a data
427 center at the time of acquisition or within 6 months before the
428 acquisition.

429 c. “Data center” means a facility that:

430 (I) Consists of one or more contiguous parcels in this
431 state, along with the buildings, substations and other
432 infrastructure, fixtures, and personal property located on the
433 parcels;

434 (II) Is used exclusively to house and operate equipment
435 that receives, stores, aggregates, manages, processes,

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436 transforms, retrieves, researches, or transmits data; or that is
437 necessary for the proper operation of equipment that receives,
438 stores, aggregates, manages, processes, transforms, retrieves,
439 researches, or transmits data;

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

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

444 d. "Data center property" means property used exclusively
445 at a data center to construct, outfit, operate, support, power,
446 cool, dehumidify, secure, or protect a data center and any
447 contiguous dedicated substations. The term includes, but is not
448 limited to, construction materials, component parts, machinery,
449 equipment, computers, servers, installations, redundancies, and
450 operating or enabling software, including any replacements,
451 updates and new versions, and upgrades to or for such property,
452 regardless of whether the property is a fixture or is otherwise
453 affixed to or incorporated into real property. The term also
454 includes electricity used exclusively at a data center.

455 2. Data center property is exempt from the tax imposed by
456 this chapter, except for the tax imposed by s. 212.031. To be
457 eligible for the exemption provided by this paragraph, the data
458 center's owners and tenants must make a cumulative capital
459 investment of \$150 million or more for the data center and the
460 data center must have a critical IT load of 15 megawatts or
461 higher and a critical IT load of 1 megawatt or higher dedicated
462 to each individual owner or tenant within the data center. Each
463 of these requirements must be satisfied no later than 5 years
464 after the commencement of construction of the data center.

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465 3.a. To receive the exemption provided by this paragraph,
466 the person seeking the exemption must apply to the department
467 for a temporary tax exemption certificate. The application must
468 state that a qualifying data center designation is being sought
469 and provide information that the requirements of subparagraph 2.
470 will be met. Upon a tentative determination by the department
471 that the data center will meet the requirements of subparagraph
472 2., the department must issue the certificate.

473 b.(I) The certificateholder shall maintain all necessary
474 books and records to support the exemption provided by this
475 paragraph. Upon satisfaction of all requirements of subparagraph
476 2., the certificateholder must deliver the temporary tax
477 certificate to the department together with documentation
478 sufficient to show the satisfaction of the requirements. Such
479 documentation must include written declarations, pursuant to s.
480 92.525, from:

481 (A) A professional engineer, licensed pursuant to chapter
482 471, certifying that the critical IT load requirement set forth
483 in subparagraph 2. has been satisfied at the data center; and

484 (B) A Florida certified public accountant, as defined in s.
485 473.302, certifying that the cumulative capital investment
486 requirement set forth in subparagraph 2. has been satisfied for
487 the data center.

488
489 The professional engineer and the Florida certified public
490 accountant may not be professionally related with the data
491 center's owners, tenants, or contractors, except that they may
492 be retained by a data center owner to certify that the
493 requirements of subparagraph 2. have been met.

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494 (II) If the department determines that the subparagraph 2.
495 requirements have been satisfied, the department must issue a
496 permanent tax exemption certificate.

497 (III) Notwithstanding s. 212.084(4), the permanent tax
498 exemption certificate remains valid and effective for as long as
499 the data center described in the exemption application continues
500 to operate as a data center as defined in subparagraph 1., with
501 review by the department every 5 years to ensure compliance. As
502 part of the review, the certificateholder shall, within 3 months
503 before the end of any 5-year period, submit a written
504 declaration, pursuant to s. 92.525, certifying that the critical
505 IT load of 15 megawatts or higher and the critical IT load of 1
506 megawatt or higher dedicated to each individual owner or tenant
507 within the data center required by subparagraph 2. continues to
508 be met. All owners, tenants, contractors, and others purchasing
509 exempt data center property shall maintain all necessary books
510 and records to support the exemption as to those purchases.

511 (IV) Notwithstanding s. 213.053, the department may share
512 information concerning a temporary or permanent data center
513 exemption certificate among all owners, tenants, contractors,
514 and others purchasing exempt data center property pursuant to
515 such certificate.

516 c. If, in an audit conducted by the department, it is
517 determined that the certificateholder or any owners, tenants,
518 contractors, or others purchasing, renting, or leasing data
519 center property do not meet the criteria of this paragraph, the
520 amount of taxes exempted at the time of purchase, rental, or
521 lease is immediately due and payable to the department from the
522 purchaser, renter, or lessee of those particular items, together

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523 with the appropriate interest and penalty computed from the date
524 of purchase in the manner prescribed by this chapter.

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

528 d. Purchasers, lessees, and renters of data center property
529 who qualify for the exemption provided by this paragraph shall
530 obtain from the data center a copy of the tax exemption
531 certificate issued pursuant to sub-subparagraph a. or sub-
532 subparagraph b. Before or at the time of purchase of the item or
533 items eligible for exemption, the purchaser, lessee, or renter
534 shall provide to the seller a copy of the tax exemption
535 certificate and a signed certificate of entitlement. Purchasers,
536 lessees, and renters with self-accrual authority shall maintain
537 all documentation necessary to prove the exempt status of
538 purchases.

539 e. For any purchase, lease, or rental of property that is
540 exempt pursuant to this paragraph, the possession of a copy of a
541 tax exemption certificate issued pursuant to sub-subparagraph a.
542 or sub-subparagraph b. and a signed certificate of entitlement
543 relieves the seller of the responsibility of collecting the tax
544 on the sale, lease, or rental of such property, and the
545 department must look solely to the purchaser, renter, or lessee
546 for recovery of the tax if it determines that the purchase,
547 rental, or lease was not entitled to the exemption.

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

550 Section 27. Paragraph (b) of subsection (1) of section
551 215.559, Florida Statutes, is amended to read:

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552 215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss
553 Mitigation Program is established in the Division of Emergency
554 Management.

555 (1) The Legislature shall annually appropriate \$10 million
556 of the moneys authorized for appropriation under s.
557 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
558 division for the purposes set forth in this section. Of the
559 amount:

560 (b) Three million dollars in funds shall be used to
561 construct or retrofit facilities used as public hurricane
562 shelters. Each year the division shall prioritize the use of
563 these funds for projects included in the annual report of the
564 Shelter Development Report prepared in accordance with s.
565 252.385(3). The division must give funding priority to projects
566 in regional planning council regions, as such regions existed on
567 January 1, 2025, that have shelter deficits and to projects that
568 maximize the use of state funds.

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

571 252.385 Public shelter space; public records exemption.—

572 (2)

573 (b) By January 31 of each even-numbered year, the division
574 shall prepare and submit a statewide emergency shelter plan to
575 the Governor and Cabinet for approval, subject to the
576 requirements for approval in s. 1013.37(2). The emergency
577 shelter plan must project, for each of the next 5 years, the
578 hurricane shelter needs of the state, including periods of time
579 during which a concurrent public health emergency may
580 necessitate more space for each individual to accommodate

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581 physical distancing. In addition to information on the general
582 shelter needs throughout this state, the plan must identify the
583 general location and square footage of special needs shelters
584 annually through 2030, by regional planning council region. The
585 plan must also include information on the availability of
586 shelters that accept pets. The Department of Health shall assist
587 the division in determining the estimated need for special needs
588 shelter space and the adequacy of facilities to meet the needs
589 of persons with special needs based on information from the
590 registries of persons with special needs and other information.

591 (3) The division shall annually provide to the President of
592 the Senate, the Speaker of the House of Representatives, and the
593 Governor a list of facilities recommended to be retrofitted
594 using state funds. State funds must ~~should~~ be maximized and
595 targeted to regional planning council regions, as such regions
596 existed on January 1, 2025, with hurricane evacuation shelter
597 deficits. The owner or lessee of a public hurricane evacuation
598 shelter that is included on the list of facilities recommended
599 for retrofitting is not required to perform any recommended
600 improvements.

601 Section 29. Paragraph (d) of subsection (21) of section
602 253.025, Florida Statutes, is amended to read:

603 253.025 Acquisition of state lands.—

604 (21)

605 (d) A conveyance at less than appraised value must state
606 that the land will revert to the board of trustees if the land
607 is not used for its intended purposes as a military installation
608 buffer or if the military installation closes. Federal
609 Government agencies, including the Department of Defense and its

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610 subordinate Departments of the Army, Navy, and Air Force, and
611 the Department of Homeland Security's United States Coast Guard,
612 are exempt from this paragraph if the primary purpose of
613 remaining as a military installation buffer continues, even
614 though the specific military purpose, mission, and function on
615 the conveyed land is modified or changes from that which was
616 present or proposed at the time of the conveyance.

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

619 287.012 Definitions.—As used in this part, the term:

620 ~~(18) "Minority business enterprise" has the same meaning as~~
621 ~~provided in s. 288.703.~~

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

625 287.042 Powers, duties, and functions.—The department shall
626 have the following powers, duties, and functions:

627 (2) (a) To establish purchasing agreements and procure state
628 term contracts for commodities and contractual services,
629 pursuant to s. 287.057, under which state agencies shall, and
630 eligible users may, make purchases pursuant to s. 287.056. The
631 department may restrict purchases from some term contracts to
632 state agencies only for those term contracts where the inclusion
633 of other governmental entities will have an adverse effect on
634 competition or to those federal facilities located in this
635 state. In such planning or purchasing the Office of Supplier
636 Development Diversity may monitor to ensure that opportunities
637 are afforded for contracting with rural or urban minority
638 business enterprises. The department, for state term contracts,

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639 and all agencies, for multiyear contractual services or term
640 contracts, shall explore reasonable and economical means to
641 utilize certified rural or urban ~~minority~~ business enterprises.
642 Purchases by any county, municipality, private nonprofit
643 community transportation coordinator designated pursuant to
644 chapter 427, while conducting business related solely to the
645 Commission for the Transportation Disadvantaged, or other local
646 public agency under the provisions in the state purchasing
647 contracts, and purchases, from the corporation operating the
648 correctional work programs, of products or services that are
649 subject to paragraph (1)(f), are exempt from the competitive
650 solicitation requirements otherwise applying to their purchases.

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

655 (b)1. Development of procedures for advertising
656 solicitations. These procedures must provide for electronic
657 posting of solicitations for at least 10 days before the date
658 set for receipt of bids, proposals, or replies, unless the
659 department or other agency determines in writing that a shorter
660 period of time is necessary to avoid harming the interests of
661 the state. The Office of Supplier Development Diversity may
662 consult with the department regarding the development of
663 solicitation distribution procedures to ensure that maximum
664 distribution is afforded to certified rural or urban ~~minority~~
665 business enterprises as defined in s. 288.703.

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

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668 for the department and other agencies to electronically post
669 solicitations, decisions or intended decisions, and other
670 matters relating to procurement.

671 Section 32. Section 287.09451, Florida Statutes, is amended
672 to read:

673 287.09451 Office of Supplier Development Diversity; powers,
674 duties, and functions.—

675 (1) The Legislature finds that there is evidence of a
676 systematic pattern of past and continuing ~~racial~~ discrimination
677 against rural or urban minority business enterprises and a
678 disparity in the availability and use of such rural or urban
679 ~~minority~~ business enterprises in the state procurement system.
680 It is determined to be a compelling state interest to rectify
681 such discrimination and disparity. Based upon statistical data
682 profiling this discrimination, the Legislature has enacted ~~race-~~
683 ~~conscious and gender-conscious~~ remedial programs to ensure rural
684 or urban minority participation in the economic life of the
685 state, in state contracts for the purchase of commodities and
686 services, and in construction contracts. The purpose and intent
687 of this section is to increase participation by ~~minority~~
688 business enterprises in rural or urban areas, accomplished by
689 encouraging the use of such rural or urban minority business
690 enterprises and the entry of new and diversified rural or urban
691 ~~minority~~ business enterprises into the marketplace.

692 (2) The Office of Supplier Development Diversity is
693 established within the Department of Management Services to
694 assist ~~minority~~ business enterprises located in rural or urban
695 areas in becoming suppliers of commodities, services, and
696 construction to state government.

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697 (3) The secretary shall appoint an executive director for
698 the Office of Supplier Development Diversity, who shall serve at
699 the pleasure of the secretary.

700 (4) The Office of Supplier Development ~~has Diversity shall~~
701 ~~have~~ the following powers, duties, and functions:

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

709 1. Whether the agency scheduled presolicitation or prebid
710 meetings for the purpose of informing rural or urban minority
711 business enterprises of contracting and subcontracting
712 opportunities.

713 2. Whether the contractor advertised in general
714 circulation, trade association, or rural-focused or urban-
715 focused minority-focus media concerning the subcontracting
716 opportunities.

717 3. Whether the agency effectively used services and
718 resources of available rural or urban minority community
719 organizations; ~~minority~~ contractors' groups located in rural or
720 urban areas; local, state, and federal ~~minority business~~
721 assistance offices urban businesses located in rural or urban
722 areas; and other organizations that provide assistance in the
723 recruitment and placement of rural or urban minority business
724 enterprises ~~or minority persons~~.

725 4. Whether the agency provided written notice to a

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726 reasonable number of rural or urban ~~minority~~ business
727 enterprises that their interest in contracting with the agency
728 was being solicited in sufficient time to allow the rural or
729 urban ~~minority~~ business enterprises to participate effectively.

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

738 1. Whether the contractor attended any presolicitation or
739 prebid meetings that were scheduled by the agency to inform
740 rural or urban ~~minority~~ business enterprises of contracting and
741 subcontracting opportunities.

742 2. Whether the contractor advertised in general
743 circulation, trade association, or rural-focused or urban-
744 focused ~~minority-focus~~ media concerning the subcontracting
745 opportunities.

746 3. Whether the contractor provided written notice to a
747 reasonable number of specific rural or urban ~~minority~~ business
748 enterprises that their interest in the contract was being
749 solicited in sufficient time to allow the rural or urban
750 ~~minority~~ business enterprises to participate effectively.

751 4. Whether the contractor followed up initial solicitations
752 of interest by contacting rural or urban ~~minority~~ business
753 enterprises ~~or minority persons~~ to determine with certainty
754 whether the rural or urban ~~minority~~ business enterprises ~~or~~

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755 ~~minority persons~~ were interested.

756 5. Whether the contractor selected portions of the work to
757 be performed by rural or urban ~~minority~~ business enterprises in
758 order to increase the likelihood of meeting the rural or urban
759 ~~minority~~ business enterprise procurement goals, including, where
760 appropriate, breaking down contracts into economically feasible
761 units to facilitate rural or urban ~~minority~~ business enterprise
762 participation.

763 6. Whether the contractor provided interested rural or
764 urban ~~minority~~ business enterprises ~~or minority persons~~ with
765 adequate information about the plans, specifications, and
766 requirements of the contract or the availability of jobs.

767 7. Whether the contractor negotiated in good faith with
768 interested rural or urban ~~minority~~ business enterprises ~~or~~
769 ~~minority persons~~, not rejecting rural or urban ~~minority~~ business
770 enterprises ~~or minority persons~~ as unqualified without sound
771 reasons based on a thorough investigation of their capabilities.

772 8. Whether the contractor effectively used the services of
773 available rural or urban ~~minority~~ community organizations; rural
774 or urban ~~minority~~ contractors' groups; local, state, and federal
775 rural or urban ~~minority~~ business assistance offices; and other
776 organizations that provide assistance in the recruitment and
777 placement of rural or urban ~~minority~~ business enterprises ~~or~~
778 ~~minority persons~~.

779 (c) To adopt rules and do all things necessary or
780 convenient to guide all state agencies toward making
781 expenditures for commodities, contractual services,
782 construction, and architectural and engineering services with
783 certified rural or urban ~~minority~~ business enterprises in

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784 accordance with the rural or urban ~~minority~~ business enterprise
785 procurement goals set forth in s. 287.042.

786 (d) To monitor the degree to which agencies procure
787 services, commodities, and construction from rural or urban
788 ~~minority~~ business enterprises in conjunction with the Department
789 of Financial Services as specified in s. 17.11.

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

793 (f) To advise agencies on methods and techniques for
794 achieving procurement objectives.

795 (g) To provide a central rural or urban ~~minority~~ business
796 enterprise certification process which includes independent
797 verification of status as a rural or urban ~~minority~~ business
798 enterprise.

799 (h) To develop procedures to investigate complaints against
800 rural or urban ~~minority~~ business enterprises or contractors
801 alleged to violate any provision related to this section or s.
802 287.0943, that may include visits to worksites or business
803 premises, and to refer all information on businesses suspected
804 of misrepresenting its rural or urban ~~minority~~ status to the
805 Department of Management Services for investigation. When an
806 investigation is completed and there is reason to believe that a
807 violation has occurred, the matter shall be referred to the
808 office of the Attorney General, Department of Legal Affairs, for
809 prosecution.

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

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

817 (k) To communicate on a monthly basis with the Small and
818 Minority Business Advisory Council to keep the council informed
819 on issues relating to rural or urban ~~minority~~ enterprise
820 procurement.

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

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

828 2. Establishing standards within each industry with which
829 the state government contracts on how agencies and contractors
830 may provide the maximum practicable opportunity for rural or
831 urban ~~minority~~ business enterprises.

832 3. Assisting agencies and contractors by providing outreach
833 to rural or urban ~~minority~~ businesses, by specifying and
834 monitoring technical and managerial competence for rural or
835 urban ~~minority~~ business enterprises, and by consulting in
836 planning of agency procurement to determine how best to provide
837 opportunities for rural or urban ~~minority~~ business enterprises.

838 4. Integrating technical and managerial assistance for
839 rural or urban ~~minority~~ business enterprises with government
840 contracting opportunities.

841 (m) To certify rural or urban ~~minority~~ business

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842 enterprises, as defined in s. 288.703, and as specified in ss.
843 287.0943 and 287.09431, and shall recertify such rural or urban
844 ~~minority~~ businesses at least once every 2 years. Rural or urban
845 ~~Minority~~ business enterprises must be recertified at least once
846 every 2 years. Such certifications may include an electronic
847 signature.

848 (n)1. To develop procedures to be used by an agency in
849 identifying commodities, contractual services, architectural and
850 engineering services, and construction contracts, except those
851 architectural, engineering, construction, or other related
852 services or contracts subject to the provisions of chapter 339,
853 that could be provided by rural or urban ~~minority~~ business
854 enterprises. Each agency is encouraged to spend 21 percent of
855 the moneys actually expended for construction contracts, 25
856 percent of the moneys actually expended for architectural and
857 engineering contracts, 24 percent of the moneys actually
858 expended for commodities, and 50.5 percent of the moneys
859 actually expended for contractual services during the previous
860 fiscal year, except for the state university construction
861 program which are ~~shall be~~ based upon public education capital
862 outlay projections for the subsequent fiscal year, and reported
863 to the Legislature pursuant to s. 216.023, for the purpose of
864 entering into contracts with certified rural or urban ~~minority~~
865 business enterprises as defined in s. 288.703, or approved joint
866 ventures. However, in the event of budget reductions pursuant to
867 s. 216.221, the base amounts may be adjusted to reflect such
868 reductions. ~~The overall spending goal for each industry category~~
869 ~~shall be subdivided as follows:~~

870 a. ~~For construction contracts: 4 percent for black~~

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871 Americans, ~~6 percent for Hispanic Americans, and 11 percent for~~
872 ~~American women.~~

873 ~~b. For architectural and engineering contracts: 9 percent~~
874 ~~for Hispanic Americans, 1 percent for Asian Americans, and 15~~
875 ~~percent for American women.~~

876 ~~e. For commodities: 2 percent for black Americans, 4~~
877 ~~percent for Hispanic Americans, 0.5 percent for Asian Americans,~~
878 ~~0.5 percent for Native Americans, and 17 percent for American~~
879 ~~women.~~

880 ~~d. For contractual services: 6 percent for black Americans,~~
881 ~~7 percent for Hispanic Americans, 1 percent for Asian Americans,~~
882 ~~0.5 percent for Native Americans, and 36 percent for American~~
883 ~~women.~~

884 2. For the purposes of commodities contracts for the
885 purchase of equipment to be used in the construction and
886 maintenance of state transportation facilities involving the
887 Department of Transportation, the ~~term terms~~ "certified rural or
888 urban minority business enterprise" ~~has the same meaning as and~~
889 ~~"minority person" have the same meanings as provided in s.~~
890 288.703. In order to ensure that the goals established under
891 this paragraph for contracting with certified rural or urban
892 ~~minority~~ business enterprises are met, the department, with the
893 assistance of the Office of Supplier Development Diversity,
894 shall make recommendations to the Legislature on revisions to
895 the goals, based on an updated statistical analysis, at least
896 once every 5 years. Such recommendations must ~~shall~~ be based on
897 statistical data indicating the availability of and disparity in
898 the use of rural or urban minority businesses contracting with
899 the state.

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900 3. In determining the base amounts for assessing compliance
901 with this paragraph, the Office of Supplier Development
902 ~~Diversity~~ may develop, by rule, guidelines for all agencies to
903 use in establishing such base amounts. These rules must include,
904 but are not limited to, guidelines for calculation of base
905 amounts, a deadline for the agencies to submit base amounts, a
906 deadline for approval of the base amounts by the Office of
907 Supplier Development ~~Diversity~~, and procedures for adjusting the
908 base amounts as a result of budget reductions made pursuant to
909 s. 216.221.

910 4. To determine guidelines for the use of price
911 preferences, weighted preference formulas, or other preferences,
912 as appropriate to the particular industry or trade, to increase
913 the participation of rural or urban ~~minority~~ businesses in state
914 contracting. These guidelines must ~~shall~~ include consideration
915 of:

916 a. Size and complexity of the project.

917 b. The concentration of transactions with rural or urban
918 ~~minority~~ business enterprises for the commodity or contractual
919 services in question in prior agency contracting.

920 c. The specificity and definition of work allocated to
921 participating rural or urban ~~minority~~ business enterprises.

922 d. The capacity of participating rural or urban ~~minority~~
923 business enterprises to complete the tasks identified in the
924 project.

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

928 5. To determine guidelines for use of joint ventures to

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929 meet rural or urban ~~minority~~ business enterprises spending
930 goals. For purposes of this section, the term "joint venture"
931 means any association of two or more business concerns to carry
932 out a single business enterprise for profit, for which purpose
933 they combine their property, capital, efforts, skills, and
934 knowledge. The guidelines must ~~shall~~ allow transactions with
935 joint ventures to be eligible for credit against the rural or
936 urban ~~minority~~ business enterprise goals of an agency when the
937 contracting joint venture demonstrates that at least one partner
938 to the joint venture is a certified rural or urban ~~minority~~
939 business enterprise as defined in s. 288.703, and that such
940 partner is responsible for a clearly defined portion of the work
941 to be performed, and shares in the ownership, control,
942 management, responsibilities, risks, and profits of the joint
943 venture. Such demonstration must ~~shall~~ be by verifiable
944 documents and sworn statements and may be reviewed by the Office
945 of Supplier Development ~~Diversity~~ at or before the time a
946 contract bid, proposal, or reply is submitted. An agency may
947 count toward its rural or urban ~~minority~~ business enterprise
948 goals a portion of the total dollar amount of a contract equal
949 to the percentage of the ownership and control held by the
950 qualifying certified rural or urban ~~minority~~ business partners
951 in the contracting joint venture, so long as the joint venture
952 meets the guidelines adopted by the office.

953 (o)1. To establish a system to record and measure the use
954 of certified rural or urban ~~minority~~ business enterprises in
955 state contracting. This system must ~~shall~~ maintain information
956 and statistics on certified rural or urban ~~minority~~ business
957 enterprise participation, awards, dollar volume of expenditures

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958 and agency goals, and other appropriate types of information to
959 analyze progress in the access of certified rural or urban
960 ~~minority~~ business enterprises to state contracts and to monitor
961 agency compliance with this section. Such reporting must
962 include, but is not limited to, the identification of all
963 subcontracts in state contracting by dollar amount and by number
964 of subcontracts and the identification of the utilization of
965 certified rural or urban ~~minority~~ business enterprises as prime
966 contractors and subcontractors by dollar amounts of contracts
967 and subcontracts, number of contracts and subcontracts, ~~minority~~
968 ~~status~~, industry, and any conditions or circumstances that
969 significantly affected the performance of subcontractors.
970 Agencies shall report their compliance with the requirements of
971 this reporting system at least annually and at the request of
972 the office. All agencies shall cooperate with the office in
973 establishing this reporting system. Except in construction
974 contracting, all agencies shall review contracts costing in
975 excess of CATEGORY FOUR as defined in s. 287.017 to determine
976 whether ~~if~~ such contracts could be divided into smaller
977 contracts to be separately solicited and awarded, and shall,
978 when economical, offer such smaller contracts to encourage rural
979 or urban ~~minority~~ participation.

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

- 985 a. Total expenditures of each agency by industry.
986 b. The dollar amount and percentage of contracts awarded to

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987 certified rural or urban ~~minority~~ business enterprises by each
988 state agency.

989 c. The dollar amount and percentage of contracts awarded
990 indirectly to certified rural or urban ~~minority~~ business
991 enterprises as subcontractors by each state agency.

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

995 e. A statement and assessment of good faith efforts taken
996 by each state agency.

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

1000 (5)(a) Each agency shall, at the time the specifications or
1001 designs are developed or contract sizing is determined for any
1002 proposed procurement costing in excess of CATEGORY FOUR, as
1003 defined in s. 287.017, forward a notice to the Office of
1004 Supplier Development ~~Diversity~~ of the proposed procurement and
1005 any determination on the designs of specifications of the
1006 proposed procurement that impose requirements on prospective
1007 vendors, no later than 30 days before ~~prior to~~ the issuance of a
1008 solicitation, except that this provision does ~~shall~~ not apply to
1009 emergency acquisitions. The 30-day notice period does ~~shall~~ not
1010 toll the time for any other procedural requirements.

1011 (b) If the Office of Supplier Development ~~Diversity~~
1012 determines that the proposed procurement will not likely allow
1013 opportunities for rural or urban ~~minority~~ business enterprises,
1014 the office may, within 20 days after it receives the information
1015 specified in paragraph (a), propose the implementation of rural

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1016 or urban ~~minority~~ business enterprise utilization provisions or
1017 submit alternative procurement methods that would significantly
1018 increase rural or urban ~~minority~~ business enterprise contracting
1019 opportunities.

1020 (c) Whenever the agency and the Office of Supplier
1021 Development ~~Diversity~~ disagree, the matter must ~~shall~~ be
1022 submitted for determination to the head of the agency or the
1023 senior-level official designated pursuant to this section as
1024 liaison for rural or urban ~~minority~~ business enterprise issues.

1025 (d) If the proposed procurement proceeds to competitive
1026 solicitation, the office is hereby granted standing to protest,
1027 pursuant to this section, in a timely manner, any contract award
1028 during competitive solicitation for contractual services and
1029 construction contracts that fail to include rural or urban
1030 ~~minority~~ business enterprise participation, if any responsible
1031 and responsive vendor has demonstrated the ability to achieve
1032 any level of participation, or, any contract award for
1033 commodities where, a reasonable and economical opportunity to
1034 reserve a contract, statewide or district level, for rural or
1035 urban ~~minority~~ participation was not executed or, an agency
1036 failed to adopt an applicable preference for rural or urban
1037 ~~minority~~ participation. The bond requirement is ~~shall be~~ waived
1038 for the office purposes of this subsection.

1039 (e) An agency may presume that a vendor offering no rural
1040 or urban ~~minority~~ participation has not made a good faith effort
1041 when other vendors offer rural or urban ~~minority~~ participation
1042 of firms listed as relevant to the agency's purchasing needs in
1043 the pertinent locality or statewide to complete the project.

1044 (f) Paragraph (a) will not apply when the Office of

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1045 Supplier Development Diversity determines that an agency has
1046 established a work plan to allow advance consultation and
1047 planning with rural or urban ~~minority~~ business enterprises and
1048 where such plan clearly demonstrates:

1049 1. A high level of advance planning by the agency with
1050 rural or urban ~~minority~~ business enterprises.

1051 2. A high level of accessibility, knowledge, and experience
1052 by rural or urban ~~minority~~ business enterprises in the agency's
1053 contract decisionmaking process.

1054 3. A high quality of agency monitoring and enforcement of
1055 internal implementation of rural or urban ~~minority~~ business
1056 utilization provisions.

1057 4. A high quality of agency monitoring and enforcement of
1058 contractor utilization of rural or urban ~~minority~~ business
1059 enterprises, especially tracking subcontractor data, and
1060 ensuring the integrity of subcontractor reporting.

1061 5. A high quality of agency outreach, agency networking of
1062 major vendors with rural or urban ~~minority~~ vendors, and
1063 innovation in techniques to improve utilization of rural or
1064 urban ~~minority~~ business enterprises.

