20112156e3

A bill to be entitled

An act relating to governmental reorganization; transferring the functions and trust funds of the Agency for Workforce Innovation to other agencies; transferring the Office of Early Learning to the Department of Education; transferring the Office of Unemployment Compensation to the Department of Economic Opportunity; transferring the Unemployment Appeals Commission to the Department of Economic Opportunity; transferring the Office of Workforce Services to the Department of Economic Opportunity; requiring the Auditor General to conduct an audit of the Office of Early Learning; transferring the functions and trust funds of the Department of Community Affairs to other agencies; transferring the Florida Housing Finance Corporation to the Department of Economic Opportunity; transferring the Division of Housing and Community Development to the Department of Economic Opportunity; transferring the Division of Community Planning to the Department of Economic Opportunity; transferring the Division of Emergency Management to the Executive Office of the Governor; transferring the Florida Building Commission to the Department of Business and Professional Regulation; transferring the responsibilities under the Florida Communities Trust to the Department of Environmental Protection; transferring the responsibilities under the Stan Mayfield Working Waterfronts Program to the Department of Environmental Protection; transferring



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30 functions and trust funds of the Office of Tourism,
31 Trade, and Economic Development in the Executive
32 Office of the Governor to the Department of Economic
33 Opportunity; transferring the Ready to Work program to
34 the Department of Education; providing legislative
35 intent with respect to the transfer of programs and
36 administrative responsibilities; providing for a
37 transition period; providing for coordination between
38 the Agency for Workforce Innovation, the Department of
39 Community Affairs, the Department of Education, and
40 the Office of Tourism, Trade, and Economic Development
41 and other state agencies to implement the transition;
42 requiring that the Governor appoint a representative
43 to coordinate the transition plan; requiring that the
44 Governor submit information and obtain waivers as
45 required by federal law; authorizing the Governor to
46 transfer funds and positions between agencies upon
47 approval from the Legislative Budget Commission to
48 implement the act; directing the nonprofit entities to
49 enter into a plan for merger; transitioning the
50 Florida Tourism Marketing Corporation d/b/a VISIT
51 Florida to Enterprise Florida, Inc.; providing
52 legislative intent with respect to the merger of
53 Enterprise Florida, Inc., the Florida Sports
54 Foundation Incorporated, and the Florida Black
55 Business Investment Board, Inc., into, and the
56 transition of the Florida Tourism Industry Marketing
57 Corporation d/b/a VISIT Florida to, Enterprise
58 Florida, Inc.; providing for a transition period;



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59 requiring that the Governor appoint a representative
60 to coordinate the transition plan; providing for the
61 transfer of any funds held in trust by the entities to
62 be transferred to Enterprise Florida, Inc., to be used
63 for the funds' original purposes; requiring that the
64 Governor submit information and obtain waivers as
65 required by federal law; requiring the Department of
66 Economic Opportunity to submit a business plan by
67 September 1, 2011; specifying report details;
68 requiring the Department of Economic Opportunity to
69 submit a report on streamlining economic development
70 and workforce functions by January 1, 2012; requiring
71 a review of the Department of Economic Opportunity by
72 July 1, 2016; specifying the details of the review;
73 providing a directive to the Division of Statutory
74 Revision to assist substantive committees to prepare
75 conforming legislation; creating s. 14.2016, F.S.;
76 establishing the Division of Emergency Management as a
77 separate budget entity within the Executive Office of
78 the Governor; providing for the director of the
79 division to serve at the pleasure of the Governor;
80 amending s. 20.15, F.S.; establishing the Office of
81 Early Learning as a separate budget entity within the
82 Department of Education; providing for the office to
83 administer the school readiness system and the
84 Voluntary Prekindergarten Education Program; providing
85 for the director of the office to serve at the
86 pleasure of the Governor; creating s. 20.60, F.S.;
87 creating the Department of Economic Opportunity as a



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88 new department of state government; providing for the
89 executive director of the Department of Economic
90 Opportunity to be appointed by the Governor and
91 confirmed by the Senate; establishing divisions of the
92 Department of Economic Opportunity and specifying
93 their responsibilities; providing for the Department
94 of Economic Opportunity to serve as the designated
95 agency for the purposes of federal workforce
96 development grants; authorizing the Department of
97 Economic Opportunity to contract for training for
98 employees of administrative entities and case managers
99 of contracted providers; specifying that the
100 Unemployment Appeals Commission is not subject to
101 control, supervision, or direction from the Department
102 of Economic Opportunity; specifying the
103 responsibilities of the executive director of the
104 Department of Economic Opportunity; requiring an
105 annual report on the business climate and economic
106 development in the state; requiring the Department of
107 Economic Opportunity to establish annual performance
108 standards for public-private partnerships; providing
109 for the Department of Economic Opportunity to have an
110 official seal; providing for the Department of
111 Economic Opportunity to administer the role of state
112 government with respect to laws relating to housing;
113 amending s. 14.32, F.S.; specifying powers and
114 responsibilities of the Chief Inspector General in the
115 Executive Office of the Governor with respect to
116 public-private partnerships; amending s. 201.15, F.S;



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117 revising the distribution of excise taxes on
118 documents; providing for specified distributions of
119 funds to the State Economic Enhancement and
120 Development Trust Fund in the Department of Economic
121 Opportunity; amending s. 215.559, F.S.; providing for
122 the Hurricane Loss Mitigation Program to be housed
123 within the Division of Emergency Management; extending
124 the repeal date of the program; deleting an obsolete
125 provision relating to the use of funds for programs to
126 retrofit certain existing hurricane shelters; creating
127 s. 288.005, F.S.; defining the terms "economic
128 benefits," "department," and "executive director";
129 amending s. 288.061, F.S.; providing for the
130 Department of Economic Opportunity and Enterprise
131 Florida, Inc., to review applications for state
132 economic development incentives; reducing the review
133 and approval period to 10 business days; authorizing
134 the Department of Economic Opportunity to enter into
135 an agreement with an applicant relating to all
136 incentives offered by the state; amending s. 288.095,
137 F.S.; providing for the Department of Economic
138 Opportunity to approve applications for certification
139 or requests for participation in certain economic
140 development programs; amending s. 288.1081, F.S.;
141 providing for the Economic Gardening Business Loan
142 Pilot Program to be administered by the Department of
143 Economic Opportunity; amending s. 288.1082, F.S.;
144 providing for the Economic Gardening Technical
145 Assistance Pilot Program to be administered by the



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146 Department of Economic Opportunity; amending s.
147 288.901, F.S.; creating Enterprise Florida, Inc., as a
148 nonprofit corporation; specifying that Enterprise
149 Florida, Inc., is subject to the provisions of chs.
150 119 and 286, F.S.; specifying that the board of
151 directors of Enterprise Florida, Inc., is subject to
152 certain requirements in ch. 112, F.S.; specifying the
153 purposes of Enterprise Florida, Inc.; creating the
154 board of directors for Enterprise Florida, Inc.;
155 naming the Governor as chair of the board of
156 directors; specifying appointment procedures, terms of
157 office, selecting a vice chairperson, filling
158 vacancies, and removing board members; providing for
159 the appointment of at-large members to the board of
160 directors; specifying terms; allowing the at-large
161 members to make contributions to Enterprise Florida,
162 Inc.; specifying ex officio, nonvoting members of the
163 board of directors; specifying that members of the
164 board of directors serve without compensation, but are
165 entitled to reimbursement for all reasonable,
166 necessary, and actual expenses as determined by the
167 board of directors; amending s. 288.9015, F.S.;
168 specifying the powers of Enterprise Florida, Inc., and
169 the board of directors; authorizing liberal
170 construction of the statutory powers of Enterprise
171 Florida, Inc.; prohibiting Enterprise Florida, Inc.,
172 from pledging the full faith and credit of the state;
173 allowing Enterprise Florida, Inc., to indemnify,
174 purchase, and maintain insurance on its board members,



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175 officers, and employees; amending s. 288.903, F.S.;
176 specifying the duties of Enterprise Florida, Inc.;
177 amending s. 288.904, F.S.; providing for legislative
178 appropriations; requiring a private match equal to at
179 least 100 percent of the appropriation of public
180 funds; specifying potential sources of private
181 funding; requiring a one-to-one match for private to
182 public contributions for marketing and advertising
183 activities; directing the board of directors to
184 develop annual budgets; providing for Enterprise
185 Florida, Inc., to enter into an agreement with the
186 Department of Economic Opportunity; requiring
187 performance measures; requiring review of the
188 activities of Enterprise Florida, Inc., as a return on
189 the public's financial investment; amending s.
190 288.905, F.S.; directing the board of directors of
191 Enterprise Florida, Inc., to hire a president, who
192 serves at the pleasure of the Governor; specifying
193 that the president also be known as the "Secretary of
194 Commerce"; defining the president's role and
195 responsibilities; forbidding an employee of Enterprise
196 Florida, Inc., from earning more than the Governor,
197 but providing for the granting of performance-based
198 incentive payments to employees which may increase
199 their total compensation in excess of the Governor's;
200 amending s. 288.906, F.S.; requiring Enterprise
201 Florida, Inc., to prepare an annual report by December
202 1 of each year; specifying the content of the annual
203 report; creating s. 288.907, F.S.; requiring



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204 Enterprise Florida, Inc., to create an annual
205 incentives report; specifying the required components
206 of the report; creating s. 288.912, F.S.; requiring
207 that certain counties and municipalities annually
208 provide to the partnership an overview of certain
209 local economic development activities; creating s.
210 288.92, F.S.; authorizing Enterprise Florida, Inc., to
211 create divisions; requiring certain divisions;
212 providing for hiring of staff; creating s. 288.923,
213 F.S.; creating the Division of Tourism Marketing;
214 providing definitions; requiring Enterprise Florida,
215 Inc., to contract with the Florida Tourism Industry
216 Marketing Corporation; specifying the division's
217 responsibilities and duties, including a 4-year
218 marketing plan; requiring an annual report; amending
219 s. 288.1226, F.S.; establishing the Florida Tourism
220 Marketing Corporation as a direct-support organization
221 of Enterprise Florida, Inc.; establishing the
222 membership of the board of directors of the
223 corporation; establishing the membership of the board
224 of directors of the corporation; making changes to
225 conform to the act; amending s. 409.942, F.S.;
226 deleting requirements that Workforce Florida, Inc.,
227 establish an electronic transfer benefit program;
228 amending s. 411.0102, F.S.; requiring each
229 participating early learning coalition board to
230 develop a plan for the use of child care purchasing
231 pool funds; amending ss. 11.40, 11.45, 14.20195,
232 15.182, 16.615, 17.61, 20.181, 39.001, 45.031, 69.041,



