

**CS/CS/SB 428 — Workforce Innovation**

by Transportation and Economic Development Appropriations Committee; Commerce Committee; and Senator Bennett

This bill allows Regional Workforce Boards to be direct providers of intake, assessment, eligibility determinations, or other direct provider services, except training services, subject to agreement between the designated chief elected official and the Governor. The bill requires Workforce Florida, Inc. to establish request procedures and also the criteria for granting permission for a board to be a direct provider of services. The criteria must include a reduction in the cost of providing the permitted services. Such permission may be granted for a period not to exceed 3 years for any single request.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 40-0; House 117-0*

**CS/CS/HB 105 — Secondary Metals Recyclers**

by Policy and Budget Council; Safety and Security Council; and Rep. Troutman and others (CS/CS/SB 556 by Criminal Justice Committee; Commerce Committee; and Senators Constantine, Crist, Lynn, and Dockery)

The bill amends ch. 538, F.S., to address the regulation of Secondary Metals Recyclers in the following ways:

- Expands the definition of regulated metals to include stainless steel beer kegs;
- Expands the types of transaction records secondary metals recyclers must maintain, to include detailed descriptions of and related personal information from persons from whom metals were acquired with exceptions;
- Creates a penalty of a first degree misdemeanor and third degree felony for a third or subsequent violation for secondary metals recyclers who fail to comply with the new cash transaction restrictions;
- Increases penalties for a third or subsequent violation for secondary metals recyclers who fail to comply with current and proposed requirements related to metal recycling;
- Increases penalties to a third degree felony for a third or subsequent violation for persons giving false verification of ownership or false or altered identification in metal recycling transactions;

- Creates a penalty of a third degree felony for secondary metals recyclers that are not registered with the Department of Revenue;
- Requires that all regulated metals be transported to a secondary metals recycler in a motor vehicle, eliminating the current exception; and
- Requires payments for all transactions in excess of \$1,000 are made by check.

In addition, the bill requires the Department of Law Enforcement to approve the form for purchase transactions and requires the Department of Revenue to release information relating to secondary metals recyclers to law enforcement officials.

If approved by the Governor, these provisions take effect October 1, 2008

*Vote: Senate 37-1; House 108-0*

### **CS/HB 225 – Telephone Caller Identification**

by Safety and Security Council and Rep. Kiar and others (CS/SB 694 by Commerce Committee and Senators Aronberg and Lynn)

This bill prohibits entering or causing to be entered false information into a telephone caller identification system with the intent to deceive, defraud, or mislead. It also prohibits placing a call knowing that the aforementioned information was entered into the telephone caller identification system.

It provides exceptions for federal, state, county or municipal government law enforcement agencies, any federal intelligence or security agency, and telecommunications, broadband, or Voice over Internet Protocol (VoIP) service providers that are acting solely as intermediaries for the transmission calls.

It provides for the enhancement of penalties when a violation is committed during or facilitates the commission of a criminal offense, and that a violation is an unlawful trade practice under specified provisions.

This bill creates section 817.487 of the Florida Statutes.

If approved by the Governor, these provisions take effect October 1, 2008.

*Vote: Senate 38-0; House 117-0*

### **CS/HB 419 — Business Entities**

by Jobs and Entrepreneurship Council and Rep. Simmons and others (CS/SB 698 by Judiciary Committee and Senator Deutch)

The bill amends statutory provisions (chs. 607, 608, 617, and 620, F.S.) relating to Florida business organizations to eliminate duplicative filing requirements and to provide that the conversion or merger of two or more business entities will occur under the statute that governs the resulting or surviving entity.

The bill also includes several technical corrections to current law. For example, the bill conforms certain defined term references that were overlooked when 2005 changes in law expanded and simplified the rules governing mergers and conversion of different business entities. A specific reference to a "corporation" is included in the definition of "another business entity" that may be converted into a limited liability company. The bill also modifies the management rights of general partners in limited partnerships to require that all limited partners consent to the expulsion of a limited partner. The bill clarifies how a certificate of merger or conversion may be filed for a registered general partnership, and clarifies that a statement of cancellation is not required to be filed when a certificate of conversion has been filed for that partnership.

Finally, the bill revises terms related to qualifications of professional associations and limited liability companies to render professional services. The bill also enables mergers between domestic professional associations/domestic limited liability companies and foreign professional associations/foreign limited liability companies.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 36-0; House 112-0*

### **CS/CS/SB 854 — Unemployment Compensation/Day Laborer**

by Transportation and Economic Development Appropriations Committee; Commerce Committee; and Senators Fasano and Lynn

This bill includes day laborers employed by labor pools in the definition of "temporary employee" in s. 443.101(10), F.S., thereby making the current provisions relating to unemployment compensation for temporary employees applicable to day laborers.

