

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Commerce and Tourism; and Senator Collins

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A bill to be entitled
An act relating to rural and urban business enterprises; repealing ss. 24.113, 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512, 186.513, 186.515, 287.0931, 288.12266, 288.124, 288.706, 288.7094, 288.7102, 288.71025, 288.7103, 288.714, and 331.351, F.S., relating to minority participation; a short title; legislative findings and public purpose; definitions relating to the Florida Regional Planning Council Act; regional planning councils, creation, and membership; regional planning councils, powers and duties; the Executive Office of the Governor, powers and duties; strategic regional policy plans; strategic regional policy plan adoption, consistency with state comprehensive plan; dispute resolution process; evaluation of strategic regional policy plan, changes in plan; designation of regional planning councils; reports; creation of regional planning councils under ch. 163, F.S.; minority business enterprises; the Targeted Marketing Assistance Program; convention grants program; the Florida Minority Business Loan Mobilization Program; black business investment corporations; the Black Business Loan Program; prohibited acts and penalties; eligibility for a loan, loan guarantee, or investment; quarterly and annual reports; and encouragement for the participation by women, minorities, and socially disadvantaged business enterprises, respectively; amending s. 20.60, F.S.;

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revising the purpose of the Department of Commerce;
revising the responsibilities of the Division of
Economic Development within the department; assigning
responsibility to the division for the Office of
Secure Florida within the department; specifying the
responsibilities of the office; amending s. 212.08,
F.S.; deleting a prohibition that the Department of
Revenue may not issue temporary tax exemption
certificates after a specified date; amending s.
253.025, F.S.; providing an exemption for Federal
Government agencies regarding land being reverted to
the Board of Trustees of the Internal Improvement
Trust Fund if land conveyances are at less than the
appraised value; amending s. 287.012, F.S.; deleting
the definition of the term "minority business
enterprise"; amending s. 287.042, F.S.; conforming
provisions to changes made by the act; amending s.
287.09451, F.S.; revising legislative findings;
renaming the Office of Supplier Diversity as the
Office of Supplier Development; specifying that the
purpose and duties of the office are to assist rural
or urban business enterprises, rather than minority
business enterprises; conforming a provision to
changes made by the act; making technical changes;
amending s. 287.0947, F.S.; renaming the Florida
Advisory Council on Small and Minority Business
Development as the Florida Advisory Council on Small,
Rural, and Urban Business Development; revising the
composition of the council's membership; revising the

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council's powers and duties; conforming a cross-reference; amending s. 288.001, F.S.; revising the criteria for membership of the statewide advisory board of the Florida Small Business Development Center Network; amending s. 288.0065, F.S.; revising the list of information that must be included in the Department of Commerce's annual incentives report; amending s. 288.1167, F.S.; revising the sports franchise contract provisions for food and beverage concession and contract awards; amending s. 288.1229, F.S.; revising the representational criteria for the board of directors of the Florida Sports Foundation; amending s. 288.7015, F.S.; revising the duties of the state's rules ombudsman; amending s. 288.702, F.S.; renaming the Florida Small and Minority Business Assistance Act as the Florida Small Business Act; conforming a cross-reference; amending s. 288.703, F.S.; defining, deleting, and revising terms; amending s. 288.705, F.S.; requiring the Small Business Development Center, in coordination with Minority Business Development Centers, to compile and distribute certain information to small businesses and businesses located in rural or urban areas, rather than to minority businesses; revising the list of information that must be included by the Small Business Development Center in its annual report to the Department of Commerce; amending s. 288.776, F.S.; deleting a membership requirement of the board of directors of the Florida Export Finance Corporation; creating s. 288.9628, F.S.; providing

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legislative findings; establishing the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the Department of Commerce; providing the purpose for the program; requiring the department to coordinate with the Florida Opportunity Fund and the State Board of Administration for a specified purpose; defining terms; requiring an applicant to apply to the department for authorization to claim tax credits; requiring the department to review and act upon such application within a specified timeframe; requiring the applicant to provide certain information required by the department; specifying the information that must be included in the application; requiring an applicant to update its application if there has been a material change; prohibiting tax credits from exceeding a specified amount in a fiscal year; prohibiting the department from issuing a tax credit to a qualifying private fund until the private fund demonstrates it has received its total capital commitment; prohibiting the department from authorizing more than a specified amount of tax credits to a qualifying private fund in a fiscal year; requiring a qualifying private fund to provide documentation to show that the qualifying investment meets the department's requirements to issue a tax credit; providing that follow-on or add-on capital commitments may only be considered after the follow-on or add-on investment has been deployed; requiring a qualifying private fund to make a

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specified number of qualified investments in a
specified number of qualifying portfolio projects to
be eligible for a tax credit; specifying the
information that must be included in the submission by
a qualifying private fund; authorizing a qualifying
private fund to receive tax credits equivalent to a
certain percentage of a qualifying investment in a
qualifying portfolio company; requiring the department
to authorize the Department of Revenue to issue tax
credits to a qualifying private fund if certain
requirements are met; prohibiting the Department of
Revenue from issuing more than a specified fraction of
the tax credits authorized for a qualifying investment
in a qualifying portfolio company in a fiscal year;
authorizing credits received to be applied against the
qualifying private fund's corporate income tax
liability; authorizing a qualifying private fund to
transfer or sell any portion of its tax credit;
requiring such transfer or sale to take place within a
specified timeframe, after which the credit expires;
prohibiting such transfer or sale if the department
authorizes the credit but the Department of Revenue
has not yet issued such credit; authorizing the
department to revoke or modify its previous decisions
if it is discovered that the qualifying private fund
submitted any false statement, representation, or
certification in its application or if information in
a previous application materially changes; requiring
the department to notify the Department of Revenue of

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any such revocation or modification affecting
previously granted tax credits; requiring the
qualifying private fund to notify the Department of
Revenue of any change in its tax credit claimed;
requiring that a qualifying private fund annually
report to the department for each investment within a
specified timeframe in order to remain eligible to
receive tax credits; providing that failure to do so
will result in the qualifying private fund's tax
credit being revoked; requiring a qualifying private
fund to submit specified information to the department
in order to receive a tax credit; requiring the
department to revoke its approval of tax credits for
the qualifying investment if it fails to meet certain
requirements; requiring the department to issue a
notice of revocation and recapture to the qualifying
private fund and the Department of Revenue; requiring
such qualifying private fund to repay to the
department an amount equal to a certain percentage of
the tax credits authorized by the department and
claimed by a qualifying portfolio company for the
qualifying investment; requiring that such funds be
deposited into the General Revenue Fund; providing
construction; requiring the department to include
specified information in its annual incentives report
beginning on a specified date and annually thereafter;
requiring that a certain percentage of tax credits be
made available during a specified period of time for a
specified purpose; requiring that all remaining tax

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credits be made available during a specified period of time on a first-come, first-served basis, subject to eligibility of the qualifying investment; authorizing the department to adopt rules; amending s. 290.0056, F.S.; conforming provisions to changes made by the act; amending s. 290.0057, F.S.; revising enterprise zone development plan requirements to include business investment corporations in rural or urban areas; amending s. 331.302, F.S.; providing that Space Florida is not an agency for purposes of its ability to bid and contract for certain professional and construction services under certain circumstances, and is therefore exempt from certain requirements; providing that moneys received by the person under contract with Space Florida to provide certain goods and services are not state or local government funds; amending s. 445.08, F.S.; revising the minimum eligibility requirements for the Florida Law Enforcement Recruitment Bonus Payment Program for newly employed law enforcement officers; deleting an expiration date; amending s. 447.203, F.S.; revising the definition of the term "managerial employees"; authorizing local governments to enter into agreements to create regional planning entities; amending ss. 17.11, 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177, 163.3178, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.007, 186.008, 186.803, 187.201, 212.096, 218.32, 255.101, 255.102, 258.501, 260.0142, 287.055, 287.057, 287.0943, 287.09431,

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204 288.0001, 288.7031, 288.975, 290.004, 320.08058,
205 335.188, 339.155, 339.175, 339.285, 339.63, 339.64,
206 341.041, 343.54, 366.93, 369.303, 369.307, 373.309,
207 373.415, 376.3072, 377.703, 378.411, 380.031, 380.045,
208 380.05, 380.055, 380.06, 380.061, 380.07, 380.23,
209 380.507, 381.986, 403.031, 403.0752, 403.503,
210 403.50663, 403.507, 403.509, 403.5115, 403.5175,
211 403.518, 403.522, 403.526, 403.5271, 403.5272,
212 403.5363, 403.5365, 403.537, 403.704, 403.7225,
213 403.7226, 403.723, 403.9403, 403.941, 403.9422,
214 403.973, 408.033, 420.609, 473.3065, 501.171,
215 625.3255, 657.042, 658.67, and 1013.30, F.S.;
216 conforming provisions to changes made by the act;
217 revising and conforming cross-references; making
218 technical changes; reenacting s. 110.205(2)(w), F.S.,
219 relating to career service exemptions, to incorporate
220 the amendment made to s. 447.203, F.S., in references
221 thereto; reenacting ss. 163.3162(2)(d) and 373.129(8),
222 F.S., relating to agricultural lands and practices and
223 maintenance of actions, respectively, to incorporate
224 the amendment made to s. 164.1031, F.S., in references
225 thereto; reenacting s. 339.2819(1) and (3), F.S.,
226 relating to the Transportation Regional Incentive
227 Program, to incorporate the amendment made to s.
228 339.155, F.S., in references thereto; reenacting s.
229 380.0552(5) and (6), F.S., relating to the Florida
230 Keys Area, to incorporate the amendments made to ss.
231 380.045 and 380.05, F.S., in references thereto;
232 reenacting s. 403.5064(1)(a), F.S., relating to

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application schedules, to incorporate the amendment made to s. 403.507, F.S., in a reference thereto; reenacting ss. 403.5251(1)(a) and 403.5271(1)(d) and (f), F.S., relating to application and schedules and alternate corridors, respectively, to incorporate the amendment made to s. 403.526, F.S., in references thereto; reenacting s. 403.9421(5)(c), F.S., relating to fees and disposition, to incorporate the amendment made to s. 403.941, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 24.113, Florida Statutes, is repealed.
Section 2. Section 186.501, Florida Statutes, is repealed.
Section 3. Section 186.502, Florida Statutes, is repealed.
Section 4. Section 186.503, Florida Statutes, is repealed.
Section 5. Section 186.504, Florida Statutes, is repealed.
Section 6. Section 186.505, Florida Statutes, is repealed.
Section 7. Section 186.506, Florida Statutes, is repealed.
Section 8. Section 186.507, Florida Statutes, is repealed.
Section 9. Section 186.508, Florida Statutes, is repealed.
Section 10. Section 186.509, Florida Statutes, is repealed.
Section 11. Section 186.511, Florida Statutes, is repealed.
Section 12. Section 186.512, Florida Statutes, is repealed.
Section 13. Section 186.513, Florida Statutes, is repealed.
Section 14. Section 186.515, Florida Statutes, is repealed.
Section 15. Section 287.0931, Florida Statutes, is
repealed.

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Section 16. Section 288.12266, Florida Statutes, is repealed.

Section 17. Section 288.124, Florida Statutes, is repealed.

Section 18. Section 288.706, Florida Statutes, is repealed.

Section 19. Section 288.7094, Florida Statutes, is repealed.

Section 20. Section 288.7102, Florida Statutes, is repealed.

Section 21. Section 288.71025, Florida Statutes, is repealed.

Section 22. Section 288.7103, Florida Statutes, is repealed.

Section 23. Section 288.714, Florida Statutes, is repealed.

Section 24. Section 331.351, Florida Statutes, is repealed.

Section 25. Paragraphs (e) and (k) of subsection (4) and paragraph (a) of subsection (5) of section 20.60, Florida Statutes, are amended to read:

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

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

(e) Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas

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including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; ~~minority and~~ small business development; business development in rural or urban areas; defense, space, and aerospace development; rural community development; and the development and promotion of professional and amateur sporting events.

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

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

(a) The Division of Economic Development shall:

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

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

3. Develop measurement protocols for the state incentive programs and for the contracted entities which will be used to determine their performance and competitive value to the state. Performance measures, benchmarks, and sanctions must be

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developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s.

216.177. The approved performance measures, standards, and sanctions must ~~shall~~ be included and made a part of the strategic plan for contracts entered into for delivery of programs authorized by this section.

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

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

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

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

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

e. Plans for the generation of foreign investment in the state which create jobs paying above-average wages and which

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349 result in reverse investment in the state, including programs
350 that establish viable overseas markets, assist in meeting the
351 financing requirements of export-ready firms, broaden
352 opportunities for international joint venture relationships, use
353 the resources of academic and other institutions, coordinate
354 trade assistance and facilitation services, and facilitate
355 availability of and access to education and training programs
356 that assure requisite skills and competencies necessary to
357 compete successfully in the global marketplace.

358 f. The identification of business sectors that are of
359 current or future importance to the state's economy and to the
360 state's global business image, and development of specific
361 strategies to promote the development of such sectors.

362 g. Strategies for talent development necessary in the state
363 to encourage economic development growth, taking into account
364 factors such as the state's talent supply chain, education and
365 training opportunities, and available workforce.

366 h. Strategies and plans to support this state's defense,
367 space, and aerospace industries and the emerging complementary
368 business activities and industries that support the development
369 and growth of defense, space, and aerospace in this state.

370 5. Update the strategic plan every 5 years.

371 6. Involve CareerSource Florida, Inc.; direct-support
372 organizations of the department; local governments; the general
373 public; local and regional economic development organizations;
374 other local, state, and federal economic, international, and
375 workforce development entities; the business community; and
376 educational institutions to assist with the strategic plan.

377 7. Coordinate with the Florida Tourism Industry Marketing

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378 Corporation in the development of the 4-year marketing plan
379 pursuant to s. 288.1226(13).

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

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

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

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

390 Section 26. Paragraph (r) of subsection (5) of section
391 212.08, Florida Statutes, is amended to read:

392 212.08 Sales, rental, use, consumption, distribution, and
393 storage tax; specified exemptions.—The sale at retail, the
394 rental, the use, the consumption, the distribution, and the
395 storage to be used or consumed in this state of the following
396 are hereby specifically exempt from the tax imposed by this
397 chapter.

398 (5) EXEMPTIONS; ACCOUNT OF USE.—

399 (r) *Data center property.*—

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

401 a. "Critical IT load" means that portion of electric power
402 capacity, expressed in terms of megawatts, which is reserved
403 solely for owners or tenants of a data center to operate their
404 computer server equipment. The term does not include any
405 ancillary load for cooling, lighting, common areas, or other
406 equipment.

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

c. "Data center" means a facility that:

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

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

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

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

d. "Data center property" means property used exclusively at a data center to construct, outfit, operate, support, power, cool, dehumidify, secure, or protect a data center and any contiguous dedicated substations. The term includes, but is not limited to, construction materials, component parts, machinery, equipment, computers, servers, installations, redundancies, and

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operating or enabling software, including any replacements, updates and new versions, and upgrades to or for such property, regardless of whether the property is a fixture or is otherwise affixed to or incorporated into real property. The term also includes electricity used exclusively at a data center.

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

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

b.(I) The certificateholder shall maintain all necessary books and records to support the exemption provided by this paragraph. Upon satisfaction of all requirements of subparagraph 2., the certificateholder must deliver the temporary tax certificate to the department together with documentation sufficient to show the satisfaction of the requirements. Such

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documentation must include written declarations, pursuant to s. 92.525, from:

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

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

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

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

(III) Notwithstanding s. 212.084(4), the permanent tax exemption certificate remains valid and effective for as long as the data center described in the exemption application continues to operate as a data center as defined in subparagraph 1., with review by the department every 5 years to ensure compliance. As part of the review, the certificateholder shall, within 3 months before the end of any 5-year period, submit a written declaration, pursuant to s. 92.525, certifying that the critical IT load of 15 megawatts or higher and the critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center required by subparagraph 2. continues to

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be met. All owners, tenants, contractors, and others purchasing exempt data center property shall maintain all necessary books and records to support the exemption as to those purchases.