1065 6. Substantial commitment, sensitivity, and proactive
1066 attitude by the agency head and among the agency rural or urban
1067 ~~minority~~ business staff.

1068 (6) Each state agency shall coordinate its rural or urban
1069 ~~minority~~ business enterprise procurement activities with the
1070 Office of Supplier Development Diversity. At a minimum, each
1071 agency shall:

1072 (a) Adopt a rural or urban ~~minority~~ business enterprise
1073 utilization plan for review and approval by the Office of

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1074 Supplier Development Diversity which should require meaningful
 1075 and useful methods to attain the legislative intent in assisting
 1076 rural or urban minority business enterprises.

1077 (b) Designate a senior-level employee in the agency as a
 1078 rural or urban minority enterprise assistance officer,
 1079 responsible for overseeing the agency's rural or urban minority
 1080 business utilization activities, and who is not also charged
 1081 with purchasing responsibility. A senior-level agency employee
 1082 and agency purchasing officials is shall be accountable to the
 1083 agency head for the agency's rural or urban minority business
 1084 utilization performance. The Office of Supplier Development
 1085 Diversity shall advise each agency on compliance performance.

1086 (c) If an agency deviates significantly from its
 1087 utilization plan in 2 consecutive or 3 out of 5 total fiscal
 1088 years, the Office of Supplier Development Diversity may review
 1089 any and all solicitations and contract awards of the agency as
 1090 deemed necessary until such time as the agency meets its
 1091 utilization plan.

1092 Section 33. Section 287.0947, Florida Statutes, is amended
 1093 to read:

1094 287.0947 Florida Advisory Council on Small, Rural, and
 1095 Urban and Minority Business Development; creation; membership;
 1096 duties.—

1097 (1) The Secretary of Management Services may create the
 1098 Florida Advisory Council on Small, Rural, and Urban ~~and Minority~~
 1099 Business Development with the purpose of advising and assisting
 1100 the secretary in carrying out the secretary's duties with
 1101 respect to rural or urban minority businesses and economic and
 1102 business development. It is the intent of the Legislature that

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1103 the membership of such council include practitioners,
1104 laypersons, financiers, and others with business development
1105 experience who can provide invaluable insight and expertise for
1106 this state in the diversification of its markets and networking
1107 of business opportunities. The council shall initially be
1108 composed ~~consist~~ of 19 persons, each of whom is or has been
1109 actively engaged in small, rural, or urban ~~and minority~~ business
1110 development, either in private industry, in governmental
1111 service, or as a scholar of recognized achievement in the study
1112 of such matters. Initially, the council shall be composed
1113 ~~consist~~ of members representing all regions of this ~~the~~ state
1114 and shall include at least one member from each group identified
1115 within the definition of "minority person" in s. 288.703 ~~s.~~
1116 ~~288.703(4)~~, considering also gender and nationality subgroups,
1117 and shall be composed ~~consist~~ of the following:

1118 (a) Four members ~~consisting of~~ representatives of local and
1119 federal small, rural, or urban ~~and minority~~ business assistance
1120 programs or community development programs.

1121 (b) Eight members representing ~~composed of representatives~~
1122 ~~of the~~ rural or urban ~~minority~~ private business sectors ~~sector~~,
1123 including certified rural or urban ~~minority~~ business enterprises
1124 and rural or urban ~~minority~~ supplier development councils, among
1125 whom at least two are ~~shall be~~ women and at least four are ~~shall~~
1126 ~~be~~ minority persons.

1127 (c) Two representatives of local government, one of whom is
1128 ~~shall be~~ a representative of a large local government, and one
1129 of whom is ~~shall be~~ a representative of a small local
1130 government.

1131 (d) Two representatives from the banking and insurance

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1132 industry.

1133 (e) Two members from the private business sector,
1134 representing the construction and commodities industries.

1135 (f) The Secretary of Commerce or his or her designee.
1136

1137 A candidate for appointment may be considered if eligible to be
1138 certified as an owner of a rural or urban ~~minority~~ business
1139 enterprise, or if otherwise qualified under the criteria above.
1140 Vacancies may be filled by appointment of the secretary, in the
1141 manner of the original appointment.

1142 (2) Each appointed member shall serve for a term of 2 years
1143 from the date of appointment, except that a vacancy must ~~shall~~
1144 be filled by appointment for the remainder of the unexpired
1145 term. The council shall annually elect a chair and a vice chair.
1146 The council shall adopt internal procedures or bylaws necessary
1147 for efficient operations. Members of the council shall serve
1148 without compensation or honorarium but shall be entitled to per
1149 diem and travel expenses pursuant to s. 112.061 for the
1150 performance of duties for the council. The executive
1151 administrator of the commission may remove a council member for
1152 cause.

1153 (3) Within 30 days after its initial meeting, the council
1154 shall elect from among its members a chair and a vice chair.

1155 (4) The council shall meet at the call of its chair, at the
1156 request of a majority of its membership, at the request of the
1157 commission or its executive administrator, or at such times as
1158 may be prescribed by rule, but not less than once a year, to
1159 offer its views on issues related to small, rural, or urban ~~and~~
1160 ~~minority~~ business development of concern to this state. A

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1161 majority of the members of the council shall constitute a
1162 quorum.

1163 (5) The powers and duties of the council include, but are
1164 not limited to the following: researching and reviewing the role
1165 of small, rural, or urban ~~and minority~~ businesses in the state's
1166 economy; reviewing issues and emerging topics relating to small,
1167 rural, or urban ~~and minority~~ business economic development;
1168 studying the ability of financial markets and institutions to
1169 meet small business credit needs and determining the impact of
1170 government demands on credit for small, rural, or urban
1171 businesses; assessing the implementation of s. 187.201(21),
1172 requiring a state economic development comprehensive plan, as it
1173 relates to small and certified rural or urban business
1174 enterprises as defined in s. 288.703 ~~minority businesses~~;
1175 assessing the reasonableness and effectiveness of efforts by any
1176 state agency or by all state agencies collectively to assist
1177 rural or urban ~~minority~~ business enterprises; and advising the
1178 Governor, the secretary, and the Legislature on matters relating
1179 to small, rural, or urban ~~and minority~~ business development
1180 which are of importance to the international strategic planning
1181 and activities of this state.

1182 (6) On or before January 1 of each year, the council shall
1183 present an annual report to the secretary that sets forth in
1184 appropriate detail the business transacted by the council during
1185 the year and any recommendations to the secretary, including
1186 those to improve business opportunities for small, rural, or
1187 urban ~~and minority~~ business enterprises.

1188 Section 34. Paragraph (b) of subsection (4) of section
1189 288.001, Florida Statutes, is amended, and paragraph (b) of

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1190 subsection (3) is reenacted, to read:

1191 288.001 The Florida Small Business Development Center
1192 Network.—

1193 (3) OPERATION; POLICIES AND PROGRAMS.—

1194 (b) The network's statewide director shall consult with the
1195 Board of Governors, the department, and the network's statewide
1196 advisory board to ensure that the network's policies and
1197 programs align with the statewide goals of the State University
1198 System and the statewide strategic economic development plan as
1199 provided under s. 20.60.

1200 (4) STATEWIDE ADVISORY BOARD.—

1201 (b) The statewide advisory board shall be composed ~~consist~~
1202 of 19 members from across the state. At least 12 members must be
1203 representatives of the private sector who are knowledgeable of
1204 the needs and challenges of small businesses. The members must
1205 represent various segments and industries of the economy in this
1206 state and must bring knowledge and skills to the statewide
1207 advisory board which would enhance the board's collective
1208 knowledge of small business assistance needs and challenges.
1209 ~~Minority and gender~~ Representation for this state's rural or
1210 urban areas must be considered when making appointments to the
1211 board. The board must include the following members:

1212 1. Three members appointed from the private sector by the
1213 President of the Senate.

1214 2. Three members appointed from the private sector by the
1215 Speaker of the House of Representatives.

1216 3. Three members appointed from the private sector by the
1217 Governor.

1218 4. Three members appointed from the private sector by the

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1219 network's statewide director.

1220 5. One member appointed by the host institution.

1221 6. The Secretary of Commerce, or his or her designee.

1222 7. The Chief Financial Officer, or his or her designee.

1223 8. The President of the Florida Chamber of Commerce, or his
1224 or her designee.

1225 9. The Small Business Development Center Project Officer
1226 from the U.S. Small Business Administration at the South Florida
1227 District Office, or his or her designee.

1228 10. The executive director of the National Federation of
1229 Independent Businesses, Florida, or his or her designee.

1230 11. The executive director of the Florida United Business
1231 Association, or his or her designee.

1232 Section 35. Subsection (8) of section 288.0065, Florida
1233 Statutes, is amended to read:

1234 288.0065 Annual incentives report.—By December 30 of each
1235 year, the department shall provide the Governor, the President
1236 of the Senate, and the Speaker of the House of Representatives a
1237 detailed incentives report quantifying the economic benefits for
1238 all of the economic development incentive programs administered
1239 by the department and its public-private partnerships. The
1240 annual incentives report must include:

1241 (8) A description of the trends relating to business
1242 interest in, and usage of, the various incentives, and the
1243 number of ~~minority-owned or woman-owned~~ small businesses and
1244 businesses in rural or urban areas receiving incentives.

1245 Section 36. Section 288.1167, Florida Statutes, is amended
1246 to read:

1247 288.1167 Sports franchise contract provisions for food and

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1248 beverage concession and contract awards to ~~minority~~ business
1249 enterprises in rural or urban areas.—Any applicant who receives
1250 funding pursuant to the provisions of s. 212.20 must demonstrate
1251 that:

1252 (1) Funds and facilities with respect to food and beverage
1253 and related concessions shall be awarded to certified rural or
1254 urban small ~~minority~~ business enterprises ~~as defined in s.~~
1255 ~~288.703~~ on the same terms and conditions as the general food and
1256 beverage concessionaire and in accordance with the rural or
1257 urban ~~minority~~ business enterprise procurement goals set forth
1258 in s. 287.09451;

1259 (2) At least 15 percent of a company contracted to manage a
1260 professional sports franchise facility or a spring training
1261 franchise facility is owned by certified rural or urban ~~minority~~
1262 business enterprises ~~or by a minority person~~ as that term is
1263 ~~those terms are~~ defined in s. 288.703; or

1264 (3) At least 15 percent of all operational service
1265 contracts with a professional sports franchise facility or a
1266 spring training franchise facility are awarded to certified
1267 rural or urban ~~minority~~ business enterprises as that term is
1268 defined in s. 288.703 or to a ~~minority~~ person located in a rural
1269 or urban area ~~as those terms are defined in s. 288.703~~.

1270 Section 37. Paragraph (b) of subsection (2) of section
1271 288.1229, Florida Statutes, is amended to read:

1272 288.1229 Promotion and development of sports-related
1273 industries and amateur athletics; direct-support organization
1274 established; powers and duties.—

1275 (2) The Florida Sports Foundation must:

1276 (b) Be governed by a board of directors, which must be

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1277 composed ~~consist~~ of up to 15 members appointed by the Governor.
1278 In making appointments, the Governor shall ~~must~~ consider a
1279 potential member's background in community service and sports
1280 activism in, and financial support of, the sports industry,
1281 professional sports, or organized amateur athletics. Members
1282 must be residents of the state and highly knowledgeable about or
1283 active in professional or organized amateur sports.

1284 1. The board must contain representatives of all
1285 geographical regions of the state ~~and must represent ethnic and~~
1286 ~~gender diversity.~~

1287 2. The terms of office of the members shall be 4 years. No
1288 member may serve more than two consecutive terms. The Governor
1289 may remove any member for cause and shall fill all vacancies
1290 that occur.

1291 Section 38. Subsection (2) of section 288.7015, Florida
1292 Statutes, is amended to read:

1293 288.7015 Appointment of rules ombudsman; duties.—The
1294 Governor shall appoint a rules ombudsman, as defined in s.
1295 288.703, in the Executive Office of the Governor, for
1296 considering the impact of agency rules on the state's citizens
1297 and businesses. The duties of the rules ombudsman are to:

1298 (2) Review state agency rules that adversely or
1299 disproportionately impact businesses, particularly those
1300 relating to small and certified rural or urban business
1301 enterprise as that term is defined in s. 288.703 ~~minority~~
1302 ~~businesses.~~

1303 Section 39. Section 288.702, Florida Statutes, is amended
1304 to read:

1305 288.702 Short title.—This section and ss. 288.703–288.705

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1306 ~~ss. 288.703-288.706~~ may be cited as the "Florida Small and
1307 ~~Minority Business Assistance Act.~~"

1308 Section 40. Section 288.703, Florida Statutes, is amended
1309 to read:

1310 288.703 Definitions.—As used in ss. 288.702-288.705 ~~ss.~~
1311 ~~288.702-288.706~~, the term:

1312 (1) "Certified rural or urban business enterprise" means a
1313 business located in a defined geographic area within this state
1314 where one of the following conditions has been documented in the
1315 most recent census conducted by the Bureau of the Census of the
1316 United States Department of Commerce:

1317 a. Per capita income in the area is less than 80 percent of
1318 this state's per capita income.

1319 b. The unemployment rate in the area has been greater than
1320 the unemployment rate for this state by more than 1 percent over
1321 the previous 24 months from the time the comparison is made.

1322 ~~"Certified minority business enterprise" means a business~~
1323 ~~which has been certified by the certifying organization or~~
1324 ~~jurisdiction in accordance with s. 287.0943(1) and (2).~~

1325 (2) "Financial institution" means any bank, trust company,
1326 insurance company, savings and loan association, credit union,
1327 federal lending agency, or foundation.

1328 ~~(3) "Minority business enterprise" means any small business~~
1329 ~~concern as defined in subsection (6) which is organized to~~
1330 ~~engage in commercial transactions, which is domiciled in~~
1331 ~~Florida, and which is at least 51 percent owned by minority~~
1332 ~~persons who are members of an insular group that is of a~~
1333 ~~particular racial, ethnic, or gender makeup or national origin,~~
1334 ~~which has been subjected historically to disparate treatment due~~

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1335 ~~to identification in and with that group resulting in an~~
1336 ~~underrepresentation of commercial enterprises under the group's~~
1337 ~~control, and whose management and daily operations are~~
1338 ~~controlled by such persons. A minority business enterprise may~~
1339 ~~primarily involve the practice of a profession. Ownership by a~~
1340 ~~minority person does not include ownership which is the result~~
1341 ~~of a transfer from a nonminority person to a minority person~~
1342 ~~within a related immediate family group if the combined total~~
1343 ~~net asset value of all members of such family group exceeds \$1~~
1344 ~~million. For purposes of this subsection, the term "related~~
1345 ~~immediate family group" means one or more children under 16~~
1346 ~~years of age and a parent of such children or the spouse of such~~
1347 ~~parent residing in the same house or living unit.~~

1348 (3)~~(4)~~ "Minority person" means a lawful, permanent resident
1349 of Florida who is:

1350 (a) An African American, a person having origins in any of
1351 the black racial groups of the African Diaspora, regardless of
1352 cultural origin.

1353 (b) A Hispanic American, a person of Spanish or Portuguese
1354 culture with origins in Spain, Portugal, Mexico, South America,
1355 Central America, or the Caribbean, regardless of race.

1356 (c) An Asian American, a person having origins in any of
1357 the original peoples of the Far East, Southeast Asia, the Indian
1358 Subcontinent, or the Pacific Islands, including the Hawaiian
1359 Islands before 1778.

1360 (d) A Native American, a person who has origins in any of
1361 the Indian Tribes of North America before 1835, upon
1362 presentation of proper documentation thereof as established by
1363 rule of the Department of Management Services.

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1364 (e) An American woman.

1365 ~~(4)(5)~~ "Ombudsman" means an office or individual whose
1366 responsibilities include coordinating with the Office of
1367 Supplier Development Diversity for the interests of and
1368 providing assistance to rural or urban ~~small and minority~~
1369 business enterprises in dealing with governmental agencies and
1370 in developing proposals for changes in state agency rules.

1371 ~~(5)(6)~~ "Small business" means an independently owned and
1372 operated business concern that employs 200 or fewer permanent
1373 full-time employees and that, together with its affiliates, has
1374 a net worth of not more than \$5 million or any firm based in
1375 this state which has a Small Business Administration 8(a)
1376 certification. As applicable to sole proprietorships, the \$5
1377 million net worth requirement includes ~~shall include~~ both
1378 personal and business investments.

1379 Section 41. Section 288.705, Florida Statutes, is amended
1380 to read:

1381 288.705 Statewide contracts register.—All state agencies
1382 shall in a timely manner provide the Florida Small Business
1383 Development Center Procurement System with all formal
1384 solicitations for contractual services, supplies, and
1385 commodities. The Small Business Development Center shall
1386 coordinate with Minority Business Development Centers to compile
1387 and distribute this information to small and rural or urban
1388 ~~minority~~ businesses requesting such service for the period of
1389 time necessary to familiarize the business with the market
1390 represented by state agencies. On or before February 1 of each
1391 year, the Small Business Development Center shall report to the
1392 department on the use of the statewide contracts register. The

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1393 report must ~~shall~~ include, but not be limited to, information
1394 relating to:

1395 (1) The total number of solicitations received from state
1396 agencies during the calendar year.

1397 (2) The number of solicitations received from each state
1398 agency during the calendar year.

1399 (3) The method of distributing solicitation information to
1400 businesses requesting such service.

1401 (4) The total number of businesses using the service.

1402 ~~(5) The percentage of businesses using the service which
1403 are owned and controlled by minorities.~~

1404 (5)~~(6)~~ The percentage of service-disabled veteran business
1405 enterprises using the service.

1406 Section 42. Subsection (1) of section 288.776, Florida
1407 Statutes, is amended to read:

1408 288.776 Board of directors; powers and duties.—

1409 (1) (a) The corporation shall have a board of directors
1410 consisting of 15 members representing all geographic areas of
1411 this the state. ~~Minority and gender representation must be
1412 considered when making appointments to the board.~~ The board
1413 membership must include:

1414 1. A representative of the following businesses, all of
1415 which must be registered to do business in this state: a foreign
1416 bank, a state bank, a federal bank, an insurance company
1417 involved in covering trade financing risks, and a small or
1418 medium-sized exporter.

1419 2. The following persons or their designee: the Secretary
1420 of Commerce, the Chief Financial Officer, the Secretary of
1421 State, and a senior official of the United States Department of

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1422 Commerce.

1423 (b) Appointees who are not state or Federal Government
1424 officials shall serve for a term of 3 years and shall be
1425 eligible for reappointment. Nonstate and nonfederal official
1426 vacancies on the board shall be filled by the board within 30
1427 days after the effective date of the vacancy.

1428 Section 43. Section 288.9628, Florida Statutes, is created
1429 to read:

1430 288.9628 Research, Innovation, Science, and Engineering
1431 (RISE) Investment Tax Credit Program.-

1432 (1) LEGISLATIVE FINDINGS.-The Legislature finds that
1433 strengthening the state's early-stage business ecosystem and
1434 supporting cutting-edge innovation are essential for fostering
1435 innovation and economic growth. The early-stage business
1436 ecosystem, fueled by the state's colleges, universities, and
1437 private industry growth, represents significant opportunity for
1438 the state to retain entrepreneurial talent and provides an
1439 overall benefit for jobseekers, job creators, families,
1440 communities, and the state's economy.

1441 (2) RISE PROGRAM CREATED.-There is established within the
1442 department the Research, Innovation, Science, and Engineering
1443 (RISE) Investment Tax Credit Program. The purpose of the program
1444 is to increase venture capital investment in this state. The
1445 department shall coordinate with the Florida Opportunity Fund
1446 and the State Board of Administration in reviewing and approving
1447 applications for tax credits under this section.

1448 (3) DEFINITIONS.-As used in this section, the term:

1449 (a) "Accredited investor" has the same meaning as in s.
1450 517.021.

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1451 (b) "Advisory affiliate" has the same meaning as in s.
1452 517.12(22).

1453 (c) "Affiliate" has the same meaning as in s. 517.021.

1454 (d) "Applicant" means an advisory affiliate, an exempt
1455 reporting adviser, or an investment adviser who submits or
1456 updates an application on behalf of a qualifying private fund.

1457 (e) "Associated person" has the same meaning as in s.
1458 517.021.

1459 (f) "Company" means any business in this state, or a
1460 business with more than 50 percent of its workforce in this
1461 state, with 500 or fewer employees, and which is engaged in a
1462 project.

1463 (g) "Department" means the Department of Commerce.

1464 (h) "Exempt reporting adviser" has the same meaning as in
1465 s. 517.12(22).

1466 (i) "Investment adviser" has the same meaning as in s.
1467 517.021.

1468 (j) "Investor" means any person or entity that has made a
1469 capital contribution to a qualifying private fund.

1470 (k) "Private fund adviser" has the same meaning as in s.
1471 517.12(22).

1472 (l) "Project" means research and development that leads to
1473 or is anticipated to lead to the creation of new or useful
1474 improvement of technologies, agricultural technologies, devices,
1475 processes, machines, manufacturing, or composition of matter. A
1476 project may result from the innovative activities of a company
1477 or research at a university or college in this state.

1478 (m) "Qualifying investment" has the same meaning as in 17
1479 C.F.R. s. 275.203(1)-1(c)(3) and, for purposes of this section,

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1480 includes investment in one or more companies or projects.

1481 (n) "Qualifying portfolio company" has the same meaning as
1482 in 17 C.F.R. s. 275.203(l)-1(c)(4) and, for purposes of this
1483 section, includes a company as defined in this subsection.

1484 (o) "Qualifying private fund" has the same meaning as in s.
1485 517.12(22) and includes an angel investor group as defined in s.
1486 517.021.

1487 (p) "Total capital commitment" means the total amount of
1488 cash funding the qualifying private fund intends to raise to
1489 make one or more qualifying investments in one or more
1490 qualifying portfolio companies.

1491 (4) APPLICATION.—

1492 (a) An applicant must apply to the department for
1493 authorization to claim RISE tax credits under this section. The
1494 department must review and approve or deny a complete
1495 application within 60 calendar days after the complete
1496 application has been submitted.

1497 (b) An applicant must demonstrate to the department's
1498 satisfaction within 12 months after the complete application has
1499 been submitted that the qualifying private fund has received at
1500 least the total capital commitment contained in its application.

1501 (c) The application must include, at a minimum:

1502 1. The names of any accredited investors, advisory
1503 affiliates, affiliates, associated persons, exempt reporting
1504 advisers, investment advisers, or private fund advisers
1505 associated with the qualifying private fund, if there are any at
1506 the time of application.

1507 2. The names of any investors in the qualifying private
1508 fund, if there are any at the time of application.

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1509 3. The estimated total number of qualifying investments in
1510 qualifying portfolio companies.

1511 4. The total capital commitment of the qualifying private
1512 fund.

1513 (d) If, at any time after an applicant has submitted a
1514 complete application, there has been a material change that
1515 affects the accuracy or completeness of the information
1516 contained in the application, the applicant must update its
1517 application.

1518 (5) TAX CREDITS; GENERALLY.—

1519 (a) The amount of tax credits available pursuant to this
1520 section in a fiscal year may not exceed \$100 million.

1521 (b) The department may not issue a tax credit to a
1522 qualifying private fund until the qualifying private fund
1523 demonstrates that it has received its total capital commitment.

1524 (c) The department may not authorize more than \$10 million
1525 in tax credits to a qualifying private fund in a fiscal year.

1526 (6) TAX CREDITS; SUBMISSION AND AUTHORIZATION.—

1527 (a) To receive tax credits, a qualifying private fund must
1528 provide documentation that demonstrates to the department's
1529 reasonable satisfaction that the qualifying investment meets the
1530 requirements of this section. For purposes of this section,
1531 follow-on or add-on commitments may only be considered by the
1532 department after the follow-on or add-on investment has been
1533 deployed.

1534 (b) A qualifying private fund must make at least one
1535 qualified investment in at least one qualifying portfolio
1536 project to be eligible to receive tax credits under this
1537 section.

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1538 (c) Each submission by a qualifying private fund to receive
1539 tax credits for a qualifying investment in a qualifying
1540 portfolio company must include, at a minimum, all of the
1541 following::

1542 1. The amount of cash deployed by the qualifying private
1543 fund to a qualifying investment in a qualifying portfolio
1544 company.

1545 2. The total number of employees employed by the qualifying
1546 portfolio company.

1547 3. The total number of Florida-based, full-time equivalent
1548 employees employed by the qualifying portfolio company.

1549 (7) TAX CREDITS; RECEIPT; REVOCATION.-

1550 (a) A qualifying private fund may receive tax credits
1551 equivalent to 25 percent of a qualifying investment in a
1552 qualifying portfolio company.

1553 (b) Upon a determination by the department that the
1554 qualifying investment meets the requirements of this section,
1555 the department shall authorize the Department of Revenue to
1556 issue tax credits to the qualifying private fund.

1557 (c) The Department of Revenue may not issue more than one-
1558 fifth of the tax credits authorized for a qualifying investment
1559 in a qualifying portfolio company in a fiscal year.

1560 (d) Credits received pursuant to this section may be
1561 applied against the qualifying private fund's corporate income
1562 tax liability. A qualifying private fund may elect to sell or
1563 transfer, in whole or in part, any tax credit issued under this
1564 section. An election to sell or transfer any tax credit received
1565 pursuant to this section must be made no later than 5 years
1566 after the date the credit is received by the qualifying private

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1567 fund, after which the credit expires and may not be used. A
1568 qualifying private fund may not sell or transfer credits that
1569 have been authorized by the department but not yet issued by the
1570 Department of Revenue.

1571 (e) The department may revoke or modify any written
1572 decision qualifying, certifying, or otherwise granting
1573 eligibility for tax credits under this section if it is
1574 discovered that the qualifying private fund submitted any false
1575 statement, representation, or certification in any application
1576 filed in an attempt to receive tax credits under this section,
1577 or if the information in a previously completed application
1578 materially changes. The department must immediately notify the
1579 Department of Revenue of any revoked or modified orders
1580 affecting previously granted tax credits. Additionally, the
1581 qualifying private fund must notify the Department of Revenue of
1582 any change in its tax credit claimed.

1583 (8) COMPLIANCE.—

1584 (a) A qualifying private fund must annually report to the
1585 department for each qualifying investment for 5 years after
1586 authorization to receive credits. Failure to do so will result
1587 in the qualifying private fund's tax credit being revoked.

1588 (b) In order to receive a tax credit, a qualifying fund
1589 must submit to the department all of the following:

1590 1. A certification that there have been no material changes
1591 to the information contained in the application or, if material
1592 changes have occurred since the submission of the application, a
1593 disclosure containing all material changes.

1594 2. Documentation supporting the total number of full-time
1595 equivalent employees employed by the qualifying portfolio

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1596 company.

1597 3. Documentation supporting the total number of full-time
1598 equivalent employees employed in this state by the qualifying
1599 portfolio company.

1600 4. Documentation supporting that the qualifying private
1601 fund has not exited its position from the qualifying portfolio
1602 company through acquisition by a company not based in this
1603 state.

1604 (9) SANCTIONS.-

1605 (a) If a qualifying investment fails to meet the
1606 requirements of paragraph (8)(a) or paragraph (8)(b), the
1607 department must revoke its approval of tax credits for the
1608 qualifying investment. The department shall issue a notice of
1609 revocation and recapture to the qualifying private fund and the
1610 Department of Revenue. The qualifying private fund must repay to
1611 the department an amount equal to 50 percent of the tax credits
1612 authorized by the department and claimed by a qualifying
1613 portfolio company for the qualifying investment. Recaptured
1614 funds must be deposited into the General Revenue Fund.

1615 (b) If the department determines that the qualifying
1616 private fund submitted any false statement, representation, or
1617 certification in any application as provided in paragraph
1618 (7)(e), the department must revoke its approval of tax credits
1619 for the qualifying investment. The department shall issue a
1620 notice of revocation and recapture to the qualifying private
1621 fund and the Department of Revenue. The qualifying private fund
1622 must repay to the department an amount equal to 100 percent of
1623 the tax credits authorized by the department and claimed by a
1624 qualifying portfolio company for the qualifying investment.

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1625 Recaptured funds must be deposited into the General Revenue
1626 Fund.

1627 (10) CONSTRUCTION.—For purposes of this section and part
1628 III of chapter 692, committed capital invested in a qualifying
1629 portfolio company by a venture capital fund may not be construed
1630 as having ownership of the qualifying portfolio company.

1631 (11) REPORTING.—Beginning December 30, 2026, the department
1632 shall include the amounts of tax credits authorized and
1633 received, the total number of jobs created, and the total number
1634 of jobs created in this state in its annual incentives report
1635 required under s. 288.0065.

1636 (12) PRIORITY OF TAX CREDITS.—Fifty percent of the tax
1637 credits provided in this section must be made available from
1638 July 1 to December 31 of each year to provide tax credits for
1639 qualifying investments in qualifying portfolio companies located
1640 in a rural community as defined in s. 288.0656. All remaining
1641 tax credits must be made available from January 1 to June 30 of
1642 each year on a first-come, first-served basis, subject to the
1643 eligibility of the qualifying investment.