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112.63, 112.665, 112.3135, 119.071, 120.54, 120.80, 125.045, 159.803, 159.8081, 159.8083, 159.809, 161.142, 161.54, 163.3164, 166.021, 171.204, 175.021, 186.504, 186.505, 189.403, 189.412, 189.413, 189.425, 189.427, 189.4035, 190.009, 190.047, 191.009, 191.015, 202.037, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 215.5588, 216.136, 216.292, 216.231, 218.32, 218.37, 218.64, 220.03, 220.181, 220.182, 220.183, 220.1895, 220.1896, 220.1899, 220.191, 222.15, 250.06, 252.34, 252.35, 252.355, 252.371, 252.373, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.042, 255.099, 258.004, 259.035, 259.105, 260.0142, 267.0625, 272.11, 282.34, 282.709, 287.0931, 287.0943, 287.09451, 287.0947, 288.012, 288.017, 288.018, 288.019, 288.021, 288.0251, 288.035, 288.037, 288.041, 288.047, 288.063, 288.065, 288.0655, 288.0656, 288.06561, 288.0657, 288.0658, 288.0659, 288.075, 288.1045, 288.106, 288.107, 288.108, 288.1083, 288.1088, 288.1089, 288.109, 288.1095, 288.1162, 288.11621, 288.1168, 288.1169, 288.1171, 288.1175, 288.122, 288.12265, 288.124, 288.1251, 288.1252, 288.1253, 288.1254, 288.7015, 288.703, 288.705, 288.706, 288.7094, 288.7102, 288.714, 288.773, 288.774, 288.776, 288.7771, 288.816, 288.809, 288.8175, 288.826, 288.95155, 288.955, 288.9604, 288.9605, 288.9606, 288.9624, 288.9625, 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921,



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290.004, 290.0055, 290.0056, 290.0058, 290.0065, 290.0066, 290.00710, 290.0072, 290.00725, 290.0073, 290.0074, 290.0077, 290.014, 290.4042, 290.043, 290.044, 290.046, 290.047, 290.048, 290.0491, 290.053, 290.06561, 310.0015, 311.09, 311.105, 327.803, 311.11, 311.115, 311.22, 320.08058, 320.63, 331.3051, 331.3081, 332.115, 333.065, 339.135, 339.175, 342.201, 369.303, 369.318, 369.321, 369.322, 369.323, 369.324, 373.199, 373.4149, 373.453, 375.021, 376.60, 376.86, 377.809, 378.411, 379.2291, 380.031, 380.06, 380.061, 380.0677, 380.285, 380.503, 380.504, 380.5115, 381.0054, 381.0086, 381.0303, 381.7354, 383.14, 393.067, 395.1055, 395.1056, 397.321, 397.801, 400.23, 400.497, 400.506, 400.605, 400.935, 400.967, 401.245, 402.281, 402.45, 402.56, 403.0752, 403.42, 403.507, 403.508, 403.524, 403.526, 403.527, 403.757, 403.7032, 403.941, 403.9411, 403.973, 404.056, 404.0617, 409.017, 409.1451, 409.2576, 409.508, 409.509, 410.502, 411.01, 411.0101, 411.01013, 411.01014, 411.01015, 411.0103, 411.0104, 411.0105, 411.0106, 411.011, 411.226, 411.227, 414.24, 414.40, 414.295, 414.411, 418.12, 420.0003, 420.0004, 420.0005, 420.101, 420.111, 420.36, 420.424, 420.503, 420.504, 420.506, 420.5095, 420.602, 402.609, 420.622, 420.631, 420.635, 421.001, 422.001, 423.001, 427.012, 429.41, 429.907, 429.929, 440.12, 440.15, 440.45, 422.001, 473.3065, 440.381, 443.012, 443.036, 443.041, 443.051, 443.071, 443.091, 443.101, 443.111, 443.1113, 443.1115, 443.1116, 443.1215, 443.1216, 443.1217,



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291 443.131, 443.1312, 443.1313, 443.1315, 443.1316,
292 443.1317, 443.141, 443.151, 443.163, 443.171,
293 443.1715, 443.181, 443.191, 443.211, 443.221, 445.002,
294 445.003, 445.004, 445.007, 445.009, 445.016, 445.024,
295 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051,
296 445.056, 450.261, 446.41, 446.50, 446.52, 448.109,
297 448.110, 450.161, 450.191, 450.31, 468.529, 489.103,
298 489.109, 489.509, 497.271, 526.144, 551.104, 553.36,
299 553.382, 553.512, 553.71, 553.721, 553.74, 553.841,
300 553.896, 553.901, 553.9085, 553.954, 553.955, 553.973,
301 553.992, 553.995, 570.71, 570.96, 597.006, 604.006,
302 624.5105, 625.3255, 627.0628, 627.0629, 627.3511,
303 641.217, 657.042, 658.67, 720.403, 720.404, 720.406,
304 760.854, 768.13, 943.03101, 943.0311, 943.0313,
305 944.801, 945.10, 985.601, 1002.375, 1002.53, 1002.55,
306 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72,
307 1002.77, 1002.79, 1002.75, 1003.491, 1003.492,
308 1003.493, 1003.575, 1003.4285, 1004.226, 1004.435,
309 1004.46, 1008.39, 1008.41, 1011.76, 1012.2251,
310 1013.37, 1013.372, and 1013.74, F.S.; conforming
311 provisions to changes made by the act; conforming
312 cross-references; deleting obsolete provisions;
313 amending s. 288.012, F.S.; creating the state protocol
314 officer; amending s. 411.01, F.S.; providing that the
315 Department of Education provides preservation of
316 parental choice; amending s. 1002.67, F.S.; providing
317 for private prekindergarten providers or public
318 schools that are on probation to use a staff
319 development plan to strengthen instruction in language



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320 development and phonological awareness approved by the
321 department; transferring, renumbering, and amending
322 ss. 20.505 and 1004.99, F.S.; conforming provisions to
323 changes made by the act; repealing s. 14.2015, F.S.,
324 relating to the creation of the Office of Tourism,
325 Trade, and Economic Development; repealing s. 20.18,
326 F.S., relating to the creation of the Department of
327 Community Affairs; repealing s. 20.50, F.S., relating
328 to the creation of the Agency for Workforce
329 Innovation; repealing 23.22(2), F.S., to conform a
330 cross-reference; repealing 165.031(6), F.S., which
331 includes the Department of Community Affairs in a
332 definition; repealing 165.093, F.S., relating to the
333 directing of all state and local agencies to cooperate
334 in administering ch. 165, F.S.; repealing ss. 216.235,
335 216.236, 216.237, and 216.238, F.S., relating to the
336 Innovation Investment Program, the selection of review
337 boards to evaluate innovative investment projects, the
338 appointment of the State Innovation Committee and
339 approval of such projects, the funding, recordkeeping,
340 and reporting for such projects, the establishment by
341 state agencies of internal innovations funds, and the
342 adoption of rules by the Department of Management
343 Services for the program; repealing s. 287.115, F.S.,
344 relating to a requirement for the Chief Financial
345 Officer to submit a report on contractual service
346 contracts disallowed; repealing ss. 288.1221,
347 288.1222, 288.1223, 288.1224, 288.1227, and 288.1229,
348 F.S., relating to the Florida Commission on Tourism



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349 and the Florida Tourism Industry Marketing
350 Corporation; repealing s. 288.7011, F.S., relating to
351 contracts between the Office of Tourism, Trade, and
352 Economic Development and a certain nonprofit statewide
353 development corporation; repealing ss. 288.7065,
354 288.707, 288.708, 288.709, 288.7091, and 288.712,
355 F.S., relating to the Black Business Investment Board;
356 repealing s. 288.12295, F.S., relating to a public-
357 records exemption for donors for a direct-support
358 organization on promotion and development of sports-
359 related industries and amateur athletics; repealing s.
360 288.90151, F.S., relating to return on investment from
361 activities of Enterprise Florida, Inc.; repealing s.
362 288.9415, F.S., relating to Enterprise Florida, Inc.,
363 and international trade grants; repealing ss. 409.944,
364 409.945, and 409.946, F.S., relating to the Inner City
365 Redevelopment Assistance Grants Program, eligibility
366 criteria for the program, and the membership of the
367 Inner City Redevelopment Review Panel; repealing s.
368 943.402, F.S., relating to transfer of the criminal
369 justice program of the Department of Community Affairs
370 to the Department of Law Enforcement; repealing s. 42,
371 ch. 2005-71, and s. 1, ch. 2005-261, Laws of Florida,
372 relating to the authorization for funding certain
373 dredging projects, to delete obsolete provisions;
374 amending s. 220.191, F.S.; waiving the requirement
375 that a facility located in a Disproportionally
376 Affected County be in a high-impact sector in order to
377 qualify for the capital investment tax credit;



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378 amending s. 288.106, F.S.; creating a process for the
379 Department of Economic Opportunity to waive wage or
380 local financial support eligibility requirements;
381 providing a special incentive under the tax refund
382 program for a limited time for a qualified target
383 industry business that relocates from another state to
384 a Disproportionally Affected County; creating s.
385 252.363, F.S.; tolling and extending the expiration
386 dates of certain building permits or other
387 authorizations following the declaration of a state of
388 emergency by the Governor; providing exceptions;
389 providing for the laws, administrative rules, and
390 ordinances in effect when the permit was issued to
391 apply to activities described in a permit or other
392 authorization; providing an exception; amending s.
393 253.02, F.S.; requiring the Board of Trustees of the
394 Internal Improvement Trust Fund to recommend to the
395 Legislature whether existing multistate compacts for
396 mutual aid should be modified or if a new multistate
397 compact is necessary to address the Deepwater Horizon
398 event or similar future incidents; requiring that the
399 Board of Trustees of the Internal Improvement Trust
400 Fund appoint members to the Commission on Oil Spill
401 Response Coordination; providing for the designation
402 of the chair of the commission by the Governor;
403 requiring the commission to prepare a report for
404 review and approval by the board of trustees;
405 specifying the subject matter of the report; providing
406 for future expiration; defining the term



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407 "Disproportionally Affected County"; creating a
408 process for the Department of Economic Opportunity to
409 waive any or all job or wage eligibility requirements
410 under certain circumstances when in the best interest
411 of the public; defining the term "Disproportionally
412 Affected County"; providing an appropriation to the
413 Department of Economic Opportunity to contract with
414 the Office of Economic Development and Engagement
415 within the University of West Florida in order to
416 develop and implement an economic development program
417 for a Disproportionally Affected County; specifying a
418 preference for a Disproportionally Affected County or
419 municipalities within a Disproportionally Affected
420 County which provide for expedited or combined
421 permitting for certain purposes; providing for the
422 appropriation to be placed in reserve by the Executive
423 Office of the Governor for release as authorized by
424 law or the Legislative Budget Commission; defining the
425 term "Disproportionally Affected County"; providing
426 for the deposit of funds received by entities involved
427 in the Deepwater Horizon oil spill into applicable
428 state trust funds; specifying permissible uses of such
429 funds; designating the Department of Environmental
430 Protection as the lead agency for expending funds for
431 environmental restoration; designating the Department
432 of Economic Opportunity as the lead agency for funds
433 designated for economic incentives and diversification
434 efforts; providing for a type two transfer of the
435 Florida Energy and Climate Commission within the