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

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

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

d. Purchasers, lessees, and renters of data center property who qualify for the exemption provided by this paragraph shall obtain from the data center a copy of the tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. Before or at the time of purchase of the item or items eligible for exemption, the purchaser, lessee, or renter shall provide to the seller a copy of the tax exemption certificate and a signed certificate of entitlement. Purchasers, lessees, and renters with self-accrual authority shall maintain

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all documentation necessary to prove the exempt status of purchases.

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

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

Section 27. Paragraph (d) of subsection (21) of section 253.025, Florida Statutes, is amended to read:

253.025 Acquisition of state lands.—

(21)

(d) A conveyance at less than appraised value must state that the land will revert to the board of trustees if the land is not used for its intended purposes as a military installation buffer or if the military installation closes. Federal Government agencies, including the Department of Defense and its subordinate Departments of the Army, Navy, and Air Force, and the Department of Homeland Security's United States Coast Guard, are exempt from this paragraph if the primary purpose of remaining as a military installation buffer continues, even though the specific military purpose, mission, and function on the conveyed land is modified or changes from that which was present or proposed at the time of the conveyance.

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Section 28. Subsection (18) of section 287.012, Florida Statutes, is amended to read:

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

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

Section 29. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 287.042, Florida Statutes, are amended to read:

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

(2)(a) To establish purchasing agreements and procure state term contracts for commodities and contractual services, pursuant to s. 287.057, under which state agencies shall, and eligible users may, make purchases pursuant to s. 287.056. The department may restrict purchases from some term contracts to state agencies only for those term contracts where the inclusion of other governmental entities will have an adverse effect on competition or to those federal facilities located in this state. In such planning or purchasing the Office of Supplier Development Diversity may monitor to ensure that opportunities are afforded for contracting with rural or urban minority business enterprises. The department, for state term contracts, and all agencies, for multiyear contractual services or term contracts, shall explore reasonable and economical means to utilize certified rural or urban minority business enterprises. Purchases by any county, municipality, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Commission for the Transportation Disadvantaged, or other local

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public agency under the provisions in the state purchasing contracts, and purchases, from the corporation operating the correctional work programs, of products or services that are subject to paragraph (1)(f), are exempt from the competitive solicitation requirements otherwise applying to their purchases.

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

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

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

Section 30. Section 287.09451, Florida Statutes, is amended to read:

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

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

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

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

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

(a) To adopt rules to determine what constitutes a "good faith effort" for purposes of state agency compliance with the

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639 rural or urban ~~minority~~ business enterprise procurement goals
640 set forth in s. 287.042. Factors which must ~~shall~~ be considered
641 ~~by the Minority Business Enterprise Assistance Office~~ in
642 determining good faith effort must ~~shall~~ include, but are not ~~be~~
643 limited to:

644 1. Whether the agency scheduled presolicitation or prebid
645 meetings for the purpose of informing rural or urban ~~minority~~
646 business enterprises of contracting and subcontracting
647 opportunities.

648 2. Whether the contractor advertised in general
649 circulation, trade association, or rural-focused or urban-
650 focused ~~minority-focus~~ media concerning the subcontracting
651 opportunities.

652 3. Whether the agency effectively used services and
653 resources of available rural or urban ~~minority~~ community
654 organizations; ~~minority~~ contractors' groups located in rural or
655 urban areas; local, state, and federal ~~minority business~~
656 assistance offices urban businesses located in rural or urban
657 areas; and other organizations that provide assistance in the
658 recruitment and placement of rural or urban ~~minority~~ business
659 enterprises ~~or minority persons~~.

660 4. Whether the agency provided written notice to a
661 reasonable number of rural or urban ~~minority~~ business
662 enterprises that their interest in contracting with the agency
663 was being solicited in sufficient time to allow the rural or
664 urban ~~minority~~ business enterprises to participate effectively.

665 (b) To adopt rules to determine what constitutes a "good
666 faith effort" for purposes of contractor compliance with
667 contractual requirements relating to the use of services or

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668 commodities of a rural or urban ~~minority~~ business enterprise
669 under s. 287.094(2). Factors which must ~~shall~~ be considered by
670 the Office of Supplier Development ~~Diversity~~ in determining
671 whether a contractor has made good faith efforts must ~~shall~~
672 include, but are not ~~be~~ limited to:

673 1. Whether the contractor attended any presolicitation or
674 prebid meetings that were scheduled by the agency to inform
675 rural or urban ~~minority~~ business enterprises of contracting and
676 subcontracting opportunities.

677 2. Whether the contractor advertised in general
678 circulation, trade association, or rural-focused or urban-
679 focused ~~minority-focus~~ media concerning the subcontracting
680 opportunities.

681 3. Whether the contractor provided written notice to a
682 reasonable number of specific rural or urban ~~minority~~ business
683 enterprises that their interest in the contract was being
684 solicited in sufficient time to allow the rural or urban
685 ~~minority~~ business enterprises to participate effectively.

686 4. Whether the contractor followed up initial solicitations
687 of interest by contacting rural or urban ~~minority~~ business
688 enterprises ~~or minority persons~~ to determine with certainty
689 whether the rural or urban ~~minority~~ business enterprises ~~or~~
690 ~~minority persons~~ were interested.

691 5. Whether the contractor selected portions of the work to
692 be performed by rural or urban ~~minority~~ business enterprises in
693 order to increase the likelihood of meeting the rural or urban
694 ~~minority~~ business enterprise procurement goals, including, where
695 appropriate, breaking down contracts into economically feasible
696 units to facilitate rural or urban ~~minority~~ business enterprise

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697 participation.

698 6. Whether the contractor provided interested rural or
699 urban ~~minority~~ business enterprises ~~or minority persons~~ with
700 adequate information about the plans, specifications, and
701 requirements of the contract or the availability of jobs.

702 7. Whether the contractor negotiated in good faith with
703 interested rural or urban ~~minority~~ business enterprises ~~or~~
704 ~~minority persons~~, not rejecting rural or urban ~~minority~~ business
705 enterprises ~~or minority persons~~ as unqualified without sound
706 reasons based on a thorough investigation of their capabilities.

707 8. Whether the contractor effectively used the services of
708 available rural or urban ~~minority~~ community organizations; rural
709 or urban ~~minority~~ contractors' groups; local, state, and federal
710 rural or urban ~~minority~~ business assistance offices; and other
711 organizations that provide assistance in the recruitment and
712 placement of rural or urban ~~minority~~ business enterprises ~~or~~
713 ~~minority persons~~.

714 (c) To adopt rules and do all things necessary or
715 convenient to guide all state agencies toward making
716 expenditures for commodities, contractual services,
717 construction, and architectural and engineering services with
718 certified rural or urban ~~minority~~ business enterprises in
719 accordance with the rural or urban ~~minority~~ business enterprise
720 procurement goals set forth in s. 287.042.

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

725 (e) To receive and disseminate information relative to

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procurement opportunities, availability of rural or urban
~~minority~~ business enterprises, and technical assistance.

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

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

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

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

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

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

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procurement.

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

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

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

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

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

(m) To certify rural or urban ~~minority~~ business enterprises, as defined in s. 288.703, and as specified in ss. 287.0943 and 287.09431, and shall recertify such rural or urban ~~minority~~ businesses at least once every 2 years. Rural or urban ~~Minority~~ business enterprises must be recertified at least once every 2 years. Such certifications may include an electronic signature.

(n)1. To develop procedures to be used by an agency in

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identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those architectural, engineering, construction, or other related services or contracts subject to the provisions of chapter 339, that could be provided by rural or urban ~~minority~~ business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year, except for the state university construction program which are ~~shall be~~ based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified rural or urban ~~minority~~ business enterprises as defined in s. 288.703, or approved joint ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. ~~The overall spending goal for each industry category shall be subdivided as follows:~~

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

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

~~c. For commodities: 2 percent for black Americans, 4 percent for Hispanic Americans, 0.5 percent for Asian Americans,~~

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0.5 percent for Native Americans, and 17 percent for American women.

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

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

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

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Supplier Development Diversity, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

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

a. Size and complexity of the project.

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

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

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

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

5. To determine guidelines for use of joint ventures to meet rural or urban ~~minority~~ business enterprises spending goals. For purposes of this section, the term "joint venture" means any association of two or more business concerns to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills, and knowledge. The guidelines must ~~shall~~ allow transactions with joint ventures to be eligible for credit against the rural or

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871 urban ~~minority~~ business enterprise goals of an agency when the
872 contracting joint venture demonstrates that at least one partner
873 to the joint venture is a certified rural or urban ~~minority~~
874 business enterprise as defined in s. 288.703, and that such
875 partner is responsible for a clearly defined portion of the work
876 to be performed, and shares in the ownership, control,
877 management, responsibilities, risks, and profits of the joint
878 venture. Such demonstration must ~~shall~~ be by verifiable
879 documents and sworn statements and may be reviewed by the Office
880 of Supplier Development ~~Diversity~~ at or before the time a
881 contract bid, proposal, or reply is submitted. An agency may
882 count toward its rural or urban ~~minority~~ business enterprise
883 goals a portion of the total dollar amount of a contract equal
884 to the percentage of the ownership and control held by the
885 qualifying certified rural or urban ~~minority~~ business partners
886 in the contracting joint venture, so long as the joint venture
887 meets the guidelines adopted by the office.

888 (o)1. To establish a system to record and measure the use
889 of certified rural or urban ~~minority~~ business enterprises in
890 state contracting. This system must ~~shall~~ maintain information
891 and statistics on certified rural or urban ~~minority~~ business
892 enterprise participation, awards, dollar volume of expenditures
893 and agency goals, and other appropriate types of information to
894 analyze progress in the access of certified rural or urban
895 ~~minority~~ business enterprises to state contracts and to monitor
896 agency compliance with this section. Such reporting must
897 include, but is not limited to, the identification of all
898 subcontracts in state contracting by dollar amount and by number
899 of subcontracts and the identification of the utilization of

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certified rural or urban ~~minority~~ business enterprises as prime contractors and subcontractors by dollar amounts of contracts and subcontracts, number of contracts and subcontracts, ~~minority status~~, industry, and any conditions or circumstances that significantly affected the performance of subcontractors. Agencies shall report their compliance with the requirements of this reporting system at least annually and at the request of the office. All agencies shall cooperate with the office in establishing this reporting system. Except in construction contracting, all agencies shall review contracts costing in excess of CATEGORY FOUR as defined in s. 287.017 to determine whether ~~if~~ such contracts could be divided into smaller contracts to be separately solicited and awarded, and shall, when economical, offer such smaller contracts to encourage rural or urban ~~minority~~ participation.

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

- a. Total expenditures of each agency by industry.
- b. The dollar amount and percentage of contracts awarded to certified rural or urban ~~minority~~ business enterprises by each state agency.
- c. The dollar amount and percentage of contracts awarded indirectly to certified rural or urban ~~minority~~ business enterprises as subcontractors by each state agency.
- d. The total dollar amount and percentage of contracts awarded to certified rural or urban ~~minority~~ business

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enterprises, whether directly or indirectly, as subcontractors.

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

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

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

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

(c) Whenever the agency and the Office of Supplier Development ~~Diversity~~ disagree, the matter must ~~shall~~ be submitted for determination to the head of the agency or the

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senior-level official designated pursuant to this section as liaison for rural or urban ~~minority~~ business enterprise issues.

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

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

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

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

2. A high level of accessibility, knowledge, and experience

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by rural or urban ~~minority~~ business enterprises in the agency's contract decisionmaking process.

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

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

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

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

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

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

(b) Designate a senior-level employee in the agency as a rural or urban ~~minority~~ enterprise assistance officer, responsible for overseeing the agency's rural or urban ~~minority~~ business utilization activities, and who is not also charged

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1016 with purchasing responsibility. A senior-level agency employee
1017 and agency purchasing officials is ~~shall be~~ accountable to the
1018 agency head for the agency's rural or urban ~~minority~~ business
1019 utilization performance. The Office of Supplier Development
1020 ~~Diversity~~ shall advise each agency on compliance performance.

1021 (c) If an agency deviates significantly from its
1022 utilization plan in 2 consecutive or 3 out of 5 total fiscal
1023 years, the Office of Supplier Development ~~Diversity~~ may review
1024 any and all solicitations and contract awards of the agency as
1025 deemed necessary until such time as the agency meets its
1026 utilization plan.

1027 Section 31. Section 287.0947, Florida Statutes, is amended
1028 to read:

1029 287.0947 Florida Advisory Council on Small, Rural, and
1030 Urban ~~and Minority~~ Business Development; creation; membership;
1031 duties.—

1032 (1) The Secretary of Management Services may create the
1033 Florida Advisory Council on Small, Rural, and Urban ~~and Minority~~
1034 Business Development with the purpose of advising and assisting
1035 the secretary in carrying out the secretary's duties with
1036 respect to rural or urban ~~minority~~ businesses and economic and
1037 business development. It is the intent of the Legislature that
1038 the membership of such council include practitioners,
1039 laypersons, financiers, and others with business development
1040 experience who can provide invaluable insight and expertise for
1041 this state in the diversification of its markets and networking
1042 of business opportunities. The council shall initially be
1043 composed ~~consist~~ of 19 persons, each of whom is or has been
1044 actively engaged in small, rural, or urban ~~and minority~~ business

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development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall be composed ~~consist~~ of members representing all regions of this ~~the~~ state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703 ~~s. 288.703(4)~~, considering also gender and nationality subgroups, and shall be composed ~~consist~~ of the following:

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

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

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

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

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

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

A candidate for appointment may be considered if eligible to be certified as an owner of a rural or urban ~~minority~~ business

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enterprise, or if otherwise qualified under the criteria above.
Vacancies may be filled by appointment of the secretary, in the
manner of the original appointment.

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

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

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

(5) The powers and duties of the council include, but are
not limited to the following: researching and reviewing the role
of small, rural, or urban ~~and minority~~ businesses in the state's
economy; reviewing issues and emerging topics relating to small,
rural, or urban ~~and minority~~ business economic development;

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1103 studying the ability of financial markets and institutions to
1104 meet small business credit needs and determining the impact of
1105 government demands on credit for small, rural, or urban
1106 businesses; assessing the implementation of s. 187.201(21),
1107 requiring a state economic development comprehensive plan, as it
1108 relates to small and certified rural or urban business
1109 enterprises as defined in s. 288.703 ~~minority businesses~~;
1110 assessing the reasonableness and effectiveness of efforts by any
1111 state agency or by all state agencies collectively to assist
1112 rural or urban ~~minority~~ business enterprises; and advising the
1113 Governor, the secretary, and the Legislature on matters relating
1114 to small, rural, or urban ~~and minority~~ business development
1115 which are of importance to the international strategic planning
1116 and activities of this state.

1117 (6) On or before January 1 of each year, the council shall
1118 present an annual report to the secretary that sets forth in
1119 appropriate detail the business transacted by the council during
1120 the year and any recommendations to the secretary, including
1121 those to improve business opportunities for small, rural, or
1122 urban ~~and minority~~ business enterprises.

1123 Section 32. Paragraph (b) of subsection (4) of section
1124 288.001, Florida Statutes, is amended, and paragraph (b) of
1125 subsection (3) is reenacted, to read:

1126 288.001 The Florida Small Business Development Center
1127 Network.—

1128 (3) OPERATION; POLICIES AND PROGRAMS.—

1129 (b) The network's statewide director shall consult with the
1130 Board of Governors, the department, and the network's statewide
1131 advisory board to ensure that the network's policies and

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programs align with the statewide goals of the State University System and the statewide strategic economic development plan as provided under s. 20.60.

(4) STATEWIDE ADVISORY BOARD.—

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

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

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

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

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

5. One member appointed by the host institution.

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

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

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

9. The Small Business Development Center Project Officer

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1161 from the U.S. Small Business Administration at the South Florida
1162 District Office, or his or her designee.

1163 10. The executive director of the National Federation of
1164 Independent Businesses, Florida, or his or her designee.

1165 11. The executive director of the Florida United Business
1166 Association, or his or her designee.

1167 Section 33. Subsection (8) of section 288.0065, Florida
1168 Statutes, is amended to read:

1169 288.0065 Annual incentives report.—By December 30 of each
1170 year, the department shall provide the Governor, the President
1171 of the Senate, and the Speaker of the House of Representatives a
1172 detailed incentives report quantifying the economic benefits for
1173 all of the economic development incentive programs administered
1174 by the department and its public-private partnerships. The
1175 annual incentives report must include:

1176 (8) A description of the trends relating to business
1177 interest in, and usage of, the various incentives, and the
1178 number of small ~~minority-owned or woman-owned~~ businesses and
1179 businesses in rural or urban areas receiving incentives.