1644 (13) RULEMAKING.—The department is authorized to adopt
1645 rules to implement this section.

1646 Section 44. Subsection (10) of section 290.0056, Florida
1647 Statutes, is amended to read:

1648 290.0056 Enterprise zone development agency.—

1649 (10) Contingent upon approval by the governing body, the
1650 agency may invest in community investment corporations which
1651 conduct, or agree to conduct, loan guarantee programs assisting
1652 rural or urban ~~minority~~ business enterprises located in the
1653 enterprise zone. In making such investments, the agency shall

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1654 first attempt to invest in existing community investment
1655 corporations providing services in the enterprise zone. Such
1656 investments shall be made under conditions required by law and
1657 as the agency may require, including, but not limited to:

1658 (a) The funds invested by the agency shall be used to
1659 provide loan guarantees to individuals for rural or urban
1660 ~~minority~~ business enterprises located in the enterprise zone.

1661 (b) The community investment corporation may not approve
1662 any application for a loan guarantee unless the person applying
1663 for the loan guarantee shows that he or she has applied for the
1664 loan or loan guarantee through normal banking channels and that
1665 the loan or loan guarantee has been refused by at least one bank
1666 or other financial institution.

1667 Section 45. Paragraph (f) of subsection (1) of section
1668 290.0057, Florida Statutes, is amended to read:

1669 290.0057 Enterprise zone development plan.—

1670 (1) Any application for designation as a new enterprise
1671 zone must be accompanied by a strategic plan adopted by the
1672 governing body of the municipality or county, or the governing
1673 bodies of the county and one or more municipalities together. At
1674 a minimum, the plan must:

1675 (f) Identify the amount of local and private resources that
1676 will be available in the nominated area and the private/public
1677 partnerships to be used, which may include participation by, and
1678 cooperation with, universities, community colleges, small
1679 business development centers, ~~black~~ business investment
1680 corporations in rural or urban areas as defined in s. 288.703,
1681 certified development corporations, and other private and public
1682 entities.

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1683 Section 46. Subsection (4) of section 331.302, Florida
1684 Statutes, is amended to read:

1685 331.302 Space Florida; creation; purpose.—

1686 (4) Space Florida is not an agency as defined in ss.
1687 216.011, ~~and~~ 287.012, and 287.055. Space Florida is exempt from
1688 the bidding requirements in s. 255.20 when Space Florida engages
1689 in professional or construction services, or both, under an
1690 arrangement with a person in which:

1691 (a) The person offering personal or construction goods or
1692 services is not subject to the requirements of s. 287.055;

1693 (b) Space Florida and the person execute a contract with
1694 terms acceptable to Space Florida; and

1695 (c) The person provides to Space Florida by contract an
1696 unqualified representation and warranty that the payments by the
1697 person to Space Florida in return for the possession and use of
1698 the project by the person will not be derived, directly or
1699 indirectly, from state or local government funds.

1700
1701 For purposes of this subsection, monies received by the person
1702 contracted to provide goods produced and services provided from
1703 government entities in the ordinary course of its operation of
1704 the project are not state or local government funds.

1705 Section 47. Section 331.351, Florida Statutes, is amended
1706 to read:

1707 331.351 Participation by rural or urban ~~women, minorities,~~
1708 ~~and socially and economically disadvantaged~~ business enterprises
1709 encouraged.—It is the intent of the Legislature and the public
1710 policy of this state that rural or urban ~~women, minorities, and~~
1711 ~~socially and economically disadvantaged~~ business enterprises be

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1712 encouraged to participate fully in all phases of economic and
1713 community development. Accordingly, to achieve such purpose,
1714 Space Florida shall, in accordance with applicable state and
1715 federal law, involve and utilize rural or urban ~~women,~~
1716 ~~minorities, and socially and economically disadvantaged~~ business
1717 enterprises in all phases of the design, development,
1718 construction, maintenance, and operation of spaceports developed
1719 under this act.

1720 Section 48. Paragraph (b) of subsection (4) and subsection
1721 (9) of section 445.08, Florida Statutes, are amended to read:

1722 445.08 Florida Law Enforcement Recruitment Bonus Payment
1723 Program.—

1724 (4) The department shall develop an annual plan for the
1725 administration of the program and distribution of bonus
1726 payments. Applicable employing agencies shall assist the
1727 department with the collection of any data necessary to
1728 determine bonus payment amounts and to distribute the bonus
1729 payments, and shall otherwise provide the department with any
1730 information or assistance needed to fulfill the requirements of
1731 this section. At a minimum, the plan must include:

1732 (b) The minimum eligibility requirements a newly employed
1733 officer must meet to receive and retain a bonus payment, which
1734 must include:

1735 1. Obtaining certification for employment or appointment as
1736 a law enforcement officer pursuant to s. 943.1395.

1737 2. Gaining full-time employment with a Florida criminal
1738 justice agency.

1739 3. Maintaining ~~continuous~~ full-time employment with a
1740 Florida criminal justice agency for at least 2 years from the

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1741 date on which the officer obtained certification. The required
1742 2-year employment period may be satisfied by maintaining
1743 employment at one or more employing agencies, but such period
1744 must not contain any break in service longer than 180 ~~15~~
1745 ~~calendar~~ days. A law enforcement officer must provide
1746 documentation to the department justifying the break in service.
1747 The department shall establish the acceptable circumstances for
1748 any such break in service. Any break in service will not count
1749 toward satisfying the 2-year full-time employment requirement of
1750 this section.

1751
1752 The department may establish other criteria deemed necessary to
1753 determine bonus payment eligibility and distribution.

1754 ~~(9) This section expires July 1, 2025.~~

1755 Section 49. Paragraph (a) of subsection (4) of section
1756 447.203, Florida Statutes, is amended to read:

1757 447.203 Definitions.—As used in this part:

1758 (4) "Managerial employees" are those employees who:

1759 (a) Perform jobs that are not of a routine, clerical, or
1760 ministerial nature and require the exercise of independent
1761 judgment in the performance of such jobs and to whom one or more
1762 of the following applies:

1763 1. They formulate or assist in formulating policies which
1764 are applicable to bargaining unit employees.

1765 2. They may reasonably be required on behalf of the
1766 employer to assist in the preparation for the conduct of
1767 collective bargaining negotiations.

1768 3. They have a role in the administration of agreements
1769 resulting from collective bargaining negotiations.

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1770 4. They have a significant role in personnel
1771 administration.

1772 5. They have a significant role in employee relations.

1773 6. They are included in the definition of administrative
1774 personnel contained in s. 1012.01(3).

1775 7. They have a significant role in the preparation or
1776 administration of budgets for any public agency or institution
1777 or subdivision thereof.

1778 8. They have a significant and specific role executing
1779 statewide business and economic development projects in support
1780 of business recruitment, retention, and expansion.

1781
1782 However, in determining whether an individual is a managerial
1783 employee pursuant to paragraph (a) or paragraph (b), above, the
1784 commission may consider historic relationships of the employee
1785 to the public employer and to co-employees ~~coemployees~~.

1786 Section 50. Local governments may enter into agreements to
1787 create regional planning entities pursuant to chapter 163,
1788 Florida Statutes.

1789 Section 51. Subsection (2) of section 17.11, Florida
1790 Statutes, is amended to read:

1791 17.11 To report disbursements made.—

1792 (2) The Chief Financial Officer shall also cause to have
1793 reported from the Florida Accounting Information Resource
1794 Subsystem no less than quarterly the disbursements which
1795 agencies made to small businesses, as defined in the Florida
1796 Small ~~and Minority~~ Business Assistance Act, + and to certified
1797 rural or urban minority business enterprises in the aggregate ~~+~~
1798 ~~and to certified minority business enterprises broken down into~~

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1799 ~~categories of minority persons, as well as gender and~~
1800 ~~nationality subgroups.~~ This information must ~~shall~~ be made
1801 available to the agencies, the Office of Supplier Development
1802 ~~Diversity~~, the Governor, the President of the Senate, and the
1803 Speaker of the House of Representatives. Each agency shall be
1804 responsible for the accuracy of information entered into the
1805 Florida Accounting Information Resource Subsystem for use in
1806 this reporting.

1807 Section 52. Paragraph (f) of subsection (1) of section
1808 68.082, Florida Statutes, is amended to read:

1809 68.082 False claims against the state; definitions;
1810 liability.—

1811 (1) As used in this section, the term:

1812 (f) "State" means the government of the state or any
1813 department, division, bureau, commission, regional ~~planning~~
1814 agency, board, district, authority, agency, or other
1815 instrumentality of the state.

1816 Section 53. Paragraph (a) of subsection (1) of section
1817 120.52, Florida Statutes, is amended to read:

1818 120.52 Definitions.—As used in this act:

1819 (1) "Agency" means the following officers or governmental
1820 entities if acting pursuant to powers other than those derived
1821 from the constitution:

1822 (a) The Governor; each state officer and state department,
1823 and each departmental unit described in s. 20.04; the Board of
1824 Governors of the State University System; the Commission on
1825 Ethics; the Fish and Wildlife Conservation Commission; a
1826 regional water supply authority; ~~a regional planning agency;~~ a
1827 multicounty special district, but only if a majority of its

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1828 governing board is comprised of nonelected persons; educational
1829 units; and each entity described in chapters 163, 373, 380, and
1830 582 and ~~s. 186.504~~.

1831
1832 This definition does not include a municipality or legal entity
1833 created solely by a municipality; a legal entity or agency
1834 created in whole or in part pursuant to part II of chapter 361;
1835 a metropolitan planning organization created pursuant to s.
1836 339.175; a separate legal or administrative entity created
1837 pursuant to s. 339.175 of which a metropolitan planning
1838 organization is a member; an expressway authority pursuant to
1839 chapter 348 or any transportation authority or commission under
1840 chapter 343 or chapter 349; or a legal or administrative entity
1841 created by an interlocal agreement pursuant to s. 163.01(7),
1842 unless any party to such agreement is otherwise an agency as
1843 defined in this subsection.

1844 Section 54. Subsection (4) of section 120.525, Florida
1845 Statutes, is amended to read:

1846 120.525 Meetings, hearings, and workshops.—

1847 ~~(4) For purposes of establishing a quorum at meetings of~~
1848 ~~regional planning councils that cover three or more counties, a~~
1849 ~~voting member who appears via telephone, real-time~~
1850 ~~videoconferencing, or similar real-time electronic or video~~
1851 ~~communication that is broadcast publicly at the meeting location~~
1852 ~~may be counted toward the quorum requirement if at least one-~~
1853 ~~third of the voting members of the regional planning council are~~
1854 ~~physically present at the meeting location. A member must~~
1855 ~~provide oral, written, or electronic notice of his or her intent~~
1856 ~~to appear via telephone, real-time videoconferencing, or similar~~

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1857 ~~real-time electronic or video communication to the regional~~
1858 ~~planning council at least 24 hours before the scheduled meeting.~~

1859 Section 55. Subsection (9) of section 120.65, Florida
1860 Statutes, is amended to read:

1861 120.65 Administrative law judges.—

1862 (9) The division shall be reimbursed for administrative law
1863 judge services and travel expenses by the following entities:
1864 water management districts, ~~regional planning councils~~, school
1865 districts, community colleges, the Division of Florida Colleges,
1866 state universities, the Board of Governors of the State
1867 University System, the State Board of Education, the Florida
1868 School for the Deaf and the Blind, and the Commission for
1869 Independent Education. These entities shall contract with the
1870 division to establish a contract rate for services and
1871 provisions for reimbursement of administrative law judge travel
1872 expenses and video teleconferencing expenses attributable to
1873 hearings conducted on behalf of these entities. The contract
1874 rate must be based on a total-cost-recovery methodology.

1875 Section 56. Subsections (43) and (47) of section 163.3164,
1876 Florida Statutes, are amended to read:

1877 163.3164 Community Planning Act; definitions.—As used in
1878 this act:

1879 ~~(43) "Regional planning agency" means the council created~~
1880 ~~pursuant to chapter 186.~~

1881 ~~(46)~~(47) "Structure" has the same meaning as in s. 380.031
1882 ~~s. 380.031(19)~~.

1883 Section 57. Paragraph (h) of subsection (6) of section
1884 163.3177, Florida Statutes, is amended to read:

1885 163.3177 Required and optional elements of comprehensive

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1886 plan; studies and surveys.—

1887 (6) In addition to the requirements of subsections (1)-(5),
1888 the comprehensive plan must ~~shall~~ include the following
1889 elements:

1890 (h)1. An intergovernmental coordination element showing
1891 relationships and stating principles and guidelines to be used
1892 in coordinating the adopted comprehensive plan with the plans of
1893 school boards, regional water supply authorities, and other
1894 units of local government providing services but not having
1895 regulatory authority over the use of land, with the
1896 comprehensive plans of adjacent municipalities, the county,
1897 adjacent counties, or the region, with the state comprehensive
1898 plan and with the applicable regional water supply plan approved
1899 pursuant to s. 373.709, as the case may require and as such
1900 adopted plans or plans in preparation may exist. This element of
1901 the local comprehensive plan must demonstrate consideration of
1902 the particular effects of the local plan, when adopted, upon the
1903 development of adjacent municipalities, the county, adjacent
1904 counties, or the region, or upon the state comprehensive plan,
1905 as the case may require.

1906 a. The intergovernmental coordination element must provide
1907 procedures for identifying and implementing joint planning
1908 areas, especially for the purpose of annexation, municipal
1909 incorporation, and joint infrastructure service areas.

1910 b. The intergovernmental coordination element must ~~shall~~
1911 provide for a dispute resolution process, ~~as established~~
1912 ~~pursuant to s. 186.509,~~ for bringing intergovernmental disputes
1913 to closure in a timely manner.

1914 c. The intergovernmental coordination element must ~~shall~~

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1915 provide for interlocal agreements as established pursuant to s.
1916 333.03(1)(b).

1917 2. The intergovernmental coordination element must ~~shall~~
1918 also state principles and guidelines to be used in coordinating
1919 the adopted comprehensive plan with the plans of school boards
1920 and other units of local government providing facilities and
1921 services but not having regulatory authority over the use of
1922 land. In addition, the intergovernmental coordination element
1923 must describe joint processes for collaborative planning and
1924 decisionmaking on population projections and public school
1925 siting, the location and extension of public facilities subject
1926 to concurrency, and siting facilities with countywide
1927 significance, including locally unwanted land uses whose nature
1928 and identity are established in an agreement.

1929 3. Within 1 year after adopting their intergovernmental
1930 coordination elements, each county, all the municipalities
1931 within that county, the district school board, and any unit of
1932 local government service providers in that county shall
1933 establish by interlocal or other formal agreement executed by
1934 all affected entities, the joint processes described in this
1935 subparagraph consistent with their adopted intergovernmental
1936 coordination elements. The agreement must:

1937 a. Ensure that the local government addresses through
1938 coordination mechanisms the impacts of development proposed in
1939 the local comprehensive plan upon development in adjacent
1940 municipalities, the county, adjacent counties, the region, and
1941 the state. The area of concern for municipalities must ~~shall~~
1942 include adjacent municipalities, the county, and counties
1943 adjacent to the municipality. The area of concern for counties

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1944 ~~must shall~~ include all municipalities within the county,
1945 adjacent counties, and adjacent municipalities.

1946 b. Ensure coordination in establishing level of service
1947 standards for public facilities with any state, regional, or
1948 local entity having operational and maintenance responsibility
1949 for such facilities.

1950 Section 58. Subsection (5) of section 163.3178, Florida
1951 Statutes, is amended to read:

1952 163.3178 Coastal management.—

1953 (5) A ~~The appropriate~~ dispute resolution process ~~provided~~
1954 ~~under s. 186.509~~ must be used to reconcile inconsistencies
1955 between port master plans and local comprehensive plans. In
1956 recognition of the state's commitment to deepwater ports, the
1957 state comprehensive plan must include goals, objectives, and
1958 policies that establish a statewide strategy for enhancement of
1959 existing deepwater ports, ensuring that priority is given to
1960 water-dependent land uses. As an incentive for promoting plan
1961 consistency, port facilities as defined in s. 315.02(6) on lands
1962 owned or controlled by a deepwater port as defined in s.
1963 311.09(1), as of the effective date of this act are ~~shall~~ not be
1964 subject to development-of-regional-impact review provided the
1965 port either successfully completes an alternative comprehensive
1966 development agreement with a local government pursuant to ss.
1967 163.3220-163.3243 or successfully enters into a development
1968 agreement with the state land planning agency and applicable
1969 local government pursuant to s. 380.032 or, where the port is a
1970 department of a local government, successfully enters into a
1971 development agreement with the state land planning agency
1972 pursuant to s. 380.032. Port facilities as defined in s.

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1973 315.02(6) on lands not owned or controlled by a deepwater port
1974 as defined in s. 311.09(1) as of the effective date of this act
1975 are ~~shall~~ not ~~be~~ subject to development-of-regional-impact
1976 review provided the port successfully enters into a development
1977 agreement with the state land planning agency and applicable
1978 local government pursuant to s. 380.032 or, where the port is a
1979 department of a local government, successfully enters into a
1980 development agreement with the state land planning agency
1981 pursuant to s. 380.032.

1982 Section 59. Paragraph (c) of subsection (1) and paragraph
1983 (b) of subsection (3) of section 163.3184, Florida Statutes, are
1984 amended to read:

1985 163.3184 Process for adoption of comprehensive plan or plan
1986 amendment.—

1987 (1) DEFINITIONS.—As used in this section, the term:

1988 (c) "Reviewing agencies" means:

1989 1. The state land planning agency;

1990 ~~2. The appropriate regional planning council;~~

1991 ~~2.3.~~ 2.3. The appropriate water management district;

1992 ~~3.4.~~ 3.4. The Department of Environmental Protection;

1993 ~~4.5.~~ 4.5. The Department of State;

1994 ~~5.6.~~ 5.6. The Department of Transportation;

1995 ~~6.7.~~ 6.7. In the case of plan amendments relating to public
1996 schools, the Department of Education;

1997 ~~7.8.~~ 7.8. In the case of plans or plan amendments that affect a
1998 military installation listed in s. 163.3175, the commanding
1999 officer of the affected military installation;

2000 ~~8.9.~~ 8.9. In the case of county plans and plan amendments, the
2001 Fish and Wildlife Conservation Commission and the Department of

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2002 Agriculture and Consumer Services; and

2003 ~~9.10.~~ In the case of municipal plans and plan amendments,
2004 the county in which the municipality is located.

2005 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
2006 COMPREHENSIVE PLAN AMENDMENTS.—

2007 (b)1. The local government, after the initial public
2008 hearing held pursuant to subsection (11), shall transmit within
2009 10 working days the amendment or amendments and appropriate
2010 supporting data and analyses to the reviewing agencies. The
2011 local governing body shall also transmit a copy of the
2012 amendments and supporting data and analyses to any other local
2013 government or governmental agency that has filed a written
2014 request with the governing body.

2015 2. The reviewing agencies and any other local government or
2016 governmental agency specified in subparagraph 1. may provide
2017 comments regarding the amendment or amendments to the local
2018 government. State agencies shall only comment on important state
2019 resources and facilities that will be adversely impacted by the
2020 amendment if adopted. Comments provided by state agencies shall
2021 state with specificity how the plan amendment will adversely
2022 impact an important state resource or facility and shall
2023 identify measures the local government may take to eliminate,
2024 reduce, or mitigate the adverse impacts. Such comments, if not
2025 resolved, may result in a challenge by the state land planning
2026 agency to the plan amendment. Agencies and local governments
2027 must transmit their comments to the affected local government
2028 such that they are received by the local government not later
2029 than 30 days after the date on which the agency or government
2030 received the amendment or amendments. Reviewing agencies shall

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2031 also send a copy of their comments to the state land planning
2032 agency.

2033 3. Comments to the local government from a ~~regional~~
2034 ~~planning council~~, county, or municipality are ~~shall be~~ limited
2035 as follows:

2036 a. ~~The regional planning council review and comments shall~~
2037 ~~be limited to adverse effects on regional resources or~~
2038 ~~facilities identified in the strategic regional policy plan and~~
2039 ~~extrajurisdictional impacts that would be inconsistent with the~~
2040 ~~comprehensive plan of any affected local government within the~~
2041 ~~region. A regional planning council may not review and comment~~
2042 ~~on a proposed comprehensive plan amendment prepared by such~~
2043 ~~council unless the plan amendment has been changed by the local~~
2044 ~~government subsequent to the preparation of the plan amendment~~
2045 ~~by the regional planning council.~~

2046 ~~b.~~ County comments must ~~shall~~ be in the context of the
2047 relationship and effect of the proposed plan amendments on the
2048 county plan.

2049 ~~b.c.~~ Municipal comments must ~~shall~~ be in the context of the
2050 relationship and effect of the proposed plan amendments on the
2051 municipal plan.

2052 ~~c.d.~~ Military installation comments must ~~shall~~ be provided
2053 in accordance with s. 163.3175.

2054 4. Comments to the local government from state agencies
2055 must ~~shall~~ be limited to the following subjects as they relate
2056 to important state resources and facilities that will be
2057 adversely impacted by the amendment if adopted:

2058 a. The Department of Environmental Protection shall limit
2059 its comments to the subjects of air and water pollution;

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2060 wetlands and other surface waters of the state; federal and
2061 state-owned lands and interest in lands, including state parks,
2062 greenways and trails, and conservation easements; solid waste;
2063 water and wastewater treatment; and the Everglades ecosystem
2064 restoration.

2065 b. The Department of State shall limit its comments to the
2066 subjects of historic and archaeological resources.

2067 c. The Department of Transportation shall limit its
2068 comments to issues within the agency's jurisdiction as it
2069 relates to transportation resources and facilities of state
2070 importance.

2071 d. The Fish and Wildlife Conservation Commission shall
2072 limit its comments to subjects relating to fish and wildlife
2073 habitat and listed species and their habitat.

2074 e. The Department of Agriculture and Consumer Services
2075 shall limit its comments to the subjects of agriculture,
2076 forestry, and aquaculture issues.

2077 f. The Department of Education shall limit its comments to
2078 the subject of public school facilities.

2079 g. The appropriate water management district shall limit
2080 its comments to flood protection and floodplain management,
2081 wetlands and other surface waters, and regional water supply.

2082 h. The state land planning agency shall limit its comments
2083 to important state resources and facilities outside the
2084 jurisdiction of other commenting state agencies and may include
2085 comments on countervailing planning policies and objectives
2086 served by the plan amendment that should be balanced against
2087 potential adverse impacts to important state resources and
2088 facilities.

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2089 Section 60. Subsection (2) of section 163.3245, Florida
2090 Statutes, is amended to read:

2091 163.3245 Sector plans.—

2092 (2) The ~~Upon the request of a~~ local government having
2093 jurisdiction, ~~the applicable regional planning council~~ shall
2094 conduct a scoping meeting with affected local governments and
2095 those agencies identified in s. 163.3184(1)(c) before
2096 preparation of the sector plan. The purpose of this meeting is
2097 to assist the state land planning agency and the local
2098 government in the identification of the relevant planning issues
2099 to be addressed and the data and resources available to assist
2100 in the preparation of the sector plan. ~~If a scoping meeting is~~
2101 ~~conducted, the regional planning council shall make written~~
2102 ~~recommendations to the state land planning agency and affected~~
2103 ~~local governments on the issues requested by the local~~
2104 ~~government.~~ The scoping meeting must ~~shall~~ be noticed and open
2105 to the public. If the entire planning area proposed for the
2106 sector plan is within the jurisdiction of two or more local
2107 governments, some or all of them may enter into a joint planning
2108 agreement pursuant to s. 163.3171 with respect to the geographic
2109 area to be subject to the sector plan, the planning issues that
2110 will be emphasized, procedures for intergovernmental
2111 coordination to address extrajurisdictional impacts, supporting
2112 application materials including data and analysis, procedures
2113 for public participation, or other issues.

2114 Section 61. Paragraph (i) of subsection (2) of section
2115 163.568, Florida Statutes, is amended to read:

2116 163.568 Purposes and powers.—

2117 (2) The authority is granted the authority to exercise all

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2118 powers necessary, appurtenant, convenient, or incidental to the
2119 carrying out of the aforesaid purposes, including, but not
2120 limited to, the following rights and powers:

2121 (i) To develop transportation plans, and to coordinate its
2122 planning and programs with those of appropriate municipal,
2123 county, and state agencies and other political subdivisions of
2124 the state. All transportation plans are subject to review and
2125 approval by the Department of Transportation ~~and by the regional~~
2126 ~~planning agency~~, if any, for consistency with programs or
2127 planning for the area and region.

2128 Section 62. Subsection (2) of section 164.1031, Florida
2129 Statutes, is amended to read:

2130 164.1031 Definitions.—For purposes of this act:

2131 (2) "Regional governmental entities" includes ~~regional~~
2132 ~~planning councils~~, metropolitan planning organizations, water
2133 supply authorities that include more than one county, local
2134 health councils, water management districts, and other regional
2135 entities that are authorized and created by general or special
2136 law that have duties or responsibilities extending beyond the
2137 jurisdiction of a single county.

2138 Section 63. Subsection (5) of section 186.003, Florida
2139 Statutes, is amended to read:

2140 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—

2141 As used in ss. 186.001-186.031 and 186.801-186.901, the term:

2142 ~~(5) "Regional planning agency" means the regional planning~~
2143 ~~council created pursuant to ss. 186.501-186.515 to exercise~~
2144 ~~responsibilities under ss. 186.001-186.031 and 186.801-186.901~~
2145 ~~in a particular region of the state.~~

2146 Section 64. Subsection (7) of section 186.006, Florida

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2147 Statutes, is amended to read:

2148 186.006 Powers and responsibilities of Executive Office of
2149 the Governor.—For the purpose of establishing consistency and
2150 uniformity in the state and regional planning process and in
2151 order to ensure that the intent of ss. 186.001-186.031 and
2152 186.801-186.901 is accomplished, the Executive Office of the
2153 Governor shall:

2154 (7) Act as the state clearinghouse ~~and designate the~~
2155 ~~regional planning councils as the regional data clearinghouses.~~

2156 Section 65. Subsections (7) and (8) of section 186.007,
2157 Florida Statutes, are amended to read:

2158 186.007 State comprehensive plan; preparation; revision.—

2159 (7) In preparing and revising the state comprehensive plan,
2160 the Executive Office of the Governor shall, to the extent
2161 feasible, consider studies, reports, and plans of each
2162 department, agency, and institution of state and local
2163 government, ~~each regional planning agency,~~ and the Federal
2164 Government and shall take into account the existing and
2165 prospective resources, capabilities, and needs of state and
2166 local levels of government.

2167 (8) The revision of the state comprehensive plan is a
2168 continuing process. Each section of the plan must ~~shall~~ be
2169 reviewed and analyzed biennially by the Executive Office of the
2170 Governor in conjunction with the planning officers of other
2171 state agencies significantly affected by the ~~provisions of the~~
2172 particular section under review. In conducting this review and
2173 analysis, the Executive Office of the Governor shall review and
2174 consider, with the assistance of the state land planning agency,
2175 any relevant reports, data, or analyses ~~and regional planning~~

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2176 ~~councils, the evaluation and appraisal reports prepared pursuant~~
2177 ~~to s. 186.511.~~ Any necessary revisions of the state
2178 comprehensive plan shall be proposed by the Governor in a
2179 written report and be accompanied by an explanation of the need
2180 for such changes. If the Governor determines that changes are
2181 unnecessary, the written report must explain why changes are
2182 unnecessary. The proposed revisions and accompanying
2183 explanations may be submitted in the report required by s.
2184 186.031. Any proposed revisions to the plan must ~~shall~~ be
2185 submitted to the Legislature as provided in s. 186.008(2) at
2186 least 30 days before ~~prior to~~ the regular legislative session
2187 occurring in each even-numbered year.

2188 Section 66. Subsection (1) of section 186.008, Florida
2189 Statutes, is amended to read:

2190 186.008 State comprehensive plan; revision;
2191 implementation.—

2192 (1) On or before October 1 of every odd-numbered year, the
2193 Executive Office of the Governor shall prepare, and the Governor
2194 shall recommend to the Administration Commission, any proposed
2195 revisions to the state comprehensive plan deemed necessary. The
2196 Governor shall transmit his or her recommendations and
2197 explanation as required by s. 186.007(8). Copies must ~~shall~~ also
2198 be provided to each state agency, ~~to each regional planning~~
2199 ~~agency,~~ to any other unit of government that requests a copy,
2200 and to any member of the public who requests a copy.