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436 Executive Office of the Governor to the Department of
437 Agriculture and Consumer Services; amending ss.
438 220.192, 288.9607, 366.82, 366.92, 377.6015, 377.602,
439 377.603, 377.604, 377.605, 377.606, 377.608, F.S.;
440 eliminating the Florida Energy and Climate Commission
441 and transferring its duties to the Department of
442 Agriculture and Consumer Services; conforming
443 provisions to changes made by the act; amending s.
444 377.701; transferring the duties of petroleum
445 allocation from the Florida Energy and Climate
446 Commission to the Division of Emergency Management;
447 amending s. 377.703; conforming provisions to changes
448 made by the act; transferring energy emergency
449 contingency plans to the Division of Emergency
450 Management; providing that the Department of
451 Management Services shall coordinate the energy
452 conservation programs of all state agencies;
453 transferring administration of the Coastal Energy
454 Impact Program to the Department of Environmental
455 Protection; amending ss. 377.711, 377.801, 377.803,
456 377.804, 377.806, 377.807, 377.808, 403.44, 526.207,
457 570.954, and 1004.648, F.S; conforming provisions to
458 changes made by the act; amending s. 570.074, F.S.;
459 providing for the creation of the Office of Energy and
460 Water within the Department of Agriculture and
461 Consumer Services; amending chapter 2010-282, Laws of
462 Florida; conforming provisions to changes made by the
463 act; authorizing the Department of Agriculture and
464 Consumer Services to submit a budget amendment for a



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465 fixed capital outlay appropriation for federal energy
466 grants; providing an effective date.
467
468 Be It Enacted by the Legislature of the State of Florida:
469
470 Section 1. Type two transfers from the Agency for Workforce
471 Innovation.—
472 (1) All powers, duties, functions, records, offices,
473 personnel, associated administrative support positions,
474 property, pending issues, existing contracts, administrative
475 authority, administrative rules, and unexpended balances of
476 appropriations, allocations, and other funds relating to the
477 following programs in the Agency for Workforce Innovation are
478 transferred by a type two transfer, as defined in s. 20.06(2),
479 Florida Statutes, as follows:
480 (a) The Office of Early Learning Services, including all
481 related policies and procedures, is transferred to the
482 Department of Education.
483 (b) The Office of Unemployment Compensation is transferred
484 to the Department of Economic Opportunity.
485 (c) The Unemployment Appeals Commission is transferred to
486 the Department of Economic Opportunity.
487 (d) The Office of Workforce Services is transferred to the
488 Department of Economic Opportunity.
489 (2) The following trust funds are transferred:
490 (a) From the Agency for Workforce Innovation to the
491 Department of Education, the Child Care and Development Block
492 Grant Trust Fund.
493 (b) From the Agency for Workforce Innovation to the



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494 Department of Economic Opportunity:
495 1. The Administrative Trust Fund.
496 2. The Employment Security Administration Trust Fund.
497 3. The Special Employment Security Administration Trust
498 Fund.
499 4. The Unemployment Compensation Benefit Trust Fund.
500 5. The Unemployment Compensation Clearing Trust Fund.
501 6. The Revolving Trust Fund.
502 7. The Welfare Transition Trust Fund.
503 8. The Displaced Homemaker Trust Fund.
504 (3) Any binding contract or interagency agreement existing
505 before October 1, 2011, between the Agency for Workforce
506 Innovation, or an entity or agent of the agency, and any other
507 agency, entity, or person shall continue as a binding contract
508 or agreement for the remainder of the term of such contract or
509 agreement on the successor department, agency, or entity
510 responsible for the program, activity, or functions relative to
511 the contract or agreement.
512 (4) All powers, duties, functions, records, offices,
513 personnel, property, pending issues, and existing contracts,
514 administrative authority, administrative rules, and unexpended
515 balances of appropriations, allocations, and other funds
516 relating to the Agency for Workforce Innovation which are not
517 specifically transferred by this section are transferred by a
518 type two transfer, as defined in s. 20.06(2), Florida Statutes,
519 to the Department of Economic Opportunity.
520 Section 2. Before December 31, 2011, the Auditor General
521 shall conduct a financial and performance audit, as defined in
522 s. 11.45, Florida Statutes, of the Office of Early Learning



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523 Services' programs and related delivery systems.
524 Section 3. Type two transfers from the Department of
525 Community Affairs.—
526 (1) All powers, duties, functions, records, offices,
527 personnel, associated administrative support positions,
528 property, pending issues, existing contracts, administrative
529 authority, administrative rules, and unexpended balances of
530 appropriations, allocations, and other funds relating to the
531 following programs in the Department of Community Affairs are
532 transferred by a type two transfer, as defined in s. 20.06(2),
533 Florida Statutes, as follows:
534 (a) The Florida Housing Finance Corporation is transferred
535 to the Department of Economic Opportunity.
536 (b) The Division of Housing and Community Development is
537 transferred to the Department of Economic Opportunity.
538 (c) The Division of Community Planning is transferred to
539 the Department of Economic Opportunity.
540 (d) The Division of Emergency Management is transferred to
541 the Executive Office of the Governor.
542 (e) The Florida Building Commission is transferred to the
543 Department of Business and Professional Regulation.
544 (f) The responsibilities under the Florida Communities
545 Trust, part III of chapter 380, Florida Statutes, are
546 transferred to the Department of Environmental Protection.
547 (g) The responsibilities under the Stan Mayfield Working
548 Waterfronts program authorized in s. 380.5105, Florida Statutes,
549 are transferred to the Department of Environmental Protection.
550 (2) The following trust funds are transferred:
551 (a) From the Department of Community Affairs to the



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552 Department of Economic Opportunity:
553 1. The State Housing Trust Fund.
554 2. The Community Services Block Grant Trust Fund.
555 3. The Local Government Housing Trust Fund.
556 4. The Florida Small Cities Community Development Block
557 Grant Trust Fund.
558 5. The Federal Grants Trust Fund.
559 6. The Grants and Donations Trust Fund.
560 7. The Energy Consumption Trust Fund.
561 8. The Low-Income Home Energy Assistance Trust Fund.
562 (b) From the Department of Community Affairs to the
563 Executive Office of the Governor:
564 1. The Emergency Management Preparedness and Assistance
565 Trust Fund.
566 2. The Federal Emergency Management Programs Support Trust
567 Fund.
568 3. The U.S. Contributions Trust Fund.
569 4. The Operating Trust Fund.
570 5. The Administrative Trust Fund.
571 (c) From the Department of Community Affairs to the
572 Department of Environmental Protection:
573 1. The Florida Forever Program Trust Fund.
574 2. The Florida Communities Trust Fund.
575 (3) Any binding contract or interagency agreement existing
576 before October 1, 2011, between the Department of Community
577 Affairs or Division of Emergency Management, or an entity or
578 agent of the department or division, and any other agency,
579 entity, or person shall continue as a binding contract or
580 agreement for the remainder of the term of such contract or



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581 agreement on the successor department, agency, or entity
582 responsible for the program, activity, or functions relative to
583 the contract or agreement.
584 (4) All powers, duties, functions, records, offices,
585 personnel, property, pending issues, and existing contracts,
586 administrative authority, administrative rules, and unexpended
587 balances of appropriations, allocations, and other funds
588 relating to the Department of Community Affairs which are not
589 specifically transferred by this section are transferred by a
590 type two transfer, as defined in s. 20.06(2), Florida Statutes,
591 to the Department of Economic Opportunity.
592 Section 4. Type two transfers from Executive Office of the
593 Governor.—
594 (1) All powers, duties, functions, records, offices,
595 personnel, associated administrative support positions,
596 property, pending issues, existing contracts, administrative
597 authority, administrative rules, and unexpended balances of
598 appropriations, allocations, and other funds relating to the
599 Office of Tourism, Trade, and Economic Development in the
600 Executive Office of the Governor are transferred by a type two
601 transfer, as defined in s. 20.06(2), Florida Statutes, to the
602 Department of Economic Opportunity.
603 (2) The following trust funds are transferred from the
604 Executive Office of the Governor to the Department of Economic
605 Opportunity:
606 (a) The Economic Development Trust Fund.
607 (b) The Economic Development Transportation Trust Fund.
608 (c) The Tourism Promotional Trust Fund.
609 (d) The Professional Sports Development Trust Fund.



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610 (e) The Florida International Trade and Promotion Trust
611 Fund.
612 (3) Any binding contract or interagency agreement existing
613 before October 1, 2011, between the Office of Tourism, Trade,
614 and Economic Development in the Executive Office of the
615 Governor, or an entity or agent of the office, and any other
616 agency, entity, or person shall continue as a binding contract
617 or agreement for the remainder of the term of such contract or
618 agreement on the successor department, agency, or entity
619 responsible for the program, activity, or functions relative to
620 the contract or agreement.
621 (4) All powers, duties, functions, records, offices,
622 personnel, property, pending issues, and existing contracts,
623 administrative authority, administrative rules, and unexpended
624 balances of appropriations, allocations, and other funds
625 relating to the Office of Tourism, Trade, and Economic
626 Development in the Executive Office of the Governor which are
627 not specifically transferred by this section are transferred by
628 a type two transfer, as defined in s. 20.06(2), Florida
629 Statutes, to the Department of Economic Opportunity.
630 Section 5. All powers, duties, functions, records, pending
631 issues, existing contracts, and unexpended balances of
632 appropriations, allocations, and other funds relating to the
633 Ready to Work program within the Department of Education are
634 transferred by a type two transfer, as defined in s. 20.06(2),
635 Florida Statutes, to the Department of Economic Opportunity.
636 Section 6. (1) It is the intent of the Legislature that the
637 changes made by this act be accomplished with minimal disruption
638 of services provided to the public and with minimal disruption



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639 to employees of any organization. To that end, the Legislature
640 directs all applicable units of state government to contribute
641 to the successful implementation of this act, and the
642 Legislature believes that a transition period between the
643 effective date of this act and October 1, 2011, is appropriate
644 and warranted.
645 (2) The Agency for Workforce Innovation, the Department of
646 Community Affairs, the Department of Education, and the Office
647 of Tourism, Trade, and Economic Development in the Executive
648 Office of the Governor shall each coordinate the development and
649 implementation of a transition plan that supports the
650 implementation of this act. Any state agency identified by the
651 Agency for Workforce Innovation, the Department of Community
652 Affairs, the Department of Education or the Office of Tourism,
653 Trade, and Economic Development in the Executive Office of the
654 Governor shall cooperate fully in developing and implementing
655 the plan and shall dedicate the financial and staff resources
656 that are necessary to implement the plan.
657 (3)(a) The director of the Agency for Workforce Innovation,
658 the Secretary of the Department of Community Affairs, the
659 commissioner of the Department of Education, and the director of
660 the Office of Tourism, Trade, and Economic Development in the
661 Executive Office of the Governor shall each designate a
662 transition coordinator to serve as the primary representative on
663 matters related to implementing this act and the transition
664 plans required under this section.
665 (b) The Governor shall designate a transition coordinator
666 to serve as the Governor's primary representative on matters
667 related to implementing this act, implementation of the