1180 Section 34. Section 288.1167, Florida Statutes, is amended
1181 to read:

1182 288.1167 Sports franchise contract provisions for food and
1183 beverage concession and contract awards to ~~minority~~ business
1184 enterprises in rural or urban areas.—Any applicant who receives
1185 funding pursuant to the provisions of s. 212.20 must demonstrate
1186 that:

1187 (1) Funds and facilities with respect to food and beverage
1188 and related concessions shall be awarded to certified rural or
1189 urban small ~~minority~~ business enterprises ~~as defined in s.~~

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1190 ~~288.703~~ on the same terms and conditions as the general food and
1191 beverage concessionaire and in accordance with the rural or
1192 urban minority business enterprise procurement goals set forth
1193 in s. 287.09451;

1194 (2) At least 15 percent of a company contracted to manage a
1195 professional sports franchise facility or a spring training
1196 franchise facility is owned by certified rural or urban minority
1197 business enterprises ~~or by a minority person~~ as that term is
1198 ~~those terms are~~ defined in s. 288.703; or

1199 (3) At least 15 percent of all operational service
1200 contracts with a professional sports franchise facility or a
1201 spring training franchise facility are awarded to certified
1202 rural or urban minority business enterprises as that term is
1203 defined in s. 288.703 or to a minority person located in a rural
1204 or urban area ~~as those terms are defined in s. 288.703.~~

1205 Section 35. Paragraph (b) of subsection (2) of section
1206 288.1229, Florida Statutes, is amended to read:

1207 288.1229 Promotion and development of sports-related
1208 industries and amateur athletics; direct-support organization
1209 established; powers and duties.—

1210 (2) The Florida Sports Foundation must:

1211 (b) Be governed by a board of directors, which must be
1212 composed ~~consist~~ of up to 15 members appointed by the Governor.
1213 In making appointments, the Governor shall ~~must~~ consider a
1214 potential member's background in community service and sports
1215 activism in, and financial support of, the sports industry,
1216 professional sports, or organized amateur athletics. Members
1217 must be residents of the state and highly knowledgeable about or
1218 active in professional or organized amateur sports.

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1219 1. The board must contain representatives of all
1220 geographical regions of the state ~~and must represent ethnic and~~
1221 ~~gender diversity.~~

1222 2. The terms of office of the members shall be 4 years. No
1223 member may serve more than two consecutive terms. The Governor
1224 may remove any member for cause and shall fill all vacancies
1225 that occur.

1226 Section 36. Subsection (2) of section 288.7015, Florida
1227 Statutes, is amended to read:

1228 288.7015 Appointment of rules ombudsman; duties.—The
1229 Governor shall appoint a rules ombudsman, as defined in s.
1230 288.703, in the Executive Office of the Governor, for
1231 considering the impact of agency rules on the state's citizens
1232 and businesses. The duties of the rules ombudsman are to:

1233 (2) Review state agency rules that adversely or
1234 disproportionately impact businesses, particularly those
1235 relating to small and certified rural or urban business
1236 enterprise as that term is defined in s. 288.703 ~~minority~~
1237 ~~businesses.~~

1238 Section 37. Section 288.702, Florida Statutes, is amended
1239 to read:

1240 288.702 Short title.—This section and ss. 288.703-288.705
1241 ~~ss. 288.703-288.706~~ may be cited as the "Florida Small ~~and~~
1242 ~~Minority~~ Business ~~Assistance~~ Act."

1243 Section 38. Section 288.703, Florida Statutes, is amended
1244 to read:

1245 288.703 Definitions.—As used in ss. 288.702-288.705 ~~ss.~~
1246 ~~288.702-288.706~~, the term:

1247 (1) "Certified rural or urban business enterprise" means a

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business located in a defined geographic area within this state where one of the following conditions has been documented in the most recent census conducted by the Bureau of the Census of the United States Department of Commerce:

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

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

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

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

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

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

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

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

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

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

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

(e) An American woman.

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

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1306 ~~(5)+(6)~~ "Small business" means an independently owned and
1307 operated business concern that employs 200 or fewer permanent
1308 full-time employees and that, together with its affiliates, has
1309 a net worth of not more than \$5 million or any firm based in
1310 this state which has a Small Business Administration 8(a)
1311 certification. As applicable to sole proprietorships, the \$5
1312 million net worth requirement includes ~~shall include~~ both
1313 personal and business investments.

1314 Section 39. Section 288.705, Florida Statutes, is amended
1315 to read:

1316 288.705 Statewide contracts register.—All state agencies
1317 shall in a timely manner provide the Florida Small Business
1318 Development Center Procurement System with all formal
1319 solicitations for contractual services, supplies, and
1320 commodities. The Small Business Development Center shall
1321 coordinate with Minority Business Development Centers to compile
1322 and distribute this information to small and rural or urban
1323 ~~minority~~ businesses requesting such service for the period of
1324 time necessary to familiarize the business with the market
1325 represented by state agencies. On or before February 1 of each
1326 year, the Small Business Development Center shall report to the
1327 department on the use of the statewide contracts register. The
1328 report must ~~shall~~ include, but not be limited to, information
1329 relating to:

1330 (1) The total number of solicitations received from state
1331 agencies during the calendar year.

1332 (2) The number of solicitations received from each state
1333 agency during the calendar year.

1334 (3) The method of distributing solicitation information to

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businesses requesting such service.

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

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

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

Section 40. Subsection (1) of section 288.776, Florida Statutes, is amended to read:

288.776 Board of directors; powers and duties.—

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

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

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

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

Section 41. Section 288.9628, Florida Statutes, is created

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to read:

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

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

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

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

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

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

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

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

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

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1393 517.021.

1394 (f) "Company" means any business in this state, or a
1395 business with more than 50 percent of its workforce in this
1396 state, with 500 or fewer employees, and which is engaged in a
1397 project.

1398 (g) "Department" means the Department of Commerce.

1399 (h) "Exempt reporting adviser" has the same meaning as in
1400 s. 517.12(22).

1401 (i) "Investment adviser" has the same meaning as in s.
1402 517.021.

1403 (j) "Investor" means any person or entity that has made a
1404 capital contribution to a qualifying private fund.

1405 (k) "Private fund adviser" has the same meaning as in s.
1406 517.12(22).

1407 (l) "Project" means research and development that leads to
1408 or is anticipated to lead to the creation of new or useful
1409 improvement of technologies, agricultural technologies, devices,
1410 processes, machines, manufacturing, or composition of matter. A
1411 project may result from the innovative activities of a company
1412 or research at a university or college in this state.

1413 (m) "Qualifying investment" has the same meaning as in 17
1414 C.F.R. s. 275.203(1)-1(c)(3) and, for purposes of this section,
1415 includes investment in one or more companies or projects.

1416 (n) "Qualifying portfolio company" has the same meaning as
1417 in 17 C.F.R. s. 275.203(1)-1(c)(4) and, for purposes of this
1418 section, includes a company as defined in this subsection.

1419 (o) "Qualifying private fund" has the same meaning as in s.
1420 517.12(22) and includes an angel investor group as defined in s.
1421 517.021.

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1422 (p) "Total capital commitment" means the total amount of
1423 cash funding the qualifying private fund intends to raise to
1424 make one or more qualifying investments in one or more
1425 qualifying portfolio companies.

1426 (4) APPLICATION.—

1427 (a) An applicant must apply to the department for
1428 authorization to claim RISE tax credits under this section. The
1429 department must review and approve or deny a complete
1430 application within 60 calendar days after the complete
1431 application has been submitted.

1432 (b) An applicant must demonstrate to the department's
1433 satisfaction within 12 months after the complete application has
1434 been submitted that the qualifying private fund has received at
1435 least the total capital commitment contained in its application.

1436 (c) The application must include, at a minimum:

1437 1. The names of any accredited investors, advisory
1438 affiliates, affiliates, associated persons, exempt reporting
1439 advisers, investment advisers, or private fund advisers
1440 associated with the qualifying private fund, if there are any at
1441 the time of application.

1442 2. The names of any investors in the qualifying private
1443 fund, if there are any at the time of application.

1444 3. The estimated total number of qualifying investments in
1445 qualifying portfolio companies.

1446 4. The total capital commitment of the qualifying private
1447 fund.

1448 (d) If, at any time after an applicant has submitted a
1449 complete application, there has been a material change that
1450 affects the accuracy or completeness of the information

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1451 contained in the application, the applicant must update its
1452 application.

1453 (5) TAX CREDITS; GENERALLY.—

1454 (a) The amount of tax credits available pursuant to this
1455 section in a fiscal year may not exceed \$100 million.

1456 (b) The department may not issue a tax credit to a
1457 qualifying private fund until the qualifying private fund
1458 demonstrates that it has received its total capital commitment.

1459 (c) The department may not authorize more than \$10 million
1460 in tax credits to a qualifying private fund in a fiscal year.

1461 (6) TAX CREDITS; SUBMISSION AND AUTHORIZATION.—

1462 (a) To receive tax credits, a qualifying private fund must
1463 provide documentation that demonstrates to the department's
1464 reasonable satisfaction that the qualifying investment meets the
1465 requirements of this section. For purposes of this section,
1466 follow-on or add-on commitments may only be considered by the
1467 department after the follow-on or add-on investment has been
1468 deployed.

1469 (b) A qualifying private fund must make at least one
1470 qualified investment in at least one qualifying portfolio
1471 project to be eligible to receive tax credits under this
1472 section.

1473 (c) Each submission by a qualifying private fund to receive
1474 tax credits for a qualifying investment in a qualifying
1475 portfolio company must include, at a minimum, all of the
1476 following:

1477 1. The amount of cash deployed by the qualifying private
1478 fund to a qualifying investment in a qualifying portfolio
1479 company.

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1480 2. The total number of employees employed by the qualifying
1481 portfolio company.

1482 3. The total number of Florida-based, full-time equivalent
1483 employees employed by the qualifying portfolio company.

1484 (7) TAX CREDITS; RECEIPT; REVOCATION.—

1485 (a) A qualifying private fund may receive tax credits
1486 equivalent to 25 percent of a qualifying investment in a
1487 qualifying portfolio company.

1488 (b) Upon a determination by the department that the
1489 qualifying investment meets the requirements of this section,
1490 the department shall authorize the Department of Revenue to
1491 issue tax credits to the qualifying private fund.

1492 (c) The Department of Revenue may not issue more than one-
1493 fifth of the tax credits authorized for a qualifying investment
1494 in a qualifying portfolio company in a fiscal year.

1495 (d) Credits received pursuant to this section may be
1496 applied against the qualifying private fund's corporate income
1497 tax liability. A qualifying private fund may elect to sell or
1498 transfer, in whole or in part, any tax credit issued under this
1499 section. An election to sell or transfer any tax credit received
1500 pursuant to this section must be made no later than 5 years
1501 after the date the credit is received by the qualifying private
1502 fund, after which the credit expires and may not be used. A
1503 qualifying private fund may not sell or transfer credits that
1504 have been authorized by the department but not yet issued by the
1505 Department of Revenue.

1506 (e) The department may revoke or modify any written
1507 decision qualifying, certifying, or otherwise granting
1508 eligibility for tax credits under this section if it is

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1509 discovered that the qualifying private fund submitted any false
1510 statement, representation, or certification in any application
1511 filed in an attempt to receive tax credits under this section,
1512 or if the information in a previously completed application
1513 materially changes. The department must immediately notify the
1514 Department of Revenue of any revoked or modified orders
1515 affecting previously granted tax credits. Additionally, the
1516 qualifying private fund must notify the Department of Revenue of
1517 any change in its tax credit claimed.

1518 (8) COMPLIANCE.—

1519 (a) A qualifying private fund must annually report to the
1520 department for each qualifying investment for 5 years after
1521 authorization to receive credits. Failure to do so will result
1522 in the qualifying private fund's tax credit being revoked.

1523 (b) In order to receive a tax credit, a qualifying fund
1524 must submit to the department all of the following:

1525 1. A certification that there have been no material changes
1526 to the information contained in the application or, if material
1527 changes have occurred since the submission of the application, a
1528 disclosure containing all material changes.

1529 2. Documentation supporting the total number of full-time
1530 equivalent employees employed by the qualifying portfolio
1531 company.

1532 3. Documentation supporting the total number of full-time
1533 equivalent employees employed in this state by the qualifying
1534 portfolio company.

1535 4. Documentation supporting that the qualifying private
1536 fund has not exited its position from the qualifying portfolio
1537 company through acquisition by a company not based in this

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1538 state.

1539 (9) SANCTIONS.—

1540 (a) If a qualifying investment fails to meet the
1541 requirements of paragraph (8)(a) or paragraph (8)(b), the
1542 department must revoke its approval of tax credits for the
1543 qualifying investment. The department shall issue a notice of
1544 revocation and recapture to the qualifying private fund and the
1545 Department of Revenue. The qualifying private fund must repay to
1546 the department an amount equal to 50 percent of the tax credits
1547 authorized by the department and claimed by a qualifying
1548 portfolio company for the qualifying investment. Recaptured
1549 funds must be deposited into the General Revenue Fund.

1550 (b) If the department determines that the qualifying
1551 private fund submitted any false statement, representation, or
1552 certification in any application as provided in paragraph
1553 (7)(e), the department must revoke its approval of tax credits
1554 for the qualifying investment. The department shall issue a
1555 notice of revocation and recapture to the qualifying private
1556 fund and the Department of Revenue. The qualifying private fund
1557 must repay to the department an amount equal to 100 percent of
1558 the tax credits authorized by the department and claimed by a
1559 qualifying portfolio company for the qualifying investment.
1560 Recaptured funds must be deposited into the General Revenue
1561 Fund.

1562 (10) CONSTRUCTION.—For purposes of this section and part
1563 III of chapter 692, committed capital invested in a qualifying
1564 portfolio company by a venture capital fund may not be construed
1565 as having ownership of the qualifying portfolio company.

1566 (11) REPORTING.—Beginning December 30, 2026, the department

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shall include the amounts of tax credits authorized and received, the total number of jobs created, and the total number of jobs created in this state in its annual incentives report required under s. 288.0065.

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

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

Section 42. Subsection (10) of section 290.0056, Florida Statutes, is amended to read:

290.0056 Enterprise zone development agency.—

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

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

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

Section 43. Paragraph (f) of subsection (1) of section 290.0057, Florida Statutes, is amended to read:

290.0057 Enterprise zone development plan.—

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

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

Section 44. Subsection (4) of section 331.302, Florida Statutes, is amended to read:

331.302 Space Florida; creation; purpose.—

(4) Space Florida is not an agency as defined in ss. 216.011, ~~and~~ 287.012, and 287.055. Space Florida is exempt from the bidding requirements in s. 255.20 when Space Florida engages in professional or construction services, or both, under an

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arrangement with a person in which:

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

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

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

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

Section 45. Paragraph (b) of subsection (4) and subsection (9) of section 445.08, Florida Statutes, are amended to read:

445.08 Florida Law Enforcement Recruitment Bonus Payment Program.—

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

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

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must include:

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

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

3. Maintaining ~~continuous~~ full-time employment with a Florida criminal justice agency for at least 2 years from the date on which the officer obtained certification. The required 2-year employment period may be satisfied by maintaining employment at one or more employing agencies, but such period must not contain any break in service longer than 180 15 ~~calendar~~ days. A law enforcement officer must provide documentation to the department justifying the break in service. The department shall establish the acceptable circumstances for any such break in service. Any break in service will not count toward satisfying the 2-year full-time employment requirement of this section.

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

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

Section 46. Paragraph (a) of subsection (4) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

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

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

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

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

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

4. They have a significant role in personnel administration.

5. They have a significant role in employee relations.

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

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

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

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

Section 47. Local governments may enter into agreements to create regional planning entities pursuant to chapter 163, Florida Statutes.