2201 Section 67. Section 186.803, Florida Statutes, is amended
2202 to read:

2203 186.803 Use of geographic information by governmental
2204 entities.—When state agencies, water management districts,

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2205 ~~regional planning councils,~~ local governments, and other
2206 governmental entities use maps, including geographic information
2207 maps and other graphic information materials, as the source of
2208 data for planning or any other purposes, they must take into
2209 account that the accuracy and reliability of such maps and data
2210 may be limited by various factors, including the scale of the
2211 maps, the timeliness and accuracy of the underlying information,
2212 the availability of more accurate site-specific information, and
2213 the presence or absence of ground truthing or peer review of the
2214 underlying information contained in such maps and other graphic
2215 information. This section does not apply to maps adopted
2216 pursuant to part II of chapter 163.

2217 Section 68. Paragraph (b) of subsection (20) and paragraph
2218 (b) of subsection (21) of section 187.201, Florida Statutes, are
2219 amended to read:

2220 187.201 State Comprehensive Plan adopted.—The Legislature
2221 hereby adopts as the State Comprehensive Plan the following
2222 specific goals and policies:

2223 (20) GOVERNMENTAL EFFICIENCY.—

2224 (b) *Policies*.—

2225 1. Encourage greater cooperation between, among, and within
2226 all levels of Florida government through the use of appropriate
2227 interlocal agreements and mutual participation for mutual
2228 benefit.

2229 2. Allow the creation of independent special taxing
2230 districts which have uniform general law standards and
2231 procedures and do not overburden other governments and their
2232 taxpayers while preventing the proliferation of independent
2233 special taxing districts which do not meet these standards.

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2234 3. Encourage the use of municipal services taxing units and
2235 other dependent special districts to provide needed
2236 infrastructure where the fiscal capacity exists to support such
2237 an approach.

2238 4. Eliminate regulatory activities that are not tied to
2239 specific public and natural resource protection needs.

2240 5. Eliminate needless duplication of, and promote
2241 cooperation in, governmental activities between, among, and
2242 within state, regional, county, city, and other governmental
2243 units.

2244 6. Ensure, wherever possible, that the geographic
2245 boundaries of water management districts, ~~regional planning~~
2246 ~~councils,~~ and substate districts of the executive departments
2247 are ~~shall be~~ coterminous for related state or agency programs
2248 and functions and promote interagency agreements in order to
2249 reduce the number of districts and councils with jurisdiction in
2250 any one county.

2251 7. Encourage and provide for the restructuring of city and
2252 county political jurisdictions with the goals of greater
2253 efficiency and high-quality and more equitable and responsive
2254 public service programs.

2255 8. Replace multiple, small scale, economically inefficient
2256 local public facilities with regional facilities where they are
2257 proven to be more economical, particularly in terms of energy
2258 efficiency, and yet can retain the quality of service expected
2259 by the public.

2260 9. Encourage greater efficiency and economy at all levels
2261 of government through adoption and implementation of effective
2262 records management, information management, and evaluation

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2263 procedures.

2264 10. Throughout government, establish citizen management
2265 efficiency groups and internal management groups to make
2266 recommendations for greater operating efficiencies and improved
2267 management practices.

2268 11. Encourage governments to seek outside contracting on a
2269 competitive-bid basis when cost-effective and appropriate.

2270 12. Discourage undue expansion of state government and make
2271 every effort to streamline state government in a cost-effective
2272 manner.

2273 13. Encourage joint venture solutions to mutual problems
2274 between levels of government and private enterprise.

2275 (21) THE ECONOMY.—

2276 (b) *Policies*.—

2277 1. Attract new job-producing industries, corporate
2278 headquarters, distribution and service centers, regional
2279 offices, and research and development facilities to provide
2280 quality employment for the residents of Florida.

2281 2. Promote entrepreneurship, small and ~~small and minority-~~
2282 ~~owned~~ business startups, and business startups in rural or urban
2283 areas as described in s. 288.703 by providing technical and
2284 information resources, facilitating capital formation, and
2285 removing regulatory restraints which are unnecessary for the
2286 protection of consumers and society.

2287 3. Maintain, as one of the state's primary economic assets,
2288 the environment, including clean air and water, beaches,
2289 forests, historic landmarks, and agricultural and natural
2290 resources.

2291 4. Strengthen Florida's position in the world economy

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2292 through attracting foreign investment and promoting
2293 international banking and trade.

2294 5. Build on the state's attractiveness to make it a leader
2295 in the visual and performing arts and in all phases of film,
2296 television, and recording production.

2297 6. Promote economic development for Florida residents
2298 through partnerships among education, business, industry,
2299 agriculture, and the arts.

2300 7. Provide increased opportunities for training Florida's
2301 workforce to provide skilled employees for new and expanding
2302 business.

2303 8. Promote economic self-sufficiency through training and
2304 educational programs which result in productive employment.

2305 9. Promote cooperative employment arrangements between
2306 private employers and public sector employment efforts to
2307 provide productive, permanent employment opportunities for
2308 public assistance recipients through provisions of education
2309 opportunities, tax incentives, and employment training.

2310 10. Provide for nondiscriminatory employment opportunities.

2311 11. Provide quality child day care for public assistance
2312 families and others who need it in order to work.

2313 12. Encourage the development of a business climate that
2314 provides opportunities for the growth and expansion of existing
2315 state industries, particularly those industries which are
2316 compatible with Florida's environment.

2317 13. Promote coordination among Florida's ports to increase
2318 their utilization.

2319 14. Encourage the full utilization by businesses of the
2320 economic development enhancement programs implemented by the

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2321 Legislature for the purpose of extensively involving private
2322 businesses in the development and expansion of permanent job
2323 opportunities, especially for the economically disadvantaged,
2324 through the utilization of enterprise zones, community
2325 development corporations, and other programs designed to enhance
2326 economic and employment opportunities.

2327 Section 69. Paragraph (g) of subsection (3) of section
2328 212.096, Florida Statutes, is amended to read:

2329 212.096 Sales, rental, storage, use tax; enterprise zone
2330 jobs credit against sales tax.—

2331 (3) In order to claim this credit, an eligible business
2332 must file under oath with the governing body or enterprise zone
2333 development agency having jurisdiction over the enterprise zone
2334 where the business is located, as applicable, a statement which
2335 includes:

2336 (g) Whether the business is a small business as defined by
2337 s. 288.703 ~~s. 288.703(6)~~.

2338 Section 70. Paragraph (c) of subsection (1) and subsection
2339 (2) of section 218.32, Florida Statutes, are amended to read:

2340 218.32 Annual financial reports; local governmental
2341 entities.—

2342 (1)

2343 (c) Each ~~regional planning council created under s.~~
2344 ~~186.504, each~~ local government finance commission, board, or
2345 council, and each municipal power corporation created as a
2346 separate legal or administrative entity by interlocal agreement
2347 under s. 163.01(7) shall submit to the department a copy of its
2348 audit report and an annual financial report for the previous
2349 fiscal year in a format prescribed by the department.

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2350 (2) The department shall annually by December 1 file a
2351 verified report with the Governor, the Legislature, the Auditor
2352 General, and the Special District Accountability Program of the
2353 Department of Commerce showing the revenues, both locally
2354 derived and derived from intergovernmental transfers, and the
2355 expenditures of each local governmental entity, ~~regional~~
2356 ~~planning council~~, local government finance commission, and
2357 municipal power corporation that is required to submit an annual
2358 financial report. In preparing the verified report, the
2359 department may request additional information from the local
2360 governmental entity. The information requested must be provided
2361 to the department within 45 days after the request. If the local
2362 governmental entity does not comply with the request, the
2363 department shall notify the Legislative Auditing Committee,
2364 which may take action pursuant to s. 11.40(2). The report must
2365 include, but is not limited to:

2366 (a) The total revenues and expenditures of each local
2367 governmental entity that is a component unit included in the
2368 annual financial report of the reporting entity.

2369 (b) The amount of outstanding long-term debt by each local
2370 governmental entity. For purposes of this paragraph, the term
2371 "long-term debt" means any agreement or series of agreements to
2372 pay money, which, at inception, contemplate terms of payment
2373 exceeding 1 year in duration.

2374 Section 71. Section 255.101, Florida Statutes, is amended
2375 to read:

2376 255.101 Contracts for public construction works;
2377 utilization of rural or urban ~~minority~~ business enterprises.—

2378 (1) All county officials, boards of county commissioners,

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2379 school boards, city councils, city commissioners, and all other
2380 public officers of state boards or commissions which are charged
2381 with the letting of contracts for public works and for the
2382 construction of public bridges, buildings, and other structures
2383 shall operate in accordance with s. 287.093, except that all
2384 contracts for the construction of state facilities should comply
2385 with ~~provisions in~~ s. 287.09451, and rules adopted pursuant
2386 thereto, for the utilization of rural or urban ~~minority~~ business
2387 enterprises. When construction is financed in whole or in part
2388 from federal funds and where federal provisions for utilization
2389 of rural or urban ~~minority~~ business enterprises apply, this
2390 section may ~~shall~~ not apply.

2391 (2) Counties, municipalities, and special districts as
2392 defined in chapter 189, or other political subdivisions of the
2393 state are encouraged to be sensitive to the effect of job-size
2394 barriers on rural or urban ~~minority~~ businesses. To this end,
2395 these governmental entities are encouraged to competitively
2396 award public construction projects exceeding \$100,000.

2397 Section 72. Section 255.102, Florida Statutes, is amended
2398 to read:

2399 255.102 Contractor utilization of rural or urban ~~minority~~
2400 business enterprises.—

2401 (1) Agencies shall consider the use of price preferences,
2402 weighted preference formulas, or other preferences for
2403 construction contracts, as determined appropriate by the Office
2404 of Supplier Development Diversity to increase ~~minority~~
2405 participation in rural or urban areas.

2406 (2) The Office of Supplier Development Diversity, in
2407 collaboration with the Board of Governors of the State

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2408 University System, shall adopt rules to determine what is a
2409 "good faith effort" for purposes of contractor compliance with
2410 rural or urban areas ~~minority~~ participation goals established
2411 for competitively awarded building and construction projects.
2412 Pro forma efforts may ~~shall~~ not be considered good faith.
2413 Factors which must ~~shall~~ be considered by the state agency in
2414 determining whether a contractor has made good faith efforts
2415 ~~shall~~ include, but not be limited to:

2416 (a) Whether the contractor attended any presolicitation or
2417 prebid meetings that were scheduled by the agency to inform
2418 rural or urban ~~minority~~ business enterprises of contracting and
2419 subcontracting opportunities.

2420 (b) Whether the contractor advertised in general
2421 circulation, trade association, or rural-focused or urban-
2422 focused ~~minority-focus~~ media concerning the subcontracting
2423 opportunities.

2424 (c) Whether the contractor provided written notice to all
2425 relevant subcontractors listed on the ~~minority~~ vendor list for
2426 that locality and statewide as provided by the agency as of the
2427 date of issuance of the invitation to bid, that their interest
2428 in the contract was being solicited in sufficient time to allow
2429 the rural or urban ~~minority~~ business enterprises to participate
2430 effectively.

2431 (d) Whether the contractor followed up initial
2432 solicitations of interest by contacting rural or urban ~~minority~~
2433 business enterprises, the Office of Supplier Development
2434 Diversity, or ~~minority~~ persons who responded and provided
2435 detailed information about prebid meetings, access to plans,
2436 specifications, contractor's project manager, subcontractor

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2437 bonding, if any, payment schedule, bid addenda, and other
2438 assistance provided by the contractor to enhance rural or urban
2439 ~~minority~~ business enterprise participation.

2440 (e) Whether the contractor selected portions of the work to
2441 be performed by rural or urban ~~minority~~ business enterprises in
2442 order to increase the likelihood of meeting the rural or urban
2443 ~~minority~~ business enterprise procurement goals, including, where
2444 appropriate, breaking down contracts into economically feasible
2445 units to facilitate rural or urban ~~minority~~ business enterprise
2446 participation under reasonable and economical conditions of
2447 performance.

2448 (f) Whether the contractor provided the Office of Supplier
2449 Development Diversity as well as interested rural or urban
2450 ~~minority~~ business enterprises or ~~minority~~ persons with adequate
2451 information about the plans, specifications, and requirements of
2452 the contract or the availability of jobs at a time no later than
2453 when such information was provided to other subcontractors.

2454 (g) Whether the contractor negotiated in good faith with
2455 interested rural or urban ~~minority~~ business enterprises or
2456 ~~minority~~ persons, not rejecting rural or urban ~~minority~~ business
2457 enterprises or ~~minority~~ persons as unqualified without sound
2458 reasons based on a thorough investigation of their capabilities
2459 or imposing implausible conditions of performance on the
2460 contract.

2461 (h) Whether the contractor diligently seeks to replace a
2462 rural or urban ~~minority~~ business enterprise subcontractor that
2463 is unable to perform successfully with another rural or urban
2464 ~~minority~~ business enterprise.

2465 (i) Whether the contractor effectively used the services of

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2466 available rural or urban ~~minority~~ community organizations; rural
2467 or urban ~~minority~~ contractors' groups; local, state, and federal
2468 rural or urban ~~minority~~ business assistance offices; and other
2469 organizations that provide assistance in the recruitment and
2470 placement of rural or urban ~~minority~~ business enterprises or
2471 ~~minority~~ persons.

2472 (3) If an agency considers any other criteria in
2473 determining whether a contractor has made a good faith effort,
2474 the agency must ~~shall~~ adopt such criteria in accordance with s.
2475 120.54, and, where required by that section, by rule, after May
2476 31, 1994. In adopting such criteria, the agency shall identify
2477 the specific factors in as objective a manner as possible to be
2478 used to assess a contractor's performance against said criteria.

2479 (4) Notwithstanding ~~the provisions of s. 287.09451 to the~~
2480 ~~contrary~~, agencies shall monitor good faith efforts of
2481 contractors in competitively awarded building and construction
2482 projects, in accordance with rules established pursuant to this
2483 section. It is the responsibility of the contractor to exercise
2484 good faith efforts in accordance with rules established pursuant
2485 to this section, and to provide documentation necessary to
2486 assess efforts to include rural or urban ~~minority~~ business
2487 participation.

2488 Section 73. Paragraph (a) of subsection (7) of section
2489 258.501, Florida Statutes, is amended to read:

2490 258.501 Myakka River; wild and scenic segment.—

2491 (7) MANAGEMENT COORDINATING COUNCIL.—

2492 (a) Upon designation, the department shall create a
2493 permanent council to provide interagency and intergovernmental
2494 coordination in the management of the river. The coordinating

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2495 council shall be composed of one representative appointed from
2496 each of the following: the department, the Department of
2497 Transportation, the Fish and Wildlife Conservation Commission,
2498 the Department of Commerce, the Florida Forest Service of the
2499 Department of Agriculture and Consumer Services, the Division of
2500 Historical Resources of the Department of State, ~~the Tampa Bay~~
2501 ~~Regional Planning Council~~, the Southwest Florida Water
2502 Management District, ~~the Southwest Florida Regional Planning~~
2503 ~~Council~~, Manatee County, Sarasota County, Charlotte County, the
2504 City of Sarasota, the City of North Port, agricultural
2505 interests, environmental organizations, and any others deemed
2506 advisable by the department.

2507 Section 74. Subsections (1) and (3) of section 260.0142,
2508 Florida Statutes, are amended to read:

2509 260.0142 Florida Greenways and Trails Council; composition;
2510 powers and duties.—

2511 (1) There is created within the department the Florida
2512 Greenways and Trails Council which shall advise the department
2513 in the execution of the department's powers and duties under
2514 this chapter. The council shall be composed of 19 ~~21~~ members,
2515 consisting of:

2516 (a)1. Five ~~Six~~ members appointed by the Governor, with two
2517 members representing the trail user community, two members
2518 representing the greenway user community, ~~one member from the~~
2519 ~~board of the Florida Wildlife Corridor Foundation~~, and one
2520 member representing private landowners.

2521 2. Three members appointed by the President of the Senate,
2522 with one member representing the trail user community and two
2523 members representing the greenway user community.

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2524 3. Three members appointed by the Speaker of the House of
2525 Representatives, with two members representing the trail user
2526 community and one member representing the greenway user
2527 community.

2528
2529 Those eligible to represent the trail user community shall be
2530 chosen from, but not be limited to, paved trail users, hikers,
2531 off-road bicyclists, users of off-highway vehicles, paddlers,
2532 equestrians, disabled outdoor recreational users, and commercial
2533 recreational interests. Those eligible to represent the greenway
2534 user community must be chosen from, but not be limited to,
2535 conservation organizations, nature study organizations, and
2536 scientists and university experts.

2537 (b) The 8 ~~9~~ remaining members include:

2538 1. The Secretary of Environmental Protection or a designee.

2539 2. The executive director of the Fish and Wildlife
2540 Conservation Commission or a designee.

2541 3. The Secretary of Transportation or a designee.

2542 4. The Director of the Florida Forest Service of the
2543 Department of Agriculture and Consumer Services or a designee.

2544 5. The director of the Division of Historical Resources of
2545 the Department of State or a designee.

2546 6. A representative of the water management districts.
2547 Membership on the council must rotate among the five districts.
2548 The districts shall determine the order of rotation.

2549 7. A representative of a federal land management agency.
2550 The Secretary of Environmental Protection shall identify the
2551 appropriate federal agency and request designation of a
2552 representative from the agency to serve on the council.

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2553 ~~8. A representative of the regional planning councils to be~~
2554 ~~appointed by the Secretary of Environmental Protection.~~
2555 ~~Membership on the council must rotate among the seven regional~~
2556 ~~planning councils. The regional planning councils shall~~
2557 ~~determine the order of rotation.~~

2558 8.9. A representative of local governments to be appointed
2559 by the Secretary of Environmental Protection. Membership must
2560 alternate between a county representative and a municipal
2561 representative.

2562 (3) The term of all appointees shall be for 2 years unless
2563 otherwise specified. The appointees of the Governor, the
2564 President of the Senate, and the Speaker of the House of
2565 Representatives may be reappointed for no more than four
2566 consecutive terms. The representatives of the water management
2567 districts, ~~regional planning councils,~~ and local governments may
2568 be reappointed for no more than two consecutive terms. All other
2569 appointees shall serve until replaced.

2570 Section 75. Paragraph (d) of subsection (3) of section
2571 287.055, Florida Statutes, is amended to read:

2572 287.055 Acquisition of professional architectural,
2573 engineering, landscape architectural, or surveying and mapping
2574 services; definitions; procedures; contingent fees prohibited;
2575 penalties.—

2576 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

2577 (d) Each agency shall evaluate professional services,
2578 including capabilities, adequacy of personnel, past record,
2579 experience, whether the firm is a certified minority business
2580 enterprise as defined by the Florida Small ~~and Minority~~ Business
2581 ~~Assistance~~ Act, and other factors determined by the agency to be

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2582 applicable to its particular requirements. When securing
2583 professional services, an agency must endeavor to meet the rural
2584 or urban ~~minority~~ business enterprise procurement goals under s.
2585 287.09451.

2586 Section 76. Subsections (8), (9), and (12) of section
2587 287.057, Florida Statutes, are amended to read:

2588 287.057 Procurement of commodities or contractual
2589 services.—

2590 (8)(a) In order to strive to meet the rural or urban
2591 ~~minority~~ business enterprise procurement goals set forth in s.
2592 287.09451, an agency may reserve any contract for competitive
2593 solicitation only among certified rural or urban ~~minority~~
2594 business enterprises. Agencies shall review all their contracts
2595 each fiscal year and shall determine which contracts may be
2596 reserved for solicitation only among certified rural or urban
2597 ~~minority~~ business enterprises. This reservation may only be used
2598 when it is determined, by reasonable and objective means, before
2599 the solicitation that there are capable, qualified certified
2600 rural or urban ~~minority~~ business enterprises available to submit
2601 a bid, proposal, or reply on a contract to provide for effective
2602 competition. The Office of Supplier Development ~~Diversity~~ shall
2603 consult with any agency in reaching such determination when
2604 deemed appropriate.

2605 (b) Before a contract may be reserved for solicitation only
2606 among certified rural or urban ~~minority~~ business enterprises,
2607 the agency head must find that such a reservation is in the best
2608 interests of the state. All determinations are ~~shall be~~ subject
2609 to s. 287.09451(5). Once a decision has been made to reserve a
2610 contract, but before sealed bids, proposals, or replies are

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2611 requested, the agency shall estimate what it expects the amount
2612 of the contract to be, based on the nature of the services or
2613 commodities involved and their value under prevailing market
2614 conditions. If all the sealed bids, proposals, or replies
2615 received are over this estimate, the agency may reject the bids,
2616 proposals, or replies and request new ones from certified rural
2617 or urban ~~minority~~ business enterprises, or the agency may reject
2618 the bids, proposals, or replies and reopen the bidding to all
2619 eligible vendors.

2620 (c) All agencies shall consider the use of price
2621 preferences of up to 10 percent, weighted preference formulas,
2622 or other preferences for vendors as determined appropriate
2623 pursuant to guidelines established in accordance with s.
2624 287.09451(4) to increase the participation of certified rural or
2625 urban ~~minority~~ business enterprises.

2626 (d) All agencies shall avoid any undue concentration of
2627 contracts or purchases in categories of commodities or
2628 contractual services in order to meet the certified rural or
2629 urban ~~minority~~ business enterprise purchasing goals in s.
2630 287.09451.

2631 (9) An agency may reserve any contract for competitive
2632 solicitation only among vendors who agree to use certified rural
2633 or urban ~~minority~~ business enterprises as subcontractors or
2634 subvendors. The percentage of funds, in terms of gross contract
2635 amount and revenues, which must be expended with the certified
2636 rural or urban ~~minority~~ business enterprise subcontractors and
2637 subvendors shall be determined by the agency before such
2638 contracts may be reserved. In order to bid on a contract so
2639 reserved, the vendor shall identify those certified rural or

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2640 urban minority business enterprises which will be utilized as
2641 subcontractors or subvendors by sworn statement. At the time of
2642 performance or project completion, the contractor shall report
2643 by sworn statement the payments and completion of work for all
2644 certified rural or urban minority business enterprises used in
2645 the contract.

2646 (12) If two equal responses to a solicitation or a request
2647 for quote are received and one response is from a certified
2648 rural or urban minority business enterprise, the agency must
2649 ~~shall~~ enter into a contract with the certified rural or urban
2650 ~~minority~~ business enterprise.

2651 Section 77. Section 287.0943, Florida Statutes, is amended
2652 to read:

2653 287.0943 Certification of rural or urban minority business
2654 enterprises.-

2655 (1) A business certified by any local governmental
2656 jurisdiction or organization shall be accepted by the Department
2657 of Management Services, Office of Supplier Development
2658 ~~Diversity~~, as a certified rural or urban minority business
2659 enterprise for purposes of doing business with state government
2660 when the Office of Supplier Development Diversity determines
2661 that the state's rural or urban minority business enterprise
2662 certification criteria are applied in the local certification
2663 process.

2664 (2) (a) The office is hereby directed to convene a "Rural or
2665 Urban Minority Business Certification Task Force." The task
2666 force shall meet as often as necessary, but no less frequently
2667 than annually.

2668 (b) The task force shall be regionally balanced and

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2669 comprised of officials representing the department, counties,
2670 municipalities, school boards, special districts, and other
2671 political subdivisions of the state who administer programs to
2672 assist rural or urban ~~minority~~ businesses in procurement or
2673 development in government-sponsored programs. The following
2674 organizations may appoint two members each of the task force who
2675 fit the description above:

- 2676 1. The Florida League of Cities, Inc.
- 2677 2. The Florida Association of Counties.
- 2678 3. The Florida School Boards Association, Inc.
- 2679 4. The Association of Special Districts.
- 2680 5. The Florida Association of Rural or Urban ~~Minority~~
2681 Business Enterprise Officials.
- 2682 6. The Florida Association of Government Purchasing
2683 Officials.

2684
2685 In addition, the Office of Supplier Development ~~Diversity~~ shall
2686 appoint seven members consisting of three representatives of
2687 rural or urban ~~minority~~ business enterprises, one of whom should
2688 be a woman business owner, two officials of the office, and two
2689 at-large members to ensure balance. A quorum shall consist of
2690 one-third of the current members, and the task force may take
2691 action by majority vote. Any vacancy may only be filled by the
2692 organization or agency originally authorized to appoint the
2693 position.

2694 (c) The purpose of the task force will be to propose
2695 uniform criteria and procedures by which participating entities
2696 and organizations can qualify businesses to participate in
2697 procurement or contracting programs as certified rural or urban

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2698 ~~minority~~ business enterprises in accordance with the
2699 certification criteria established by law.

2700 (d) A final list of the criteria and procedures proposed by
2701 the task force shall be considered by the secretary. The task
2702 force may seek technical assistance from qualified providers of
2703 technical, business, and managerial expertise to ensure the
2704 reliability of the certification criteria developed.

2705 (e) In assessing the status of ownership and control,
2706 certification criteria shall, at a minimum:

2707 1. Link ownership by a ~~minority~~ person owning a business
2708 enterprise in a rural or urban area as defined in s. 288.703, or
2709 as dictated by the legal obligations of a certifying
2710 organization, to day-to-day control and financial risk by the
2711 qualifying ~~minority~~ owner, and to demonstrated expertise or
2712 licensure of an a ~~minority~~ owner in any trade or profession that
2713 the rural or urban ~~minority~~ business enterprise will offer to
2714 the state when certified. Businesses must comply with all state
2715 licensing requirements before becoming certified as a rural or
2716 urban ~~minority~~ business enterprise.

2717 2. ~~If present ownership was obtained by transfer, require~~
2718 ~~the minority person on whom eligibility is based to have owned~~
2719 ~~at least 51 percent of the applicant firm for a minimum of 2~~
2720 ~~years, when any previous majority ownership interest in the firm~~
2721 ~~was by a nonminority who is or was a relative, former employer,~~
2722 ~~or current employer of the minority person on whom eligibility~~
2723 ~~is based. This requirement does not apply to minority persons~~
2724 ~~who are otherwise eligible who take a 51 percent or greater~~
2725 ~~interest in a firm that requires professional licensure to~~
2726 ~~operate and who will be the qualifying licenseholder for the~~

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2727 ~~firm when certified. A transfer made within a related immediate~~
2728 ~~family group from a nonminority person to a minority person in~~
2729 ~~order to establish ownership by a minority person shall be~~
2730 ~~deemed to have been made solely for purposes of satisfying~~
2731 ~~certification criteria and shall render such ownership invalid~~
2732 ~~for purposes of qualifying for such certification if the~~
2733 ~~combined total net asset value of all members of such family~~
2734 ~~group exceeds \$1 million. For purposes of this subparagraph, the~~
2735 ~~term "related immediate family group" means one or more children~~
2736 ~~under 16 years of age and a parent of such children or the~~
2737 ~~spouse of such parent residing in the same house or living unit.~~

2738 3. Require that prospective certified rural or urban
2739 ~~minority~~ business enterprises be currently performing or seeking
2740 to perform a useful business function. A "useful business
2741 function" is defined as a business function which results in the
2742 provision of materials, supplies, equipment, or services to
2743 customers. Acting as a conduit to transfer funds to a non-rural
2744 or a non-urban ~~nonminority~~ business does not constitute a useful
2745 business function unless it is done so in a normal industry
2746 practice. As used in this section, the term "acting as a
2747 conduit" means, in part, not acting as a regular dealer by
2748 making sales of material, goods, or supplies from items bought,
2749 kept in stock, and regularly sold to the public in the usual
2750 course of business. Brokers, manufacturer's representatives,
2751 sales representatives, and nonstocking distributors are
2752 considered as conduits that do not perform a useful business
2753 function, unless normal industry practice dictates.

2754 (f) When a business receives payments or awards exceeding
2755 \$100,000 in one fiscal year, a review of its certification

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2756 status or an audit will be conducted within 2 years. In
2757 addition, random reviews or audits will be conducted as deemed
2758 appropriate by the Office of Supplier Development Diversity.

2759 (g) The certification criteria approved by the task force
2760 and adopted by the Department of Management Services must ~~shall~~
2761 be included in a statewide and interlocal agreement as defined
2762 in s. 287.09431 and, in accordance with s. 163.01, shall be
2763 executed according to the terms included therein.

2764 (h) The certification procedures should allow an applicant
2765 seeking certification to designate on the application form the
2766 information the applicant considers to be proprietary,
2767 confidential business information. As used in this paragraph,
2768 the term "proprietary, confidential business information"
2769 includes, but is not limited to, any information that would be
2770 exempt from public inspection pursuant to the provisions of
2771 chapter 119; trade secrets; internal auditing controls and
2772 reports; contract costs; or other information the disclosure of
2773 which would injure the affected party in the marketplace or
2774 otherwise violate s. 286.041. The executor in receipt of the
2775 application shall issue written and final notice of any
2776 information for which noninspection is requested but not
2777 provided for by law.