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668 transition plans developed pursuant to this section, and
669 coordinator of the transition activities of the Agency for
670 Workforce Innovation, the Department of Community Affairs, the
671 Department of Education, and the Office of Tourism, Trade, and
672 Economic Development.
673 (4) The transition coordinators designated under subsection
674 (3) shall submit a joint progress report by August 15, 2011, to
675 the Governor, the President of the Senate, and the Speaker of
676 the House of Representatives on the implementation of this act
677 and the transition plans, including, but not limited to, any
678 adverse impact or negative consequences on programs and
679 services, of meeting any deadline imposed by this act, and any
680 difficulties experienced by the Agency for Workforce Innovation,
681 the Department of Community Affairs, the Department of
682 Education, or the Office of Tourism, Trade, and Economic
683 Development in securing the full participation and cooperation
684 of applicable state agencies. Each representative shall also
685 coordinate the submission of any budget amendments, in
686 accordance with chapter 216, Florida Statutes, which may be
687 necessary to implement this act.
688 (5) Notwithstanding ss. 216.292 and 216.351, Florida
689 Statutes, upon approval by the Legislative Budget Commission,
690 the Executive Office of the Governor may transfer funds and
691 positions between agencies to implement this act.
692 (6) Upon the recommendation and guidance of transition
693 coordinators designated in subsection (3), the Governor shall
694 submit in a timely manner to the applicable federal departments
695 or agencies any necessary amendments or supplemental information
696 concerning plans that the state is required to submit to the



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697 Federal Government in connection with any federal or state
698 program. The Governor shall seek any waivers from the
699 requirements of Federal law or rules which may be necessary to
700 administer the provisions of this act.
701 (7) The transfer of any program, activity, duty, or
702 function under this act includes the transfer of any records and
703 unexpended balances of appropriations, allocations, or other
704 funds related to such program, activity, duty, or function.
705 Unless otherwise provided, the successor organization to any
706 program, activity, duty, or function transferred under this act
707 shall become the custodian of any property of the organization
708 that was responsible for the program, activity, duty, or
709 function immediately prior to the transfer.
710 Section 7. (1) The nonprofit corporations established in
711 ss. 288.1229 and 288.707, Florida Statutes, are merged into and
712 transferred to Enterprise Florida, Inc.
713 (2) The Florida Sports Foundation Incorporated and the
714 Florida Black Business Investment Board, Inc., must enter into a
715 plan to merge into Enterprise Florida, Inc. Such merger must be
716 completed by December 31, 2011. The merger is subject to chapter
717 617, Florida Statutes, related to the merger of nonprofit
718 corporations.
719 (3) The nonprofit corporation established in s. 288.1226,
720 Florida Statutes, shall be the direct-support organization for
721 Enterprise Florida, Inc. The Florida Tourism Industry Marketing
722 Corporation and Enterprise Florida, Inc., must establish a plan
723 to transfer the contractual relationship with the Florida
724 Commission on Tourism to Enterprise Florida, Inc., by December
725 31, 2011.



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726 (4) It is the intent of the Legislature that the changes
727 made by this act be accomplished with minimal disruption of
728 services provided to the public and with minimal disruption to
729 employees of any organization. To that end, the Legislature
730 directs that notwithstanding the changes made by this act, the
731 Florida Sports Foundation Incorporated, and the Florida Black
732 Business Investment Board, Inc., may continue with such powers,
733 duties, functions, records, offices, personnel, property,
734 pending issues, and existing contracts as provided in Florida
735 Statutes 2010 until December 31, 2011. The Legislature believes
736 that a transition period between the effective date of this act
737 and December 31, 2011, is appropriate and warranted.
738 (5) The Governor shall designate a transition coordinator
739 to serve as the Governor's primary representative on matters
740 related to implementing this act for the merger of the Florida
741 Sports Foundation Incorporated and the Florida Black Business
742 Investment Board, Inc., into, Enterprise Florida, Inc., the
743 transition of the direct-support activities of the Florida
744 Tourism Industry Marketing Corporation for the benefit of
745 Enterprise Florida, Inc., and the transition plans required
746 under this section. The Governor's transition coordinator shall
747 submit a progress report to the Governor, the President of the
748 Senate, and the Speaker of the House of Representatives on the
749 implementation of this act and the transition plans, including,
750 but not limited to, any adverse impact or negative consequences
751 on programs and services, of meeting any deadline imposed by
752 this act, and any difficulties experienced by the entities. The
753 transition coordinator shall also coordinate the submission of
754 any budget amendments, pursuant to chapter 216, Florida



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755 Statutes, which may be necessary to implement this act.
756 (6) Any funds held in trust which were donated to or earned
757 by the Florida Sports Foundation Incorporated and the Florida
758 Black Business Investment Board, Inc., while previously
759 organized as a corporation under chapter 617, Florida Statutes,
760 shall be transferred to Enterprise Florida, Inc., to be used by
761 the relevant division for the original purposes of the funds.
762 (7) Upon the recommendation and guidance of the Florida
763 Sports Foundation Incorporated, the Florida Tourism Industry
764 Marketing Corporation, the Florida Black Business Investment
765 Board, Inc., or Space Florida, the Governor shall submit in a
766 timely manner to the applicable Federal departments or agencies
767 any necessary amendments or supplemental information concerning
768 plans which the state or one of the entities is required to
769 submit to the Federal Government in connection with any federal
770 or state program. The Governor shall seek any waivers from the
771 requirements of Federal law or rules which may be necessary to
772 administer the provisions of this act.
773 (8) The transfer of any program, activity, duty, or
774 function under this act includes the transfer of any records and
775 unexpended balances of appropriations, allocations, or other
776 funds related to such program, activity, duty, or function.
777 Except as otherwise provided by law, Enterprise Florida, Inc.,
778 shall become the custodian of any property of the Florida Sports
779 Foundation, Inc., and the Florida Black Business Investment
780 Board, Inc., on the date specified in the plan of merger or
781 December 31, 2011, whichever occurs first.
782 (9) The Department of Management Services may establish a
783 lease agreement program under which Enterprise Florida, Inc.,



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784 may hire any individual who was employed by the Florida Black
785 Business Investment Board, Inc., under a previous lease
786 agreement under s. 288.708(2), Florida Statutes 2010. Under such
787 agreement, the employee shall retain his or her status as a
788 state employee but shall work under the direct supervision of
789 Enterprise Florida, Inc. Retention of state employee status
790 shall include the right to participate in the Florida Retirement
791 System and shall continue until the employee voluntarily or
792 involuntarily terminates his or her status with Enterprise
793 Florida, Inc. The Department of Management Services shall
794 establish the terms and conditions of such lease agreements.
795 Section 8. (1) By September 1, 2011, the Department of
796 Economic Opportunity, or its predecessor agencies, in
797 conjunction with Enterprise Florida, Inc., or any predecessor
798 public-private partnerships, and Workforce Florida, Inc., must
799 prepare and submit to the Governor, the President of the Senate,
800 and the Speaker of the House of Representatives a business plan
801 for the use of the economic development incentive funds
802 administered by the department and Enterprise Florida, Inc.,
803 beginning October 1, 2011. Additionally, the plan should include
804 any plans for attracting out-of-state industries to Florida,
805 promoting the expansion of existing industries in this state,
806 and encouraging the creation of businesses in this state by
807 Florida residents. At a minimum, the business plan should
808 include:
809 (a) Strategies to be used by the department and Enterprise
810 Florida, Inc., to recruit out-of-state companies, promote
811 existing businesses to expand, and encourage the creation of new
812 businesses;



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813 (b) Benchmarks related to:
814 1. Out-of-state business recruitment and in-state business
815 creation and expansion by the department and Enterprise Florida,
816 Inc.;
817 2. The numbers of jobs created or retained through the
818 efforts of the department and Enterprise Florida, Inc.; and
819 3. The number of new international trade clients and new
820 international sales, including a projected amount of contracts
821 for Florida-based goods or services;
822 (c) The minimum amount of annual financial resources the
823 department and Enterprise Florida, Inc., project will be
824 necessary to achieve the benchmarks;
825 (d) The tools, financial and otherwise, necessary to
826 achieve the benchmarks; and
827 (e) Time-frames to achieve the benchmarks.
828 (2) By January 1, 2012, the Department of Economic
829 Opportunity shall provide the Governor, the President of the
830 Senate, and the Speaker of the House of Representatives with
831 recommendations for further reorganization and streamlining of
832 economic development and workforce functions that improve the
833 effectiveness and operation of economic development and
834 workforce programs.
835 Section 9. Agency review; Department of Economic
836 Opportunity.—
837 (1) Not later than July 1, 2016, the Department of Economic
838 Opportunity shall provide the Legislature with a report on the
839 department and Enterprise Florida, Inc., which includes:
840 (a) The performance measures for each program and activity
841 as defined in s. 216.011 and 3 years of data for each measure



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842 which provides actual results for the immediately preceding 2
843 years and projected results for the fiscal year that begins in
844 the year that the agency report is scheduled to be submitted to
845 the Legislature.
846 (b) An explanation of factors that have contributed to any
847 failure to achieve the legislative standards.
848 (c) The promptness and effectiveness with which the agency
849 disposes of complaints concerning persons affected by the
850 agency.
851 (d) The extent to which the agency has encouraged
852 participation by the public in making its rules and decisions as
853 opposed to participation solely by those it regulates and the
854 extent to which public participation has resulted in rules
855 compatible with the objectives of the agency.
856 (e) The extent to which the agency has complied with
857 applicable requirements of state law and applicable rules
858 regarding purchasing goals and programs for small and minority-
859 owned businesses.
860 (f) A statement of any statutory objectives intended for
861 each program and activity, the problem or need that the program
862 and activity were intended to address, and the extent to which
863 these objectives have been achieved.
864 (g) An assessment of the extent to which the jurisdiction
865 of the agency and its programs overlap or duplicate those of
866 other agencies and the extent to which the programs can be
867 consolidated with those of other agencies.
868 (h) An assessment of less restrictive or alternative
869 methods of providing services for which the agency is
870 responsible which would reduce costs or improve performance



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871 while adequately protecting the public.
872 (i) An assessment of the extent to which the agency has
873 corrected deficiencies and implemented recommendations contained
874 in reports of the Auditor General, the Office of Program Policy
875 Analysis and Government Accountability, legislative interim
876 studies, and federal audit entities.
877 (j) The process by which an agency actively measures
878 quality and efficiency of services it provides to the public.
879 (k) The extent to which the agency complies with public
880 records and public meetings requirements under chapters 119 and
881 286 and s. 24, Art. I of the State Constitution.
882 (l) The extent to which alternative program delivery
883 options, such as privatization, outsourcing, or insourcing, have
884 been considered to reduce costs or improve services to state
885 residents.
886 (m) Recommendations to the Legislature for statutory,
887 budgetary, or regulatory changes that would improve the quality
888 and efficiency of services delivered to the public, reduce
889 costs, or reduce duplication.
890 (n) The effect of federal intervention or loss of federal
891 funds if the agency, program, or activity is abolished.
892 (o) A list of all advisory committees, including those
893 established in statute and those established by managerial
894 initiative; their purpose, activities, composition, and related
895 expenses; the extent to which their purposes have been achieved;
896 and the rationale for continuing or eliminating each advisory
897 committee.
898 (p) Agency programs or functions that are performed without
899 specific statutory authority.