Section 48. Subsection (2) of section 17.11, Florida Statutes, is amended to read:

17.11 To report disbursements made.—

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(2) The Chief Financial Officer shall also cause to have reported from the Florida Accounting Information Resource Subsystem no less than quarterly the disbursements which agencies made to small businesses, as defined in the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act, and to certified rural or urban ~~minority~~ business enterprises in the aggregate, ~~and to certified minority business enterprises broken down into categories of minority persons, as well as gender and nationality subgroups.~~ This information must ~~shall~~ be made available to the agencies, the Office of Supplier Development ~~Diversity~~, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Each agency shall be responsible for the accuracy of information entered into the Florida Accounting Information Resource Subsystem for use in this reporting.

Section 49. Paragraph (f) of subsection (1) of section 68.082, Florida Statutes, is amended to read:

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

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

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

Section 50. Paragraph (a) of subsection (1) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(1) "Agency" means the following officers or governmental entities if acting pursuant to powers other than those derived

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from the constitution:

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

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

Section 51. Subsection (4) of section 120.525, Florida Statutes, is amended to read:

120.525 Meetings, hearings, and workshops.—

~~(4) For purposes of establishing a quorum at meetings of regional planning councils that cover three or more counties, a voting member who appears via telephone, real-time~~

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1770 ~~videoconferencing, or similar real-time electronic or video~~
1771 ~~communication that is broadcast publicly at the meeting location~~
1772 ~~may be counted toward the quorum requirement if at least one-~~
1773 ~~third of the voting members of the regional planning council are~~
1774 ~~physically present at the meeting location. A member must~~
1775 ~~provide oral, written, or electronic notice of his or her intent~~
1776 ~~to appear via telephone, real-time videoconferencing, or similar~~
1777 ~~real-time electronic or video communication to the regional~~
1778 ~~planning council at least 24 hours before the scheduled meeting.~~

1779 Section 52. Subsection (9) of section 120.65, Florida
1780 Statutes, is amended to read:

1781 120.65 Administrative law judges.—

1782 (9) The division shall be reimbursed for administrative law
1783 judge services and travel expenses by the following entities:
1784 water management districts, ~~regional planning councils~~, school
1785 districts, community colleges, the Division of Florida Colleges,
1786 state universities, the Board of Governors of the State
1787 University System, the State Board of Education, the Florida
1788 School for the Deaf and the Blind, and the Commission for
1789 Independent Education. These entities shall contract with the
1790 division to establish a contract rate for services and
1791 provisions for reimbursement of administrative law judge travel
1792 expenses and video teleconferencing expenses attributable to
1793 hearings conducted on behalf of these entities. The contract
1794 rate must be based on a total-cost-recovery methodology.

1795 Section 53. Subsections (43) and (47) of section 163.3164,
1796 Florida Statutes, are amended to read:

1797 163.3164 Community Planning Act; definitions.—As used in
1798 this act:

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

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

Section 54. Paragraph (h) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

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

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

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

a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning

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1828 areas, especially for the purpose of annexation, municipal
1829 incorporation, and joint infrastructure service areas.

1830 b. The intergovernmental coordination element must ~~shall~~
1831 provide for a dispute resolution process, ~~as established~~
1832 ~~pursuant to s. 186.509,~~ for bringing intergovernmental disputes
1833 to closure in a timely manner.

1834 c. The intergovernmental coordination element must ~~shall~~
1835 provide for interlocal agreements as established pursuant to s.
1836 333.03(1)(b).

1837 2. The intergovernmental coordination element must ~~shall~~
1838 also state principles and guidelines to be used in coordinating
1839 the adopted comprehensive plan with the plans of school boards
1840 and other units of local government providing facilities and
1841 services but not having regulatory authority over the use of
1842 land. In addition, the intergovernmental coordination element
1843 must describe joint processes for collaborative planning and
1844 decisionmaking on population projections and public school
1845 siting, the location and extension of public facilities subject
1846 to concurrency, and siting facilities with countywide
1847 significance, including locally unwanted land uses whose nature
1848 and identity are established in an agreement.

1849 3. Within 1 year after adopting their intergovernmental
1850 coordination elements, each county, all the municipalities
1851 within that county, the district school board, and any unit of
1852 local government service providers in that county shall
1853 establish by interlocal or other formal agreement executed by
1854 all affected entities, the joint processes described in this
1855 subparagraph consistent with their adopted intergovernmental
1856 coordination elements. The agreement must:

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1857 a. Ensure that the local government addresses through
1858 coordination mechanisms the impacts of development proposed in
1859 the local comprehensive plan upon development in adjacent
1860 municipalities, the county, adjacent counties, the region, and
1861 the state. The area of concern for municipalities must ~~shall~~
1862 include adjacent municipalities, the county, and counties
1863 adjacent to the municipality. The area of concern for counties
1864 must ~~shall~~ include all municipalities within the county,
1865 adjacent counties, and adjacent municipalities.

1866 b. Ensure coordination in establishing level of service
1867 standards for public facilities with any state, regional, or
1868 local entity having operational and maintenance responsibility
1869 for such facilities.

1870 Section 55. Subsection (5) of section 163.3178, Florida
1871 Statutes, is amended to read:

1872 163.3178 Coastal management.—

1873 (5) A ~~The appropriate~~ dispute resolution process ~~provided~~
1874 ~~under s. 186.509~~ must be used to reconcile inconsistencies
1875 between port master plans and local comprehensive plans. In
1876 recognition of the state's commitment to deepwater ports, the
1877 state comprehensive plan must include goals, objectives, and
1878 policies that establish a statewide strategy for enhancement of
1879 existing deepwater ports, ensuring that priority is given to
1880 water-dependent land uses. As an incentive for promoting plan
1881 consistency, port facilities as defined in s. 315.02(6) on lands
1882 owned or controlled by a deepwater port as defined in s.
1883 311.09(1), as of the effective date of this act are ~~shall~~ not be
1884 subject to development-of-regional-impact review provided the
1885 port either successfully completes an alternative comprehensive

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development agreement with a local government pursuant to ss. 163.3220-163.3243 or successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032. Port facilities as defined in s. 315.02(6) on lands not owned or controlled by a deepwater port as defined in s. 311.09(1) as of the effective date of this act are ~~shall~~ not ~~be~~ subject to development-of-regional-impact review provided the port successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032.

Section 56. Paragraph (c) of subsection (1) and paragraph (b) of subsection (3) of section 163.3184, Florida Statutes, are amended to read:

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

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

(c) "Reviewing agencies" means:

1. The state land planning agency;
- ~~2. The appropriate regional planning council;~~
- 2.3. The appropriate water management district;
- 3.4. The Department of Environmental Protection;
- 4.5. The Department of State;
- 5.6. The Department of Transportation;

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1915 ~~6.7.~~ In the case of plan amendments relating to public
1916 schools, the Department of Education;

1917 ~~7.8.~~ In the case of plans or plan amendments that affect a
1918 military installation listed in s. 163.3175, the commanding
1919 officer of the affected military installation;

1920 ~~8.9.~~ In the case of county plans and plan amendments, the
1921 Fish and Wildlife Conservation Commission and the Department of
1922 Agriculture and Consumer Services; and

1923 ~~9.10.~~ In the case of municipal plans and plan amendments,
1924 the county in which the municipality is located.

1925 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
1926 COMPREHENSIVE PLAN AMENDMENTS.—

1927 (b)1. The local government, after the initial public
1928 hearing held pursuant to subsection (11), shall transmit within
1929 10 working days the amendment or amendments and appropriate
1930 supporting data and analyses to the reviewing agencies. The
1931 local governing body shall also transmit a copy of the
1932 amendments and supporting data and analyses to any other local
1933 government or governmental agency that has filed a written
1934 request with the governing body.

1935 2. The reviewing agencies and any other local government or
1936 governmental agency specified in subparagraph 1. may provide
1937 comments regarding the amendment or amendments to the local
1938 government. State agencies shall only comment on important state
1939 resources and facilities that will be adversely impacted by the
1940 amendment if adopted. Comments provided by state agencies shall
1941 state with specificity how the plan amendment will adversely
1942 impact an important state resource or facility and shall
1943 identify measures the local government may take to eliminate,

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1944 reduce, or mitigate the adverse impacts. Such comments, if not
1945 resolved, may result in a challenge by the state land planning
1946 agency to the plan amendment. Agencies and local governments
1947 must transmit their comments to the affected local government
1948 such that they are received by the local government not later
1949 than 30 days after the date on which the agency or government
1950 received the amendment or amendments. Reviewing agencies shall
1951 also send a copy of their comments to the state land planning
1952 agency.

1953 3. Comments to the local government from a ~~regional~~
1954 ~~planning council~~, county, or municipality are ~~shall be~~ limited
1955 as follows:

1956 a. ~~The regional planning council review and comments shall~~
1957 ~~be limited to adverse effects on regional resources or~~
1958 ~~facilities identified in the strategic regional policy plan and~~
1959 ~~extrajurisdictional impacts that would be inconsistent with the~~
1960 ~~comprehensive plan of any affected local government within the~~
1961 ~~region. A regional planning council may not review and comment~~
1962 ~~on a proposed comprehensive plan amendment prepared by such~~
1963 ~~council unless the plan amendment has been changed by the local~~
1964 ~~government subsequent to the preparation of the plan amendment~~
1965 ~~by the regional planning council.~~

1966 ~~b.~~ County comments must ~~shall~~ be in the context of the
1967 relationship and effect of the proposed plan amendments on the
1968 county plan.

1969 ~~b.e.~~ Municipal comments must ~~shall~~ be in the context of the
1970 relationship and effect of the proposed plan amendments on the
1971 municipal plan.

1972 ~~c.d.~~ Military installation comments must ~~shall~~ be provided

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in accordance with s. 163.3175.

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

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

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

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

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

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

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

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

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2002 h. The state land planning agency shall limit its comments
2003 to important state resources and facilities outside the
2004 jurisdiction of other commenting state agencies and may include
2005 comments on countervailing planning policies and objectives
2006 served by the plan amendment that should be balanced against
2007 potential adverse impacts to important state resources and
2008 facilities.

2009 Section 57. Subsection (2) of section 163.3245, Florida
2010 Statutes, is amended to read:

2011 163.3245 Sector plans.—

2012 (2) The ~~Upon the request of a~~ local government having
2013 jurisdiction, ~~the applicable regional planning council~~ shall
2014 conduct a scoping meeting with affected local governments and
2015 those agencies identified in s. 163.3184(1)(c) before
2016 preparation of the sector plan. The purpose of this meeting is
2017 to assist the state land planning agency and the local
2018 government in the identification of the relevant planning issues
2019 to be addressed and the data and resources available to assist
2020 in the preparation of the sector plan. ~~If a scoping meeting is~~
2021 ~~conducted, the regional planning council shall make written~~
2022 ~~recommendations to the state land planning agency and affected~~
2023 ~~local governments on the issues requested by the local~~
2024 ~~government.~~ The scoping meeting must ~~shall~~ be noticed and open
2025 to the public. If the entire planning area proposed for the
2026 sector plan is within the jurisdiction of two or more local
2027 governments, some or all of them may enter into a joint planning
2028 agreement pursuant to s. 163.3171 with respect to the geographic
2029 area to be subject to the sector plan, the planning issues that
2030 will be emphasized, procedures for intergovernmental

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coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, procedures for public participation, or other issues.

Section 58. Paragraph (i) of subsection (2) of section 163.568, Florida Statutes, is amended to read:

163.568 Purposes and powers.—

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

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

Section 59. Subsection (2) of section 164.1031, Florida Statutes, is amended to read:

164.1031 Definitions.—For purposes of this act:

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

Section 60. Subsection (5) of section 186.003, Florida Statutes, is amended to read:

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

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

Section 61. Subsection (7) of section 186.006, Florida Statutes, is amended to read:

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

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

Section 62. Subsections (7) and (8) of section 186.007, Florida Statutes, are amended to read:

186.007 State comprehensive plan; preparation; revision.—

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

(8) The revision of the state comprehensive plan is a continuing process. Each section of the plan must ~~shall~~ be

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2089 reviewed and analyzed biennially by the Executive Office of the
2090 Governor in conjunction with the planning officers of other
2091 state agencies significantly affected by the ~~provisions of the~~
2092 particular section under review. In conducting this review and
2093 analysis, the Executive Office of the Governor shall review and
2094 consider, with the assistance of the state land planning agency,
2095 any relevant reports, data, or analyses and ~~regional planning~~
2096 ~~councils, the evaluation and appraisal reports prepared pursuant~~
2097 ~~to s. 186.511~~. Any necessary revisions of the state
2098 comprehensive plan shall be proposed by the Governor in a
2099 written report and be accompanied by an explanation of the need
2100 for such changes. If the Governor determines that changes are
2101 unnecessary, the written report must explain why changes are
2102 unnecessary. The proposed revisions and accompanying
2103 explanations may be submitted in the report required by s.
2104 186.031. Any proposed revisions to the plan must ~~shall~~ be
2105 submitted to the Legislature as provided in s. 186.008(2) at
2106 least 30 days before ~~prior to~~ the regular legislative session
2107 occurring in each even-numbered year.

2108 Section 63. Subsection (1) of section 186.008, Florida
2109 Statutes, is amended to read:

2110 186.008 State comprehensive plan; revision;
2111 implementation.—

2112 (1) On or before October 1 of every odd-numbered year, the
2113 Executive Office of the Governor shall prepare, and the Governor
2114 shall recommend to the Administration Commission, any proposed
2115 revisions to the state comprehensive plan deemed necessary. The
2116 Governor shall transmit his or her recommendations and
2117 explanation as required by s. 186.007(8). Copies must ~~shall~~ also

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2118 be provided to each state agency, ~~to each regional planning~~
2119 ~~agency~~, to any other unit of government that requests a copy,
2120 and to any member of the public who requests a copy.

2121 Section 64. Section 186.803, Florida Statutes, is amended
2122 to read:

2123 186.803 Use of geographic information by governmental
2124 entities.—When state agencies, water management districts,
2125 ~~regional planning councils~~, local governments, and other
2126 governmental entities use maps, including geographic information
2127 maps and other graphic information materials, as the source of
2128 data for planning or any other purposes, they must take into
2129 account that the accuracy and reliability of such maps and data
2130 may be limited by various factors, including the scale of the
2131 maps, the timeliness and accuracy of the underlying information,
2132 the availability of more accurate site-specific information, and
2133 the presence or absence of ground truthing or peer review of the
2134 underlying information contained in such maps and other graphic
2135 information. This section does not apply to maps adopted
2136 pursuant to part II of chapter 163.

2137 Section 65. Paragraph (b) of subsection (20) and paragraph
2138 (b) of subsection (21) of section 187.201, Florida Statutes, are
2139 amended to read:

2140 187.201 State Comprehensive Plan adopted.—The Legislature
2141 hereby adopts as the State Comprehensive Plan the following
2142 specific goals and policies:

2143 (20) GOVERNMENTAL EFFICIENCY.—

2144 (b) *Policies*.—

2145 1. Encourage greater cooperation between, among, and within
2146 all levels of Florida government through the use of appropriate

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interlocal agreements and mutual participation for mutual benefit.

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

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

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

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

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

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

8. Replace multiple, small scale, economically inefficient

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2176 local public facilities with regional facilities where they are
2177 proven to be more economical, particularly in terms of energy
2178 efficiency, and yet can retain the quality of service expected
2179 by the public.

2180 9. Encourage greater efficiency and economy at all levels
2181 of government through adoption and implementation of effective
2182 records management, information management, and evaluation
2183 procedures.

2184 10. Throughout government, establish citizen management
2185 efficiency groups and internal management groups to make
2186 recommendations for greater operating efficiencies and improved
2187 management practices.

2188 11. Encourage governments to seek outside contracting on a
2189 competitive-bid basis when cost-effective and appropriate.

2190 12. Discourage undue expansion of state government and make
2191 every effort to streamline state government in a cost-effective
2192 manner.

2193 13. Encourage joint venture solutions to mutual problems
2194 between levels of government and private enterprise.

2195 (21) THE ECONOMY.—

2196 (b) *Policies*.—

2197 1. Attract new job-producing industries, corporate
2198 headquarters, distribution and service centers, regional
2199 offices, and research and development facilities to provide
2200 quality employment for the residents of Florida.