2778 (i) A business that is certified under the provisions of
2779 the statewide and interlocal agreement is ~~shall be~~ deemed a
2780 certified rural or urban ~~minority~~ enterprise in all
2781 jurisdictions or organizations where the agreement is in effect,
2782 and that business is deemed available to do business as such
2783 within any such jurisdiction or with any such organization
2784 statewide. All state agencies must accept rural or urban

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2785 ~~minority~~ business enterprises certified in accordance with the
2786 statewide and interlocal agreement of s. 287.09431, and that
2787 business shall also be deemed a "certified rural or urban
2788 ~~minority~~ business enterprise" as defined in s. 288.703. However,
2789 any governmental jurisdiction or organization that administers a
2790 rural or urban ~~minority~~ business purchasing program may reserve
2791 the right to establish further certification procedures
2792 necessary to comply with federal law.

2793 (j) The statewide and interlocal agreement must ~~shall~~ be
2794 guided by the terms and conditions found therein and may be
2795 amended at any meeting of the task force and subsequently
2796 adopted by the secretary of the Department of Management
2797 Services. The amended agreement must be enacted, initialed, and
2798 legally executed by at least two-thirds of the certifying
2799 entities party to the existing agreement and adopted by the
2800 state as originally executed in order to bind the certifying
2801 entity.

2802 (k) The task force shall meet for the first time no later
2803 than 45 days after the effective date of this act.

2804 (3) (a) The office shall review and evaluate the
2805 certification programs and procedures of all prospective
2806 executors of the statewide and interlocal agreement to determine
2807 whether ~~if~~ their programs exhibit the capacity to meet the
2808 standards of the agreement.

2809 (b) The evaluations shall, at a minimum, consider: the
2810 certifying entity's capacity to conduct investigations of
2811 applicants seeking certification under the designated criteria;
2812 the ability of the certifying entity to collect the requisite
2813 data and to establish adequate protocol to store and exchange

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2814 said information among the executors of the agreement and to
2815 provide adequate security to prevent unauthorized access to
2816 information gathered during the certification process; and the
2817 degree to which any legal obligations or supplemental
2818 requirements unique to the certifying entity exceed the capacity
2819 of that entity to conduct certifications.

2820 (c) Any firms certified by organizations or governmental
2821 entities determined not to meet the state certification criteria
2822 may ~~shall~~ not be eligible to participate as certified rural or
2823 urban minority business enterprises in the rural or urban
2824 ~~minority~~ business assistance programs of the state. For a period
2825 of 1 year from the effective date of this legislation, the
2826 executor of the statewide and interlocal agreement may elect to
2827 accept only rural or urban minority business enterprises
2828 certified pursuant to criteria in place at the time the
2829 agreement was signed. After the 1-year period, either party may
2830 elect to withdraw from the agreement without further notice.

2831 (d) Any organizations or governmental entities determined
2832 by the office not to meet the standards of the agreement may
2833 ~~shall~~ not be eligible to execute the statewide and interlocal
2834 agreement as a participating organization until approved by the
2835 office.

2836 (e) Any participating program receiving three or more
2837 challenges to its certification decisions pursuant to subsection
2838 (4) from other organizations that are executors to the statewide
2839 and interlocal agreement, shall be subject to a review by the
2840 office, as provided in paragraphs (a) and (b), of the
2841 organization's capacity to perform under such agreement and in
2842 accordance with the core criteria established by the task force.

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2843 The office shall submit a report to the secretary of the
2844 Department of Management Services regarding the results of the
2845 review.

2846 (f) The office shall maintain a directory of all executors
2847 of the statewide and interlocal agreement. The directory should
2848 be communicated to the general public.

2849 (4) A certification may be challenged by any executor to
2850 the statewide and interlocal agreement upon the grounds of
2851 failure by the certifying organization to adhere to the adopted
2852 criteria or to the certifying organization's rules and
2853 procedures, or on the grounds of a misrepresentation or fraud by
2854 the certified rural or urban ~~minority~~ business enterprise. The
2855 challenge must ~~shall~~ proceed according to procedures specified
2856 in the agreement.

2857 (5) (a) The secretary of the Department of Management
2858 Services shall execute the statewide and interlocal agreement
2859 established under s. 287.09431 on behalf of the state. The
2860 office shall certify rural or urban ~~minority~~ business
2861 enterprises in accordance with the laws of this state and, by
2862 affidavit, shall recertify such rural or urban ~~minority~~ business
2863 enterprises not less than once each year.

2864 (b) The office shall contract with parties to the statewide
2865 and interlocal agreement to perform onsite visits associated
2866 with state certifications.

2867 (6) (a) The office shall maintain up-to-date records of all
2868 certified rural or urban ~~minority~~ business enterprises, as
2869 defined in s. 288.703, and of applications for certification
2870 that were denied and shall make this list available to all
2871 agencies. The office shall, for statistical purposes, collect

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2872 and track subgroupings of gender and nationality status for each
2873 certified rural or urban ~~minority~~ business enterprise. Agency
2874 spending shall also be tracked for these subgroups. The records
2875 may include information about certified rural or urban ~~minority~~
2876 business enterprises that provide legal services, auditing
2877 services, and health services. Agencies shall use this list in
2878 efforts to meet the certified rural or urban ~~minority~~ business
2879 enterprise procurement goals set forth in s. 287.09451.

2880 (b) The office shall establish and administer a
2881 computerized data bank to carry out the requirements of
2882 paragraph (a), to be available to all executors of the statewide
2883 and interlocal agreement. Data maintained in the data bank must
2884 ~~shall~~ be sufficient to allow each executor to reasonably monitor
2885 certifications it has issued.

2886 (7) The office shall identify rural or urban ~~minority~~
2887 business enterprises eligible for certification in all areas of
2888 state services and commodities purchasing. The office may
2889 contract with a private firm or other agency, if necessary, in
2890 seeking to identify rural or urban ~~minority~~ business enterprises
2891 for certification. Agencies may request the office to identify
2892 certifiable rural or urban ~~minority~~ business enterprises that
2893 are in the business of providing a given service or commodity;
2894 the office shall respond to such requests and seek out such
2895 certifiable rural or urban ~~minority~~ business enterprises.

2896 (8) The office shall adopt rules necessary to implement
2897 this section.

2898 (9) State agencies shall comply with this act except to the
2899 extent that the requirements of this act are in conflict with
2900 federal law.

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2901 (10) Any transfer of ownership or permanent change in the
2902 management and daily operations of a certified rural or urban
2903 ~~minority~~ business enterprise which may affect certification must
2904 be reported to the original certifying jurisdiction or entity
2905 and to the office within 14 days of the transfer or change
2906 taking place. In the event of a transfer of ownership, the
2907 transferee seeking to do business with the state as a certified
2908 rural or urban ~~minority~~ business enterprise is responsible for
2909 such reporting. In the event of a permanent change in the
2910 management and daily operations, owners seeking to do business
2911 with the state as a certified rural or urban ~~minority~~ business
2912 enterprise are responsible for reporting such change to the
2913 office. ~~A Any person violating the provisions of this subsection~~
2914 commits ~~shall be guilty of~~ a misdemeanor of the first degree,
2915 punishable as provided in s. 775.082 or s. 775.083.

2916 (11) To deter fraud in the program, the Auditor General may
2917 review the criteria by which a business became certified as a
2918 certified rural or urban ~~minority~~ business enterprise.

2919 (12) Any executor of the statewide and interlocal agreement
2920 may revoke the certification or recertification of a firm doing
2921 business as a certified rural or urban ~~minority~~ business
2922 enterprise if the rural or urban ~~minority~~ business enterprise
2923 does not meet the requirements of the jurisdiction or certifying
2924 entity that certified or recertified the firm as a certified
2925 rural or urban ~~minority~~ business enterprise, or the requirements
2926 of ~~subsection (2),~~ s. 288.703(2), and any rule of the office or
2927 the Department of Management Services or if the business
2928 acquired certification or recertification by means of falsely
2929 representing any entity as a rural or urban ~~minority~~ business

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2930 enterprise for purposes of qualifying for certification or
2931 recertification.

2932 (13) Unless permanently revoked, a certified rural or urban
2933 ~~minority~~ business enterprise for which certification or
2934 recertification has been revoked may not apply or reapply for
2935 certification or recertification for a minimum of 36 months
2936 after the date of the notice of revocation.

2937 (14) (a) Except for certification decisions issued by the
2938 Office of Supplier Development Diversity, an executor to the
2939 statewide and interlocal agreement shall, in accordance with its
2940 rules and procedures:

2941 1. Give reasonable notice to affected persons or parties of
2942 its decision to deny certification based on failure to meet
2943 eligibility requirements of the statewide and interlocal
2944 agreement of s. 287.09431, together with a summary of the
2945 grounds therefor.

2946 2. Give affected persons or parties an opportunity, at a
2947 convenient time and place, to present to the agency written or
2948 oral evidence in opposition to the action or of the executor's
2949 refusal to act.

2950 3. Give a written explanation of any subsequent decision of
2951 the executor overruling the objections.

2952 (b) An applicant that is denied rural or urban ~~minority~~
2953 business enterprise certification based on failure to meet
2954 eligibility requirements of the statewide and interlocal
2955 agreement pursuant to s. 287.09431 may not reapply for
2956 certification or recertification until at least 6 months after
2957 the date of the notice of the denial of certification or
2958 recertification.

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2959 (15) The office shall adopt rules in compliance with this
2960 part.

2961 Section 78. Section 287.09431, Florida Statutes, is amended
2962 to read:

2963 287.09431 Statewide and interlocal agreement on
2964 certification of business concerns for the status of rural or
2965 urban ~~minority~~ business enterprise.—The statewide and interlocal
2966 agreement on certification of business concerns for the status
2967 of rural or urban ~~minority~~ business enterprise is hereby enacted
2968 and entered into with all jurisdictions or organizations legally
2969 joining therein. If, within 2 years from the date that the
2970 certification core criteria are approved by the Department of
2971 Management Services, the agreement included herein is not
2972 executed by a majority of county and municipal governing bodies
2973 that administer a rural or urban ~~minority~~ business assistance
2974 program on the effective date of this act, then the Legislature
2975 shall review this agreement. It is the intent of the Legislature
2976 that if the agreement is not executed by a majority of the
2977 requisite governing bodies, then a statewide uniform
2978 certification process should be adopted, and that such ~~said~~
2979 agreement ~~should~~ be repealed and replaced by a mandatory state
2980 government certification process.

2981

2982 ARTICLE I

2983

2984 PURPOSE, FINDINGS, AND POLICY.—

2985 (1) The parties to this agreement, desiring by common
2986 action to establish a uniform certification process in order to
2987 reduce the multiplicity of applications by business concerns to

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2988 state and local governmental programs for rural or urban
2989 ~~minority~~ business assistance, declare that it is the policy of
2990 each of them, on the basis of cooperation with one another, to
2991 remedy social and economic disadvantage suffered by certain
2992 groups, resulting in their being historically underutilized in
2993 ownership and control of commercial enterprises. Thus, the
2994 parties seek to address this history by increasing the
2995 participation of the identified groups in opportunities afforded
2996 by government procurement.

2997 (2) The parties find that the State of Florida presently
2998 certifies firms for participation in the rural or urban ~~minority~~
2999 business assistance programs of the state. The parties find
3000 further that some counties, municipalities, school boards,
3001 special districts, and other divisions of local government
3002 require a separate, yet similar, and in most cases redundant
3003 certification in order for businesses to participate in the
3004 programs sponsored by each government entity.

3005 (3) The parties find further that this redundant
3006 certification has proven to be unduly burdensome to ~~the~~
3007 ~~minority-owned~~ firms located in rural or urban areas as defined
3008 in s. 288.703 which are intended to benefit from the underlying
3009 purchasing incentives.

3010 (4) The parties agree that:

3011 (a) They will facilitate integrity, stability, and
3012 cooperation in the statewide and interlocal certification
3013 process, and in other elements of programs established to assist
3014 ~~minority-owned~~ businesses located in rural or urban areas.

3015 (b) They shall cooperate with agencies, organizations, and
3016 associations interested in certification and other elements of

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3017 rural or urban ~~minority~~ business assistance.

3018 (c) It is the purpose of this agreement to provide for a
3019 uniform process whereby the status of a business concern may be
3020 determined in a singular review of the business information for
3021 these purposes, in order to eliminate any undue expense, delay,
3022 or confusion to the ~~minority-owned~~ businesses located in rural
3023 or urban areas in seeking to participate in the rural or urban
3024 ~~minority~~ business assistance programs of state and local
3025 jurisdictions.

3026
3027 ARTICLE II

3028
3029 DEFINITIONS.—As used in this agreement and contracts made
3030 pursuant to it, unless the context clearly requires otherwise:

3031 (1) "Awarding organization" means any political subdivision
3032 or organization authorized by law, ordinance, or agreement to
3033 enter into contracts and for which the governing body has
3034 entered into this agreement.

3035 (2) "Department" means the Department of Management
3036 Services.

3037 ~~(3) "Minority" means a person who is a lawful, permanent~~
3038 ~~resident of the state, having origins in one of the minority~~
3039 ~~groups as described and adopted by the Department of Management~~
3040 ~~Services, hereby incorporated by reference.~~

3041 (4) "Rural or urban ~~minority~~ business enterprise" means any
3042 small business concern as defined in subsection (5) ~~(6)~~ that
3043 meets all of the criteria described and adopted by the
3044 Department of Management Services, hereby incorporated by
3045 reference.

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3046 ~~(3)~~(5) "Participating state or local organization" means
3047 any political subdivision of the state or organization
3048 designated by such that elects to participate in the
3049 certification process pursuant to this agreement, which has been
3050 approved according to s. 287.0943(3) and has legally entered
3051 into this agreement.

3052 ~~(5)~~(6) "Small business concern" means an independently
3053 owned and operated business concern which is of a size and type
3054 as described and adopted by vote related to this agreement of
3055 the commission, hereby incorporated by reference.

3056
3057 ARTICLE III
3058

3059 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

3060 (1) All awarding organizations shall accept a certification
3061 granted by any participating organization which has been
3062 approved according to s. 287.0943(3) and has entered into this
3063 agreement, as valid status of rural or urban ~~minority~~ business
3064 enterprise.

3065 (2) A participating organization shall certify a business
3066 concern that meets the definition of a rural or urban ~~minority~~
3067 business enterprise in this agreement, in accordance with the
3068 duly adopted eligibility criteria.

3069 (3) All participating organizations shall issue notice of
3070 certification decisions granting or denying certification to all
3071 other participating organizations within 14 days of the
3072 decision. Such notice may be made through electronic media.

3073 (4) A ~~No~~ certification may not ~~will~~ be granted without an
3074 onsite visit to verify ownership and control of the prospective

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3075 rural or urban ~~minority~~ business enterprise, unless verification
3076 can be accomplished by other methods of adequate verification or
3077 assessment of ownership and control.

3078 (5) The certification of a rural or urban ~~minority~~ business
3079 enterprise pursuant to the terms of this agreement may ~~shall~~ not
3080 be suspended, revoked, or otherwise impaired except on any
3081 grounds which would be sufficient for revocation or suspension
3082 of a certification in the jurisdiction of the participating
3083 organization.

3084 (6) The certification determination of a party may be
3085 challenged by any other participating organization by the
3086 issuance of a timely written notice by the challenging
3087 organization to the certifying organization's determination
3088 within 10 days of receiving notice of the certification
3089 decision, stating the grounds for such challenge ~~therefor~~.

3090 (7) The sole accepted grounds for challenge are ~~shall be~~
3091 the failure of the certifying organization to adhere to the
3092 adopted criteria or the certifying organization's rules or
3093 procedures, or the perpetuation of a misrepresentation or fraud
3094 by the firm.

3095 (8) The certifying organization shall reexamine its
3096 certification determination and submit written notice to the
3097 applicant and the challenging organization of its findings
3098 within 30 days after the receipt of the notice of challenge.

3099 (9) If the certification determination is affirmed, the
3100 challenging agency may subsequently submit timely written notice
3101 to the firm of its intent to revoke certification of the firm.

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ARTICLE IV

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APPROVED AND ACCEPTED PROGRAMS.—~~Nothing in~~ This agreement may not shall be construed to repeal or otherwise modify any ordinance, law, or regulation of a party relating to the existing rural or urban ~~minority~~ business assistance provisions and procedures by which rural or urban ~~minority~~ business enterprises participate therein.

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

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

ARTICLE VIII

EFFECT AND WITHDRAWAL.—

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3133 (1) This agreement becomes ~~shall become~~ effective when
3134 properly executed by a legal representative of the participating
3135 organization, when enacted into the law of the state and after
3136 an ordinance or other legislation is enacted into law by the
3137 governing body of each participating organization. Thereafter it
3138 becomes ~~shall become~~ effective as to any participating
3139 organization upon the enactment of this agreement by the
3140 governing body of that organization.

3141 (2) Any party may withdraw from this agreement by enacting
3142 legislation repealing the same, but ~~no~~ such withdrawal may not
3143 ~~shall~~ take effect until one year after the governing body of the
3144 withdrawing party has given notice in writing of the withdrawal
3145 to the other parties.

3146 (3) A ~~No~~ withdrawal may not ~~shall~~ relieve the withdrawing
3147 party of any obligations imposed upon it by law.

3149 ARTICLE IX

3151 FINANCIAL RESPONSIBILITY.—

3152 (1) A participating organization is ~~shall~~ not be
3153 financially responsible or liable for the obligations of any
3154 other participating organization related to this agreement.

3155 (2) ~~The provisions of~~ This agreement does not ~~shall~~
3156 constitute ~~neither~~ a waiver of any governmental immunity under
3157 Florida law or ~~nor~~ a waiver of any defenses of the parties under
3158 Florida law. ~~The provisions of~~ This agreement is ~~are~~ solely for
3159 the benefit of its executors and is not intended to create or
3160 grant any rights, contractual or otherwise, to any person or
3161 entity.

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ARTICLE X

VENUE AND GOVERNING LAW.—The obligations of the parties to this agreement are performable only within the county where the participating organization is located, and statewide for the Office of Supplier Development Diversity, and venue for any legal action in connection with this agreement is shall lie, for any participating organization except the Office of Supplier Development Diversity, ~~exclusively~~ in the county where the participating organization is located. This agreement is shall be governed by and construed in accordance with the laws and court decisions of this the state.

ARTICLE XI

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

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3191 Section 79. Paragraph (b) of subsection (2) of section
3192 288.0001, Florida Statutes, is amended to read:

3193 288.0001 Economic Development Programs Evaluation.—The
3194 Office of Economic and Demographic Research and the Office of
3195 Program Policy Analysis and Government Accountability (OPPAGA)
3196 shall develop and present to the Governor, the President of the
3197 Senate, the Speaker of the House of Representatives, and the
3198 chairs of the legislative appropriations committees the Economic
3199 Development Programs Evaluation.

3200 (2) The Office of Economic and Demographic Research and
3201 OPPAGA shall provide a detailed analysis of economic development
3202 programs as provided in the following schedule:

3203 (b) By January 1, 2015, and every 3 years thereafter, an
3204 analysis of:

3205 1. The entertainment industry sales tax exemption program
3206 established under s. 288.1258.

3207 2. VISIT Florida and its programs established or funded
3208 under ss. 288.122-288.12265 ~~and 288.124~~.

3209 3. The Florida Sports Foundation and related programs,
3210 including those established under ss. 288.1162, 288.11621,
3211 288.1166, and 288.1167.

3212 Section 80. Section 288.7031, Florida Statutes, is amended
3213 to read:

3214 288.7031 Application of certain definitions.—The
3215 definitions of “small business,” and “certified rural or urban
3216 minority business enterprise,” ~~and “certified minority business~~
3217 ~~enterprise”~~ provided in s. 288.703 apply to the state and all
3218 political subdivisions of the state.

3219 Section 81. Paragraph (f) of subsection (2), paragraph (c)

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3220 of subsection (4), and subsections (7) and (8), and (9) of
3221 section 288.975, Florida Statutes, are amended to read:

3222 288.975 Military base reuse plans.—

3223 (2) As used in this section, the term:

3224 ~~(f) "Regional policy plan" means a strategic regional~~
3225 ~~policy plan that has been adopted by rule by a regional planning~~
3226 ~~council pursuant to s. 186.508.~~

3227 (4)

3228 (c) Military base reuse plans shall identify projected
3229 impacts to significant regional resources and natural resources
3230 ~~of regional significance as identified by applicable regional~~
3231 ~~planning councils in their regional policy plans~~ and the actions
3232 that shall be taken to mitigate such impacts.

3233 (7) A military base reuse plan must ~~shall~~ be consistent
3234 with the comprehensive plan of the host local government and may
3235 ~~shall~~ not conflict with the comprehensive plan of any affected
3236 local governments. A military base reuse plan must ~~shall~~ be
3237 consistent with the nonprocedural requirements of part II of
3238 chapter 163 and rules adopted thereunder, ~~applicable regional~~
3239 ~~policy plans,~~ and the state comprehensive plan.

3240 (8) At the request of a host local government, the
3241 department shall coordinate a presubmission workshop concerning
3242 a military base reuse plan within the boundaries of the host
3243 jurisdiction. Agencies that must ~~shall~~ participate in the
3244 workshop ~~shall~~ include any affected local governments; the
3245 Department of Environmental Protection; the department; the
3246 Department of Transportation; the Department of Health; the
3247 Department of Children and Families; the Department of Juvenile
3248 Justice; the Department of Agriculture and Consumer Services;

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3249 the Department of State; the Fish and Wildlife Conservation
3250 Commission; and any applicable water management districts ~~and~~
3251 ~~regional planning councils~~. The purposes of the workshop are
3252 ~~shall be~~ to assist the host local government to understand
3253 issues of concern to the above listed entities pertaining to the
3254 military base site and to identify opportunities for better
3255 coordination of planning and review efforts with the information
3256 and analyses generated by the federal environmental impact
3257 statement process and the federal community base reuse planning
3258 process.

3259 (9) If a host local government elects to use the optional
3260 provisions of this act, it must ~~shall~~, no later than 12 months
3261 after notifying the agencies of its intent pursuant to
3262 subsection (3) either:

3263 (a) Send a copy of the proposed military base reuse plan
3264 for review to any affected local governments; the Department of
3265 Environmental Protection; the department; the Department of
3266 Transportation; the Department of Health; the Department of
3267 Children and Families; the Department of Juvenile Justice; the
3268 Department of Agriculture and Consumer Services; the Department
3269 of State; the Fish and Wildlife Conservation Commission; and any
3270 applicable water management districts ~~and regional planning~~
3271 ~~councils~~, or

3272 (b) Petition the department for an extension of the
3273 deadline for submitting a proposed reuse plan. Such an extension
3274 request must be justified by changes or delays in the closure
3275 process by the federal Department of Defense or for reasons
3276 otherwise deemed to promote the orderly and beneficial planning
3277 of the subject military base reuse. The department may grant

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3278 extensions to the required submission date of the reuse plan.

3279 Section 82. Subsection (4) of section 290.004, Florida
3280 Statutes, is amended to read:

3281 290.004 Definitions relating to Florida Enterprise Zone
3282 Act.—As used in ss. 290.001-290.016:

3283 (4) "Certified rural or urban ~~Minority~~ business enterprise"
3284 has the same meaning as provided in s. 288.703.

3285 Section 83. Paragraph (b) of subsection (26) of section
3286 320.08058, Florida Statutes, is amended to read:

3287 320.08058 Specialty license plates.—

3288 (26) TAMPA BAY ESTUARY LICENSE PLATES.—

3289 (b) The annual use fees shall be distributed to the Tampa
3290 Bay Estuary Program created by s. 163.01.

3291 1. A maximum of 5 percent of such fees may be used for
3292 marketing the plate.

3293 ~~2. Twenty percent of the proceeds from the annual use fee,
3294 not to exceed \$50,000, shall be provided to the Tampa Bay
3295 Regional Planning Council for activities of the Agency on Bay
3296 Management implementing the Council/Agency Action Plan for the
3297 restoration of the Tampa Bay estuary, as approved by the Tampa
3298 Bay Estuary Program Policy Board.~~

3299 ~~2.3.~~ The remaining proceeds must be used to implement the
3300 Comprehensive Conservation and Management Plan for Tampa Bay,
3301 pursuant to priorities approved by the Tampa Bay Estuary Program
3302 Policy Board.

3303 Section 84. Paragraph (b) of subsection (3) of section
3304 335.188, Florida Statutes, is amended to read:

3305 335.188 Access management standards; access control
3306 classification system; criteria.—

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3307 (3) The control classification system shall be developed
3308 consistent with the following:

3309 (b) The access control classification system shall be
3310 developed in cooperation with counties, municipalities, the
3311 state land planning agency, ~~regional planning councils,~~
3312 metropolitan planning organizations, and other local
3313 governmental entities.

3314 Section 85. Paragraph (b) of subsection (4) of section
3315 339.155, Florida Statutes, is amended to read:

3316 339.155 Transportation planning.-

3317 (4) ADDITIONAL TRANSPORTATION PLANS.-

3318 ~~(b) Each regional planning council, as provided for in s.~~
3319 ~~186.504, or any successor agency thereto, shall develop, as an~~
3320 ~~element of its strategic regional policy plan, transportation~~
3321 ~~goals and policies. The transportation goals and policies must~~
3322 ~~be prioritized to comply with the prevailing principles provided~~
3323 ~~in subsection (1) and s. 334.046(1). The transportation goals~~
3324 ~~and policies shall be consistent, to the maximum extent~~
3325 ~~feasible, with the goals and policies of the metropolitan~~
3326 ~~planning organization and the Florida Transportation Plan. The~~
3327 ~~transportation goals and policies of the regional planning~~
3328 ~~council will be advisory only and shall be submitted to the~~
3329 ~~department and any affected metropolitan planning organization~~
3330 ~~for their consideration and comments. Metropolitan planning~~
3331 ~~organization plans and other local transportation plans shall be~~
3332 ~~developed consistent, to the maximum extent feasible, with the~~
3333 ~~regional transportation goals and policies.~~

3334 Section 86. Paragraph (g) of subsection (6) of section
3335 339.175, Florida Statutes, is amended to read:

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3336 339.175 Metropolitan planning organization.—

3337 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
 3338 privileges, and authority of an M.P.O. are those specified in
 3339 this section or incorporated in an interlocal agreement
 3340 authorized under s. 163.01. Each M.P.O. shall perform all acts
 3341 required by federal or state laws or rules, now and subsequently
 3342 applicable, which are necessary to qualify for federal aid. It
 3343 is the intent of this section that each M.P.O. be involved in
 3344 the planning and programming of transportation facilities,
 3345 including, but not limited to, airports, intercity and high-
 3346 speed rail lines, seaports, and intermodal facilities, to the
 3347 extent permitted by state or federal law. An M.P.O. may not
 3348 perform project production or delivery for capital improvement
 3349 projects on the State Highway System.

3350 (g) Each M.P.O. shall have an executive or staff director
 3351 who reports directly to the M.P.O. governing board for all
 3352 matters regarding the administration and operation of the M.P.O.
 3353 and any additional personnel as deemed necessary. The executive
 3354 director and any additional personnel may be employed either by
 3355 an M.P.O. or by another governmental entity, such as a county
 3356 or, ~~city, or regional planning council~~, that has a staff
 3357 services agreement signed and in effect with the M.P.O. Each
 3358 M.P.O. may enter into contracts with local or state agencies,
 3359 private planning firms, private engineering firms, or other
 3360 public or private entities to accomplish its transportation
 3361 planning and programming duties and administrative functions.

3362 Section 87. Subsection (6) of section 339.285, Florida
 3363 Statutes, is amended to read:

3364 339.285 Enhanced Bridge Program for Sustainable

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3365 Transportation.—

3366 (6) Preference shall be given to bridge projects located on
3367 corridors that connect to the Strategic Intermodal System,
3368 created under s. 339.64, and that have been identified as
3369 regionally significant in accordance with s. 339.155(4)(b), (c),
3370 and (d) ~~s. 339.155(4)(c), (d), and (e)~~.

3371 Section 88. Subsections (3) and (4) of section 339.63,
3372 Florida Statutes, are amended to read:

3373 339.63 System facilities designated; additions and
3374 deletions.—

3375 (3) After the initial designation of the Strategic
3376 Intermodal System under subsection (1), the department shall, in
3377 coordination with the metropolitan planning organizations, local
3378 governments, ~~regional planning councils,~~ transportation
3379 providers, and affected public agencies, add facilities to or
3380 delete facilities from the Strategic Intermodal System described
3381 in paragraphs (2)(b) and (c) based upon criteria adopted by the
3382 department.