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900 (q) Other information requested by the Legislature.
901 (2) Information and data reported by the agency shall be
902 validated by its agency head and inspector general before
903 submission to the Legislature.
904 (3) The Office of Program Policy Analysis and Government
905 Accountability shall review the department and Enterprise
906 Florida, Inc. The review shall include an examination of the
907 cost of each program, an evaluation of best practices and
908 alternatives that would result in the administration of the
909 department in a more efficient or effective manner, an
910 examination of the viability of privatization or a different
911 state agency performing the functions, and an evaluation of the
912 cost and consequences of discontinuing the agency. The review
913 shall be comprehensive in scope and shall consider the
914 information provided by the department report in addition to
915 information deemed necessary by the office and the appropriate
916 legislative committees. The Office of Program Policy Analysis
917 and Government Accountability shall include in the report
918 recommendations for consideration by the Legislature and shall
919 submit the report to the President of the Senate and the Speaker
920 of the House of Representatives no later than December 31, 2016.
921 Section 10. The Legislature recognizes that there is a need
922 to conform the Florida Statutes to the policy decisions
923 reflected in this act and that there is a need to resolve
924 apparent conflicts between any other legislation that has been
925 or may be enacted during the 2011 Regular Session of the
926 Legislature and the transfer of duties made by this act.
927 Therefore, in the interim between this act becoming law and the
928 2012 Regular Session of the Legislature or an earlier special



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929 session addressing this issue, the Division of Statutory
930 Revision shall provide the relevant substantive committees of
931 the Senate and the House of Representatives with assistance,
932 upon request, to enable such committees to prepare draft
933 legislation to conform the Florida Statutes and any legislation
934 enacted during 2011 to the provisions of this act.
935 Section 11. Section 14.2016, Florida Statutes, is created
936 to read:
937 14.2016 Division of Emergency Management.—The Division of
938 Emergency Management is established within the Executive Office
939 of the Governor. The division shall be a separate budget entity,
940 as provided in the General Appropriations Act and shall prepare
941 and submit a budget request in accordance with chapter 216. The
942 division shall be responsible for all professional, technical,
943 and administrative support functions necessary to carry out its
944 responsibilities under part I of chapter 252. The director of
945 the division shall be appointed by and serve at the pleasure of
946 the Governor, and shall be the head of the division for all
947 purposes. The division shall administer programs to rapidly
948 apply all available aid to communities stricken by an emergency
949 as defined in s. 252.34 and, for this purpose, shall provide
950 liaison with federal agencies and other public and private
951 agencies.
952 Section 12. Paragraph (h) is added to subsection (3) of
953 section 20.15, Florida Statutes, to read:
954 20.15 Department of Education.—There is created a
955 Department of Education.
956 (3) DIVISIONS.—The following divisions of the Department of
957 Education are established:



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958 (h) The Office of Early Learning, which shall administer
959 the school readiness system in accordance with s. 411.01 and the
960 operational requirements of the Voluntary Prekindergarten
961 Education Program in accordance with part V of chapter 1002. The
962 office is a separate budget entity and is not subject to
963 control, supervision, or direction by the Department of
964 Education or the State Board of Education in any manner
965 including, but not limited to, personnel, purchasing,
966 transactions involving personal property, and budgetary matters.
967 The office director shall be appointed by the Governor and
968 confirmed by the Senate, shall serve at the pleasure of the
969 Governor, and shall be the agency head of the office for all
970 purposes. The office shall enter into a service agreement with
971 the department for professional, technological, and
972 administrative support services. The office shall be subject to
973 review and oversight by the Chief Inspector General or his or
974 her designee.
975 Section 13. Section 20.60, Florida Statutes, is created to
976 read:
977 20.60 Department of Economic Opportunity; creation; powers
978 and duties.—
979 (1) There is created the Department of Economic
980 Opportunity.
981 (2) The head of the department is the executive director,
982 who shall be appointed by the Governor, subject to confirmation
983 by the Senate. The executive director shall serve at the
984 pleasure of and report to the Governor.
985 (3) The following divisions of the Department of Economic
986 Opportunity are established:



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987 (a) The Division of Strategic Business Development.
988 (b) The Division of Community Development.
989 (c) The Division of Workforce Services.
990 (d) The Division of Finance and Administration.
991 (4) The purpose of the department is to assist the Governor
992 in working with the Legislature, state agencies, business
993 leaders, and economic development professionals to formulate and
994 implement coherent and consistent policies and strategies
995 designed to promote economic opportunities for all Floridians.
996 To accomplish such purposes, the department shall:
997 (a) Facilitate the direct involvement of the Governor and
998 the Lieutenant Governor in economic development and workforce
999 development projects designed to create, expand, and retain
1000 businesses in this state, to recruit business from around the
1001 world, and to facilitate other job-creating efforts.
1002 (b) Recruit new businesses to this state and promote the
1003 expansion of existing businesses by expediting permitting and
1004 location decisions, worker placement and training, and incentive
1005 awards.
1006 (c) Promote viable, sustainable communities by providing
1007 technical assistance and guidance on growth and development
1008 issues, grants, and other assistance to local communities.
1009 (d) Ensure that the state’s goals and policies relating to
1010 economic development, workforce development, community planning
1011 and development, and affordable housing are fully integrated
1012 with appropriate implementation strategies.
1013 (e) Manage the activities of public-private partnerships
1014 and state agencies in order to avoid duplication and promote
1015 coordinated and consistent implementation of programs in areas



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1016 including, but not limited to, tourism; international trade and
1017 investment; business recruitment, creation, retention, and
1018 expansion; minority and small business development; rural
1019 community development; commercialization of products, services,
1020 or ideas developed in public universities or other public
1021 institutions; and the development and promotion of professional
1022 and amateur sporting events.
1023 (5) The divisions within the department have specific
1024 responsibilities to achieve the duties, responsibilities, and
1025 goals of the department. Specifically:
1026 (a) The Division of Strategic Business Development shall:
1027 1. Analyze and evaluate business prospects identified by
1028 the Governor, the executive director of the department, and
1029 Enterprise Florida, Inc.
1030 2. Administer certain tax refund, tax credit, and grant
1031 programs created in law. Notwithstanding any other provision of
1032 law, the department may expend interest earned from the
1033 investment of program funds deposited in the Grants and
1034 Donations Trust Fund to contract for the administration of those
1035 programs, or portions of the programs, assigned to the
1036 department by law, by the appropriations process, or by the
1037 Governor. Such expenditures shall be subject to review under
1038 chapter 216.
1039 3. Develop measurement protocols for the state incentive
1040 programs and for the contracted entities which will be used to
1041 determine their performance and competitive value to the state.
1042 Performance measures, benchmarks, and sanctions must be
1043 developed in consultation with the legislative appropriations
1044 committees and the appropriate substantive committees, and are



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1045 subject to the review and approval process provided in s.
1046 216.177. The approved performance measures, standards, and
1047 sanctions shall be included and made a part of the strategic
1048 plan for contracts entered into for delivery of programs
1049 authorized by this section.
1050 4. Develop a 5-year statewide strategic plan. The strategic
1051 plan must include, but need not be limited to:
1052 a. Strategies for the promotion of business formation,
1053 expansion, recruitment, and retention through aggressive
1054 marketing, international development, and export assistance,
1055 which lead to more and better jobs and higher wages for all
1056 geographic regions, disadvantaged communities, and populations
1057 of the state, including rural areas, minority businesses, and
1058 urban core areas.
1059 b. The development of realistic policies and programs to
1060 further the economic diversity of the state, its regions, and
1061 their associated industrial clusters.
1062 c. Specific provisions for the stimulation of economic
1063 development and job creation in rural areas and midsize cities
1064 and counties of the state, including strategies for rural
1065 marketing and the development of infrastructure in rural areas.
1066 d. Provisions for the promotion of the successful long-term
1067 economic development of the state with increased emphasis in
1068 market research and information.
1069 e. Plans for the generation of foreign investment in the
1070 state which create jobs paying above-average wages and which
1071 result in reverse investment in the state, including programs
1072 that establish viable overseas markets, assist in meeting the
1073 financing requirements of export-ready firms, broaden



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1074 opportunities for international joint venture relationships, use
1075 the resources of academic and other institutions, coordinate
1076 trade assistance and facilitation services, and facilitate
1077 availability of and access to education and training programs
1078 that assure requisite skills and competencies necessary to
1079 compete successfully in the global marketplace.
1080 f. The identification of business sectors that are of
1081 current or future importance to the state's economy and to the
1082 state's global business image, and development of specific
1083 strategies to promote the development of such sectors.
1084 g. Strategies for talent development necessary in the state
1085 to encourage economic development growth, taking into account
1086 factors such as the state's talent supply chain, education and
1087 training opportunities, and available workforce.
1088 5. Update the strategic plan every 5 years.
1089 6. Involve Enterprise Florida, Inc.; Workforce Florida,
1090 Inc.; local governments; the general public; local and regional
1091 economic development organizations; other local, state, and
1092 federal economic, international, and workforce development
1093 entities; the business community; and educational institutions
1094 to assist with the strategic plan.
1095 (b) The Division of Community Development shall:
1096 1. Assist local governments and their communities in
1097 finding creative planning solutions to help them foster vibrant,
1098 healthy communities, while protecting the functions of important
1099 state resources and facilities.
1100 2. Administer state and federal grant programs as provided
1101 by law to provide community development and project planning
1102 activities to maintain viable communities, revitalize existing



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1103 communities, and expand economic development and employment
1104 opportunities, including:
1105 a. The Community Services Block Grant Program.
1106 b. The Community Development Block Grant Program in chapter
1107 290.
1108 c. The Low-Income Home Energy Assistance Program in chapter
1109 409.
1110 d. The Weatherization Assistance Program in chapter 409.
1111 e. The Neighborhood Stabilization Program.
1112 f. The local comprehensive planning process and the
1113 development of regional impact process.
1114 g. The Front Porch Florida Initiative through the Office of
1115 Urban Opportunity, which is created within the division. The
1116 purpose of the office is to administer the Front Porch Florida
1117 initiative, a comprehensive, community-based urban core
1118 redevelopment program that enables urban core residents to craft
1119 solutions to the unique challenges of each designated community.
1120 3. Assist in developing the 5-year statewide strategic plan
1121 required by this section.
1122 (c) The Division of Workforce Services shall:
1123 1. Prepare and submit a unified budget request for
1124 workforce in accordance with chapter 216 for, and in conjunction
1125 with, Workforce Florida, Inc., and its board.
1126 2. Ensure that the state appropriately administers federal
1127 and state workforce funding by administering plans and policies
1128 of Workforce Florida, Inc., under contract with Workforce
1129 Florida, Inc. The operating budget and midyear amendments
1130 thereto must be part of such contract.
1131 a. All program and fiscal instructions to regional



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1132 workforce boards shall emanate from the Department of Economic
1133 Opportunity pursuant to plans and policies of Workforce Florida,
1134 Inc., which shall be responsible for all policy directions to
1135 the regional workforce boards.
1136 b. Unless otherwise provided by agreement with Workforce
1137 Florida, Inc., administrative and personnel policies of the
1138 Department of Economic Opportunity shall apply.
1139 3. Implement the state's unemployment compensation program.
1140 The Department of Economic Opportunity shall ensure that the
1141 state appropriately administers the unemployment compensation
1142 program pursuant to state and federal law.
1143 4. Assist in developing the 5-year statewide strategic plan
1144 required by this section.
1145 (6)(a) The Department of Economic Opportunity is the
1146 administrative agency designated for receipt of federal
1147 workforce development grants and other federal funds. The
1148 department shall administer the duties and responsibilities
1149 assigned by the Governor under each federal grant assigned to
1150 the department. The department shall expend each revenue source
1151 as provided by federal and state law and as provided in plans
1152 developed by and agreements with Workforce Florida, Inc. The
1153 department may serve as the contract administrator for contracts
1154 entered into by Workforce Florida, Inc., pursuant to s.
1155 445.004(5), as directed by Workforce Florida, Inc.
1156 (b) The Department of Economic Opportunity shall serve as
1157 the designated agency for purposes of each federal workforce
1158 development grant assigned to it for administration. The
1159 department shall carry out the duties assigned to it by the
1160 Governor, under the terms and conditions of each grant. The