2201 2. Promote entrepreneurship, small and ~~small and minority-~~
2202 ~~owned~~ business startups, and business startups in rural or urban
2203 areas as described in s. 288.703 by providing technical and
2204 information resources, facilitating capital formation, and

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removing regulatory restraints which are unnecessary for the protection of consumers and society.

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

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

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

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

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

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

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

10. Provide for nondiscriminatory employment opportunities.

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

12. Encourage the development of a business climate that

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provides opportunities for the growth and expansion of existing state industries, particularly those industries which are compatible with Florida's environment.

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

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

Section 66. Paragraph (g) of subsection (3) of section 212.096, Florida Statutes, is amended to read:

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

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

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

Section 67. Paragraph (c) of subsection (1) and subsection (2) of section 218.32, Florida Statutes, are amended to read:

218.32 Annual financial reports; local governmental entities.—

(1)

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2263 (c) Each ~~regional planning council created under s.~~
2264 ~~186.504,~~ each local government finance commission, board, or
2265 council, and each municipal power corporation created as a
2266 separate legal or administrative entity by interlocal agreement
2267 under s. 163.01(7) shall submit to the department a copy of its
2268 audit report and an annual financial report for the previous
2269 fiscal year in a format prescribed by the department.

2270 (2) The department shall annually by December 1 file a
2271 verified report with the Governor, the Legislature, the Auditor
2272 General, and the Special District Accountability Program of the
2273 Department of Commerce showing the revenues, both locally
2274 derived and derived from intergovernmental transfers, and the
2275 expenditures of each local governmental entity, ~~regional~~
2276 ~~planning council,~~ local government finance commission, and
2277 municipal power corporation that is required to submit an annual
2278 financial report. In preparing the verified report, the
2279 department may request additional information from the local
2280 governmental entity. The information requested must be provided
2281 to the department within 45 days after the request. If the local
2282 governmental entity does not comply with the request, the
2283 department shall notify the Legislative Auditing Committee,
2284 which may take action pursuant to s. 11.40(2). The report must
2285 include, but is not limited to:

2286 (a) The total revenues and expenditures of each local
2287 governmental entity that is a component unit included in the
2288 annual financial report of the reporting entity.

2289 (b) The amount of outstanding long-term debt by each local
2290 governmental entity. For purposes of this paragraph, the term
2291 "long-term debt" means any agreement or series of agreements to

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pay money, which, at inception, contemplate terms of payment exceeding 1 year in duration.

Section 68. Section 255.101, Florida Statutes, is amended to read:

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

(1) All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions which are charged with the letting of contracts for public works and for the construction of public bridges, buildings, and other structures shall operate in accordance with s. 287.093, except that all contracts for the construction of state facilities should comply with ~~provisions in~~ s. 287.09451, and rules adopted pursuant thereto, for the utilization of rural or urban ~~minority~~ business enterprises. When construction is financed in whole or in part from federal funds and where federal provisions for utilization of rural or urban ~~minority~~ business enterprises apply, this section may ~~shall~~ not apply.

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

Section 69. Section 255.102, Florida Statutes, is amended to read:

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

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

(2) The Office of Supplier Development Diversity, in collaboration with the Board of Governors of the State University System, shall adopt rules to determine what is a "good faith effort" for purposes of contractor compliance with rural or urban areas ~~minority~~ participation goals established for competitively awarded building and construction projects. Pro forma efforts may ~~shall~~ not be considered good faith. Factors which must ~~shall~~ be considered by the state agency in determining whether a contractor has made good faith efforts ~~shall~~ include, but not be limited to:

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

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

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

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effectively.

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

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

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

(g) Whether the contractor negotiated in good faith with interested rural or urban ~~minority~~ business enterprises or ~~minority~~ persons, not rejecting rural or urban ~~minority~~ business enterprises or ~~minority~~ persons as unqualified without sound reasons based on a thorough investigation of their capabilities

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or imposing implausible conditions of performance on the contract.

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

(i) Whether the contractor effectively used the services of available rural or urban ~~minority~~ community organizations; rural or urban ~~minority~~ contractors' groups; local, state, and federal rural or urban ~~minority~~ business assistance offices; and other organizations that provide assistance in the recruitment and placement of rural or urban ~~minority~~ business enterprises or ~~minority~~ persons.

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

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

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2408 Section 70. Paragraph (a) of subsection (7) of section
2409 258.501, Florida Statutes, is amended to read:

2410 258.501 Myakka River; wild and scenic segment.—

2411 (7) MANAGEMENT COORDINATING COUNCIL.—

2412 (a) Upon designation, the department shall create a
2413 permanent council to provide interagency and intergovernmental
2414 coordination in the management of the river. The coordinating
2415 council shall be composed of one representative appointed from
2416 each of the following: the department, the Department of
2417 Transportation, the Fish and Wildlife Conservation Commission,
2418 the Department of Commerce, the Florida Forest Service of the
2419 Department of Agriculture and Consumer Services, the Division of
2420 Historical Resources of the Department of State, ~~the Tampa Bay~~
2421 ~~Regional Planning Council~~, the Southwest Florida Water
2422 Management District, ~~the Southwest Florida Regional Planning~~
2423 ~~Council~~, Manatee County, Sarasota County, Charlotte County, the
2424 City of Sarasota, the City of North Port, agricultural
2425 interests, environmental organizations, and any others deemed
2426 advisable by the department.

2427 Section 71. Subsections (1) and (3) of section 260.0142,
2428 Florida Statutes, are amended to read:

2429 260.0142 Florida Greenways and Trails Council; composition;
2430 powers and duties.—

2431 (1) There is created within the department the Florida
2432 Greenways and Trails Council which shall advise the department
2433 in the execution of the department's powers and duties under
2434 this chapter. The council shall be composed of 19 ~~21~~ members,
2435 consisting of:

2436 (a)1. Five ~~Six~~ members appointed by the Governor, with two

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members representing the trail user community, two members representing the greenway user community, ~~one member from the board of the Florida Wildlife Corridor Foundation,~~ and one member representing private landowners.

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

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

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

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

1. The Secretary of Environmental Protection or a designee.

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

3. The Secretary of Transportation or a designee.

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

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

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

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

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

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

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

Section 72. Paragraph (d) of subsection (3) of section
287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural,
engineering, landscape architectural, or surveying and mapping
services; definitions; procedures; contingent fees prohibited;

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penalties.—

(3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

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

Section 73. Subsections (8), (9), and (12) of section 287.057, Florida Statutes, are amended to read:

287.057 Procurement of commodities or contractual services.—

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

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2524 deemed appropriate.

2525 (b) Before a contract may be reserved for solicitation only
2526 among certified rural or urban ~~minority~~ business enterprises,
2527 the agency head must find that such a reservation is in the best
2528 interests of the state. All determinations are ~~shall be~~ subject
2529 to s. 287.09451(5). Once a decision has been made to reserve a
2530 contract, but before sealed bids, proposals, or replies are
2531 requested, the agency shall estimate what it expects the amount
2532 of the contract to be, based on the nature of the services or
2533 commodities involved and their value under prevailing market
2534 conditions. If all the sealed bids, proposals, or replies
2535 received are over this estimate, the agency may reject the bids,
2536 proposals, or replies and request new ones from certified rural
2537 or urban ~~minority~~ business enterprises, or the agency may reject
2538 the bids, proposals, or replies and reopen the bidding to all
2539 eligible vendors.

2540 (c) All agencies shall consider the use of price
2541 preferences of up to 10 percent, weighted preference formulas,
2542 or other preferences for vendors as determined appropriate
2543 pursuant to guidelines established in accordance with s.
2544 287.09451(4) to increase the participation of certified rural or
2545 urban ~~minority~~ business enterprises.

2546 (d) All agencies shall avoid any undue concentration of
2547 contracts or purchases in categories of commodities or
2548 contractual services in order to meet the certified rural or
2549 urban ~~minority~~ business enterprise purchasing goals in s.
2550 287.09451.

2551 (9) An agency may reserve any contract for competitive
2552 solicitation only among vendors who agree to use certified rural

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or urban ~~minority~~ business enterprises as subcontractors or subvendors. The percentage of funds, in terms of gross contract amount and revenues, which must be expended with the certified rural or urban ~~minority~~ business enterprise subcontractors and subvendors shall be determined by the agency before such contracts may be reserved. In order to bid on a contract so reserved, the vendor shall identify those certified rural or urban ~~minority~~ business enterprises which will be utilized as subcontractors or subvendors by sworn statement. At the time of performance or project completion, the contractor shall report by sworn statement the payments and completion of work for all certified rural or urban ~~minority~~ business enterprises used in the contract.

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

Section 74. Section 287.0943, Florida Statutes, is amended to read:

287.0943 Certification of rural or urban ~~minority~~ business enterprises.—

(1) A business certified by any local governmental jurisdiction or organization shall be accepted by the Department of Management Services, Office of Supplier Development ~~Diversity~~, as a certified rural or urban ~~minority~~ business enterprise for purposes of doing business with state government when the Office of Supplier Development ~~Diversity~~ determines that the state's rural or urban ~~minority~~ business enterprise

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certification criteria are applied in the local certification process.

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

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

1. The Florida League of Cities, Inc.
2. The Florida Association of Counties.
3. The Florida School Boards Association, Inc.
4. The Association of Special Districts.
5. The Florida Association of Rural or Urban ~~Minority~~ Business Enterprise Officials.
6. The Florida Association of Government Purchasing Officials.

In addition, the Office of Supplier Development ~~Diversity~~ shall appoint seven members consisting of three representatives of rural or urban ~~minority~~ business enterprises, one of whom should be a woman business owner, two officials of the office, and two at-large members to ensure balance. A quorum shall consist of one-third of the current members, and the task force may take

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2611 action by majority vote. Any vacancy may only be filled by the
2612 organization or agency originally authorized to appoint the
2613 position.

2614 (c) The purpose of the task force will be to propose
2615 uniform criteria and procedures by which participating entities
2616 and organizations can qualify businesses to participate in
2617 procurement or contracting programs as certified rural or urban
2618 ~~minority~~ business enterprises in accordance with the
2619 certification criteria established by law.

2620 (d) A final list of the criteria and procedures proposed by
2621 the task force shall be considered by the secretary. The task
2622 force may seek technical assistance from qualified providers of
2623 technical, business, and managerial expertise to ensure the
2624 reliability of the certification criteria developed.

2625 (e) In assessing the status of ownership and control,
2626 certification criteria shall, at a minimum:

2627 1. Link ownership by a ~~minority~~ person owning a business
2628 enterprise in a rural or urban area as defined in s. 288.703, or
2629 as dictated by the legal obligations of a certifying
2630 organization, to day-to-day control and financial risk by the
2631 qualifying ~~minority~~ owner, and to demonstrated expertise or
2632 licensure of an ~~a minority~~ owner in any trade or profession that
2633 the rural or urban ~~minority~~ business enterprise will offer to
2634 the state when certified. Businesses must comply with all state
2635 licensing requirements before becoming certified as a rural or
2636 urban ~~minority~~ business enterprise.

2637 2. ~~If present ownership was obtained by transfer, require~~
2638 ~~the minority person on whom eligibility is based to have owned~~
2639 ~~at least 51 percent of the applicant firm for a minimum of 2~~

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

3. Require that prospective certified rural or urban minority business enterprises be currently performing or seeking to perform a useful business function. A "useful business function" is defined as a business function which results in the provision of materials, supplies, equipment, or services to customers. Acting as a conduit to transfer funds to a non-rural or a non-urban ~~nonminority~~ business does not constitute a useful business function unless it is done so in a normal industry practice. As used in this section, the term "acting as a conduit" means, in part, not acting as a regular dealer by making sales of material, goods, or supplies from items bought,

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kept in stock, and regularly sold to the public in the usual course of business. Brokers, manufacturer's representatives, sales representatives, and nonstocking distributors are considered as conduits that do not perform a useful business function, unless normal industry practice dictates.

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

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

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

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

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

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

(3)(a) The office shall review and evaluate the certification programs and procedures of all prospective executors of the statewide and interlocal agreement to determine

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whether ~~if~~ their programs exhibit the capacity to meet the standards of the agreement.

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

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

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

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

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

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

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

(b) The office shall contract with parties to the statewide

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and interlocal agreement to perform onsite visits associated with state certifications.

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

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

(7) The office shall identify rural or urban ~~minority~~ business enterprises eligible for certification in all areas of state services and commodities purchasing. The office may contract with a private firm or other agency, if necessary, in seeking to identify rural or urban ~~minority~~ business enterprises for certification. Agencies may request the office to identify certifiable rural or urban ~~minority~~ business enterprises that are in the business of providing a given service or commodity;

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the office shall respond to such requests and seek out such certifiable rural or urban ~~minority~~ business enterprises.

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

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

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

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

(12) Any executor of the statewide and interlocal agreement may revoke the certification or recertification of a firm doing business as a certified rural or urban ~~minority~~ business enterprise if the rural or urban ~~minority~~ business enterprise

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

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

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

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

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

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

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

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

Section 75. Section 287.09431, Florida Statutes, is amended to read:

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

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ARTICLE I

PURPOSE, FINDINGS, AND POLICY.—

(1) The parties to this agreement, desiring by common action to establish a uniform certification process in order to reduce the multiplicity of applications by business concerns to state and local governmental programs for rural or urban ~~minority~~ business assistance, declare that it is the policy of each of them, on the basis of cooperation with one another, to remedy social and economic disadvantage suffered by certain groups, resulting in their being historically underutilized in ownership and control of commercial enterprises. Thus, the parties seek to address this history by increasing the participation of the identified groups in opportunities afforded by government procurement.

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

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

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(4) The parties agree that:

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

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

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

ARTICLE II

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

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

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

~~(3) "Minority" means a person who is a lawful, permanent resident of the state, having origins in one of the minority~~

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groups as described and adopted by the Department of Management Services, hereby incorporated by reference.

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

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

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

ARTICLE III

STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

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

(2) A participating organization shall certify a business concern that meets the definition of a rural or urban ~~minority~~ business enterprise in this agreement, in accordance with the

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duly adopted eligibility criteria.

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

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

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

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

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

(8) The certifying organization shall reexamine its certification determination and submit written notice to the

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applicant and the challenging organization of its findings
within 30 days after the receipt of the notice of challenge.

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

ARTICLE IV

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

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3046 OTHER ARRANGEMENTS. ~~Nothing in~~ This agreement may not ~~shall~~
3047 be construed to prevent or inhibit other arrangements or
3048 practices of any party in order to comply with federal law.

3050 ARTICLE VIII

3052 EFFECT AND WITHDRAWAL.—

3053 (1) This agreement becomes ~~shall become~~ effective when
3054 properly executed by a legal representative of the participating
3055 organization, when enacted into the law of the state and after
3056 an ordinance or other legislation is enacted into law by the
3057 governing body of each participating organization. Thereafter it
3058 becomes ~~shall become~~ effective as to any participating
3059 organization upon the enactment of this agreement by the
3060 governing body of that organization.

3061 (2) Any party may withdraw from this agreement by enacting
3062 legislation repealing the same, but ~~no~~ such withdrawal may not
3063 ~~shall~~ take effect until one year after the governing body of the
3064 withdrawing party has given notice in writing of the withdrawal
3065 to the other parties.

3066 (3) A ~~No~~ withdrawal may not ~~shall~~ relieve the withdrawing
3067 party of any obligations imposed upon it by law.

3069 ARTICLE IX

3071 FINANCIAL RESPONSIBILITY.—

3072 (1) A participating organization is ~~shall not be~~
3073 financially responsible or liable for the obligations of any
3074 other participating organization related to this agreement.

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

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

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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.

Section 76. Paragraph (b) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

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

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

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

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

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

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

Section 77. Section 288.7031, Florida Statutes, is amended

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to read:

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

Section 78. Paragraph (f) of subsection (2), paragraph (c) of subsection (4), and subsections (7) and (8), and (9) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

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

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

(4)

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

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

(8) At the request of a host local government, the department shall coordinate a presubmission workshop concerning

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a military base reuse plan within the boundaries of the host jurisdiction. Agencies that must ~~shall~~ participate in the workshop ~~shall~~ include any affected local governments; the Department of Environmental Protection; the department; the Department of Transportation; the Department of Health; the Department of Children and Families; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts ~~and regional planning councils~~. The purposes of the workshop are ~~shall be~~ to assist the host local government to understand issues of concern to the above listed entities pertaining to the military base site and to identify opportunities for better coordination of planning and review efforts with the information and analyses generated by the federal environmental impact statement process and the federal community base reuse planning process.