Consequently, a day laborer will be deemed to have voluntarily quit employment and be disqualified for unemployment benefits if, upon conclusion of his or her latest assignment, the day laborer, without good cause, failed to contact the labor pool for reassignment, if the labor pool advised the day laborer at the time of hire and separation that he or she must report for reassignment upon conclusion of each assignment, and that unemployment benefits may be denied for failure to report.

Furthermore, this subsection is amended to specify that the "time of hire" for a day laborer is upon "acceptance of the first assignment following completion of an employment application with the labor pool." The subsection is also amended to require that, upon conclusion of the latest assignment, a labor pool must provide written notice to the temporary employee that work is available and that the employee must report for reassignment the next business day. The notice must be given by means of a notice printed on the paycheck, a notice included in the pay envelope, or other written notification.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 39-0; House 119-0*

### **HB 7109 — Small Business Regulatory Relief**

by Government Efficiency and Accountability Council and Rep. Attkisson (CS/CS/SB 928 by Governmental Operations Committee; Commerce Committee; and Senator Diaz de la Portilla)

This bill creates ss. 288.001, 288.7001 and 288.7002, F.S., related to small business entities.

These new sections:

- Designate the Florida Small Business Development Center Network (network) as the principal business-assistance organization for small businesses in this state. (There is no fiscal impact attached to this designation.)
- Establish the 9-member Small Business Regulatory Review Advisory Council (council).
- Create the Office of Small Business Advocate (advocate).

Specifically, the council has a number of duties, the most important of which is to provide state agencies with input regarding proposed rules or programs that may adversely affect small business. It also will review agency rules in conjunction with the agency sunset review process in current law. The council is directed to provide the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual report on its activities.

The council will be housed for administrative purposes within the network. The Governor, the President of the Senate, and the Speaker of the House of Representatives will each appoint 3 members to the council. The council members will serve without salary, and will not be entitled to per diem or state compensation for travel expenses. The council replaces the responsibilities of the "small business ombudsman," a position that currently is housed in the Governor's Office of Tourism, Trade, and Economic Development.

The Small Business Advocate has a number of responsibilities:

- Representing the views and interests of small businesses before the Legislature and agencies;

- Receiving and responding to complaints from small businesses about agency rules or state laws that may adversely affect small businesses;
- Creating a website and coordinating statewide meetings on small-business issues; and
- Submitting an annual report to the Governor and the Legislature about the office's activities.

The advocate will be housed within Florida's Small Business Development Center Network and will be either an employee of, or under contract with, the network. There is no fiscal impact to the state.

This bill also amends ss. 11.908, 11.911, and 11.919, F.S., to provide a role for the council to participate in the agency sunset review process.

Finally, this bill amends ss. 120.54 and 120.74, F.S., related to agency rulemaking. The changes to s. 120.54, F.S., are:

- Agencies must prepare a statement of estimated regulatory costs of their proposed rules that impact small businesses;
- The council, which replaces the small business ombudsman in statute, is directed to review agency rules and to recommend alternatives that achieve the same goal, but are less burdensome to small businesses; and
- If an agency does not adopt the council's alternative rule, the council may request the Legislature's presiding officers to direct the Office of Program Policy Analysis and Government Accountability (OPPAGA) to determine whether the rejected alternative does achieve the agency's goals and reduce impacts on small businesses. OPPAGA will forward its report to the Legislature's Administrative Procedures Committee, which in turn will forward the OPPAGA recommendation to the applicable agency. The agency must respond in writing why it will not accept an alternative rule proposed by the council.

Section 120.74, F.S., is amended to require agencies to:

- Include in their biennial rule review a determination of whether rules should be amended or repealed to reduce their impacts on small businesses and to require state agencies to prepare a statement of estimated regulatory cost if their proposed rules will impact small business.
- Include in their annual rulemaking reports to the Legislature a discussion of how their rules impact small businesses.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 40-0; House 115-1*

### **CS/SB 948 – Concealed Weapons License**

by Commerce Committee and Senators Diaz de la Portilla and Lynn

This bill clarifies the residency requirements to obtain a Florida license to carry a concealed weapon or firearm. To qualify for the license, an applicant must be a United States citizen or permanent resident alien of the United States. Additionally, the bill extends the length of time that a concealed weapons license is valid from 5 years to 7 years.