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1161 department shall have the level of authority and autonomy
1162 necessary to be the designated recipient of each federal grant
1163 assigned to it, and shall disburse such grants pursuant to the
1164 plans and policies of Workforce Florida, Inc. The executive
1165 director may, upon delegation from the Governor and pursuant to
1166 agreement with Workforce Florida, Inc., sign contracts, grants,
1167 and other instruments as necessary to execute functions assigned
1168 to the department. Notwithstanding other provision of law, the
1169 department shall administer other programs funded by federal or
1170 state appropriations, as determined by the Legislature in the
1171 General Appropriations Act or by law.
1172 (7) The department may provide or contract for training for
1173 employees of administrative entities and case managers of any
1174 contracted providers to ensure they have the necessary
1175 competencies and skills to provide adequate administrative
1176 oversight and delivery of the full array of client services.
1177 (8) The Unemployment Appeals Commission, authorized by s.
1178 443.012, is not subject to control, supervision, or direction by
1179 the department in the performance of its powers and duties but
1180 shall receive any and all support and assistance from the
1181 department which is required for the performance of its duties.
1182 (9) The executive director shall:
1183 (a) Manage all activities and responsibilities of the
1184 department.
1185 (b) Serve as the manager for the state with respect to
1186 contracts with Enterprise Florida, Inc., the Institute for the
1187 Commercialization of Public Research, and all applicable direct-
1188 support organizations. To accomplish the provisions of this
1189 section and applicable provisions of chapter 288, and



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1190 notwithstanding the provisions of part I of chapter 287, the
1191 director shall enter into specific contracts with Enterprise
1192 Florida, Inc., the Institute for the Commercialization of Public
1193 Research, and other appropriate direct-support organizations.
1194 Such contracts may be for multiyear terms and shall include
1195 specific performance measures for each year. For purposes of
1196 this section, the Florida Tourism Industry Marketing Corporation
1197 is not an appropriate direct-support organization.
1198 (10) The department, with assistance from Enterprise
1199 Florida, Inc., shall, by January 1 of each year, submit an
1200 annual report to the Governor, the President of the Senate, and
1201 the Speaker of the House of Representatives on the condition of
1202 the business climate and economic development in the state. The
1203 report shall include the identification of problems and a
1204 prioritized list of recommendations.
1205 (11) The department shall establish annual performance
1206 standards for Enterprise Florida, Inc., Workforce Florida, Inc.,
1207 the Florida Tourism Industry Marketing Corporation, and Space
1208 Florida and report annually on how these performance measures
1209 are being met in the annual report required under subsection
1210 (10).
1211 (12) The department shall have an official seal by which
1212 its records, orders, and proceedings are authenticated. The seal
1213 shall be judicially noticed.
1214 (13) The department shall administer the role of state
1215 government under part I of chapter 421, relating to public
1216 housing, chapter 422, relating to housing cooperation law, and
1217 chapter 423, tax exemption of housing authorities. The
1218 department is the agency of state government responsible for the



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1219 state's role in housing and urban development.
1220 Section 14. Present subsection (3) is renumbered as
1221 subsection (4), and a new subsection (3) is added to section
1222 14.32, Florida Statutes, to read:
1223 14.32 Office of Chief Inspector General.—
1224 (3) Related to public-private partnerships, the Chief
1225 Inspector General:
1226 (a) Shall advise public-private partnerships, including
1227 Enterprise Florida, Inc., in their development, utilization, and
1228 improvement of internal control measures necessary to ensure
1229 fiscal accountability.
1230 (b) May conduct, direct, and supervise audits relating to
1231 the programs and operations of public-private partnerships.
1232 (c) Shall receive and investigate complaints of fraud,
1233 abuses, and deficiencies relating to programs and operations of
1234 public-private partnerships.
1235 (d) May request and have access to any records, data, and
1236 other information in the possession of public-private
1237 partnerships which the Chief Inspector General deems necessary
1238 to carry out his or her responsibilities with respect to
1239 accountability.
1240 (e) Shall monitor public-private partnerships for
1241 compliance with the terms and conditions of contracts with the
1242 department and report noncompliance to the Governor.
1243 (f) Shall advise public-private partnerships in the
1244 development, utilization, and improvement of performance
1245 measures for the evaluation of their operations.
1246 (g) Shall review and make recommendations for improvements
1247 in the actions taken by public-private partnerships to meet



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1248 performance standards.
1249 Section 15. Paragraph (c) of subsection (1), and
1250 subsections (9) and (10) of section 201.15, Florida Statutes,
1251 are amended to read:
1252 201.15 Distribution of taxes collected.—All taxes collected
1253 under this chapter are subject to the service charge imposed in
1254 s. 215.20(1). Prior to distribution under this section, the
1255 Department of Revenue shall deduct amounts necessary to pay the
1256 costs of the collection and enforcement of the tax levied by
1257 this chapter. Such costs and the service charge may not be
1258 levied against any portion of taxes pledged to debt service on
1259 bonds to the extent that the costs and service charge are
1260 required to pay any amounts relating to the bonds. After
1261 distributions are made pursuant to subsection (1), all of the
1262 costs of the collection and enforcement of the tax levied by
1263 this chapter and the service charge shall be available and
1264 transferred to the extent necessary to pay debt service and any
1265 other amounts payable with respect to bonds authorized before
1266 January 1, 2010, secured by revenues distributed pursuant to
1267 subsection (1). All taxes remaining after deduction of costs and
1268 the service charge shall be distributed as follows:
1269 (1) Sixty-three and thirty-one hundredths percent of the
1270 remaining taxes shall be used for the following purposes:
1271 (c) After the required payments under paragraphs (a) and
1272 (b), the remainder shall be paid into the State Treasury to the
1273 credit of:
1274 1. The State Transportation Trust Fund in the Department of
1275 Transportation in the amount of the lesser of 38.2 percent of
1276 the remainder or $541.75 million in each fiscal year. Out of



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1277 such funds, the first $50 million for the 2012-2013 fiscal year;
1278 $65 million for the 2013-2014 fiscal year; and $75 million for
1279 the 2014-2015 fiscal year and all subsequent years, shall be
1280 transferred to the State Economic Enhancement and Development
1281 Trust Fund within the Department of Economic Opportunity. The
1282 remainder is~~,~~ to be used for the following specified purposes,
1283 notwithstanding any other law to the contrary:
1284 a. For the purposes of capital funding for the New Starts
1285 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
1286 specified in s. 341.051, 10 percent of these funds;
1287 b. For the purposes of the Small County Outreach Program
1288 specified in s. 339.2818, 5 percent of these funds. Effective
1289 July 1, 2014, the percentage allocated under this sub-
1290 subparagraph shall be increased to 10 percent;
1291 c. For the purposes of the Strategic Intermodal System
1292 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
1293 of these funds after allocating for the New Starts Transit
1294 Program described in sub-subparagraph a. and the Small County
1295 Outreach Program described in sub-subparagraph b.; and
1296 d. For the purposes of the Transportation Regional
1297 Incentive Program specified in s. 339.2819, 25 percent of these
1298 funds after allocating for the New Starts Transit Program
1299 described in sub-subparagraph a. and the Small County Outreach
1300 Program described in sub-subparagraph b. Effective July 1, 2014,
1301 the first $60 million of the funds allocated pursuant to this
1302 sub-subparagraph shall be allocated annually to the Florida Rail
1303 Enterprise for the purposes established in s. 341.303(5).
1304 2. The Grants and Donations Trust Fund in the Department of
1305 Economic Opportunity ~~Community Affairs~~ in the amount of the



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1306 lesser of .23 percent of the remainder or $3.25 million in each
1307 fiscal year to fund technical assistance to local governments
1308 and school boards on the requirements and implementation of this
1309 act.
1310 3. The Ecosystem Management and Restoration Trust Fund in
1311 the amount of the lesser of 2.12 percent of the remainder or $30
1312 million in each fiscal year, to be used for the preservation and
1313 repair of the state's beaches as provided in ss. 161.091-
1314 161.212.
1315 4. General Inspection Trust Fund in the amount of the
1316 lesser of .02 percent of the remainder or $300,000 in each
1317 fiscal year to be used to fund oyster management and restoration
1318 programs as provided in s. 379.362(3).
1319
1320 Moneys distributed pursuant to this paragraph may not be pledged
1321 for debt service unless such pledge is approved by referendum of
1322 the voters.
1323 (9) Seven and fifty-three hundredths ~~The lesser of 7.53~~
1324 percent of the remaining taxes ~~or $107 million~~ in each fiscal
1325 year shall be paid into the State Treasury to the credit of the
1326 State Housing Trust Fund. Out of such funds, beginning in the
1327 2012-2013 fiscal year, the first $35 million shall be
1328 transferred annually, subject to any distribution required under
1329 subsection (15), to the State Economic Enhancement and
1330 Development Trust Fund within the Department of Economic
1331 Opportunity. The remainder shall be ~~and~~ used as follows:
1332 (a) Half of that amount shall be used for the purposes for
1333 which the State Housing Trust Fund was created and exists by
1334 law.