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

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments; the Department of Environmental Protection; the department; the Department of Transportation; the Department of Health; the Department of Children and Families; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts ~~and regional planning~~

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3191 ~~councils~~, or

3192 (b) Petition the department for an extension of the
3193 deadline for submitting a proposed reuse plan. Such an extension
3194 request must be justified by changes or delays in the closure
3195 process by the federal Department of Defense or for reasons
3196 otherwise deemed to promote the orderly and beneficial planning
3197 of the subject military base reuse. The department may grant
3198 extensions to the required submission date of the reuse plan.

3199 Section 79. Subsection (4) of section 290.004, Florida
3200 Statutes, is amended to read:

3201 290.004 Definitions relating to Florida Enterprise Zone
3202 Act.—As used in ss. 290.001-290.016:

3203 (4) "Certified rural or urban ~~Minority~~ business enterprise"
3204 has the same meaning as provided in s. 288.703.

3205 Section 80. Paragraph (b) of subsection (26) of section
3206 320.08058, Florida Statutes, is amended to read:

3207 320.08058 Specialty license plates.—

3208 (26) TAMPA BAY ESTUARY LICENSE PLATES.—

3209 (b) The annual use fees shall be distributed to the Tampa
3210 Bay Estuary Program created by s. 163.01.

3211 1. A maximum of 5 percent of such fees may be used for
3212 marketing the plate.

3213 ~~2. Twenty percent of the proceeds from the annual use fee,~~
3214 ~~not to exceed \$50,000, shall be provided to the Tampa Bay~~
3215 ~~Regional Planning Council for activities of the Agency on Bay~~
3216 ~~Management implementing the Council/Agency Action Plan for the~~
3217 ~~restoration of the Tampa Bay estuary, as approved by the Tampa~~
3218 ~~Bay Estuary Program Policy Board.~~

3219 2.3. The remaining proceeds must be used to implement the

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Comprehensive Conservation and Management Plan for Tampa Bay,
pursuant to priorities approved by the Tampa Bay Estuary Program
Policy Board.

Section 81. Paragraph (b) of subsection (3) of section
335.188, Florida Statutes, is amended to read:

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

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

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

Section 82. Paragraph (b) of subsection (4) of section
339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(4) ADDITIONAL TRANSPORTATION PLANS.—

~~(b) Each regional planning council, as provided for in s.~~
~~186.504, or any successor agency thereto, shall develop, as an~~
~~element of its strategic regional policy plan, transportation~~
~~goals and policies. The transportation goals and policies must~~
~~be prioritized to comply with the prevailing principles provided~~
~~in subsection (1) and s. 334.046(1). The transportation goals~~
~~and policies shall be consistent, to the maximum extent~~
~~feasible, with the goals and policies of the metropolitan~~
~~planning organization and the Florida Transportation Plan. The~~
~~transportation goals and policies of the regional planning~~
~~council will be advisory only and shall be submitted to the~~

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~~department and any affected metropolitan planning organization for their consideration and comments. Metropolitan planning organization plans and other local transportation plans shall be developed consistent, to the maximum extent feasible, with the regional transportation goals and policies.~~

Section 83. Paragraph (g) of subsection (6) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

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

(g) Each M.P.O. shall have an executive or staff director who reports directly to the M.P.O. governing board for all matters regarding the administration and operation of the M.P.O. and any additional personnel as deemed necessary. The executive director and any additional personnel may be employed either by an M.P.O. or by another governmental entity, such as a county or, ~~city, or regional planning council~~, that has a staff services agreement signed and in effect with the M.P.O. Each

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M.P.O. may enter into contracts with local or state agencies, private planning firms, private engineering firms, or other public or private entities to accomplish its transportation planning and programming duties and administrative functions.

Section 84. Subsection (6) of section 339.285, Florida Statutes, is amended to read:

339.285 Enhanced Bridge Program for Sustainable Transportation.—

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

Section 85. Subsections (3) and (4) of section 339.63, Florida Statutes, are amended to read:

339.63 System facilities designated; additions and deletions.—

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

(4) After the initial designation of the Strategic Intermodal System under subsection (1), the department shall, in coordination with the metropolitan planning organizations, local governments, ~~regional planning councils~~, transportation

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providers, and affected public agencies, add facilities to or delete facilities from the Strategic Intermodal System described in paragraph (2)(a) based upon criteria adopted by the department. However, an airport that is designated as a reliever airport to a Strategic Intermodal System airport which has at least 75,000 itinerant operations per year, has a runway length of at least 5,500 linear feet, is capable of handling aircraft weighing at least 60,000 pounds with a dual wheel configuration which is served by at least one precision instrument approach, and serves a cluster of aviation-dependent industries, shall be designated as part of the Strategic Intermodal System by the Secretary of Transportation upon the request of a reliever airport meeting this criteria.

Section 86. Subsection (1) and paragraph (a) of subsection (3) of section 339.64, Florida Statutes, are amended to read:

339.64 Strategic Intermodal System Plan.—

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

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

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Section 87. Subsection (1) of section 341.041, Florida Statutes, is amended to read:

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

(1) Develop a statewide plan that provides for public transit and intercity bus service needs at least 5 years in advance. The plan shall be developed in a manner that will assure maximum use of existing facilities, and optimum integration and coordination of the various modes of transportation, including both governmentally owned and privately owned resources, in the most cost-effective manner possible. The plan shall also incorporate plans adopted by local ~~and regional~~ planning agencies which are consistent, to the maximum extent feasible, with ~~adopted strategic policy plans and~~ approved local government comprehensive plans for the region and units of local government covered by the plan and shall, insofar as practical, conform to federal planning requirements. The plan shall be consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.

Section 88. Paragraph (m) of subsection (3) of section 343.54, Florida Statutes, is amended to read:

343.54 Powers and duties.—

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

(m) To cooperate with other governmental entities and to contract with other governmental agencies, including the

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Department of Transportation, the Federal Government, ~~regional planning councils~~, counties, and municipalities.

Section 89. Paragraphs (c) and (d) of subsection (1) of section 366.93, Florida Statutes, are amended to read:

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

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

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

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

Section 90. Subsection (1) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

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

Section 91. Subsection (3) of section 369.307, Florida Statutes, is amended to read:

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

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The St. Johns River Water Management District ~~East Central Florida Regional Planning Council~~ shall adopt policies that ~~as part of its strategic regional policy plan and regional issues list~~

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which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of all species ~~designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code,~~ and native vegetation in the Wekiva River Protection Area. The water management district council shall also cooperate with the department in the department's implementation ~~of the provisions~~ of s. 369.305.

Section 92. Paragraph (e) of subsection (1) of section 373.309, Florida Statutes, is amended to read:

373.309 Authority to adopt rules and procedures.—

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

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

1. Delineation of areas of groundwater contamination for implementation of well location and construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2.-6. ~~2., 3., 4., 5., and 6.~~ The department shall make available to water management districts, ~~regional planning councils,~~ the Department of Health, and county building and zoning departments, maps or other information on areas of contamination, including areas of ethylene dibromide

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contamination. Such maps or other information shall be made available to property owners, realtors, real estate associations, property appraisers, and other interested persons upon request and upon payment of appropriate costs.

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

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

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

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

6. A procedure for clearing for use all potable water wells, except wells that serve a public water supply system, in

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3452 areas of known contamination. If contaminants are found upon
3453 testing pursuant to subparagraph 2., a well may not be cleared
3454 for use without a filter or other means of preventing the users
3455 of the well from being exposed to deleterious amounts of
3456 contaminants. The Department of Health shall implement the
3457 responsibilities of this subparagraph.

3458 7. Fees to be paid for well construction permits and
3459 clearance for use. The fees shall be based on the actual costs
3460 incurred by the water management districts, the Department of
3461 Health, or other political subdivisions in carrying out the
3462 responsibilities related to potable water well permitting and
3463 clearance for use. The fees shall provide revenue to cover all
3464 such costs and shall be set according to the following schedule:

3465 a. The well construction permit fee may not exceed \$500.

3466 b. The clearance fee may not exceed \$50.

3467 8. Procedures for implementing well-location, construction,
3468 testing, permitting, and clearance requirements as set forth in
3469 subparagraphs 2.-6. within areas that research or monitoring
3470 data indicate are vulnerable to contamination with nitrate, or
3471 areas in which the department provides a subsidy for restoration
3472 or replacement of contaminated drinking water supplies through
3473 extending existing water lines or developing new water supply
3474 systems pursuant to s. 376.307(1)(e). The department shall
3475 consult with the Florida Ground Water Association in the process
3476 of developing rules pursuant to this subparagraph.

3477
3478 All fees and funds collected by each delegated entity pursuant
3479 to this part shall be deposited in the appropriate operating
3480 account of that entity.

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Section 93. Subsections (1) and (2) of section 373.415, Florida Statutes, are amended to read:

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

(1) Not later than November 1, 1988, the St. Johns River Water Management District shall adopt rules establishing protection zones adjacent to the watercourses in the Wekiva River System, as designated in s. 369.303 ~~s. 369.303(10)~~. Such protection zones shall be sufficiently wide to prevent harm to the Wekiva River System, including water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent wildlife species, caused by any of the activities regulated under this part. Factors on which the widths of the protection zones shall be based shall include, but not be limited to:

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

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

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

In addition, the rules may establish permitting thresholds, permitting exemptions, or general permits, if such thresholds, exemptions, or general permits do not allow significant adverse impacts to the Wekiva River System to occur individually or

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3510 cumulatively.

3511 (2) Notwithstanding ~~the provisions of~~ s. 120.60, the St.
3512 Johns River Water Management District may ~~shall~~ not issue any
3513 permit under this part within the Wekiva River Protection Area,
3514 as defined in s. 369.303 ~~s. 369.303(9)~~, until the appropriate
3515 local government has provided written notification to the
3516 district that the proposed activity is consistent with the local
3517 comprehensive plan and is in compliance with any land
3518 development regulation in effect in the area where the
3519 development will take place. The district may, however, inform
3520 any property owner who makes a request for such information as
3521 to the location of the protection zone or zones on his or her
3522 property. However, if a development proposal is amended as the
3523 result of the review by the district, a permit may be issued
3524 before ~~prior to~~ the development proposal is being ~~is~~ returned, if
3525 necessary, to the local government for additional review.

3526 Section 94. Paragraph (a) of subsection (2) of section
3527 376.3072, Florida Statutes, is amended to read:

3528 376.3072 Florida Petroleum Liability and Restoration
3529 Insurance Program.—

3530 (2)(a) An owner or operator of a petroleum storage system
3531 may become an insured in the restoration insurance program at a
3532 facility if:

3533 1. A site at which an incident has occurred is eligible for
3534 restoration if the insured is a participant in the third-party
3535 liability insurance program or otherwise meets applicable
3536 financial responsibility requirements. After July 1, 1993, the
3537 insured must also provide the required excess insurance coverage
3538 or self-insurance for restoration to achieve the financial

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responsibility requirements of 40 C.F.R. s. 280.97, subpart H, not covered by paragraph (d).

2. A site which had a discharge reported before January 1, 1989, for which notice was given pursuant to s. 376.3071(10) and which is ineligible for the third-party liability insurance program solely due to that discharge is eligible for participation in the restoration program for an incident occurring on or after January 1, 1989, pursuant to subsection (3). Restoration funding for an eligible contaminated site will be provided without participation in the third-party liability insurance program until the site is restored as required by the department or until the department determines that the site does not require restoration.

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

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

b. The owner or operator has, upon discovery of a

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discharge, promptly reported the discharge to the department,
and drained and removed the system from service, if necessary.

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

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

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

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

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

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

(II) Automatic tank gauging systems; or

(III) A statistical inventory reconciliation system with a

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3597 tank test every 3 years.

3598 b. For pressurized integral piping systems, the owner or
3599 operator must use:

3600 (I) An automatic in-line leak detector with flow
3601 restriction meeting the requirements of department rules used in
3602 conjunction with an annual tightness or pressure test; or

3603 (II) An automatic in-line leak detector with electronic
3604 flow shut-off meeting the requirements of department rules.

3605 c. For suction integral piping systems, the owner or
3606 operator must use:

3607 (I) A single check valve installed directly below the
3608 suction pump if there are no other valves between the dispenser
3609 and the tank; or

3610 (II) An annual tightness test or other approved test.

3611 d. Owners of facilities with existing contamination that
3612 install internal release detection systems pursuant to sub-
3613 subparagraph a. shall permanently close their external
3614 groundwater and vapor monitoring wells pursuant to department
3615 rules by December 31, 1998. Upon installation of the internal
3616 release detection system, such wells must be secured and taken
3617 out of service until permanent closure.

3618 e. Facilities with vapor levels of contamination meeting
3619 the requirements of or below the concentrations specified in the
3620 performance standards for release detection methods specified in
3621 department rules may continue to use vapor monitoring wells for
3622 release detection.

3623 f. The department may approve other methods of release
3624 detection for storage tanks and integral piping which have at
3625 least the same capability to detect a new release as the methods

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specified in this subparagraph.

Sites meeting the criteria of this subsection for which a site rehabilitation completion order was issued before June 1, 2008, do not qualify for the 2008 increase in site rehabilitation funding assistance and are bound by the pre-June 1, 2008, limits. Sites meeting the criteria of this subsection for which a site rehabilitation completion order was not issued before June 1, 2008, regardless of whether they have previously transitioned to nonstate-funded cleanup status, may continue state-funded cleanup pursuant to s. 376.3071(6) until a site rehabilitation completion order is issued or the increased site rehabilitation funding assistance limit is reached, whichever occurs first.

Section 95. Paragraph (k) of subsection (2) of section 377.703, Florida Statutes, is amended to read:

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

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

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

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

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned

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and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the department data on agencies' energy consumption and emissions of greenhouse gases in a format prescribed by the department.

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

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

Section 96. Subsection (3) of section 378.411, Florida Statutes, is amended to read:

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

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

Section 97. Subsection (15) of section 380.031, Florida Statutes, is amended to read:

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380.031 Definitions.—As used in this chapter:

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

Section 98. Subsection (2) of section 380.045, Florida Statutes, is amended to read:

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

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

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Section 99. Subsections (3), (4), (7), (8), and (12) of section 380.05, Florida Statutes, are amended to read:

380.05 Areas of critical state concern.—

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

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

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

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

(8) If any local government fails to submit land development regulations or a local comprehensive plan, or if the regulations or plan or plan amendment submitted do not comply with the principles for guiding development set out in the rule designating the area of critical state concern, within 120 days after the adoption of the rule designating an area of critical state concern, or within 120 days after the issuance of a recommended order on the compliance of the plan or plan amendment pursuant to s. 163.3184, or within 120 days after the effective date of an order rejecting a proposed land development regulation, the state land planning agency must ~~shall~~ submit to the commission recommended land development regulations and a local comprehensive plan or portions thereof applicable to that local government's portion of the area of critical state concern. Within 45 days following receipt of the recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the recommendation with or without modification, and by rule establish land development regulations and a local comprehensive plan applicable to that local government's portion of the area of critical state concern. However, such rule may ~~shall~~ not become effective before ~~prior to~~ legislative review of an area of critical state concern pursuant to paragraph (1)(c). In the rule, the commission shall specify the extent to which its land development regulations, plans, or plan amendments will supersede, or will be supplementary to, local land development regulations and plans. Notice of any proposed rule issued under

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3771 this section shall be given to all local governments and
3772 regional ~~planning~~ agencies in the area of critical state
3773 concern, in addition to any other notice required under chapter
3774 120. The land development regulations and local comprehensive
3775 plan adopted by the commission under this section may include
3776 any type of regulation and plan that could have been adopted by
3777 the local government. Any land development regulations or local
3778 comprehensive plan or plan amendments adopted by the commission
3779 under this section shall be administered by the local government
3780 as part of, or in the absence of, the local land development
3781 regulations and local comprehensive plan.