The bill amends s. 790.06, F.S.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 117-0*

### **CS/SB 1026 — Unemployment Compensation Benefits**

by Governmental Operations Committee and Senators Fasano and Lynn

This bill authorizes the Agency for Workforce Innovation to develop a system for the payment of unemployment compensation benefits by electronic funds transfer. Commodities or services related to the development of such a system must be procured by competitive solicitation, or from state term contracts procured by competitive solicitation.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 39-0; House 116-1*

### **CS/CS/SB 1310 – Sellers of Travel**

by Criminal Justice Committee; Military Affairs and Domestic Security Committee; and Senator Baker

This bill creates disclosure requirements for sellers of travel, requiring them to annually certify to the Department of Agriculture and Consumer Services whether or not they provide travel services to terrorist states. Such disclosures include:

- Identifying information regarding the certifying party;
- Identification of each terrorist state with which the certifying party engages in any business or commerce;
- Identification information regarding every commercial entity with which the certifying party engages in business or commerce that is related in any way to the certifying party's business or commerce with any terrorist state; and
- The type and frequency of all travel-related services offered by the certifying party.

Additionally, this bill repeals the exemption for Airline Reporters Corporation affiliates who are offering travel services to terrorist states. This bill creates increased administrative, civil, and criminal penalties for failure to comply with the new certification requirements.

This bill increases fees and performance bond thresholds for sellers of travel who engage in the sale of travel services to terrorist states, and eliminates the use of letters of credit or certificates of deposit in lieu of the bond required for registration.

This bill amends the following sections of the Florida Statutes: 559.927, 559.928, 559.929, 559.9335, 559.935, 559.9355, 559.936, and 559.937.

This bill creates section 559.9285, Florida Statutes.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 36-2; House 109-6*

### **CS/SB 2310 — Economic Stimulus**

by Governmental Operations Committee and Senators Ring, Diaz de la Portilla, and Crist

This bill amends ss. 215.44 and 215.47, F.S., related to investments by the State Board of Administration (SBA). The SBA is directed to invest a maximum 1.5 percent of the net asset value of the Florida Retirement System Trust Fund in technology and growth investments in businesses that are either domiciled in Florida, or whose principal address is in Florida. The investments must be consistent with the SBA's fiduciary responsibilities.

As used in this subsection, the phrase "technology and growth investments" includes, but is not limited to: space technology, aerospace and aviation engineering, computer technology, renewable energy, and medical and life sciences.

Pursuant to a newly created s. 215.474, F.S., the Office of Program Policy and Government Accountability (OPPAGA) will review and report on the investments by January 15 of each year. OPPAGA may consult with the SBA, the Department of Revenue, the Office of Economic and Demographic Research, and other entities as necessary to obtain and evaluate the information requested. The annual review shall include:

- The dollar amount of technology and growth investments made by the SBA during the previous year ending June 30 and the investments' percentage share of the system trust fund's net assets.
- A list of investments identified by the board as technology and growth investments within each asset class.

- An analysis of the direct and indirect economic benefits to the state resulting from the technology and growth investments.

Finally, this bill creates a \$40 million prize (\$20 million contributed by the state) to encourage the invention of a reusable space vehicle that could be used to replace the Space Shuttle. No appropriation is provided to fund the state's share of the prize.

The lieutenant governor will chair the space prize program and appoint a committee for the purpose of establishing or adopting an application form, criteria for awarding the prize, and any other rules or guidelines related to the entry, judging, administration, or results of the program. The application and all other information shall be posted on the website of the Office of Tourism, Trade, and Economic Development on or before January 1, 2009.

The space prize program will terminate January 2, 2014.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 40-0; House 117-1*

### **CS/HB 1417 – Counterfeit Goods**

by Safety and Security Council and Rep. Gardiner (CS/SB 2374 by Commerce Committee and Senator Diaz de la Portilla)

This bill reorganizes the provisions of s. 831.03, and repeals 831.05, F.S., relating to counterfeiting. New sections are created within ch. 831, F.S., to incorporate provisions from the federal model act on counterfeiting. Specifically, the bill:

- Provides that an individual possessing more than 25 pieces of property that bear a counterfeit mark gives rise to an inference that such property is being possessed with the intent to offer it for sale or distribution;
- Provides a tiered penalty system based on the quantity or total retail value of counterfeited goods that are knowingly sold, manufactured, distributed, or transported;
- Increases the penalty for offenses involving counterfeiting if a person, during the commission of the offense or as a result of the offense, knowingly, or by culpable negligence, causes bodily injury, serious bodily injury, or death;
- Increases the penalty for repeat offenders of counterfeiting;
- Authorizes the court to order an individual to pay a fine up to three times the retail value of the counterfeit goods seized, manufactured, or sold, whichever is greater;
- Requires the court to order a person convicted of a violation of this offense to pay restitution to the trademark owner and any other victim of the offense;



- Requires the court to order the forfeiture of any property constituting or derived from any proceeds that an individual obtained, directly or indirectly, as the result of the offense and forfeit any property used to commit the offense. The court must order that any forfeited item bearing or consisting of a counterfeit mark be destroyed, or be disposed of in another manner with the written consent of the trademark owner; and
- Provides that prosecuting under these provisions does not preclude the applicability of any other provision of the law which applies to any transaction that violates these provisions, unless inconsistencies exist.