3383 (4) After the initial designation of the Strategic
3384 Intermodal System under subsection (1), the department shall, in
3385 coordination with the metropolitan planning organizations, local
3386 governments, ~~regional planning councils,~~ transportation
3387 providers, and affected public agencies, add facilities to or
3388 delete facilities from the Strategic Intermodal System described
3389 in paragraph (2)(a) based upon criteria adopted by the
3390 department. However, an airport that is designated as a reliever
3391 airport to a Strategic Intermodal System airport which has at
3392 least 75,000 itinerant operations per year, has a runway length
3393 of at least 5,500 linear feet, is capable of handling aircraft

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3394 weighing at least 60,000 pounds with a dual wheel configuration
3395 which is served by at least one precision instrument approach,
3396 and serves a cluster of aviation-dependent industries, shall be
3397 designated as part of the Strategic Intermodal System by the
3398 Secretary of Transportation upon the request of a reliever
3399 airport meeting this criteria.

3400 Section 89. Subsection (1) and paragraph (a) of subsection
3401 (3) of section 339.64, Florida Statutes, are amended to read:

3402 339.64 Strategic Intermodal System Plan.—

3403 (1) The department shall develop, in cooperation with
3404 metropolitan planning organizations, ~~regional planning councils,~~
3405 local governments, and other transportation providers, a
3406 Strategic Intermodal System Plan. The plan shall be consistent
3407 with the Florida Transportation Plan developed pursuant to s.
3408 339.155 and shall be updated at least once every 5 years,
3409 subsequent to updates of the Florida Transportation Plan.

3410 (3)(a) During the development of updates to the Strategic
3411 Intermodal System Plan, the department shall provide
3412 metropolitan planning organizations, ~~regional planning councils,~~
3413 local governments, transportation providers, affected public
3414 agencies, and citizens with an opportunity to participate in and
3415 comment on the development of the update.

3416 Section 90. Subsection (1) of section 341.041, Florida
3417 Statutes, is amended to read:

3418 341.041 Transit responsibilities of the department.—The
3419 department shall, within the resources provided pursuant to
3420 chapter 216:

3421 (1) Develop a statewide plan that provides for public
3422 transit and intercity bus service needs at least 5 years in

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3423 advance. The plan shall be developed in a manner that will
3424 assure maximum use of existing facilities, and optimum
3425 integration and coordination of the various modes of
3426 transportation, including both governmentally owned and
3427 privately owned resources, in the most cost-effective manner
3428 possible. The plan shall also incorporate plans adopted by local
3429 ~~and regional~~ planning agencies which are consistent, to the
3430 maximum extent feasible, with ~~adopted strategic policy plans and~~
3431 approved local government comprehensive plans for the region and
3432 units of local government covered by the plan and shall, insofar
3433 as practical, conform to federal planning requirements. The plan
3434 shall be consistent with the goals of the Florida Transportation
3435 Plan developed pursuant to s. 339.155.

3436 Section 91. Paragraph (m) of subsection (3) of section
3437 343.54, Florida Statutes, is amended to read:

3438 343.54 Powers and duties.—

3439 (3) The authority may exercise all powers necessary,
3440 appurtenant, convenient, or incidental to the carrying out of
3441 the aforesaid purposes, including, but not limited to, the
3442 following rights and powers:

3443 (m) To cooperate with other governmental entities and to
3444 contract with other governmental agencies, including the
3445 Department of Transportation, the Federal Government, ~~regional~~
3446 ~~planning councils~~, counties, and municipalities.

3447 Section 92. Paragraphs (c) and (d) of subsection (1) of
3448 section 366.93, Florida Statutes, are amended to read:

3449 366.93 Cost recovery for the siting, design, licensing, and
3450 construction of nuclear and integrated gasification combined
3451 cycle power plants.—

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3452 (1) As used in this section, the term:

3453 (c) "Integrated gasification combined cycle power plant" or
3454 "plant" means an electrical power plant as defined in s. 403.503
3455 ~~s. 403.503(14)~~ which uses synthesis gas produced by integrated
3456 gasification technology.

3457 (d) "Nuclear power plant" or "plant" means an electrical
3458 power plant as defined in s. 403.503 ~~s. 403.503(14)~~ which uses
3459 nuclear materials for fuel.

3460 Section 93. Subsection (1) of section 369.303, Florida
3461 Statutes, is amended to read:

3462 369.303 Definitions.—As used in this part:

3463 ~~(1) "Council" means the East Central Florida Regional~~
3464 ~~Planning Council.~~

3465 Section 94. Subsection (3) of section 369.307, Florida
3466 Statutes, is amended to read:

3467 369.307 Developments of regional impact in the Wekiva River
3468 Protection Area; land acquisition.—

3469 (3) The Wekiva River Protection Area is hereby declared to
3470 be a natural resource of state and regional importance. The St.
3471 Johns River Water Management District ~~East Central Florida~~
3472 ~~Regional Planning Council~~ shall adopt policies that ~~as part of~~
3473 ~~its strategic regional policy plan and regional issues list~~
3474 ~~which~~ will protect the water quantity, water quality, hydrology,
3475 wetlands, aquatic and wetland-dependent wildlife species,
3476 habitat of all species ~~designated pursuant to rules 39-27.003,~~
3477 ~~39-27.004, and 39-27.005, Florida Administrative Code, and~~
3478 native vegetation in the Wekiva River Protection Area. The water
3479 management district ~~council~~ shall also cooperate with the
3480 department in the department's implementation ~~of the provisions~~

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3481 of s. 369.305.

3482 Section 95. Paragraph (e) of subsection (1) of section
3483 373.309, Florida Statutes, is amended to read:

3484 373.309 Authority to adopt rules and procedures.—

3485 (1) The department shall adopt, and may from time to time
3486 amend, rules governing the location, construction, repair, and
3487 abandonment of water wells and shall be responsible for the
3488 administration of this part. With respect thereto, the
3489 department shall:

3490 (e) Encourage prevention of potable water well
3491 contamination and promote cost-effective remediation of
3492 contaminated potable water supplies by use of the Water Quality
3493 Assurance Trust Fund as provided in s. 376.307(1)(e) and
3494 establish by rule:

3495 1. Delineation of areas of groundwater contamination for
3496 implementation of well location and construction, testing,
3497 permitting, and clearance requirements as set forth in
3498 subparagraphs 2.-6. ~~2., 3., 4., 5., and 6.~~ The department shall
3499 make available to water management districts, ~~regional planning~~
3500 ~~councils,~~ the Department of Health, and county building and
3501 zoning departments, maps or other information on areas of
3502 contamination, including areas of ethylene dibromide
3503 contamination. Such maps or other information shall be made
3504 available to property owners, realtors, real estate
3505 associations, property appraisers, and other interested persons
3506 upon request and upon payment of appropriate costs.

3507 2. Requirements for testing for suspected contamination in
3508 areas of known contamination, as a prerequisite for clearance of
3509 a water well for drinking purposes. The department is authorized

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3510 to establish criteria for acceptance of water quality testing
3511 results from the Department of Health and laboratories certified
3512 by the Department of Health, and is authorized to establish
3513 requirements for sample collection quality assurance.

3514 3. Requirements for mandatory connection to available
3515 potable water systems in areas of known contamination, wherein
3516 the department may prohibit the permitting and construction of
3517 new potable water wells.

3518 4. Location and construction standards for public and all
3519 other potable water wells permitted in areas of contamination.
3520 Such standards shall be designed to minimize the effects of such
3521 contamination.

3522 5. A procedure for permitting all potable water wells in
3523 areas of known contamination. Any new water well that is to be
3524 used for drinking water purposes and that does not meet
3525 construction standards pursuant to subparagraph 4. must be
3526 abandoned and plugged by the owner. Water management districts
3527 shall implement, through delegation from the department, the
3528 permitting and enforcement responsibilities of this
3529 subparagraph.

3530 6. A procedure for clearing for use all potable water
3531 wells, except wells that serve a public water supply system, in
3532 areas of known contamination. If contaminants are found upon
3533 testing pursuant to subparagraph 2., a well may not be cleared
3534 for use without a filter or other means of preventing the users
3535 of the well from being exposed to deleterious amounts of
3536 contaminants. The Department of Health shall implement the
3537 responsibilities of this subparagraph.

3538 7. Fees to be paid for well construction permits and

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3539 clearance for use. The fees shall be based on the actual costs
3540 incurred by the water management districts, the Department of
3541 Health, or other political subdivisions in carrying out the
3542 responsibilities related to potable water well permitting and
3543 clearance for use. The fees shall provide revenue to cover all
3544 such costs and shall be set according to the following schedule:

3545 a. The well construction permit fee may not exceed \$500.

3546 b. The clearance fee may not exceed \$50.

3547 8. Procedures for implementing well-location, construction,
3548 testing, permitting, and clearance requirements as set forth in
3549 subparagraphs 2.-6. within areas that research or monitoring
3550 data indicate are vulnerable to contamination with nitrate, or
3551 areas in which the department provides a subsidy for restoration
3552 or replacement of contaminated drinking water supplies through
3553 extending existing water lines or developing new water supply
3554 systems pursuant to s. 376.307(1)(e). The department shall
3555 consult with the Florida Ground Water Association in the process
3556 of developing rules pursuant to this subparagraph.

3557
3558 All fees and funds collected by each delegated entity pursuant
3559 to this part shall be deposited in the appropriate operating
3560 account of that entity.

3561 Section 96. Subsections (1) and (2) of section 373.415,
3562 Florida Statutes, are amended to read:

3563 373.415 Protection zones; duties of the St. Johns River
3564 Water Management District.—

3565 (1) Not later than November 1, 1988, the St. Johns River
3566 Water Management District shall adopt rules establishing
3567 protection zones adjacent to the watercourses in the Wekiva

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3568 River System, as designated in s. 369.303 ~~s. 369.303(10)~~. Such
3569 protection zones shall be sufficiently wide to prevent harm to
3570 the Wekiva River System, including water quality, water
3571 quantity, hydrology, wetlands, and aquatic and wetland-dependent
3572 wildlife species, caused by any of the activities regulated
3573 under this part. Factors on which the widths of the protection
3574 zones shall be based shall include, but not be limited to:

3575 (a) The biological significance of the wetlands and uplands
3576 adjacent to the designated watercourses in the Wekiva River
3577 System, including the nesting, feeding, breeding, and resting
3578 needs of aquatic species and wetland-dependent wildlife species.

3579 (b) The sensitivity of these species to disturbance,
3580 including the short-term and long-term adaptability to
3581 disturbance of the more sensitive species, both migratory and
3582 resident.

3583 (c) The susceptibility of these lands to erosion, including
3584 the slope, soils, runoff characteristics, and vegetative cover.

3585
3586 In addition, the rules may establish permitting thresholds,
3587 permitting exemptions, or general permits, if such thresholds,
3588 exemptions, or general permits do not allow significant adverse
3589 impacts to the Wekiva River System to occur individually or
3590 cumulatively.

3591 (2) Notwithstanding ~~the provisions of~~ s. 120.60, the St.
3592 Johns River Water Management District may ~~shall~~ not issue any
3593 permit under this part within the Wekiva River Protection Area,
3594 as defined in s. 369.303 ~~s. 369.303(9)~~, until the appropriate
3595 local government has provided written notification to the
3596 district that the proposed activity is consistent with the local

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3597 comprehensive plan and is in compliance with any land
3598 development regulation in effect in the area where the
3599 development will take place. The district may, however, inform
3600 any property owner who makes a request for such information as
3601 to the location of the protection zone or zones on his or her
3602 property. However, if a development proposal is amended as the
3603 result of the review by the district, a permit may be issued
3604 before ~~prior~~ to the development proposal being returned, if
3605 necessary, to the local government for additional review.

3606 Section 97. Paragraph (a) of subsection (2) of section
3607 376.3072, Florida Statutes, is amended to read:

3608 376.3072 Florida Petroleum Liability and Restoration
3609 Insurance Program.—

3610 (2) (a) An owner or operator of a petroleum storage system
3611 may become an insured in the restoration insurance program at a
3612 facility if:

3613 1. A site at which an incident has occurred is eligible for
3614 restoration if the insured is a participant in the third-party
3615 liability insurance program or otherwise meets applicable
3616 financial responsibility requirements. After July 1, 1993, the
3617 insured must also provide the required excess insurance coverage
3618 or self-insurance for restoration to achieve the financial
3619 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,
3620 not covered by paragraph (d).

3621 2. A site which had a discharge reported before January 1,
3622 1989, for which notice was given pursuant to s. 376.3071(10) and
3623 which is ineligible for the third-party liability insurance
3624 program solely due to that discharge is eligible for
3625 participation in the restoration program for an incident

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3626 occurring on or after January 1, 1989, pursuant to subsection
3627 (3). Restoration funding for an eligible contaminated site will
3628 be provided without participation in the third-party liability
3629 insurance program until the site is restored as required by the
3630 department or until the department determines that the site does
3631 not require restoration.

3632 3. Notwithstanding paragraph (b), a site where an
3633 application is filed with the department before January 1, 1995,
3634 where the owner is a small business under s. 288.703 ~~s.~~
3635 ~~288.703(6)~~, a Florida College System institution with less than
3636 2,500 FTE, a religious institution as defined by s.
3637 212.08(7)(m), a charitable institution as defined by s.
3638 212.08(7)(p), or a county or municipality with a population of
3639 less than 50,000, is eligible for up to \$400,000 of eligible
3640 restoration costs, less a deductible of \$10,000 for small
3641 businesses, eligible Florida College System institutions, and
3642 religious or charitable institutions, and \$30,000 for eligible
3643 counties and municipalities, if:

3644 a. Except as provided in sub-subparagraph e., the facility
3645 was in compliance with department rules at the time of the
3646 discharge.

3647 b. The owner or operator has, upon discovery of a
3648 discharge, promptly reported the discharge to the department,
3649 and drained and removed the system from service, if necessary.

3650 c. The owner or operator has not intentionally caused or
3651 concealed a discharge or disabled leak detection equipment.

3652 d. The owner or operator proceeds to complete initial
3653 remedial action as specified in department rules.

3654 e. The owner or operator, if required and if it has not

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3655 already done so, applies for third-party liability coverage for
3656 the facility within 30 days after receipt of an eligibility
3657 order issued by the department pursuant to this subparagraph.
3658

3659 However, the department may consider in-kind services from
3660 eligible counties and municipalities in lieu of the \$30,000
3661 deductible. The cost of conducting initial remedial action as
3662 defined by department rules is an eligible restoration cost
3663 pursuant to this subparagraph.

3664 4.a. By January 1, 1997, facilities at sites with existing
3665 contamination must have methods of release detection to be
3666 eligible for restoration insurance coverage for new discharges
3667 subject to department rules for secondary containment. Annual
3668 storage system testing, in conjunction with inventory control,
3669 shall be considered to be a method of release detection until
3670 the later of December 22, 1998, or 10 years after the date of
3671 installation or the last upgrade. Other methods of release
3672 detection for storage tanks which meet such requirement are:

3673 (I) Interstitial monitoring of tank and integral piping
3674 secondary containment systems;

3675 (II) Automatic tank gauging systems; or

3676 (III) A statistical inventory reconciliation system with a
3677 tank test every 3 years.

3678 b. For pressurized integral piping systems, the owner or
3679 operator must use:

3680 (I) An automatic in-line leak detector with flow
3681 restriction meeting the requirements of department rules used in
3682 conjunction with an annual tightness or pressure test; or

3683 (II) An automatic in-line leak detector with electronic

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3684 flow shut-off meeting the requirements of department rules.

3685 c. For suction integral piping systems, the owner or
3686 operator must use:

3687 (I) A single check valve installed directly below the
3688 suction pump if there are no other valves between the dispenser
3689 and the tank; or

3690 (II) An annual tightness test or other approved test.

3691 d. Owners of facilities with existing contamination that
3692 install internal release detection systems pursuant to sub-
3693 subparagraph a. shall permanently close their external
3694 groundwater and vapor monitoring wells pursuant to department
3695 rules by December 31, 1998. Upon installation of the internal
3696 release detection system, such wells must be secured and taken
3697 out of service until permanent closure.

3698 e. Facilities with vapor levels of contamination meeting
3699 the requirements of or below the concentrations specified in the
3700 performance standards for release detection methods specified in
3701 department rules may continue to use vapor monitoring wells for
3702 release detection.

3703 f. The department may approve other methods of release
3704 detection for storage tanks and integral piping which have at
3705 least the same capability to detect a new release as the methods
3706 specified in this subparagraph.

3707
3708 Sites meeting the criteria of this subsection for which a site
3709 rehabilitation completion order was issued before June 1, 2008,
3710 do not qualify for the 2008 increase in site rehabilitation
3711 funding assistance and are bound by the pre-June 1, 2008,
3712 limits. Sites meeting the criteria of this subsection for which

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3713 a site rehabilitation completion order was not issued before
3714 June 1, 2008, regardless of whether they have previously
3715 transitioned to nonstate-funded cleanup status, may continue
3716 state-funded cleanup pursuant to s. 376.3071(6) until a site
3717 rehabilitation completion order is issued or the increased site
3718 rehabilitation funding assistance limit is reached, whichever
3719 occurs first.

3720 Section 98. Paragraph (k) of subsection (2) of section
3721 377.703, Florida Statutes, is amended to read:

3722 377.703 Additional functions of the Department of
3723 Agriculture and Consumer Services.—

3724 (2) DUTIES.—The department shall perform the following
3725 functions, unless as otherwise provided, consistent with the
3726 development of a state energy policy:

3727 (k) The department shall coordinate energy-related programs
3728 of state government, including, but not limited to, the programs
3729 provided in this section. To this end, the department shall:

3730 1. Provide assistance to other state agencies, counties,
3731 and municipalities, ~~and regional planning agencies~~ to further
3732 and promote their energy planning activities.

3733 2. Require, in cooperation with the Department of
3734 Management Services, all state agencies to operate state-owned
3735 and state-leased buildings in accordance with energy
3736 conservation standards as adopted by the Department of
3737 Management Services. Every 3 months, the Department of
3738 Management Services shall furnish the department data on
3739 agencies' energy consumption and emissions of greenhouse gases
3740 in a format prescribed by the department.

3741 3. Promote the development and use of renewable energy

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3742 resources, energy efficiency technologies, and conservation
3743 measures.

3744 4. Promote the recovery of energy from wastes, including,
3745 but not limited to, the use of waste heat, the use of
3746 agricultural products as a source of energy, and recycling of
3747 manufactured products. Such promotion shall be conducted in
3748 conjunction with, and after consultation with, the Department of
3749 Environmental Protection and the Florida Public Service
3750 Commission where electrical generation or natural gas is
3751 involved, and any other relevant federal, state, or local
3752 governmental agency having responsibility for resource recovery
3753 programs.

3754 Section 99. Subsection (3) of section 378.411, Florida
3755 Statutes, is amended to read:

3756 378.411 Certification to receive notices of intent to mine,
3757 to review, and to inspect for compliance.—

3758 (3) In making his or her determination, the secretary shall
3759 consult with the Department of Commerce, ~~the appropriate~~
3760 ~~regional planning council,~~ and the appropriate water management
3761 district.

3762 Section 100. Subsection (15) of section 380.031, Florida
3763 Statutes, is amended to read:

3764 380.031 Definitions.—As used in this chapter:

3765 ~~(15) "Regional planning agency" means the agency designated~~
3766 ~~by the state land planning agency to exercise responsibilities~~
3767 ~~under this chapter in a particular region of the state.~~

3768 Section 101. Subsection (2) of section 380.045, Florida
3769 Statutes, is amended to read:

3770 380.045 Resource planning and management committees;

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3771 objectives; procedures.-

3772 (2) The committee must include, but is not limited to,
3773 representation from each of the following: elected officials
3774 from the local governments within the area under study; the
3775 planning office of each of the local governments within the area
3776 under study; the state land planning agency; any other state
3777 agency under chapter 20 a representative of which the Governor
3778 feels is relevant to the compilation of the committee; and a
3779 water management district, if appropriate, ~~and regional planning~~
3780 ~~council all or part of whose jurisdiction lies within the area~~
3781 ~~under study~~. After the appointment of the members, the Governor
3782 shall select a chair and vice chair. A staff member of the state
3783 land planning agency shall be appointed by the secretary of such
3784 agency to serve as the secretary of the committee. The state
3785 land planning agency shall, to the greatest extent possible,
3786 provide technical assistance and administrative support to the
3787 committee. Meetings will be called as needed by the chair or on
3788 the demand of three or more members of the committee. The
3789 committee will act on a simple majority of a quorum present and
3790 shall make a report within 6 months to the head of the state
3791 land planning agency. The committee must, from the time of
3792 appointment, remain in existence for no less than 6 months.

3793 Section 102. Subsections (3), (4), (7), (8), and (12) of
3794 section 380.05, Florida Statutes, are amended to read:

3795 380.05 Areas of critical state concern.-

3796 (3) Each local government ~~regional planning agency may~~
3797 ~~recommend to the state land planning agency from time to time~~
3798 ~~areas wholly or partially within its jurisdiction that meet the~~
3799 ~~criteria for areas of critical state concern as defined in this~~

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3800 ~~section. Each regional planning agency shall solicit from the~~
3801 ~~local governments within its jurisdiction suggestions as to~~
3802 ~~areas to be recommended. A local government in an area where~~
3803 ~~there is no regional planning agency~~ may recommend to the state
3804 land planning agency from time to time areas wholly or partially
3805 within its jurisdiction that meet the criteria for areas of
3806 critical state concern as defined in this section. If the state
3807 land planning agency does not recommend to the commission as an
3808 area of critical state concern an area substantially similar to
3809 one that has been recommended, it must ~~shall~~ respond in writing
3810 as to its reasons therefor.

3811 (4) Before ~~Prior~~ to submitting any recommendation to the
3812 commission under subsection (1), the state land planning agency
3813 shall give notice to any committee appointed pursuant to s.
3814 380.045 and to all local governments ~~and regional planning~~
3815 ~~agencies~~ that include within their boundaries any part of any
3816 area of critical state concern proposed to be designated by the
3817 rule, in addition to any notice otherwise required under chapter
3818 120.

3819 (7) The state land planning agency ~~and any applicable~~
3820 ~~regional planning agency~~ shall, to the greatest extent possible,
3821 provide technical assistance to local governments in the
3822 preparation of the land development regulations and local
3823 comprehensive plan for areas of critical state concern.

3824 (8) If any local government fails to submit land
3825 development regulations or a local comprehensive plan, or if the
3826 regulations or plan or plan amendment submitted do not comply
3827 with the principles for guiding development set out in the rule
3828 designating the area of critical state concern, within 120 days

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3829 after the adoption of the rule designating an area of critical
3830 state concern, or within 120 days after the issuance of a
3831 recommended order on the compliance of the plan or plan
3832 amendment pursuant to s. 163.3184, or within 120 days after the
3833 effective date of an order rejecting a proposed land development
3834 regulation, the state land planning agency must ~~shall~~ submit to
3835 the commission recommended land development regulations and a
3836 local comprehensive plan or portions thereof applicable to that
3837 local government's portion of the area of critical state
3838 concern. Within 45 days following receipt of the recommendation
3839 from the agency, the commission shall either reject the
3840 recommendation as tendered or adopt the recommendation with or
3841 without modification, and by rule establish land development
3842 regulations and a local comprehensive plan applicable to that
3843 local government's portion of the area of critical state
3844 concern. However, such rule may ~~shall~~ not become effective
3845 before ~~prior to~~ legislative review of an area of critical state
3846 concern pursuant to paragraph (1)(c). In the rule, the
3847 commission shall specify the extent to which its land
3848 development regulations, plans, or plan amendments will
3849 supersede, or will be supplementary to, local land development
3850 regulations and plans. Notice of any proposed rule issued under
3851 this section shall be given to all local governments and
3852 regional ~~planning~~ agencies in the area of critical state
3853 concern, in addition to any other notice required under chapter
3854 120. The land development regulations and local comprehensive
3855 plan adopted by the commission under this section may include
3856 any type of regulation and plan that could have been adopted by
3857 the local government. Any land development regulations or local

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3858 comprehensive plan or plan amendments adopted by the commission
3859 under this section shall be administered by the local government
3860 as part of, or in the absence of, the local land development
3861 regulations and local comprehensive plan.

3862 (12) Upon the request of a substantially interested person
3863 pursuant to s. 120.54(7), a local government or regional
3864 ~~planning~~ agency within the designated area, or the state land
3865 planning agency, the commission may by rule remove, contract, or
3866 expand any designated boundary. Boundary expansions are subject
3867 to legislative review pursuant to paragraph (1)(c). No boundary
3868 may be modified without a specific finding by the commission
3869 that such changes are consistent with necessary resource
3870 protection. The total boundaries of an entire area of critical
3871 state concern may ~~shall~~ not be removed by the commission unless
3872 a minimum time of 1 year has elapsed from the adoption of
3873 regulations and a local comprehensive plan pursuant to
3874 subsection (1), subsection (6), subsection (8), or subsection
3875 (10). Before totally removing such boundaries, the commission
3876 shall make findings that the regulations and plans adopted
3877 pursuant to subsection (1), subsection (6), subsection (8), or
3878 subsection (10) are being effectively implemented by local
3879 governments within the area of critical state concern to protect
3880 the area and that adopted local government comprehensive plans
3881 within the area have been conformed to principles for guiding
3882 development for the area.

3883 Section 103. Subsection (3) of section 380.055, Florida
3884 Statutes, is amended to read:

3885 380.055 Big Cypress Area.—

3886 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The "Big

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3887 Cypress Area," as defined in this subsection, is hereby
3888 designated as an area of critical state concern. "Big Cypress
3889 Area" means the area generally depicted on the map entitled
3890 "Boundary Map, Big Cypress National Freshwater Reserve,
3891 Florida," numbered BC-91,001 and dated November 1971, which is
3892 on file and available for public inspection in the office of the
3893 National Park Service, Department of the Interior, Washington,
3894 D.C., and in the office of the Board of Trustees of the Internal
3895 Improvement Trust Fund, which is the area proposed as the
3896 Federal Big Cypress National Freshwater Reserve, Florida, and
3897 that area described as follows: Sections 1, 2, 11, 12 and 13 in
3898 Township 49 South, Range 31 East; and Township 49 South, Range
3899 32 East, less Sections 19, 30 and 31; and Township 49 South,
3900 Range 33 East; and Township 49 South, Range 34 East; and
3901 Sections 1 through 5 and 10 through 14 in Township 50 South,
3902 Range 32 East; and Sections 1 through 18 and 20 through 25 in
3903 Township 50 South, Range 33 East; and Township 50 South, Range
3904 34 East, less Section 31; and Sections 1 and 2 in Township 51
3905 South, Range 34 East; All in Collier County, Florida, which
3906 described area shall be known as the "Big Cypress National
3907 Preserve Addition, Florida," together with such contiguous land
3908 and water areas as are ecologically linked with the Everglades
3909 National Park, certain of the estuarine fisheries of South
3910 Florida, or the freshwater aquifer of South Florida, the
3911 definitive boundaries of which shall be set in the following
3912 manner: Within 120 days following the effective date of this
3913 act, the state land planning agency shall recommend definitive
3914 boundaries for the Big Cypress Area to the Administration
3915 Commission, after giving notice to all local governments and

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3916 regional ~~planning~~ agencies which include within their boundaries
3917 any part of the area proposed to be included in the Big Cypress
3918 Area and holding such hearings as the state land planning agency
3919 deems appropriate. Within 45 days following receipt of the
3920 recommended boundaries, the Administration Commission shall
3921 adopt, modify, or reject the recommendation and shall by rule
3922 establish the boundaries of the area defined as the Big Cypress
3923 Area.

3924 Section 104. Subsection (6) and paragraph (b) of subsection
3925 (12) of section 380.06, Florida Statutes, are amended to read:

3926 380.06 Developments of regional impact.—

3927 (6) REPORTS.—Notwithstanding any condition in a development
3928 order for an approved development of regional impact, the
3929 developer is not required to submit an annual or a biennial
3930 report on the development of regional impact to the local
3931 government, ~~the regional planning agency,~~ the state land
3932 planning agency, and all affected permit agencies unless
3933 required to do so by the local government that has jurisdiction
3934 over the development. The penalty for failure to file such a
3935 required report is as prescribed by the local government.

3936 (12) PROPOSED DEVELOPMENTS.—

3937 (b) This subsection does not apply to:

3938 1. Amendments to a development order governing an existing
3939 development of regional impact.

3940 2. An application for development approval filed with a
3941 concurrent plan amendment application pending as of May 14,
3942 2015, if the applicant elects to have the application reviewed
3943 pursuant to this section as it existed on that date. The
3944 election shall be in writing and filed with the affected local

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3945 government, ~~regional planning council~~, and the state land
3946 planning agency before December 31, 2018.

3947 Section 105. Subsection (2) of section 380.061, Florida
3948 Statutes, is amended to read:

3949 380.061 The Florida Quality Developments program.—

3950 (2) Following written notification to the state land
3951 planning agency ~~and the appropriate regional planning agency~~, a
3952 local government with an approved Florida Quality Development
3953 within its jurisdiction must set a public hearing pursuant to
3954 its local procedures and shall adopt a local development order
3955 to replace and supersede the development order adopted by the
3956 state land planning agency for the Florida Quality Development.
3957 Thereafter, the Florida Quality Development shall follow the
3958 procedures and requirements for developments of regional impact
3959 as specified in this chapter.