3782 (12) Upon the request of a substantially interested person
3783 pursuant to s. 120.54(7), a local government or regional
3784 ~~planning~~ agency within the designated area, or the state land
3785 planning agency, the commission may by rule remove, contract, or
3786 expand any designated boundary. Boundary expansions are subject
3787 to legislative review pursuant to paragraph (1)(c). No boundary
3788 may be modified without a specific finding by the commission
3789 that such changes are consistent with necessary resource
3790 protection. The total boundaries of an entire area of critical
3791 state concern may ~~shall~~ not be removed by the commission unless
3792 a minimum time of 1 year has elapsed from the adoption of
3793 regulations and a local comprehensive plan pursuant to
3794 subsection (1), subsection (6), subsection (8), or subsection
3795 (10). Before totally removing such boundaries, the commission
3796 shall make findings that the regulations and plans adopted
3797 pursuant to subsection (1), subsection (6), subsection (8), or
3798 subsection (10) are being effectively implemented by local
3799 governments within the area of critical state concern to protect

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the area and that adopted local government comprehensive plans within the area have been conformed to principles for guiding development for the area.

Section 100. Subsection (3) of section 380.055, Florida Statutes, is amended to read:

380.055 Big Cypress Area.—

(3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The "Big Cypress Area," as defined in this subsection, is hereby designated as an area of critical state concern. "Big Cypress Area" means the area generally depicted on the map entitled "Boundary Map, Big Cypress National Freshwater Reserve, Florida," numbered BC-91,001 and dated November 1971, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior, Washington, D.C., and in the office of the Board of Trustees of the Internal Improvement Trust Fund, which is the area proposed as the Federal Big Cypress National Freshwater Reserve, Florida, and that area described as follows: Sections 1, 2, 11, 12 and 13 in Township 49 South, Range 31 East; and Township 49 South, Range 32 East, less Sections 19, 30 and 31; and Township 49 South, Range 33 East; and Township 49 South, Range 34 East; and Sections 1 through 5 and 10 through 14 in Township 50 South, Range 32 East; and Sections 1 through 18 and 20 through 25 in Township 50 South, Range 33 East; and Township 50 South, Range 34 East, less Section 31; and Sections 1 and 2 in Township 51 South, Range 34 East; All in Collier County, Florida, which described area shall be known as the "Big Cypress National Preserve Addition, Florida," together with such contiguous land and water areas as are ecologically linked with the Everglades

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National Park, certain of the estuarine fisheries of South Florida, or the freshwater aquifer of South Florida, the definitive boundaries of which shall be set in the following manner: Within 120 days following the effective date of this act, the state land planning agency shall recommend definitive boundaries for the Big Cypress Area to the Administration Commission, after giving notice to all local governments and regional ~~planning~~ agencies which include within their boundaries any part of the area proposed to be included in the Big Cypress Area and holding such hearings as the state land planning agency deems appropriate. Within 45 days following receipt of the recommended boundaries, the Administration Commission shall adopt, modify, or reject the recommendation and shall by rule establish the boundaries of the area defined as the Big Cypress Area.

Section 101. Subsection (6) and paragraph (b) of subsection (12) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

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

(12) PROPOSED DEVELOPMENTS.—

(b) This subsection does not apply to:

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

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

Section 102. Subsection (2) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

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

Section 103. Subsection (2) of section 380.07, Florida Statutes, is amended to read:

380.07 Florida Land and Water Adjudicatory Commission.—

(2) Whenever any local government issues any development order in any area of critical state concern, or in regard to the abandonment of any approved development of regional impact, copies of such orders as prescribed by rule by the state land

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3887 planning agency shall be transmitted to the state land planning
3888 agency, ~~the regional planning agency,~~ and the owner or developer
3889 of the property affected by such order. The state land planning
3890 agency shall adopt rules describing development order rendition
3891 and effectiveness in designated areas of critical state concern.
3892 Within 45 days after the order is rendered, the owner, the
3893 developer, or the state land planning agency may appeal the
3894 order to the Florida Land and Water Adjudicatory Commission by
3895 filing a petition alleging that the development order is not
3896 consistent with this part.

3897 Section 104. Paragraph (c) of subsection (3) of section
3898 380.23, Florida Statutes, is amended to read:

3899 380.23 Federal consistency.—

3900 (3) Consistency review shall be limited to review of the
3901 following activities, uses, and projects to ensure that such
3902 activities, uses, and projects are conducted in accordance with
3903 the state's coastal management program:

3904 (c) Federally licensed or permitted activities affecting
3905 land or water uses when such activities are in or seaward of the
3906 jurisdiction of local governments required to develop a coastal
3907 zone protection element as provided in s. 380.24 and when such
3908 activities involve:

3909 1. Permits and licenses required under the Rivers and
3910 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3911 2. Permits and licenses required under the Marine
3912 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
3913 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3914 3. Permits and licenses required under the Federal Water
3915 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as

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amended, unless such permitting activities have been delegated to the state pursuant to said act.

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

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

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

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

8. Permits and licenses for areas leased under the OCS

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Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including leases and approvals of exploration, development, and production plans.

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

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

Section 105. Subsection (3) of section 380.507, Florida Statutes, is amended to read:

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

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

Section 106. Paragraph (b) of subsection (8) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and

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administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and certified rural or urban ~~minority~~ business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. However, the department may not renew the license of a medical marijuana treatment center that has not begun to cultivate, process, and dispense marijuana by the date that the medical marijuana treatment center is required to renew its license. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

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

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

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

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

5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

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

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

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

b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the

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department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.

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

9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

10. A diversity plan that promotes and ensures the involvement of minority persons and certified rural or urban ~~minority~~ business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:

a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;

b. Efforts to recruit minority persons and veterans for employment; and

c. A record of contracts for services with rural or urban ~~minority~~ business enterprises and veteran business enterprises.

Section 107. Subsection (4) of section 403.031, Florida Statutes, is amended to read:

403.031 Definitions.—In construing this chapter, or rules

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and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(4) "Electrical power plant" means, for purposes of this part of this chapter, any electrical generating facility that uses any process or fuel and that is owned or operated by an electric utility, as defined in s. 403.503 ~~s. 403.503(14)~~, and includes any associated facility that directly supports the operation of the electrical power plant.

Section 108. Subsection (6) of section 403.0752, Florida Statutes, is amended to read:

403.0752 Ecosystem management agreements.—

(6) The secretary of the department may form ecosystem management advisory teams for consultation and participation in the preparation of an ecosystem management agreement. The secretary shall request the participation of at least the state and regional and local government entities having regulatory authority over the activities to be subject to the ecosystem management agreement. Such teams may also include representatives of other participating or advisory government agencies, which may include ~~regional planning councils~~, private landowners, public landowners and managers, public and private utilities, corporations, and environmental interests. Team members shall be selected in a manner that ensures adequate representation of the diverse interests and perspectives within the designated ecosystem. Participation by any department of state government is at the discretion of that agency.

Section 109. Subsection (27) of section 403.503, Florida Statutes, is amended to read:

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4090 403.503 Definitions relating to Florida Electrical Power
4091 Plant Siting Act.—As used in this act:

4092 ~~(27) "Regional planning council" means a regional planning~~
4093 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
4094 ~~the electrical power plant is proposed to be located.~~

4095 Section 110. Subsection (1) of section 403.50663, Florida
4096 Statutes, is amended to read:

4097 403.50663 Informational public meetings.—

4098 (1) A local government within whose jurisdiction the power
4099 plant is proposed to be sited may hold one informational public
4100 meeting in addition to the hearings specifically authorized by
4101 this act on any matter associated with the electrical power
4102 plant proceeding. Such informational public meetings shall be
4103 held by the local government ~~or by the regional planning council~~
4104 ~~if the local government does not hold such meeting~~ within 70
4105 days after the filing of the application. The purpose of an
4106 informational public meeting is for the local government ~~or~~
4107 ~~regional planning council~~ to further inform the public about the
4108 proposed electrical power plant or associated facilities, obtain
4109 comments from the public, and formulate its recommendation with
4110 respect to the proposed electrical power plant.

4111 Section 111. Paragraph (a) of subsection (2) of section
4112 403.507, Florida Statutes, is amended to read:

4113 403.507 Preliminary statements of issues, reports, project
4114 analyses, and studies.—

4115 (2)(a) No later than 100 days after the certification
4116 application has been determined complete, the following agencies
4117 shall prepare reports as provided below and shall submit them to
4118 the department and the applicant, unless a final order denying

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the determination of need has been issued under s. 403.519:

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

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

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

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

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

Section 112. Paragraphs (a) and (c) of subsection (4) of

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section 403.509, Florida Statutes, are amended to read:

403.509 Final disposition of application.—

(4)(a) Any transmission line corridor certified by the board, or secretary if applicable, shall meet the criteria of this section. When more than one transmission line corridor is proper for certification under s. 403.503 ~~s. 403.503(11)~~ and meets the criteria of this section, the board, or secretary if applicable, shall certify the transmission line corridor that has the least adverse impact regarding the criteria in subsection (3), including costs.

(c) If the board, or secretary if applicable, finds that two or more of the corridors that comply with subsection (3) have the least adverse impacts regarding the criteria in subsection (3), including costs, and that the corridors are substantially equal in adverse impacts regarding the criteria in subsection (3), including costs, the board, or secretary if applicable, shall certify the corridor preferred by the applicant if the corridor is one proper for certification under s. 403.503 ~~s. 403.503(11)~~.

Section 113. Paragraph (a) of subsection (6) and paragraph (a) of subsection (7) of section 403.5115, Florida Statutes, are amended to read:

403.5115 Public notice.—

(6)(a) A good faith effort shall be made by the applicant to provide direct written notice of the filing of an application for certification by United States mail or hand delivery no later than 45 days after filing of the application to all local landowners whose property, as noted in the most recent local government tax records, and residences are located within the

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following distances of the proposed project:

1. Three miles of the proposed main site boundaries of the proposed electrical power plant.

2. One-quarter mile for a transmission line corridor that only includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

3. One-quarter mile for all other linear associated facilities extending away from the main site boundary except for a transmission line corridor that includes a transmission line that operates below those defined by s. 403.522 ~~s. 403.522(22)~~.

(7)(a) A good faith effort shall be made by the proponent of an alternate corridor that includes a transmission line, as defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct written notice of the filing of an alternate corridor for certification by United States mail or hand delivery of the filing no later than 30 days after filing of the alternate corridor to all local landowners whose property, as noted in the most recent local government tax records, and residences, are located within one-quarter mile of the proposed boundaries of a transmission line corridor that includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

Section 114. Subsection (1) of section 403.5175, Florida Statutes, is amended to read:

403.5175 Existing electrical power plant site certification.—

(1) An electric utility that owns or operates an existing electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~ may apply for certification of an existing power plant and its site in order to obtain all agency licenses necessary to ensure

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4206 compliance with federal or state environmental laws and
4207 regulation using the centrally coordinated, one-stop licensing
4208 process established by this part. An application for
4209 certification under this section must be in the form prescribed
4210 by department rule. Applications must be reviewed and processed
4211 using the same procedural steps and notices as for an
4212 application for a new facility, except that a determination of
4213 need by the Public Service Commission is not required.

4214 Section 115. Paragraph (c) of subsection (2) of section
4215 403.518, Florida Statutes, is amended to read:

4216 403.518 Fees; disposition.—The department shall charge the
4217 applicant the following fees, as appropriate, which, unless
4218 otherwise specified, shall be paid into the Florida Permit Fee
4219 Trust Fund:

4220 (2) An application fee, which may ~~shall~~ not exceed
4221 \$200,000. The fee shall be fixed by rule on a sliding scale
4222 related to the size, type, ultimate site capacity, or increase
4223 in electrical generating capacity proposed by the application.

4224 (c)1. Upon written request with proper itemized accounting
4225 within 90 days after final agency action by the board or
4226 department or withdrawal of the application, the agencies that
4227 prepared reports pursuant to s. 403.507 or participated in a
4228 hearing pursuant to s. 403.508 may submit a written request to
4229 the department for reimbursement of expenses incurred during the
4230 certification proceedings. The request must ~~shall~~ contain an
4231 accounting of expenses incurred which may include time spent
4232 reviewing the application, preparation of any studies required
4233 of the agencies by this act, agency travel and per diem to
4234 attend any hearing held pursuant to this act, and for any local

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government's ~~or regional planning council's~~ provision of notice of public meetings required as a result of the application for certification. The department shall review the request and verify that the expenses are valid. Valid expenses must ~~shall~~ be reimbursed; however, in the event the amount of funds available for reimbursement is insufficient to provide for full compensation to the agencies requesting reimbursement, reimbursement is ~~shall be~~ on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement. This time period is ~~shall be~~ measured from the date the applicant has provided written notification to the department that it desires to have the application review process placed on hold. The fee disbursement shall be processed in accordance with subparagraph 1.

Section 116. Subsection (21) of section 403.522, Florida Statutes, is amended to read:

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

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

Section 117. Paragraph (a) of subsection (2) of section 403.526, Florida Statutes, is amended to read:

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

(2)(a) No later than 90 days after the filing of the application, the following agencies shall prepare reports as provided below, unless a final order denying the determination

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of need has been issued under s. 403.537:

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

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

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

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

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development

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regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. A change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section is not applicable to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

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

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

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

Section 118. Paragraphs (d) and (f) of subsection (1) of section 403.5271, Florida Statutes, are amended to read:

403.5271 Alternate corridors.—

(1) No later than 45 days before the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under the provisions of this act.

(d) Within 21 days after acceptance of an alternate

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corridor by the department and the applicant, the party proposing an alternate corridor shall have the burden of providing all data to the agencies listed in s. 403.5365 ~~s. 403.526(2)~~ and newly affected agencies necessary for the preparation of a supplementary report on the proposed alternate corridor.

(f) The agencies listed in s. 403.5365 ~~s. 403.526(2)~~ and any newly affected agencies shall file supplementary reports with the applicant and the department which address the proposed alternate corridors no later than 24 days after the data submitted pursuant to paragraph (d) or paragraph (e) is determined to be complete.

Section 119. Subsection (1) of section 403.5272, Florida Statutes, is amended to read:

403.5272 Informational public meetings.—

(1) A local government whose jurisdiction is to be crossed by a proposed corridor may hold one informational public meeting in addition to the hearings specifically authorized by this act on any matter associated with the transmission line proceeding. The informational public meeting ~~may be conducted by the local government or the regional planning council~~ and shall be held no later than 55 days after the application is filed. The purpose of an informational public meeting is for the local government ~~or regional planning council~~ to further inform the public about the transmission line proposed, obtain comments from the public, and formulate its recommendation with respect to the proposed transmission line.

Section 120. Subsection (4), paragraph (a) of subsection (5), and paragraph (a) of subsection (6) of section 403.5363,

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Florida Statutes, are amended to read:

403.5363 Public notices; requirements.—

(4) A local government ~~or regional planning council~~ that proposes to conduct an informational public meeting pursuant to s. 403.5272 must publish notice of the meeting in a newspaper of general circulation within the county or counties in which the proposed electrical transmission line will be located no later than 7 days before ~~prior to~~ the meeting. A newspaper of general circulation shall be the newspaper that has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

(5)(a) A good faith effort shall be made by the applicant to provide direct notice of the filing of an application for certification by United States mail or hand delivery no later than 45 days after filing of the application to all local landowners whose property, as noted in the most recent local government tax records, and residences are located within one-quarter mile of the proposed boundaries of a transmission line corridor that only includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

(6)(a) A good faith effort shall be made by the proponent of an alternate corridor that includes a transmission line, as defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct notice of the filing of an alternate corridor for certification by United States mail or hand delivery of the filing no later than

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30 days after filing of the alternate corridor to all local landowners whose property, as noted in the most recent local government tax records, and residences are located within one-quarter mile of the proposed boundaries of a transmission line corridor that includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

Section 121. Paragraph (d) of subsection (1) of section 403.5365, Florida Statutes, is amended to read:

403.5365 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which, unless otherwise specified, shall be paid into the Florida Permit Fee Trust Fund:

(1) An application fee.