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1335 (b) Half of that amount shall be paid into the State
1336 Treasury to the credit of the Local Government Housing Trust
1337 Fund and used for the purposes for which the Local Government
1338 Housing Trust Fund was created and exists by law.
1339 (10) Eight and sixty-six hundredths ~~The lesser of 8.66~~
1340 percent of the remaining taxes ~~or $136 million~~ in each fiscal
1341 year shall be paid into the State Treasury to the credit of the
1342 State Housing Trust Fund. Out of such funds, beginning in the
1343 2012-2013 fiscal year, the first $40 million shall be
1344 transferred annually, subject to any distribution required under
1345 subsection (15), to the State Economic Enhancement and
1346 Development Trust Fund within the Department of Economic
1347 Opportunity. The remainder shall be ~~and~~ used as follows:
1348 (a) Twelve and one-half percent of that amount shall be
1349 deposited into the State Housing Trust Fund and be expended by
1350 the Department of Economic Opportunity ~~Community Affairs~~ and by
1351 the Florida Housing Finance Corporation for the purposes for
1352 which the State Housing Trust Fund was created and exists by
1353 law.
1354 (b) Eighty-seven and one-half percent of that amount shall
1355 be distributed to the Local Government Housing Trust Fund and
1356 used for the purposes for which the Local Government Housing
1357 Trust Fund was created and exists by law. Funds from this
1358 category may also be used to provide for state and local
1359 services to assist the homeless.
1360 Section 16. Section 215.559, Florida Statutes, is amended
1361 to read:
1362 215.559 Hurricane Loss Mitigation Program.—
1363 ~~(1) There is created~~ A Hurricane Loss Mitigation Program is



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1364 established in the Division of Emergency Management.
1365 (1) The Legislature shall annually appropriate $10 million
1366 of the moneys authorized for appropriation under s.
1367 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
1368 division ~~Department of Community Affairs~~ for the purposes set
1369 forth in this section. Of the amount:
1370 ~~(2)~~(a) Seven million dollars in funds ~~provided in~~
1371 ~~subsection (1)~~ shall be used for programs to improve the wind
1372 resistance of residences and mobile homes, including loans,
1373 subsidies, grants, demonstration projects, and direct
1374 assistance; educating persons concerning the Florida Building
1375 Code cooperative programs with local governments and the Federal
1376 Government; and other efforts to prevent or reduce losses or
1377 reduce the cost of rebuilding after a disaster.
1378 (b) Three million dollars in funds ~~provided in subsection~~
1379 ~~(1)~~ shall be used to retrofit existing facilities used as public
1380 hurricane shelters. Each year the division shall ~~department must~~
1381 prioritize the use of these funds for projects included in the
1382 annual report of the ~~September 1, 2000, version of the~~ Shelter
1383 Retrofit Report prepared in accordance with s. 252.385(3)~~, and~~
1384 ~~each annual report thereafter~~. The division ~~department~~ must give
1385 funding priority to projects in regional planning council
1386 regions that have shelter deficits and to projects that maximize
1387 the use of state funds.
1388 (2)~~(3)~~(a) Forty percent of the total appropriation in
1389 paragraph (1)(a)~~(2)(a)~~ shall be used to inspect and improve tie-
1390 downs for mobile homes.
1391 (b)1. ~~There is created~~ The Manufactured Housing and Mobile
1392 Home Mitigation and Enhancement Program is established. The



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1393 program shall require the mitigation of damage to or the
1394 enhancement of homes for the areas of concern raised by the
1395 Department of Highway Safety and Motor Vehicles in the 2004-2005
1396 Hurricane Reports on the effects of the 2004 and 2005 hurricanes
1397 on manufactured and mobile homes in this state. The mitigation
1398 or enhancement must include, but need not be limited to,
1399 problems associated with weakened trusses, studs, and other
1400 structural components caused by wood rot or termite damage;
1401 site-built additions; or tie-down systems and may also address
1402 any other issues deemed appropriate by Tallahassee Community
1403 College, the Federation of Manufactured Home Owners of Florida,
1404 Inc., the Florida Manufactured Housing Association, and the
1405 Department of Highway Safety and Motor Vehicles. The program
1406 shall include an education and outreach component to ensure that
1407 owners of manufactured and mobile homes are aware of the
1408 benefits of participation.
1409 2. The program shall be a grant program that ensures that
1410 entire manufactured home communities and mobile home parks may
1411 be improved wherever practicable. The moneys appropriated for
1412 this program shall be distributed directly to Tallahassee
1413 Community College for the uses set forth under this subsection.
1414 3. Upon evidence of completion of the program, the Citizens
1415 Property Insurance Corporation shall grant, on a pro rata basis,
1416 actuarially reasonable discounts, credits, or other rate
1417 differentials or appropriate reductions in deductibles for the
1418 properties of owners of manufactured homes or mobile homes on
1419 which fixtures or construction techniques that have been
1420 demonstrated to reduce the amount of loss in a windstorm have
1421 been installed or implemented. The discount on the premium must



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1422 be applied to subsequent renewal premium amounts. Premiums of
1423 the Citizens Property Insurance Corporation must reflect the
1424 location of the home and the fact that the home has been
1425 installed in compliance with building codes adopted after
1426 Hurricane Andrew. Rates resulting from the completion of the
1427 Manufactured Housing and Mobile Home Mitigation and Enhancement
1428 Program are not considered competitive rates for the purposes of
1429 s. 627.351(6)(d)1. and 2.
1430 4. On or before January 1 of each year, Tallahassee
1431 Community College shall provide a report of activities under
1432 this subsection to the Governor, the President of the Senate,
1433 and the Speaker of the House of Representatives. The report must
1434 set forth the number of homes that have taken advantage of the
1435 program, the types of enhancements and improvements made to the
1436 manufactured or mobile homes and attachments to such homes, and
1437 whether there has been an increase in availability of insurance
1438 products to owners of manufactured or mobile homes.
1439
1440 Tallahassee Community College shall develop the programs set
1441 forth in this subsection in consultation with the Federation of
1442 Manufactured Home Owners of Florida, Inc., the Florida
1443 Manufactured Housing Association, and the Department of Highway
1444 Safety and Motor Vehicles. The moneys appropriated for the
1445 programs set forth in this subsection shall be distributed
1446 directly to Tallahassee Community College to be used as set
1447 forth in this subsection.
1448 (3) ~~(4)~~ Of moneys provided to the division ~~Department of~~
1449 ~~Community Affairs~~ in paragraph (1)(a) ~~(2)(a)~~, 10 percent shall be
1450 allocated to the Florida International University center



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1451 dedicated to hurricane research. The center shall develop a
1452 preliminary work plan approved by the advisory council set forth
1453 in subsection (4) ~~(5)~~ to eliminate the state and local barriers
1454 to upgrading existing mobile homes and communities, research and
1455 develop a program for the recycling of existing older mobile
1456 homes, and support programs of research and development relating
1457 to hurricane loss reduction devices and techniques for site-
1458 built residences. The State University System also shall consult
1459 with the division ~~Department of Community Affairs~~ and assist the
1460 division ~~department~~ with the report required under subsection
1461 (6) ~~(7)~~.
1462 (4) ~~(5)~~ Except for the programs set forth in subsection
1463 (3) ~~(4)~~, the division ~~Department of Community Affairs~~ shall
1464 develop the programs set forth in this section in consultation
1465 with an advisory council consisting of a representative
1466 designated by the Chief Financial Officer, a representative
1467 designated by the Florida Home Builders Association, a
1468 representative designated by the Florida Insurance Council, a
1469 representative designated by the Federation of Manufactured Home
1470 Owners, a representative designated by the Florida Association
1471 of Counties, ~~and~~ a representative designated by the Florida
1472 Manufactured Housing Association, and a representative
1473 designated by the Florida Building Commission.
1474 (5) ~~(6)~~ Moneys provided to the division ~~Department of~~
1475 ~~Community Affairs~~ under this section are intended to supplement,
1476 not supplant, the division's other funding sources ~~of the~~
1477 ~~Department of Community Affairs and may not supplant other~~
1478 ~~funding sources of the Department of Community Affairs~~.
1479 (6) ~~(7)~~ On January 1st of each year, the division ~~Department~~



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1480 ~~of Community Affairs~~ shall provide a full report and accounting
1481 of activities under this section and an evaluation of such
1482 activities to the Speaker of the House of Representatives, the
1483 President of the Senate, and the Majority and Minority Leaders
1484 of the House of Representatives and the Senate. Upon completion
1485 of the report, the division ~~Department of Community Affairs~~
1486 shall deliver the report to the Office of Insurance Regulation.
1487 The Office of Insurance Regulation shall review the report and
1488 shall make such recommendations available to the insurance
1489 industry as the Office of Insurance Regulation deems
1490 appropriate. These recommendations may be used by insurers for
1491 potential discounts or rebates pursuant to s. 627.0629. The
1492 Office of Insurance Regulation shall make such ~~the~~
1493 recommendations within 1 year after receiving the report.
1494 ~~(8)(a) Notwithstanding any other provision of this section~~
1495 ~~and for the 2010-2011 fiscal year only, the $3 million~~
1496 ~~appropriation provided for in paragraph (2)(b) may be used for~~
1497 ~~hurricane shelters as identified in the General Appropriations~~
1498 ~~Act.~~
1499 ~~(b) This subsection expires June 30, 2011.~~
1500 (7)~~(9)~~ This section is repealed June 30, 2021 ~~2011~~.
1501 Section 17. Section 288.005, Florida Statutes, is created
1502 to read:
1503 288.005 Definitions.—As used in this chapter, the term:
1504 (1) “Economic benefits” means the direct, indirect, and
1505 induced gains in state revenues as a percentage of the state’s
1506 investment. The state’s investment includes state grants, tax
1507 exemptions, tax refunds, tax credits, and other state
1508 incentives.



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1509 (2) “Department” means the Department of Economic
1510 Opportunity.
1511 (3) “Executive director” means the executive director of
1512 the Department of Economic Opportunity, unless otherwise stated.
1513 Section 18. Section 288.061, Florida Statutes, is amended
1514 to read:
1515 288.061 Economic development incentive application
1516 process.—
1517 (1) ~~Within 10 business days after~~ Upon receiving a
1518 submitted economic development incentive application, the
1519 Division of Strategic Business Development of the Department of
1520 Economic Opportunity and designated staff of Enterprise Florida,
1521 Inc., shall review the application to ensure that the ~~and inform~~
1522 ~~the applicant business whether or not its~~ application is
1523 complete, whether and what type of state and local permits may
1524 be necessary for the applicant’s project, whether it is possible
1525 to waive such permits, and what state incentives and amounts of
1526 such incentives may be available to the applicant. The
1527 department shall recommend to the executive director to approve
1528 or disapprove an applicant business. If review of the
1529 application demonstrates that the application is incomplete, the
1530 executive director shall notify the applicant business within
1531 the first 5 business days after receiving the application.
1532 ~~Within 10 business days after the application is deemed~~
1533 ~~complete, Enterprise Florida, Inc., shall evaluate the~~
1534 ~~application and recommend approval or disapproval of the~~
1535 ~~application to the director of the Office of Tourism, Trade, and~~
1536 ~~Economic Development. In recommending an applicant business for~~
1537 ~~approval, Enterprise Florida, Inc., shall include in its~~



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1538 ~~evaluation a recommended grant award amount and a review of the~~
1539 ~~applicant's ability to meet specific program criteria.~~
1540 (2) Within 10 business ~~10 calendar~~ days after the
1541 department receives the submitted economic development incentive
1542 application, the executive director shall approve or disapprove
1543 the application and ~~the Office of Tourism, Trade, and Economic~~
1544 ~~Development receives the evaluation and recommendation from~~
1545 ~~Enterprise Florida, Inc., the Office shall notify Enterprise~~
1546 ~~Florida, Inc., whether or not the application is reviewable.~~
1547 ~~Within 22 calendar days after the Office receives the~~
1548 ~~recommendation from Enterprise Florida, Inc., the director of~~
1549 ~~the Office shall review the application and~~ issue a letter of
1550 certification to the applicant which ~~that approves or~~
1551 ~~disapproves an applicant business and~~ includes a justification
1552 of that decision, unless the business requests an extension of
1553 that time.
1554 (a) The contract or agreement with the applicant ~~final~~
1555 ~~order~~ shall specify the total amount of the award, the
1556 performance conditions that must be met to obtain the award, ~~and~~
1557 the schedule for payment, and sanctions that would apply for
1558 failure to meet performance conditions. The department may enter
1559 into one agreement or contract covering all of the state
1560 incentives that are being provided to the applicant. The
1561 contract must provide that release of funds is contingent upon
1562 sufficient appropriation of funds by the Legislature.
1563 (b) The release of funds for the incentive or incentives
1564 awarded to the applicant depends upon the statutory requirements
1565 of the particular incentive program.
1566 (3) The department shall validate contractor performance.