If approved by the Governor, these provisions take effect October 1, 2008.

*Vote: Senate 40-0; House 115-0*

### **CS/SB 2438 — Spaceflight**

by Judiciary Committee and Senator Posey

The bill creates s. 331.501, F.S., to provide that a spaceflight entity is not liable for injury to or death of a spaceflight participant resulting from the inherent risks of spaceflight launch activities, so long as a required warning is given to and signed by the participant. The immunity provided by this bill does not apply if the spaceflight entity:

- Commits gross negligence or willful or wanton disregard for the safety of the participant;
- Has actual knowledge or reasonably should have known of a dangerous condition; or
- Intentionally injures the participant.

The limitation on liability is in addition to any other limitation of legal liability that might otherwise be provided by law.

The bill provides that the provisions of the newly created section will expire October 2, 2018, unless reviewed and reenacted by the Legislature.

If approved by the Governor, these provisions take effect October 1, 2008.

*Vote: Senate 39-0; House 118-0*

### **CS/SB 2582 — Motor Vehicle Dealers**

by Regulated Industries Committee and Senator Haridopolos

This bill amends ss. 320.64 and 320.696, F.S., and creates s. 320.6412, F.S., and addresses a number of issues related to the contractual business relationship between automobile dealers and the automobile manufacturers, distributors, or importers who provide the vehicles.

The bill creates or expands upon three situations where actions by automobile manufacturers, distributors, or importers against their franchised motor vehicle dealers could result in loss or suspension of an automobile manufacturer's, a distributor's, or an importer's license to do business in Florida. These situations involve:

- Manufacturers' requirements for dealers to remodel their facilities;
- Reasons for reduced vehicle inventory; and
- Dealers' responsibility to know whether their customers buy vehicles to then export overseas.

Additionally, the bill prohibits manufacturers from terminating franchise agreements on the basis of fraud and misrepresentation by dealer employees, unless there is clear and convincing evidence that the dealership majority owner, dealer operator, or dealer principal had actual knowledge of the fraudulent acts and did not take action to resolve the problems.

Finally, the bill rewrites the existing dealer warranty provision in law to provide a formula by which dealers are to be reimbursed for labor and parts used in warranty service.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 40-0; House 118-0*

### **CS/HB 1373 — Qualified Defense Contractor Tax Refund Program**

by Economic Expansion and Infrastructure Council and Rep. Altman and others (CS/SB 2666 by the Transportation and Economic Development Appropriations Committee and Senators Posey and Haridopolos)

This bill amends s. 288.1045, F.S., to expand the existing Qualified Defense Contractor (QDC) tax refund program to allow space-flight companies to qualify for the program's incentives. To that end, the bill defines the terms "space flight business," "space flight business contract," "new space flight contract," and "consolidation of a space flight contract."

Also, the bill changes the amount of tax refunds available to qualified applicants to match the tiered system used to award tax refunds under the Qualified Targeted Industry Tax Refund Program. It replaces the uniform \$5,000 tax credit per job created with the following formula:

- A basic credit of \$3,000 per job specified in the QDC or space-flight business contract with the Governor's Office of Tourism, Trade, and Economic Development;
- QDC and space-flight projects in rural counties or enterprise zones will qualify for \$6,000 per job;

- An additional \$1,000 per-job bonus is available when jobs pay 150 percent of the average private-sector wage in the area; and
- An additional \$2,000 per job bonus is available when jobs pay 200 percent of the average private-sector area wage.

Additionally, the bill:

- Allows local governments to use donated or discounted land and buildings to qualify as local match;
- Allows municipal governing boards, and not only county commissions, to pass resolutions in support of a company receiving the QDC and space-flight business incentives;
- Simplifies the application process;
- Removes a duplicative annual reporting requirement;
- Delays the program's scheduled sunset review from 2010 to 2014;
- Corrects a reference to the timing to file for a corporate income tax refund, as requested by the state Department of Revenue; and
- Deletes several obsolete or unnecessary paperwork requirements.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 39-0; House 106-0*