3960 Section 106. Subsection (2) of section 380.07, Florida
3961 Statutes, is amended to read:

3962 380.07 Florida Land and Water Adjudicatory Commission.—

3963 (2) Whenever any local government issues any development
3964 order in any area of critical state concern, or in regard to the
3965 abandonment of any approved development of regional impact,
3966 copies of such orders as prescribed by rule by the state land
3967 planning agency shall be transmitted to the state land planning
3968 agency, ~~the regional planning agency~~, and the owner or developer
3969 of the property affected by such order. The state land planning
3970 agency shall adopt rules describing development order rendition
3971 and effectiveness in designated areas of critical state concern.
3972 Within 45 days after the order is rendered, the owner, the
3973 developer, or the state land planning agency may appeal the

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3974 order to the Florida Land and Water Adjudicatory Commission by
3975 filing a petition alleging that the development order is not
3976 consistent with this part.

3977 Section 107. Paragraph (c) of subsection (3) of section
3978 380.23, Florida Statutes, is amended to read:

3979 380.23 Federal consistency.—

3980 (3) Consistency review shall be limited to review of the
3981 following activities, uses, and projects to ensure that such
3982 activities, uses, and projects are conducted in accordance with
3983 the state's coastal management program:

3984 (c) Federally licensed or permitted activities affecting
3985 land or water uses when such activities are in or seaward of the
3986 jurisdiction of local governments required to develop a coastal
3987 zone protection element as provided in s. 380.24 and when such
3988 activities involve:

3989 1. Permits and licenses required under the Rivers and
3990 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3991 2. Permits and licenses required under the Marine
3992 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
3993 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3994 3. Permits and licenses required under the Federal Water
3995 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
3996 amended, unless such permitting activities have been delegated
3997 to the state pursuant to said act.

3998 4. Permits and licenses relating to the transportation of
3999 hazardous substance materials or transportation and dumping
4000 which are issued pursuant to the Hazardous Materials
4001 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
4002 33 U.S.C. s. 1321, as amended.

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4003 5. Permits and licenses required under 15 U.S.C. ss. 717-
4004 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.
4005 1331-1356 for construction and operation of interstate gas
4006 pipelines and storage facilities.

4007 6. Permits and licenses required for the siting and
4008 construction of any new electrical power plants as defined in s.
4009 403.503 ~~s. 403.503(14)~~, as amended, and the licensing and
4010 relicensing of hydroelectric power plants under the Federal
4011 Power Act, 16 U.S.C. ss. 791a et seq., as amended.

4012 7. Permits and licenses required under the Mining Law of
4013 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
4014 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
4015 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
4016 amended; the Federal Land Policy and Management Act, 43 U.S.C.
4017 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
4018 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
4019 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
4020 pipelines, geological and geophysical activities, or rights-of-
4021 way on public lands and permits and licenses required under the
4022 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
4023 amended.

4024 8. Permits and licenses for areas leased under the OCS
4025 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
4026 leases and approvals of exploration, development, and production
4027 plans.

4028 9. Permits and licenses required under the Deepwater Port
4029 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

4030 10. Permits required for the taking of marine mammals under
4031 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.

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4032 s. 1374.

4033 Section 108. Subsection (3) of section 380.507, Florida
4034 Statutes, is amended to read:

4035 380.507 Powers of the trust.—The trust shall have all the
4036 powers necessary or convenient to carry out the purposes and
4037 provisions of this part, including:

4038 (3) To provide technical and financial assistance to local
4039 governments, state agencies, water management districts,
4040 ~~regional planning councils,~~ and nonprofit agencies to carry out
4041 projects and activities and develop programs to achieve the
4042 purposes of this part.

4043 Section 109. Paragraph (b) of subsection (8) of section
4044 381.986, Florida Statutes, is amended to read:

4045 381.986 Medical use of marijuana.—

4046 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

4047 (b) An applicant for licensure as a medical marijuana
4048 treatment center shall apply to the department on a form
4049 prescribed by the department and adopted in rule. The department
4050 shall adopt rules pursuant to ss. 120.536(1) and 120.54
4051 establishing a procedure for the issuance and biennial renewal
4052 of licenses, including initial application and biennial renewal
4053 fees sufficient to cover the costs of implementing and
4054 administering this section, and establishing supplemental
4055 licensure fees for payment beginning May 1, 2018, sufficient to
4056 cover the costs of administering ss. 381.989 and 1004.4351. The
4057 department shall identify applicants with strong diversity plans
4058 reflecting this state's commitment to diversity and implement
4059 training programs and other educational programs to enable
4060 minority persons and certified rural or urban ~~minority~~ business

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4061 enterprises, as defined in s. 288.703, and veteran business
4062 enterprises, as defined in s. 295.187, to compete for medical
4063 marijuana treatment center licensure and contracts. Subject to
4064 the requirements in subparagraphs (a)2.-4., the department shall
4065 issue a license to an applicant if the applicant meets the
4066 requirements of this section and pays the initial application
4067 fee. The department shall renew the licensure of a medical
4068 marijuana treatment center biennially if the licensee meets the
4069 requirements of this section and pays the biennial renewal fee.
4070 However, the department may not renew the license of a medical
4071 marijuana treatment center that has not begun to cultivate,
4072 process, and dispense marijuana by the date that the medical
4073 marijuana treatment center is required to renew its license. An
4074 individual may not be an applicant, owner, officer, board
4075 member, or manager on more than one application for licensure as
4076 a medical marijuana treatment center. An individual or entity
4077 may not be awarded more than one license as a medical marijuana
4078 treatment center. An applicant for licensure as a medical
4079 marijuana treatment center must demonstrate:

4080 1. That, for the 5 consecutive years before submitting the
4081 application, the applicant has been registered to do business in
4082 the state.

4083 2. Possession of a valid certificate of registration issued
4084 by the Department of Agriculture and Consumer Services pursuant
4085 to s. 581.131.

4086 3. The technical and technological ability to cultivate and
4087 produce marijuana, including, but not limited to, low-THC
4088 cannabis.

4089 4. The ability to secure the premises, resources, and

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4090 personnel necessary to operate as a medical marijuana treatment
4091 center.

4092 5. The ability to maintain accountability of all raw
4093 materials, finished products, and any byproducts to prevent
4094 diversion or unlawful access to or possession of these
4095 substances.

4096 6. An infrastructure reasonably located to dispense
4097 marijuana to registered qualified patients statewide or
4098 regionally as determined by the department.

4099 7. The financial ability to maintain operations for the
4100 duration of the 2-year approval cycle, including the provision
4101 of certified financial statements to the department.

4102 a. Upon approval, the applicant must post a \$5 million
4103 performance bond issued by an authorized surety insurance
4104 company rated in one of the three highest rating categories by a
4105 nationally recognized rating service. However, a medical
4106 marijuana treatment center serving at least 1,000 qualified
4107 patients is only required to maintain a \$2 million performance
4108 bond.

4109 b. In lieu of the performance bond required under sub-
4110 subparagraph a., the applicant may provide an irrevocable letter
4111 of credit payable to the department or provide cash to the
4112 department. If provided with cash under this sub-subparagraph,
4113 the department shall deposit the cash in the Grants and
4114 Donations Trust Fund within the Department of Health, subject to
4115 the same conditions as the bond regarding requirements for the
4116 applicant to forfeit ownership of the funds. If the funds
4117 deposited under this sub-subparagraph generate interest, the
4118 amount of that interest shall be used by the department for the

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4119 administration of this section.

4120 8. That all owners, officers, board members, and managers
4121 have passed a background screening pursuant to subsection (9).

4122 9. The employment of a medical director to supervise the
4123 activities of the medical marijuana treatment center.

4124 10. A diversity plan that promotes and ensures the
4125 involvement of minority persons and certified rural or urban
4126 ~~minority~~ business enterprises, as defined in s. 288.703, or
4127 veteran business enterprises, as defined in s. 295.187, in
4128 ownership, management, and employment. An applicant for
4129 licensure renewal must show the effectiveness of the diversity
4130 plan by including the following with his or her application for
4131 renewal:

4132 a. Representation of minority persons and veterans in the
4133 medical marijuana treatment center's workforce;

4134 b. Efforts to recruit minority persons and veterans for
4135 employment; and

4136 c. A record of contracts for services with rural or urban
4137 ~~minority~~ business enterprises and veteran business enterprises.

4138 Section 110. Subsection (4) of section 403.031, Florida
4139 Statutes, is amended to read:

4140 403.031 Definitions.—In construing this chapter, or rules
4141 and regulations adopted pursuant hereto, the following words,
4142 phrases, or terms, unless the context otherwise indicates, have
4143 the following meanings:

4144 (4) "Electrical power plant" means, for purposes of this
4145 part of this chapter, any electrical generating facility that
4146 uses any process or fuel and that is owned or operated by an
4147 electric utility, as defined in s. 403.503 ~~s. 403.503(14)~~, and

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4148 includes any associated facility that directly supports the
4149 operation of the electrical power plant.

4150 Section 111. Subsection (6) of section 403.0752, Florida
4151 Statutes, is amended to read:

4152 403.0752 Ecosystem management agreements.—

4153 (6) The secretary of the department may form ecosystem
4154 management advisory teams for consultation and participation in
4155 the preparation of an ecosystem management agreement. The
4156 secretary shall request the participation of at least the state
4157 and regional and local government entities having regulatory
4158 authority over the activities to be subject to the ecosystem
4159 management agreement. Such teams may also include
4160 representatives of other participating or advisory government
4161 agencies, which may include ~~regional planning councils~~, private
4162 landowners, public landowners and managers, public and private
4163 utilities, corporations, and environmental interests. Team
4164 members shall be selected in a manner that ensures adequate
4165 representation of the diverse interests and perspectives within
4166 the designated ecosystem. Participation by any department of
4167 state government is at the discretion of that agency.

4168 Section 112. Subsection (27) of section 403.503, Florida
4169 Statutes, is amended to read:

4170 403.503 Definitions relating to Florida Electrical Power
4171 Plant Siting Act.—As used in this act:

4172 ~~(27) "Regional planning council" means a regional planning~~
4173 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
4174 ~~the electrical power plant is proposed to be located.~~

4175 Section 113. Subsection (1) of section 403.50663, Florida
4176 Statutes, is amended to read:

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4177 403.50663 Informational public meetings.—

4178 (1) A local government within whose jurisdiction the power
4179 plant is proposed to be sited may hold one informational public
4180 meeting in addition to the hearings specifically authorized by
4181 this act on any matter associated with the electrical power
4182 plant proceeding. Such informational public meetings shall be
4183 held by the local government ~~or by the regional planning council~~
4184 ~~if the local government does not hold such meeting~~ within 70
4185 days after the filing of the application. The purpose of an
4186 informational public meeting is for the local government ~~or~~
4187 ~~regional planning council~~ to further inform the public about the
4188 proposed electrical power plant or associated facilities, obtain
4189 comments from the public, and formulate its recommendation with
4190 respect to the proposed electrical power plant.

4191 Section 114. Paragraph (a) of subsection (2) of section
4192 403.507, Florida Statutes, is amended to read:

4193 403.507 Preliminary statements of issues, reports, project
4194 analyses, and studies.—

4195 (2)(a) No later than 100 days after the certification
4196 application has been determined complete, the following agencies
4197 shall prepare reports as provided below and shall submit them to
4198 the department and the applicant, unless a final order denying
4199 the determination of need has been issued under s. 403.519:

4200 1. The Department of Commerce shall prepare a report
4201 containing recommendations which address the impact upon the
4202 public of the proposed electrical power plant, based on the
4203 degree to which the electrical power plant is consistent with
4204 the applicable portions of the state comprehensive plan,
4205 emergency management, and other such matters within its

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4206 jurisdiction. The Department of Commerce may also comment on the
4207 consistency of the proposed electrical power plant with
4208 applicable ~~strategic regional policy plans~~ or local
4209 comprehensive plans and land development regulations.

4210 2. The water management district shall prepare a report as
4211 to matters within its jurisdiction, including but not limited
4212 to, the impact of the proposed electrical power plant on water
4213 resources, regional water supply planning, and district-owned
4214 lands and works.

4215 3. Each local government in whose jurisdiction the proposed
4216 electrical power plant is to be located shall prepare a report
4217 as to the consistency of the proposed electrical power plant
4218 with all applicable local ordinances, regulations, standards, or
4219 criteria that apply to the proposed electrical power plant,
4220 including any applicable local environmental regulations adopted
4221 pursuant to s. 403.182 or by other means.

4222 4. The Fish and Wildlife Conservation Commission shall
4223 prepare a report as to matters within its jurisdiction.

4224 5. The Department of Transportation shall address the
4225 impact of the proposed electrical power plant on matters within
4226 its jurisdiction.

4227 Section 115. Paragraphs (a) and (c) of subsection (4) of
4228 section 403.509, Florida Statutes, are amended to read:

4229 403.509 Final disposition of application.—

4230 (4)(a) Any transmission line corridor certified by the
4231 board, or secretary if applicable, shall meet the criteria of
4232 this section. When more than one transmission line corridor is
4233 proper for certification under s. 403.503 ~~s. 403.503(11)~~ and
4234 meets the criteria of this section, the board, or secretary if

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4235 applicable, shall certify the transmission line corridor that
 4236 has the least adverse impact regarding the criteria in
 4237 subsection (3), including costs.

4238 (c) If the board, or secretary if applicable, finds that
 4239 two or more of the corridors that comply with subsection (3)
 4240 have the least adverse impacts regarding the criteria in
 4241 subsection (3), including costs, and that the corridors are
 4242 substantially equal in adverse impacts regarding the criteria in
 4243 subsection (3), including costs, the board, or secretary if
 4244 applicable, shall certify the corridor preferred by the
 4245 applicant if the corridor is one proper for certification under
 4246 s. 403.503 ~~s. 403.503(11)~~.

4247 Section 116. Paragraph (a) of subsection (6) and paragraph
 4248 (a) of subsection (7) of section 403.5115, Florida Statutes, are
 4249 amended to read:

4250 403.5115 Public notice.—

4251 (6) (a) A good faith effort shall be made by the applicant
 4252 to provide direct written notice of the filing of an application
 4253 for certification by United States mail or hand delivery no
 4254 later than 45 days after filing of the application to all local
 4255 landowners whose property, as noted in the most recent local
 4256 government tax records, and residences are located within the
 4257 following distances of the proposed project:

4258 1. Three miles of the proposed main site boundaries of the
 4259 proposed electrical power plant.

4260 2. One-quarter mile for a transmission line corridor that
 4261 only includes a transmission line as defined by s. 403.522 ~~s.~~
 4262 ~~403.522(22)~~.

4263 3. One-quarter mile for all other linear associated

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4264 facilities extending away from the main site boundary except for
4265 a transmission line corridor that includes a transmission line
4266 that operates below those defined by s. 403.522 ~~s. 403.522(22)~~.

4267 (7) (a) A good faith effort shall be made by the proponent
4268 of an alternate corridor that includes a transmission line, as
4269 defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct written
4270 notice of the filing of an alternate corridor for certification
4271 by United States mail or hand delivery of the filing no later
4272 than 30 days after filing of the alternate corridor to all local
4273 landowners whose property, as noted in the most recent local
4274 government tax records, and residences, are located within one-
4275 quarter mile of the proposed boundaries of a transmission line
4276 corridor that includes a transmission line as defined by s.
4277 403.522 ~~s. 403.522(22)~~.

4278 Section 117. Subsection (1) of section 403.5175, Florida
4279 Statutes, is amended to read:

4280 403.5175 Existing electrical power plant site
4281 certification.—

4282 (1) An electric utility that owns or operates an existing
4283 electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~
4284 may apply for certification of an existing power plant and its
4285 site in order to obtain all agency licenses necessary to ensure
4286 compliance with federal or state environmental laws and
4287 regulation using the centrally coordinated, one-stop licensing
4288 process established by this part. An application for
4289 certification under this section must be in the form prescribed
4290 by department rule. Applications must be reviewed and processed
4291 using the same procedural steps and notices as for an
4292 application for a new facility, except that a determination of

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4293 need by the Public Service Commission is not required.

4294 Section 118. Paragraph (c) of subsection (2) of section
4295 403.518, Florida Statutes, is amended to read:

4296 403.518 Fees; disposition.—The department shall charge the
4297 applicant the following fees, as appropriate, which, unless
4298 otherwise specified, shall be paid into the Florida Permit Fee
4299 Trust Fund:

4300 (2) An application fee, which may ~~shall~~ not exceed
4301 \$200,000. The fee shall be fixed by rule on a sliding scale
4302 related to the size, type, ultimate site capacity, or increase
4303 in electrical generating capacity proposed by the application.

4304 (c)1. Upon written request with proper itemized accounting
4305 within 90 days after final agency action by the board or
4306 department or withdrawal of the application, the agencies that
4307 prepared reports pursuant to s. 403.507 or participated in a
4308 hearing pursuant to s. 403.508 may submit a written request to
4309 the department for reimbursement of expenses incurred during the
4310 certification proceedings. The request must ~~shall~~ contain an
4311 accounting of expenses incurred which may include time spent
4312 reviewing the application, preparation of any studies required
4313 of the agencies by this act, agency travel and per diem to
4314 attend any hearing held pursuant to this act, and for any local
4315 government's ~~or regional planning council's~~ provision of notice
4316 of public meetings required as a result of the application for
4317 certification. The department shall review the request and
4318 verify that the expenses are valid. Valid expenses must ~~shall~~ be
4319 reimbursed; however, in the event the amount of funds available
4320 for reimbursement is insufficient to provide for full
4321 compensation to the agencies requesting reimbursement,

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4322 reimbursement is ~~shall be~~ on a prorated basis.

4323 2. If the application review is held in abeyance for more
4324 than 1 year, the agencies may submit a request for
4325 reimbursement. This time period is ~~shall be~~ measured from the
4326 date the applicant has provided written notification to the
4327 department that it desires to have the application review
4328 process placed on hold. The fee disbursement shall be processed
4329 in accordance with subparagraph 1.

4330 Section 119. Subsection (21) of section 403.522, Florida
4331 Statutes, is amended to read:

4332 403.522 Definitions relating to the Florida Electric
4333 Transmission Line Siting Act.—As used in this act:

4334 ~~(21) "Regional planning council" means a regional planning~~
4335 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
4336 ~~the project is proposed to be located.~~

4337 Section 120. Paragraph (a) of subsection (2) of section
4338 403.526, Florida Statutes, is amended to read:

4339 403.526 Preliminary statements of issues, reports, and
4340 project analyses; studies.—

4341 (2)(a) No later than 90 days after the filing of the
4342 application, the following agencies shall prepare reports as
4343 provided below, unless a final order denying the determination
4344 of need has been issued under s. 403.537:

4345 1. The department shall prepare a report as to the impact
4346 of each proposed transmission line or corridor as it relates to
4347 matters within its jurisdiction.

4348 2. Each water management district in the jurisdiction of
4349 which a proposed transmission line or corridor is to be located
4350 shall prepare a report as to the impact on water resources and

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4351 other matters within its jurisdiction.

4352 3. The Department of Commerce shall prepare a report
4353 containing recommendations which address the impact upon the
4354 public of the proposed transmission line or corridor, based on
4355 the degree to which the proposed transmission line or corridor
4356 is consistent with the applicable portions of the state
4357 comprehensive plan, emergency management, and other matters
4358 within its jurisdiction. The Department of Commerce may also
4359 comment on the consistency of the proposed transmission line or
4360 corridor with applicable ~~strategic regional policy plans or~~
4361 local comprehensive plans and land development regulations.

4362 4. The Fish and Wildlife Conservation Commission shall
4363 prepare a report as to the impact of each proposed transmission
4364 line or corridor on fish and wildlife resources and other
4365 matters within its jurisdiction.

4366 5. Each local government shall prepare a report as to the
4367 impact of each proposed transmission line or corridor on matters
4368 within its jurisdiction, including the consistency of the
4369 proposed transmission line or corridor with all applicable local
4370 ordinances, regulations, standards, or criteria that apply to
4371 the proposed transmission line or corridor, including local
4372 comprehensive plans, zoning regulations, land development
4373 regulations, and any applicable local environmental regulations
4374 adopted pursuant to s. 403.182 or by other means. A change by
4375 the responsible local government or local agency in local
4376 comprehensive plans, zoning ordinances, or other regulations
4377 made after the date required for the filing of the local
4378 government's report required by this section is not applicable
4379 to the certification of the proposed transmission line or

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4380 corridor unless the certification is denied or the application
4381 is withdrawn.

4382 6. The Department of Transportation shall prepare a report
4383 as to the impact of the proposed transmission line or corridor
4384 on state roads, railroads, airports, aeronautics, seaports, and
4385 other matters within its jurisdiction.

4386 7. The commission shall prepare a report containing its
4387 determination under s. 403.537, and the report may include the
4388 comments from the commission with respect to any other subject
4389 within its jurisdiction.

4390 8. Any other agency, if requested by the department, shall
4391 also perform studies or prepare reports as to subjects within
4392 the jurisdiction of the agency which may potentially be affected
4393 by the proposed transmission line.

4394 Section 121. Paragraphs (d) and (f) of subsection (1) of
4395 section 403.5271, Florida Statutes, are amended to read:

4396 403.5271 Alternate corridors.—

4397 (1) No later than 45 days before the originally scheduled
4398 certification hearing, any party may propose alternate
4399 transmission line corridor routes for consideration under the
4400 provisions of this act.

4401 (d) Within 21 days after acceptance of an alternate
4402 corridor by the department and the applicant, the party
4403 proposing an alternate corridor shall have the burden of
4404 providing all data to the agencies listed in s. 403.5365 ~~s.~~
4405 ~~403.526(2)~~ and newly affected agencies necessary for the
4406 preparation of a supplementary report on the proposed alternate
4407 corridor.

4408 (f) The agencies listed in s. 403.5365 ~~s. 403.526(2)~~ and

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4409 any newly affected agencies shall file supplementary reports
4410 with the applicant and the department which address the proposed
4411 alternate corridors no later than 24 days after the data
4412 submitted pursuant to paragraph (d) or paragraph (e) is
4413 determined to be complete.

4414 Section 122. Subsection (1) of section 403.5272, Florida
4415 Statutes, is amended to read:

4416 403.5272 Informational public meetings.—

4417 (1) A local government whose jurisdiction is to be crossed
4418 by a proposed corridor may hold one informational public meeting
4419 in addition to the hearings specifically authorized by this act
4420 on any matter associated with the transmission line proceeding.
4421 The informational public meeting ~~may be conducted by the local~~
4422 ~~government or the regional planning council~~ and shall be held no
4423 later than 55 days after the application is filed. The purpose
4424 of an informational public meeting is for the local government
4425 ~~or regional planning council~~ to further inform the public about
4426 the transmission line proposed, obtain comments from the public,
4427 and formulate its recommendation with respect to the proposed
4428 transmission line.

4429 Section 123. Subsection (4), paragraph (a) of subsection
4430 (5), and paragraph (a) of subsection (6) of section 403.5363,
4431 Florida Statutes, are amended to read:

4432 403.5363 Public notices; requirements.—

4433 (4) A local government ~~or regional planning council~~ that
4434 proposes to conduct an informational public meeting pursuant to
4435 s. 403.5272 must publish notice of the meeting in a newspaper of
4436 general circulation within the county or counties in which the
4437 proposed electrical transmission line will be located no later

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4438 than 7 days before ~~prior~~ to the meeting. A newspaper of general
4439 circulation shall be the newspaper that has the largest daily
4440 circulation in that county and has its principal office in that
4441 county. If the newspaper with the largest daily circulation has
4442 its principal office outside the county, the notices shall
4443 appear in both the newspaper having the largest circulation in
4444 that county and in a newspaper authorized to publish legal
4445 notices in that county.

4446 (5) (a) A good faith effort shall be made by the applicant
4447 to provide direct notice of the filing of an application for
4448 certification by United States mail or hand delivery no later
4449 than 45 days after filing of the application to all local
4450 landowners whose property, as noted in the most recent local
4451 government tax records, and residences are located within one-
4452 quarter mile of the proposed boundaries of a transmission line
4453 corridor that only includes a transmission line as defined by s.
4454 403.522 ~~s. 403.522(22)~~.

4455 (6) (a) A good faith effort shall be made by the proponent
4456 of an alternate corridor that includes a transmission line, as
4457 defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct notice
4458 of the filing of an alternate corridor for certification by
4459 United States mail or hand delivery of the filing no later than
4460 30 days after filing of the alternate corridor to all local
4461 landowners whose property, as noted in the most recent local
4462 government tax records, and residences are located within one-
4463 quarter mile of the proposed boundaries of a transmission line
4464 corridor that includes a transmission line as defined by s.
4465 403.522 ~~s. 403.522(22)~~.

4466 Section 124. Paragraph (d) of subsection (1) of section

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4467 403.5365, Florida Statutes, is amended to read:

4468 403.5365 Fees; disposition.—The department shall charge the
4469 applicant the following fees, as appropriate, which, unless
4470 otherwise specified, shall be paid into the Florida Permit Fee
4471 Trust Fund:

4472 (1) An application fee.

4473 (d)1. Upon written request with proper itemized accounting
4474 within 90 days after final agency action by the siting board or
4475 the department or the written notification of the withdrawal of
4476 the application, the agencies that prepared reports under s.
4477 403.526 or s. 403.5271 or participated in a hearing under s.
4478 403.527 or s. 403.5271 may submit a written request to the
4479 department for reimbursement of expenses incurred during the
4480 certification proceedings. The request must contain an
4481 accounting of expenses incurred, which may include time spent
4482 reviewing the application, preparation of any studies required
4483 of the agencies by this act, agency travel and per diem to
4484 attend any hearing held under this act, and for the local
4485 government ~~or regional planning council~~ providing additional
4486 notice of the informational public meeting. The department shall
4487 review the request and verify whether a claimed expense is
4488 valid. Valid expenses shall be reimbursed; however, if the
4489 amount of funds available for reimbursement is insufficient to
4490 provide for full compensation to the agencies, reimbursement
4491 shall be on a prorated basis.

4492 2. If the application review is held in abeyance for more
4493 than 1 year, the agencies may submit a request for reimbursement
4494 under subparagraph 1. This time period shall be measured from
4495 the date the applicant has provided written notification to the

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4496 department that it desires to have the application review
4497 process placed on hold. The fee disbursement shall be processed
4498 in accordance with subparagraph 1.

4499 Section 125. Paragraphs (a) and (d) of subsection (1) of
4500 section 403.537, Florida Statutes, are amended to read:

4501 403.537 Determination of need for transmission line; powers
4502 and duties.—

4503 (1) (a) Upon request by an applicant or upon its own motion,
4504 the Florida Public Service Commission shall schedule a public
4505 hearing, after notice, to determine the need for a transmission
4506 line regulated by the Florida Electric Transmission Line Siting
4507 Act, ss. 403.52-403.5365. The notice shall be published at least
4508 21 days before the date set for the hearing and shall be
4509 published by the applicant in at least one-quarter page size
4510 notice in newspapers of general circulation, and by the
4511 commission in the manner specified in chapter 120, by giving
4512 notice to counties ~~and regional planning councils~~ in whose
4513 jurisdiction the transmission line could be placed, and by
4514 giving notice to any persons who have requested to be placed on
4515 the mailing list of the commission for this purpose. Within 21
4516 days after receipt of a request for determination by an
4517 applicant, the commission shall set a date for the hearing. The
4518 hearing shall be held pursuant to s. 350.01 within 45 days after
4519 the filing of the request, and a decision shall be rendered
4520 within 60 days after such filing.

4521 (d) The determination by the commission of the need for the
4522 transmission line, as defined in s. 403.522 ~~s. 403.522(22)~~, is
4523 binding on all parties to any certification proceeding under the
4524 Florida Electric Transmission Line Siting Act and is a condition

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4525 precedent to the conduct of the certification hearing prescribed
4526 therein. An order entered pursuant to this section constitutes
4527 final agency action.

4528 Section 126. Subsection (17) of section 403.704, Florida
4529 Statutes, is amended to read:

4530 403.704 Powers and duties of the department.—The department
4531 shall have responsibility for the implementation and enforcement
4532 of this act. In addition to other powers and duties, the
4533 department shall:

4534 (17) Provide technical assistance to local governments and
4535 regional agencies to ensure consistency between county hazardous
4536 waste management assessments; coordinate the development of such
4537 assessments ~~with the assistance of the appropriate regional~~
4538 ~~planning councils~~; and review and make recommendations to the
4539 Legislature relative to the sufficiency of the assessments to
4540 meet state hazardous waste management needs.