(d)1. Upon written request with proper itemized accounting within 90 days after final agency action by the siting board or the department or the written notification of the withdrawal of the application, the agencies that prepared reports under s. 403.526 or s. 403.5271 or participated in a hearing under s. 403.527 or s. 403.5271 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request must contain an accounting of expenses incurred, which may include time spent reviewing the application, preparation of any studies required of the agencies by this act, agency travel and per diem to attend any hearing held under this act, and for the local government ~~or regional planning council~~ providing additional notice of the informational public meeting. The department shall review the request and verify whether a claimed expense is valid. Valid expenses shall be reimbursed; however, if the

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amount of funds available for reimbursement is insufficient to provide for full compensation to the agencies, reimbursement shall be on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement under subparagraph 1. This time period shall be measured from the date the applicant has provided written notification to the department that it desires to have the application review process placed on hold. The fee disbursement shall be processed in accordance with subparagraph 1.

Section 122. Paragraphs (a) and (d) of subsection (1) of section 403.537, Florida Statutes, are amended to read:

403.537 Determination of need for transmission line; powers and duties.—

(1)(a) Upon request by an applicant or upon its own motion, the Florida Public Service Commission shall schedule a public hearing, after notice, to determine the need for a transmission line regulated by the Florida Electric Transmission Line Siting Act, ss. 403.52-403.5365. The notice shall be published at least 21 days before the date set for the hearing and shall be published by the applicant in at least one-quarter page size notice in newspapers of general circulation, and by the commission in the manner specified in chapter 120, by giving notice to counties ~~and regional planning councils~~ in whose jurisdiction the transmission line could be placed, and by giving notice to any persons who have requested to be placed on the mailing list of the commission for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The

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hearing shall be held pursuant to s. 350.01 within 45 days after the filing of the request, and a decision shall be rendered within 60 days after such filing.

(d) The determination by the commission of the need for the transmission line, as defined in s. 403.522 ~~s. 403.522(22)~~, is binding on all parties to any certification proceeding under the Florida Electric Transmission Line Siting Act and is a condition precedent to the conduct of the certification hearing prescribed therein. An order entered pursuant to this section constitutes final agency action.

Section 123. Subsection (17) of section 403.704, Florida Statutes, is amended to read:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of this act. In addition to other powers and duties, the department shall:

(17) Provide technical assistance to local governments and regional agencies to ensure consistency between county hazardous waste management assessments; coordinate the development of such assessments ~~with the assistance of the appropriate regional planning councils~~; and review and make recommendations to the Legislature relative to the sufficiency of the assessments to meet state hazardous waste management needs.

Section 124. Subsections (3) and (6) of section 403.7225, Florida Statutes, are amended to read:

403.7225 Local hazardous waste management assessments.—

(3) Each county ~~or regional planning council~~ shall coordinate the local hazardous waste management assessments within its jurisdiction according to guidelines established

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under s. 403.7226. If a county declines to perform the local hazardous waste management assessment, the county must ~~shall~~ make arrangements with the department ~~its regional planning council~~ to perform the assessment.

(6) Unless performed by the county pursuant to subsection (3), the department ~~regional planning councils~~ shall upon successful arrangements with a county:

(a) Perform local hazardous waste management assessments; and

(b) Provide any technical expertise needed by the counties in developing the assessments.

Section 125. Subsection (1) of section 403.7226, Florida Statutes, is amended to read:

403.7226 Technical assistance by the department.—The department shall:

(1) Provide technical assistance to county governments ~~and regional planning councils~~ to ensure consistency in implementing local hazardous waste management assessments as provided in ss. 403.7225, 403.7234, and 403.7236. In order to ensure that each local assessment is properly implemented and that all information gathered during the assessment is uniformly compiled and documented, each county ~~or regional planning council~~ shall contact the department during the preparation of the local assessment to receive technical assistance. Each county ~~or regional planning council~~ shall follow guidelines established by the department, and adopted by rule as appropriate, in order to properly implement these assessments.

Section 126. Subsection (2) of section 403.723, Florida Statutes, is amended to read:

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

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

Section 127. Subsection (22) of section 403.9403, Florida Statutes, is amended to read:

403.9403 Definitions.—As used in ss. 403.9401-403.9425, the term:

~~(22) "Regional planning council" means a regional planning council created pursuant to chapter 186 in the jurisdiction of which the project is proposed to be located.~~

Section 128. Paragraph (a) of subsection (2) of section 403.941, Florida Statutes, is amended to read:

403.941 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided in this paragraph and shall submit them to the department and the applicant within 60 days after the application is determined sufficient:

1. The department shall prepare a report as to the impact

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of each proposed natural gas transmission pipeline or corridor as it relates to matters within its jurisdiction.

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

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

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

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

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

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

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

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

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

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

Section 129. Paragraph (a) of subsection (1) of section

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403.9422, Florida Statutes, is amended to read:

403.9422 Determination of need for natural gas transmission pipeline; powers and duties.—

(1)(a) Upon request by an applicant or upon its own motion, the commission shall schedule a public hearing, after notice, to determine the need for a natural gas transmission pipeline regulated by ss. 403.9401-403.9425. Such notice shall be published at least 45 days before the date set for the hearing and shall be published in at least one-quarter page size in newspapers of general circulation and in the Florida Administrative Register, by giving notice to counties ~~and regional planning councils~~ in whose jurisdiction the natural gas transmission pipeline could be placed, and by giving notice to any persons who have requested to be placed on the mailing list of the commission for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The hearing shall be held pursuant to s. 350.01 within 75 days after the filing of the request, and a decision shall be rendered within 90 days after such filing.

Section 130. Subsection (4) of section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(4) The regional teams shall be established through the execution of a project-specific memorandum of agreement developed and executed by the applicant and the secretary, with input solicited from the respective heads of the Department of Transportation and its district offices, the Department of

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Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, ~~appropriate regional planning councils,~~ appropriate water management districts, and voluntarily participating municipalities and counties. The memorandum of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

Section 131. Paragraphs (b) and (d) of subsection (1) of section 408.033, Florida Statutes, are amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(b) Each local health council may:

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

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

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

4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.

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

~~6. Advise and assist any regional planning councils within~~

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~~each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.~~

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

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

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

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

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

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

~~9.10.~~ Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals,

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objectives, and policies adopted by the local health council.

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

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

Section 132. Subsection (1) of section 420.609, Florida Statutes, is amended to read:

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

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

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

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

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

(d) One citizen actively engaged in apartment development.

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

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

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

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

(i) Two citizens who represent elderly persons' housing interests.

~~(j) One representative of regional planning councils.~~

(j) ~~(k)~~ One representative of the Florida League of Cities.

(k) ~~(l)~~ One representative of the Florida Association of Counties.

(l) ~~(m)~~ Two citizens representing statewide growth management organizations.

(m) ~~(n)~~ One citizen of the state to serve as chair of the commission.

(n) ~~(o)~~ One citizen representing a residential community developer.

(o) ~~(p)~~ One member who is a resident of the state.

(p) ~~(q)~~ One representative from a local housing authority.

(q) ~~(r)~~ One citizen representing the housing interests of homeless persons.

Section 133. Paragraph (a) of subsection (3) and subsection (6) of section 473.3065, Florida Statutes, are amended to read:

473.3065 Clay Ford Scholarship Program; Certified Public Accountant Education Minority Assistance Advisory Council.—

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(3) The board shall adopt rules as necessary for administration of the Clay Ford Scholarship Program, including rules relating to the following:

(a) Eligibility criteria for receipt of a scholarship, which, at a minimum, shall include the following factors:

1. Financial need.

2. Ethnic, gender, or racial minority status pursuant to s. 288.703 ~~s. 288.703(4)~~.

3. Scholastic ability and performance.

(6) There is hereby created the Certified Public Accountant Education Minority Assistance Advisory Council to assist the board in administering the Clay Ford Scholarship Program. The council shall be diverse and representative of the gender, ethnic, and racial categories set forth in s. 288.703 ~~s. 288.703(4)~~.

(a) The council shall consist of five licensed Florida-certified public accountants selected by the board, of whom one shall be a board member who serves as chair of the council, one shall be a representative of the National Association of Black Accountants, one shall be a representative of the Cuban American CPA Association, and two shall be selected at large. At least one member of the council must be a woman.

(b) The board shall determine the terms for initial appointments and appointments thereafter.

(c) Any vacancy on the council shall be filled in the manner provided for the selection of the initial member. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of that term.

(d) Three consecutive absences or absences constituting 50

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percent or more of the council's meetings within any 12-month period shall cause the council membership of the member in question to become void, and the position shall be considered vacant.

(e) The members of the council shall serve without compensation, and any necessary and actual expenses incurred by a member while engaged in the business of the council shall be borne by such member or by the organization or agency such member represents. However, the council member who is a member of the board shall be compensated in accordance with ss. 455.207(4) and 112.061.

Section 134. Paragraph (f) of subsection (1) of section 501.171, Florida Statutes, is amended to read:

501.171 Security of confidential personal information.—

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

(f) "Governmental entity" means any department, division, bureau, commission, ~~regional planning agency~~, board, district, authority, agency, or other instrumentality of this state that acquires, maintains, stores, or uses data in electronic form containing personal information.

Section 135. Section 625.3255, Florida Statutes, is amended to read:

625.3255 Capital participation instrument.—An insurer may invest in any capital participation instrument or evidence of indebtedness issued by the Department of Commerce pursuant to the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act.

Section 136. Paragraph (b) of subsection (4) of section 657.042, Florida Statutes, is amended to read:

657.042 Investment powers and limitations.—A credit union

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may invest its funds subject to the following definitions,
restrictions, and limitations:

(4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
the credit union may be invested in any of the following:

(b) Any capital participation instrument or evidence of
indebtedness issued by the Department of Commerce pursuant to
the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act.

Section 137. Paragraph (f) of subsection (4) of section
658.67, Florida Statutes, is amended to read:

658.67 Investment powers and limitations.—A bank may invest
its funds, and a trust company may invest its corporate funds,
subject to the following definitions, restrictions, and
limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF 10 PERCENT OR LESS
OF CAPITAL ACCOUNTS.—

(f) Up to 10 percent of the capital accounts of a bank or
trust company may be invested in any capital participation
instrument or evidence of indebtedness issued by the Department
of Commerce pursuant to the Florida Small ~~and Minority~~ Business
~~Assistance~~ Act.

Section 138. Subsection (6) of section 1013.30, Florida
Statutes, is amended to read:

1013.30 University campus master plans and campus
development agreements.—

(6) Before a campus master plan is adopted, a copy of the
draft master plan must be sent for review or made available
electronically to the host and any affected local governments,
the state land planning agency, the Department of Environmental

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Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, and the applicable water management district ~~and regional planning council~~. At the request of a governmental entity, a hard copy of the draft master plan shall be submitted within 7 business days of an electronic copy being made available. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184(11) to ensure full public participation in this planning process. The informal public information session must be held before the first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 139. For the purpose of incorporating the amendment made by this act to section 447.203, Florida Statutes, in

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references thereto, paragraph (w) of subsection (2) of section 110.205, Florida Statutes, is reenacted to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(w) Managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors. Excluded are employees also designated as special risk or special risk administrative support and attorneys who serve as administrative law judges pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Additionally, registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468 are excluded, unless otherwise collectively bargained.

Section 140. For the purpose of incorporating the amendment made by this act to section 164.1031, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section

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163.3162, Florida Statutes, is reenacted to read:

163.3162 Agricultural lands and practices.—

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

(d) "Governmental entity" has the same meaning as provided in s. 164.1031. The term does not include a water management district, a water control district established under chapter 298, or a special district created by special act for water management purposes.

Section 141. For the purpose of incorporating the amendment made by this act to section 164.1031, Florida Statutes, in a reference thereto, subsection (8) of section 373.129, Florida Statutes, is reenacted to read:

373.129 Maintenance of actions.—The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(8) In conflicts arising where a water management district is a party to litigation against another governmental entity, as defined in s. 164.1031, a district has an affirmative duty to engage in alternative dispute resolution in good faith as required by chapter 164.

Section 142. For the purpose of incorporating the amendment made by this act to section 339.155, Florida Statutes, in references thereto, subsections (1) and (3) of section 339.2819, Florida Statutes, are reenacted to read:

339.2819 Transportation Regional Incentive Program.—

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(1) There is created within the Department of Transportation a Transportation Regional Incentive Program for the purpose of providing funds to improve regionally significant transportation facilities in regional transportation areas created pursuant to s. 339.155(4).

(3) The department shall allocate funding available for the Transportation Regional Incentive Program to the districts based on a factor derived from equal parts of population and motor fuel collections for eligible counties in regional transportation areas created pursuant to s. 339.155(4).

Section 143. For the purpose of incorporating the amendments made by this act to sections 380.045 and 380.05, Florida Statutes, in references thereto, subsections (5) and (6) of section 380.0552, Florida Statutes, are reenacted to read:

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

(5) APPLICATION OF THIS CHAPTER.—Section 380.05(1)-(5), (9)-(11), (15), (17), and (21) shall not apply to the area designated by this section for so long as the designation remains in effect. Except as otherwise provided in this section, s. 380.045 shall not apply to the area designated by this section. All other provisions of this chapter shall apply, including s. 380.07.

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

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committee shall:

(a) Serve as a liaison between the state and local governments within Monroe County.

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

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

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

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

Section 144. For the purpose of incorporating the amendment made by this act to section 403.507, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 403.5064, Florida Statutes, is reenacted to read:

403.5064 Application; schedules.—

(1) The formal date of filing of a certification application and commencement of the certification review process shall be when the applicant submits:

(a) Copies of the certification application in a quantity and format as prescribed by rule to the department and other agencies identified in s. 403.507(2)(a).

Section 145. For the purpose of incorporating the amendment made by this act to section 403.526, Florida Statutes, in a

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reference thereto, paragraph (a) of subsection (1) of section 403.5251, Florida Statutes, is reenacted to read:

403.5251 Application; schedules.—

(1)(a) The formal date of the filing of the application for certification and commencement of the review process for certification is the date on which the applicant submits:

1. Copies of the application for certification in a quantity and format, electronic or otherwise as prescribed by rule, to the department and other agencies identified in s. 403.526(2).

2. The application fee as specified under s. 403.5365 to the department.

The department shall provide to the applicant and the Division of Administrative Hearings the names and addresses of any additional agencies or persons entitled to notice and copies of the application and amendments, if any, within 7 days after receiving the application for certification and the application fees.

Section 146. For the purpose of incorporating the amendment made by this act to section 403.526, Florida Statutes, in references thereto, paragraphs (d) and (f) of subsection (1) of section 403.5271, Florida Statutes, are reenacted to read:

403.5271 Alternate corridors.—

(1) No later than 45 days before the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under the provisions of this act.

(d) Within 21 days after acceptance of an alternate

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corridor by the department and the applicant, the party proposing an alternate corridor shall have the burden of providing all data to the agencies listed in s. 403.526(2) and newly affected agencies necessary for the preparation of a supplementary report on the proposed alternate corridor.

(f) The agencies listed in s. 403.526(2) and any newly affected agencies shall file supplementary reports with the applicant and the department which address the proposed alternate corridors no later than 24 days after the data submitted pursuant to paragraph (d) or paragraph (e) is determined to be complete.

Section 147. For the purpose of incorporating the amendment made by this act to section 403.941, Florida Statutes, in a reference thereto, paragraph (c) of subsection (5) of section 403.9421, Florida Statutes, is reenacted to read:

403.9421 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which shall be paid into the Florida Permit Fee Trust Fund:

(5) In administering fee revenues received under this section, the department shall allocate the funds as follows:

(c) The balance of fees remaining shall be used by the department to reimburse affected agencies included in s. 403.941(2) (a) for costs incurred in application and postcertification review, respectively.

1. For application processing costs, upon presentation by an affected agency of a proper itemized accounting within 90 days after the date of the board's order approving certification or the date on which a pending application is otherwise disposed of, the department shall reimburse the agencies for authorized

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costs from the fee balances remaining. Such reimbursement shall be authorized for studies and the preparation of any reports required of the agencies by ss. 403.9401-403.9425, for agency travel and per diem to attend any hearing held, and for participation in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis. If any sums are remaining, the department shall retain them for use in the same manner as is otherwise authorized by this section; however, if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 120 days after withdrawal.

2. For postcertification costs, an invoice may be submitted on an annual basis, commencing from the date of certification, for expenses incurred by affected agencies conducting postcertification review work pursuant to the conditions of certification. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

Section 148. This act shall take effect July 1, 2025.