4541 Section 127. Subsections (3) and (6) of section 403.7225,
4542 Florida Statutes, are amended to read:

4543 403.7225 Local hazardous waste management assessments.—

4544 (3) Each county ~~or regional planning council~~ shall
4545 coordinate the local hazardous waste management assessments
4546 within its jurisdiction according to guidelines established
4547 under s. 403.7226. If a county declines to perform the local
4548 hazardous waste management assessment, the county must ~~shall~~
4549 make arrangements with the department ~~its regional planning~~
4550 ~~council~~ to perform the assessment.

4551 (6) Unless performed by the county pursuant to subsection
4552 (3), the department ~~regional planning councils~~ shall upon
4553 successful arrangements with a county:

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4554 (a) Perform local hazardous waste management assessments;
4555 and

4556 (b) Provide any technical expertise needed by the counties
4557 in developing the assessments.

4558 Section 128. Subsection (1) of section 403.7226, Florida
4559 Statutes, is amended to read:

4560 403.7226 Technical assistance by the department.—The
4561 department shall:

4562 (1) Provide technical assistance to county governments ~~and~~
4563 ~~regional planning councils~~ to ensure consistency in implementing
4564 local hazardous waste management assessments as provided in ss.
4565 403.7225, 403.7234, and 403.7236. In order to ensure that each
4566 local assessment is properly implemented and that all
4567 information gathered during the assessment is uniformly compiled
4568 and documented, each county ~~or regional planning council~~ shall
4569 contact the department during the preparation of the local
4570 assessment to receive technical assistance. Each county ~~or~~
4571 ~~regional planning council~~ shall follow guidelines established by
4572 the department, and adopted by rule as appropriate, in order to
4573 properly implement these assessments.

4574 Section 129. Subsection (2) of section 403.723, Florida
4575 Statutes, is amended to read:

4576 403.723 Siting of hazardous waste facilities.—It is the
4577 intent of the Legislature to facilitate siting of proper
4578 hazardous waste storage facilities in each region and any
4579 additional storage, treatment, or disposal facilities as
4580 required. The Legislature recognizes the need for facilitating
4581 disposal of waste produced by small generators, reducing the
4582 volume of wastes generated in the state, reducing the toxicity

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4583 of wastes generated in the state, and providing treatment and
4584 disposal facilities in the state.

4585 (2) After each county designates areas for storage
4586 facilities, the department ~~each regional planning council~~ shall
4587 designate one or more sites at which a regional hazardous waste
4588 storage or treatment facility could be constructed.

4589 Section 130. Subsection (22) of section 403.9403, Florida
4590 Statutes, is amended to read:

4591 403.9403 Definitions.—As used in ss. 403.9401-403.9425, the
4592 term:

4593 ~~(22) "Regional planning council" means a regional planning~~
4594 ~~council created pursuant to chapter 186 in the jurisdiction of~~
4595 ~~which the project is proposed to be located.~~

4596 Section 131. Paragraph (a) of subsection (2) of section
4597 403.941, Florida Statutes, is amended to read:

4598 403.941 Preliminary statements of issues, reports, and
4599 studies.—

4600 (2) (a) The affected agencies shall prepare reports as
4601 provided in this paragraph and shall submit them to the
4602 department and the applicant within 60 days after the
4603 application is determined sufficient:

4604 1. The department shall prepare a report as to the impact
4605 of each proposed natural gas transmission pipeline or corridor
4606 as it relates to matters within its jurisdiction.

4607 2. Each water management district in the jurisdiction of
4608 which a proposed natural gas transmission pipeline or corridor
4609 is to be located shall prepare a report as to the impact on
4610 water resources and other matters within its jurisdiction.

4611 3. The Department of Commerce shall prepare a report

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4612 containing recommendations which address the impact upon the
4613 public of the proposed natural gas transmission pipeline or
4614 corridor, based on the degree to which the proposed natural gas
4615 transmission pipeline or corridor is consistent with the
4616 applicable portions of the state comprehensive plan and other
4617 matters within its jurisdiction. The Department of Commerce may
4618 also comment on the consistency of the proposed natural gas
4619 transmission pipeline or corridor with applicable strategic
4620 ~~regional policy plans or~~ local comprehensive plans and land
4621 development regulations.

4622 4. The Fish and Wildlife Conservation Commission shall
4623 prepare a report as to the impact of each proposed natural gas
4624 transmission pipeline or corridor on fish and wildlife resources
4625 and other matters within its jurisdiction.

4626 5. Each local government in which the natural gas
4627 transmission pipeline or natural gas transmission pipeline
4628 corridor will be located shall prepare a report as to the impact
4629 of each proposed natural gas transmission pipeline or corridor
4630 on matters within its jurisdiction, including the consistency of
4631 the proposed natural gas transmission pipeline or corridor with
4632 all applicable local ordinances, regulations, standards, or
4633 criteria that apply to the proposed natural gas transmission
4634 pipeline or corridor, including local comprehensive plans,
4635 zoning regulations, land development regulations, and any
4636 applicable local environmental regulations adopted pursuant to
4637 s. 403.182 or by other means. No change by the responsible local
4638 government or local agency in local comprehensive plans, zoning
4639 ordinances, or other regulations made after the date required
4640 for the filing of the local government's report required by this

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4641 section shall be applicable to the certification of the proposed
4642 natural gas transmission pipeline or corridor unless the
4643 certification is denied or the application is withdrawn.

4644 6. The Department of Transportation shall prepare a report
4645 on the effect of the natural gas transmission pipeline or
4646 natural gas transmission pipeline corridor on matters within its
4647 jurisdiction, including roadway crossings by the pipeline. The
4648 report shall contain at a minimum:

4649 a. A report by the applicant to the department stating that
4650 all requirements of the department's utilities accommodation
4651 guide have been or will be met in regard to the proposed
4652 pipeline or pipeline corridor; and

4653 b. A statement by the department as to the adequacy of the
4654 report to the department by the applicant.

4655 7. The Department of State, Division of Historical
4656 Resources, shall prepare a report on the impact of the natural
4657 gas transmission pipeline or natural gas transmission pipeline
4658 corridor on matters within its jurisdiction.

4659 8. The commission shall prepare a report addressing matters
4660 within its jurisdiction. The commission's report shall include
4661 its determination of need issued pursuant to s. 403.9422.

4662 Section 132. Paragraph (a) of subsection (1) of section
4663 403.9422, Florida Statutes, is amended to read:

4664 403.9422 Determination of need for natural gas transmission
4665 pipeline; powers and duties.—

4666 (1)(a) Upon request by an applicant or upon its own motion,
4667 the commission shall schedule a public hearing, after notice, to
4668 determine the need for a natural gas transmission pipeline
4669 regulated by ss. 403.9401-403.9425. Such notice shall be

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4670 published at least 45 days before the date set for the hearing
4671 and shall be published in at least one-quarter page size in
4672 newspapers of general circulation and in the Florida
4673 Administrative Register, by giving notice to counties ~~and~~
4674 ~~regional planning councils~~ in whose jurisdiction the natural gas
4675 transmission pipeline could be placed, and by giving notice to
4676 any persons who have requested to be placed on the mailing list
4677 of the commission for this purpose. Within 21 days after receipt
4678 of a request for determination by an applicant, the commission
4679 shall set a date for the hearing. The hearing shall be held
4680 pursuant to s. 350.01 within 75 days after the filing of the
4681 request, and a decision shall be rendered within 90 days after
4682 such filing.

4683 Section 133. Subsection (4) of section 403.973, Florida
4684 Statutes, is amended to read:

4685 403.973 Expedited permitting; amendments to comprehensive
4686 plans.—

4687 (4) The regional teams shall be established through the
4688 execution of a project-specific memorandum of agreement
4689 developed and executed by the applicant and the secretary, with
4690 input solicited from the respective heads of the Department of
4691 Transportation and its district offices, the Department of
4692 Agriculture and Consumer Services, the Fish and Wildlife
4693 Conservation Commission, ~~appropriate regional planning councils,~~
4694 appropriate water management districts, and voluntarily
4695 participating municipalities and counties. The memorandum of
4696 agreement should also accommodate participation in this
4697 expedited process by other local governments and federal
4698 agencies as circumstances warrant.

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4699 Section 134. Paragraphs (b) and (d) of subsection (1) of
4700 section 408.033, Florida Statutes, are amended to read:

4701 408.033 Local and state health planning.—

4702 (1) LOCAL HEALTH COUNCILS.—

4703 (b) Each local health council may:

4704 1. Develop a district area health plan that permits each
4705 local health council to develop strategies and set priorities
4706 for implementation based on its unique local health needs.

4707 2. Advise the agency on health care issues and resource
4708 allocations.

4709 3. Promote public awareness of community health needs,
4710 emphasizing health promotion and cost-effective health service
4711 selection.

4712 4. Collect data and conduct analyses and studies related to
4713 health care needs of the district, including the needs of
4714 medically indigent persons, and assist the agency and other
4715 state agencies in carrying out data collection activities that
4716 relate to the functions in this subsection.

4717 5. Monitor the onsite construction progress, if any, of
4718 certificate-of-need approved projects and report council
4719 findings to the agency on forms provided by the agency.

4720 ~~6. Advise and assist any regional planning councils within~~
4721 ~~each district that have elected to address health issues in~~
4722 ~~their strategic regional policy plans with the development of~~
4723 ~~the health element of the plans to address the health goals and~~
4724 ~~policies in the State Comprehensive Plan.~~

4725 6.7. Advise and assist local governments within each
4726 district on the development of an optional health plan element
4727 of the comprehensive plan provided in chapter 163, to assure

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4728 compatibility with the health goals and policies in the State
4729 Comprehensive Plan and district health plan. To facilitate the
4730 implementation of this section, the local health council shall
4731 annually provide the local governments in its service area, upon
4732 request, with:

4733 a. A copy and appropriate updates of the district health
4734 plan;

4735 b. A report of nursing home utilization statistics for
4736 facilities within the local government jurisdiction; and

4737 c. Applicable agency rules and calculated need
4738 methodologies for health facilities and services regulated under
4739 s. 408.034 for the district served by the local health council.

4740 ~~7.8.~~ Monitor and evaluate the adequacy, appropriateness,
4741 and effectiveness, within the district, of local, state,
4742 federal, and private funds distributed to meet the needs of the
4743 medically indigent and other underserved population groups.

4744 ~~8.9.~~ In conjunction with the Department of Health, plan for
4745 services at the local level for persons infected with the human
4746 immunodeficiency virus.

4747 ~~9.10.~~ Provide technical assistance to encourage and support
4748 activities by providers, purchasers, consumers, and local,
4749 regional, and state agencies in meeting the health care goals,
4750 objectives, and policies adopted by the local health council.

4751 ~~10.11.~~ Provide the agency with data required by rule for
4752 the review of certificate-of-need applications and the
4753 projection of need for health facilities in the district.

4754 (d) Each local health council shall enter into a memorandum
4755 of agreement with each ~~regional planning council in its district~~
4756 ~~that elects to address health issues in its strategic regional~~

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4757 ~~policy plan. In addition, each local health council shall enter~~
4758 ~~into a memorandum of agreement with each~~ local government that
4759 includes an optional health element in its comprehensive plan.
4760 Each memorandum of agreement must specify the manner in which
4761 each local government, ~~regional planning council,~~ and local
4762 health council will coordinate its activities to ensure a
4763 unified approach to health planning and implementation efforts.

4764 Section 135. Subsection (1) of section 420.609, Florida
4765 Statutes, is amended to read:

4766 420.609 Affordable Housing Study Commission.—Because the
4767 Legislature firmly supports affordable housing in Florida for
4768 all economic classes:

4769 (1) There is created the Affordable Housing Study
4770 Commission, which shall be composed of 20 ~~21~~ members to be
4771 appointed by the Governor:

4772 (a) One citizen actively engaged in the residential home
4773 building industry.

4774 (b) One citizen actively engaged in the home mortgage
4775 lending profession.

4776 (c) One citizen actively engaged in the real estate sales
4777 profession.

4778 (d) One citizen actively engaged in apartment development.

4779 (e) One citizen actively engaged in the management and
4780 operation of a rental housing development.

4781 (f) Two citizens who represent very-low-income and low-
4782 income persons.

4783 (g) One citizen representing a community-based organization
4784 with experience in housing development.

4785 (h) One citizen representing a community-based organization

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4786 with experience in housing development in a community with a
4787 population of less than 50,000 persons.

4788 (i) Two citizens who represent elderly persons' housing
4789 interests.

4790 ~~(j) One representative of regional planning councils.~~

4791 (j)~~(k)~~ One representative of the Florida League of Cities.

4792 (k)~~(l)~~ One representative of the Florida Association of
4793 Counties.

4794 (l)~~(m)~~ Two citizens representing statewide growth
4795 management organizations.

4796 (m)~~(n)~~ One citizen of the state to serve as chair of the
4797 commission.

4798 (n)~~(o)~~ One citizen representing a residential community
4799 developer.

4800 (o)~~(p)~~ One member who is a resident of the state.

4801 (p)~~(q)~~ One representative from a local housing authority.

4802 (q)~~(r)~~ One citizen representing the housing interests of
4803 homeless persons.

4804 Section 136. Paragraph (a) of subsection (3) and subsection
4805 (6) of section 473.3065, Florida Statutes, are amended to read:

4806 473.3065 Clay Ford Scholarship Program; Certified Public
4807 Accountant Education Minority Assistance Advisory Council.—

4808 (3) The board shall adopt rules as necessary for
4809 administration of the Clay Ford Scholarship Program, including
4810 rules relating to the following:

4811 (a) Eligibility criteria for receipt of a scholarship,
4812 which, at a minimum, shall include the following factors:

4813 1. Financial need.

4814 2. Ethnic, gender, or racial minority status pursuant to s.

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4815 288.703 ~~s. 288.703(4)~~.

4816 3. Scholastic ability and performance.

4817 (6) There is hereby created the Certified Public Accountant
4818 Education Minority Assistance Advisory Council to assist the
4819 board in administering the Clay Ford Scholarship Program. The
4820 council shall be diverse and representative of the gender,
4821 ethnic, and racial categories set forth in s. 288.703 ~~s.~~
4822 ~~288.703(4)~~.

4823 (a) The council shall consist of five licensed Florida-
4824 certified public accountants selected by the board, of whom one
4825 shall be a board member who serves as chair of the council, one
4826 shall be a representative of the National Association of Black
4827 Accountants, one shall be a representative of the Cuban American
4828 CPA Association, and two shall be selected at large. At least
4829 one member of the council must be a woman.

4830 (b) The board shall determine the terms for initial
4831 appointments and appointments thereafter.

4832 (c) Any vacancy on the council shall be filled in the
4833 manner provided for the selection of the initial member. Any
4834 member appointed to fill a vacancy of an unexpired term shall be
4835 appointed for the remainder of that term.

4836 (d) Three consecutive absences or absences constituting 50
4837 percent or more of the council's meetings within any 12-month
4838 period shall cause the council membership of the member in
4839 question to become void, and the position shall be considered
4840 vacant.

4841 (e) The members of the council shall serve without
4842 compensation, and any necessary and actual expenses incurred by
4843 a member while engaged in the business of the council shall be

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4844 borne by such member or by the organization or agency such
4845 member represents. However, the council member who is a member
4846 of the board shall be compensated in accordance with ss.
4847 455.207(4) and 112.061.

4848 Section 137. Paragraph (f) of subsection (1) of section
4849 501.171, Florida Statutes, is amended to read:

4850 501.171 Security of confidential personal information.—

4851 (1) DEFINITIONS.—As used in this section, the term:

4852 (f) "Governmental entity" means any department, division,
4853 bureau, commission, ~~regional planning agency~~, board, district,
4854 authority, agency, or other instrumentality of this state that
4855 acquires, maintains, stores, or uses data in electronic form
4856 containing personal information.

4857 Section 138. Section 625.3255, Florida Statutes, is amended
4858 to read:

4859 625.3255 Capital participation instrument.—An insurer may
4860 invest in any capital participation instrument or evidence of
4861 indebtedness issued by the Department of Commerce pursuant to
4862 the Florida Small ~~and Minority~~ Business Assistance Act.

4863 Section 139. Paragraph (b) of subsection (4) of section
4864 657.042, Florida Statutes, is amended to read:

4865 657.042 Investment powers and limitations.—A credit union
4866 may invest its funds subject to the following definitions,
4867 restrictions, and limitations:

4868 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
4869 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
4870 the credit union may be invested in any of the following:

4871 (b) Any capital participation instrument or evidence of
4872 indebtedness issued by the Department of Commerce pursuant to

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4873 the Florida Small ~~and Minority~~ Business Assistance Act.

4874 Section 140. Paragraph (f) of subsection (4) of section
4875 658.67, Florida Statutes, is amended to read:

4876 658.67 Investment powers and limitations.—A bank may invest
4877 its funds, and a trust company may invest its corporate funds,
4878 subject to the following definitions, restrictions, and
4879 limitations:

4880 (4) INVESTMENTS SUBJECT TO LIMITATION OF 10 PERCENT OR LESS
4881 OF CAPITAL ACCOUNTS.—

4882 (f) Up to 10 percent of the capital accounts of a bank or
4883 trust company may be invested in any capital participation
4884 instrument or evidence of indebtedness issued by the Department
4885 of Commerce pursuant to the Florida Small ~~and Minority~~ Business
4886 Assistance Act.

4887 Section 141. Subsection (6) of section 1013.30, Florida
4888 Statutes, is amended to read:

4889 1013.30 University campus master plans and campus
4890 development agreements.—

4891 (6) Before a campus master plan is adopted, a copy of the
4892 draft master plan must be sent for review or made available
4893 electronically to the host and any affected local governments,
4894 the state land planning agency, the Department of Environmental
4895 Protection, the Department of Transportation, the Department of
4896 State, the Fish and Wildlife Conservation Commission, and the
4897 applicable water management district ~~and regional planning~~
4898 ~~council~~. At the request of a governmental entity, a hard copy of
4899 the draft master plan shall be submitted within 7 business days
4900 of an electronic copy being made available. These agencies must
4901 be given 90 days after receipt of the campus master plans in

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4902 which to conduct their review and provide comments to the
4903 university board of trustees. The commencement of this review
4904 period must be advertised in newspapers of general circulation
4905 within the host local government and any affected local
4906 government to allow for public comment. Following receipt and
4907 consideration of all comments and the holding of an informal
4908 information session and at least two public hearings within the
4909 host jurisdiction, the university board of trustees shall adopt
4910 the campus master plan. It is the intent of the Legislature that
4911 the university board of trustees comply with the notice
4912 requirements set forth in s. 163.3184(11) to ensure full public
4913 participation in this planning process. The informal public
4914 information session must be held before the first public
4915 hearing. The first public hearing shall be held before the draft
4916 master plan is sent to the agencies specified in this
4917 subsection. The second public hearing shall be held in
4918 conjunction with the adoption of the draft master plan by the
4919 university board of trustees. Campus master plans developed
4920 under this section are not rules and are not subject to chapter
4921 120 except as otherwise provided in this section.

4922 Section 142. For the purpose of incorporating the amendment
4923 made by this act to section 447.203, Florida Statutes, in
4924 references thereto, paragraph (w) of subsection (2) of section
4925 110.205, Florida Statutes, is reenacted to read:

4926 110.205 Career service; exemptions.—

4927 (2) EXEMPT POSITIONS.—The exempt positions that are not
4928 covered by this part include the following:

4929 (w) Managerial employees, as defined in s. 447.203(4),
4930 confidential employees, as defined in s. 447.203(5), and

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4931 supervisory employees who spend the majority of their time
4932 communicating with, motivating, training, and evaluating
4933 employees, and planning and directing employees' work, and who
4934 have the authority to hire, transfer, suspend, lay off, recall,
4935 promote, discharge, assign, reward, or discipline subordinate
4936 employees or effectively recommend such action, including all
4937 employees serving as supervisors, administrators, and directors.
4938 Excluded are employees also designated as special risk or
4939 special risk administrative support and attorneys who serve as
4940 administrative law judges pursuant to s. 120.65 or for hearings
4941 conducted pursuant to s. 120.57(1)(a). Additionally, registered
4942 nurses licensed under chapter 464, dentists licensed under
4943 chapter 466, psychologists licensed under chapter 490 or chapter
4944 491, nutritionists or dietitians licensed under part X of
4945 chapter 468, pharmacists licensed under chapter 465,
4946 psychological specialists licensed under chapter 491, physical
4947 therapists licensed under chapter 486, and speech therapists
4948 licensed under part I of chapter 468 are excluded, unless
4949 otherwise collectively bargained.

4950 Section 143. For the purpose of incorporating the amendment
4951 made by this act to section 164.1031, Florida Statutes, in a
4952 reference thereto, paragraph (d) of subsection (2) of section
4953 163.3162, Florida Statutes, is reenacted to read:

4954 163.3162 Agricultural lands and practices.—

4955 (2) DEFINITIONS.—As used in this section, the term:

4956 (d) "Governmental entity" has the same meaning as provided
4957 in s. 164.1031. The term does not include a water management
4958 district, a water control district established under chapter
4959 298, or a special district created by special act for water

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4960 management purposes.

4961 Section 144. For the purpose of incorporating the amendment
4962 made by this act to section 164.1031, Florida Statutes, in a
4963 reference thereto, subsection (8) of section 373.129, Florida
4964 Statutes, is reenacted to read:

4965 373.129 Maintenance of actions.—The department, the
4966 governing board of any water management district, any local
4967 board, or a local government to which authority has been
4968 delegated pursuant to s. 373.103(8), is authorized to commence
4969 and maintain proper and necessary actions and proceedings in any
4970 court of competent jurisdiction for any of the following
4971 purposes:

4972 (8) In conflicts arising where a water management district
4973 is a party to litigation against another governmental entity, as
4974 defined in s. 164.1031, a district has an affirmative duty to
4975 engage in alternative dispute resolution in good faith as
4976 required by chapter 164.

4977 Section 145. For the purpose of incorporating the amendment
4978 made by this act to section 339.155, Florida Statutes, in
4979 references thereto, subsections (1) and (3) of section 339.2819,
4980 Florida Statutes, are reenacted to read:

4981 339.2819 Transportation Regional Incentive Program.—

4982 (1) There is created within the Department of
4983 Transportation a Transportation Regional Incentive Program for
4984 the purpose of providing funds to improve regionally significant
4985 transportation facilities in regional transportation areas
4986 created pursuant to s. 339.155(4).

4987 (3) The department shall allocate funding available for the
4988 Transportation Regional Incentive Program to the districts based

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4989 on a factor derived from equal parts of population and motor
4990 fuel collections for eligible counties in regional
4991 transportation areas created pursuant to s. 339.155(4).

4992 Section 146. For the purpose of incorporating the
4993 amendments made by this act to sections 380.045 and 380.05,
4994 Florida Statutes, in references thereto, subsections (5) and (6)
4995 of section 380.0552, Florida Statutes, are reenacted to read:

4996 380.0552 Florida Keys Area; protection and designation as
4997 area of critical state concern.—

4998 (5) APPLICATION OF THIS CHAPTER.—Section 380.05(1)-(5),
4999 (9)-(11), (15), (17), and (21) shall not apply to the area
5000 designated by this section for so long as the designation
5001 remains in effect. Except as otherwise provided in this section,
5002 s. 380.045 shall not apply to the area designated by this
5003 section. All other provisions of this chapter shall apply,
5004 including s. 380.07.

5005 (6) RESOURCE PLANNING AND MANAGEMENT COMMITTEE.—The
5006 Governor, acting as the chief planning officer of the state,
5007 shall appoint a resource planning and management committee for
5008 the Florida Keys Area with the membership as specified in s.
5009 380.045(2). Meetings shall be called as needed by the chair or
5010 on the demand of three or more members of the committee. The
5011 committee shall:

5012 (a) Serve as a liaison between the state and local
5013 governments within Monroe County.

5014 (b) Develop, with local government officials in the Florida
5015 Keys Area, recommendations to the state land planning agency as
5016 to the sufficiency of the Florida Keys Area's comprehensive plan
5017 and land development regulations.

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5018 (c) Recommend to the state land planning agency changes to
5019 state and regional plans and regulatory programs affecting the
5020 Florida Keys Area.

5021 (d) Assist units of local government within the Florida
5022 Keys Area in carrying out the planning functions and other
5023 responsibilities required by this section.

5024 (e) Review, at a minimum, all reports and other materials
5025 provided to it by the state land planning agency or other
5026 governmental agencies.

5027 Section 147. For the purpose of incorporating the amendment
5028 made by this act to section 403.507, Florida Statutes, in a
5029 reference thereto, paragraph (a) of subsection (1) of section
5030 403.5064, Florida Statutes, is reenacted to read:

5031 403.5064 Application; schedules.—

5032 (1) The formal date of filing of a certification
5033 application and commencement of the certification review process
5034 shall be when the applicant submits:

5035 (a) Copies of the certification application in a quantity
5036 and format as prescribed by rule to the department and other
5037 agencies identified in s. 403.507(2)(a).

5038 Section 148. For the purpose of incorporating the amendment
5039 made by this act to section 403.526, Florida Statutes, in a
5040 reference thereto, paragraph (a) of subsection (1) of section
5041 403.5251, Florida Statutes, is reenacted to read:

5042 403.5251 Application; schedules.—

5043 (1)(a) The formal date of the filing of the application for
5044 certification and commencement of the review process for
5045 certification is the date on which the applicant submits:

5046 1. Copies of the application for certification in a

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5047 quantity and format, electronic or otherwise as prescribed by
5048 rule, to the department and other agencies identified in s.
5049 403.526(2).

5050 2. The application fee as specified under s. 403.5365 to
5051 the department.

5052
5053 The department shall provide to the applicant and the Division
5054 of Administrative Hearings the names and addresses of any
5055 additional agencies or persons entitled to notice and copies of
5056 the application and amendments, if any, within 7 days after
5057 receiving the application for certification and the application
5058 fees.

5059 Section 149. For the purpose of incorporating the amendment
5060 made by this act to section 403.526, Florida Statutes, in
5061 references thereto, paragraphs (d) and (f) of subsection (1) of
5062 section 403.5271, Florida Statutes, are reenacted to read:

5063 403.5271 Alternate corridors.—

5064 (1) No later than 45 days before the originally scheduled
5065 certification hearing, any party may propose alternate
5066 transmission line corridor routes for consideration under the
5067 provisions of this act.

5068 (d) Within 21 days after acceptance of an alternate
5069 corridor by the department and the applicant, the party
5070 proposing an alternate corridor shall have the burden of
5071 providing all data to the agencies listed in s. 403.526(2) and
5072 newly affected agencies necessary for the preparation of a
5073 supplementary report on the proposed alternate corridor.

5074 (f) The agencies listed in s. 403.526(2) and any newly
5075 affected agencies shall file supplementary reports with the

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5076 applicant and the department which address the proposed
5077 alternate corridors no later than 24 days after the data
5078 submitted pursuant to paragraph (d) or paragraph (e) is
5079 determined to be complete.

5080 Section 150. For the purpose of incorporating the amendment
5081 made by this act to section 403.941, Florida Statutes, in a
5082 reference thereto, paragraph (c) of subsection (5) of section
5083 403.9421, Florida Statutes, is reenacted to read:

5084 403.9421 Fees; disposition.—The department shall charge the
5085 applicant the following fees, as appropriate, which shall be
5086 paid into the Florida Permit Fee Trust Fund:

5087 (5) In administering fee revenues received under this
5088 section, the department shall allocate the funds as follows:

5089 (c) The balance of fees remaining shall be used by the
5090 department to reimburse affected agencies included in s.
5091 403.941(2)(a) for costs incurred in application and
5092 postcertification review, respectively.

5093 1. For application processing costs, upon presentation by
5094 an affected agency of a proper itemized accounting within 90
5095 days after the date of the board's order approving certification
5096 or the date on which a pending application is otherwise disposed
5097 of, the department shall reimburse the agencies for authorized
5098 costs from the fee balances remaining. Such reimbursement shall
5099 be authorized for studies and the preparation of any reports
5100 required of the agencies by ss. 403.9401-403.9425, for agency
5101 travel and per diem to attend any hearing held, and for
5102 participation in the proceedings. In the event the amount
5103 available for allocation is insufficient to provide for complete
5104 reimbursement to the agencies, reimbursement shall be on a

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5105 prorated basis. If any sums are remaining, the department shall
5106 retain them for use in the same manner as is otherwise
5107 authorized by this section; however, if the certification
5108 application is withdrawn, the remaining sums shall be refunded
5109 to the applicant within 120 days after withdrawal.

5110 2. For postcertification costs, an invoice may be submitted
5111 on an annual basis, commencing from the date of certification,
5112 for expenses incurred by affected agencies conducting
5113 postcertification review work pursuant to the conditions of
5114 certification. In the event the amount available for allocation
5115 is insufficient to provide for complete reimbursement to the
5116 agencies, reimbursement shall be on a prorated basis.

5117 Section 151. This act shall take effect July 1, 2025.