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1567 Such validation shall be reported in the annual incentive report
1568 required under s. 288.907.
1569 Section 19. Section 288.095, Florida Statutes, is amended
1570 to read:
1571 288.095 Economic Development Trust Fund.—
1572 (1) The Economic Development Trust Fund is created within
1573 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
1574 ~~and Economic Development~~. Moneys deposited into the fund must be
1575 used only to support the authorized activities and operations of
1576 the department ~~Office~~.
1577 (2) There is created, within the Economic Development Trust
1578 Fund, the Economic Development Incentives Account. The Economic
1579 Development Incentives Account consists of moneys appropriated
1580 to the account for purposes of the tax incentives programs
1581 authorized under ss. 288.1045 and 288.106, and local financial
1582 support provided under ss. 288.1045 and 288.106. Moneys in the
1583 Economic Development Incentives Account shall be subject to the
1584 provisions of s. 216.301(1)(a).
1585 (3)(a) The department ~~Office of Tourism, Trade, and~~
1586 ~~Economic Development~~ may approve applications for certification
1587 pursuant to ss. 288.1045(3) and 288.106. However, the total
1588 state share of tax refund payments ~~scheduled in all active~~
1589 ~~certifications for fiscal year 2001-2002 may not exceed $30~~
1590 ~~million. The total for each subsequent fiscal year~~ may not
1591 exceed $35 million.
1592 (b) The total amount of tax refund claims approved for
1593 payment by the department ~~Office of Tourism, Trade, and Economic~~
1594 ~~Development~~ based on actual project performance may not exceed
1595 the amount appropriated to the Economic Development Incentives



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1596 Account for such purposes for the fiscal year. Claims for tax
1597 refunds under ss. 288.1045 and 288.106 shall be paid in the
1598 order the claims are approved by the department ~~Office of~~
1599 ~~Tourism, Trade, and Economic Development~~. In the event the
1600 Legislature does not appropriate an amount sufficient to satisfy
1601 the tax refunds under ss. 288.1045 and 288.106 in a fiscal year,
1602 the department ~~Office of Tourism, Trade, and Economic~~
1603 ~~Development~~ shall pay the tax refunds from the appropriation for
1604 the following fiscal year. By March 1 of each year, the
1605 department ~~Office of Tourism, Trade, and Economic Development~~
1606 shall notify the legislative appropriations committees of the
1607 Senate and House of Representatives of any anticipated shortfall
1608 in the amount of funds needed to satisfy claims for tax refunds
1609 from the appropriation for the current fiscal year.
1610 (c) Pursuant to s. 288.907 ~~By December 31 of each year~~,
1611 Enterprise Florida, Inc., shall submit a complete and detailed
1612 annual report to the Governor, the President of the Senate, and
1613 the Speaker of the House of Representatives~~, and the director of~~
1614 ~~the Office of Tourism, Trade, and Economic Development~~ of all
1615 applications received, recommendations made to the department
1616 ~~Office of Tourism, Trade, and Economic Development~~, final
1617 decisions issued, tax refund agreements executed, and tax
1618 refunds paid or other payments made under all programs funded
1619 out of the Economic Development Incentives Account, including
1620 analyses of benefits and costs, types of projects supported, and
1621 employment and investment created. The department ~~Enterprise~~
1622 ~~Florida, Inc.,~~ shall also include a separate analysis of the
1623 impact of such tax refunds on state enterprise zones designated
1624 pursuant to s. 290.0065, rural communities, brownfield areas,



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1625 and distressed urban communities. The report must also discuss
1626 the efforts made by the department ~~Office of Tourism, Trade, and~~
1627 ~~Economic Development~~ to amend tax refund agreements to require
1628 tax refund claims to be submitted by January 31 for the net new
1629 full-time equivalent jobs in this state as of December 31 of the
1630 preceding calendar year. The report must also list the name and
1631 tax refund amount for each business that has received a tax
1632 refund under s. 288.1045 or s. 288.106 during the preceding
1633 fiscal year. ~~The Office of Tourism, Trade, and Economic~~
1634 ~~Development shall assist Enterprise Florida, Inc., in the~~
1635 ~~collection of data related to business performance and incentive~~
1636 ~~payments.~~
1637 (d) Moneys in the Economic Development Incentives Account
1638 may be used only to pay tax refunds and make other payments
1639 authorized under s. 288.1045, s. 288.106, or s. 288.107.
1640 (e) The department ~~Office of Tourism, Trade, and Economic~~
1641 ~~Development~~ may adopt rules necessary to carry out the
1642 provisions of this subsection, including rules providing for the
1643 use of moneys in the Economic Development Incentives Account and
1644 for the administration of the Economic Development Incentives
1645 Account.
1646 Section 20. Paragraph (b) of subsection (3), and
1647 subsections (1), (5), (7), and (8) of section 288.1081, Florida
1648 Statutes, are amended to read:
1649 288.1081 Economic Gardening Business Loan Pilot Program.—
1650 (1) There is created within the department ~~Office of~~
1651 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
1652 Business Loan Pilot Program. The purpose of the pilot program is
1653 to stimulate investment in Florida’s economy by providing loans



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1654 to expanding businesses in the state. ~~As used in this section,~~
1655 ~~the term "office" means the Office of Tourism, Trade, and~~
1656 ~~Economic Development.~~
1657 (3)
1658 (b) A loan applicant must submit a written application to
1659 the loan administrator in the format prescribed by the loan
1660 administrator. The application must include:
1661 1. The applicant's federal employer identification number,
1662 unemployment account number, and sales or other tax registration
1663 number.
1664 2. The street address of the applicant's principal place of
1665 business in this state.
1666 3. A description of the type of economic activity, product,
1667 or research and development undertaken by the applicant,
1668 including the six-digit North American Industry Classification
1669 System code for each type of economic activity conducted by the
1670 applicant.
1671 4. The applicant's annual revenue, number of employees,
1672 number of full-time equivalent employees, and other information
1673 necessary to verify the applicant's eligibility for the pilot
1674 program under s. 288.1082(4)(a).
1675 5. The projected investment in the business, if any, which
1676 the applicant proposes in conjunction with the loan.
1677 6. The total investment in the business from all sources,
1678 if any, which the applicant proposes in conjunction with the
1679 loan.
1680 7. The number of net new full-time equivalent jobs that, as
1681 a result of the loan, the applicant proposes to create in this
1682 state as of December 31 of each year and the average annual wage



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1683 of the proposed jobs.
1684 8. The total number of full-time equivalent employees the
1685 applicant currently employs in this state.
1686 9. The date that the applicant anticipates it needs the
1687 loan.
1688 10. A detailed explanation of why the loan is needed to
1689 assist the applicant in expanding jobs in the state.
1690 11. A statement that all of the applicant's available
1691 corporate assets are pledged as collateral for the amount of the
1692 loan.
1693 12. A statement that the applicant, upon receiving the
1694 loan, agrees not to seek additional long-term debt without prior
1695 approval of the loan administrator.
1696 13. A statement that the loan is a joint obligation of the
1697 business and of each person who owns at least 20 percent of the
1698 business.
1699 14. Any additional information requested by the department
1700 ~~office~~ or the loan administrator.
1701 (5)(a) The department ~~Office~~ may designate one or more
1702 qualified entities to serve as loan administrators for the ~~pilot~~
1703 program. A loan administrator must:
1704 1. Be a Florida corporation not for profit incorporated
1705 under chapter 617 which has its principal place of business in
1706 the state.
1707 2. Have 5 years of verifiable experience of lending to
1708 businesses in this state.
1709 3. Submit an application to the department ~~Office~~ on forms
1710 prescribed by the department ~~Office~~. The application must
1711 include the loan administrator's business plan for its proposed



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lending activities under the pilot program, including, but not limited to, a description of its outreach efforts, underwriting, credit policies and procedures, credit decision processes, monitoring policies and procedures, and collection practices; the membership of its board of directors; and samples of its currently used loan documentation. The application must also include a detailed description and supporting documentation of the nature of the loan administrator's partnerships with local or regional economic and business development organizations.

(b) The department ~~Office~~, upon selecting a loan administrator, shall enter into a grant agreement with the administrator to issue the available loans to eligible applicants. The grant agreement must specify the aggregate amount of the loans authorized for award by the loan administrator. The term of the grant agreement must be at least 4 years, except that the department ~~Office~~ may terminate the agreement earlier if the loan administrator fails to meet minimum performance standards set by the department ~~office~~. The grant agreement may be amended by mutual consent of both parties.

(c) The department ~~Office~~ shall disburse from the Economic Development Trust Fund to the loan administrator the appropriations provided for the pilot program. Disbursements to the loan administrator must not exceed the aggregate amount of the loans authorized in the grant agreement. The department ~~Office~~ may not disburse more than 50 percent of the aggregate amount of the loans authorized in the grant agreement until the department ~~Office~~ verifies the borrowers' use of the loan proceeds and the loan administrator's successful credit



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1741 decisionmaking policies.
1742 (d) A loan administrator is entitled to receive a loan
1743 origination fee, payable at closing, of 1 percent of each loan
1744 issued by the loan administrator and a servicing fee of 0.625
1745 percent per annum of the loan's outstanding principal balance,
1746 payable monthly. During the first 12 months of the loan, the
1747 servicing fee shall be paid from the disbursement from the
1748 Economic Development Trust Fund, and thereafter the loan
1749 administrator shall collect the servicing fee from the payments
1750 made by the borrower, charging the fee against repayments of
1751 principal.
1752 (e) A loan administrator, after collecting the servicing
1753 fee in accordance with paragraph (d), shall remit the borrower's
1754 collected interest, principal payments, and charges for late
1755 payments to the department ~~office~~ on a quarterly basis. If the
1756 borrower defaults on the loan, the loan administrator shall
1757 initiate collection efforts to seek repayment of the loan. The
1758 loan administrator, upon collecting payments for a defaulted
1759 loan, shall remit the payments to the department ~~office~~ but, to
1760 the extent authorized in the grant agreement, may deduct the
1761 costs of the administrator's collection efforts. The department
1762 ~~office~~ shall deposit all funds received under this paragraph in
1763 the General Revenue Fund.
1764 (f) A loan administrator shall submit quarterly reports to
1765 the department ~~Office~~ which include the information required in
1766 the grant agreement. A quarterly report must include, at a
1767 minimum, the number of full-time equivalent jobs created as a
1768 result of the loans, the amount of wages paid to employees in
1769 the newly created jobs, and the locations and types of economic



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1770 activity undertaken by the borrowers.
1771 (7) The department ~~Office~~ shall adopt rules under ss.
1772 120.536(1) and 120.54 to administer this section. ~~To the extent~~
1773 ~~necessary to expedite implementation of the pilot program, the~~
1774 ~~Office may adopt initial emergency rules for the pilot program~~
1775 ~~in accordance with s. 120.54(4).~~
1776 (8) On June 30 and December 31 of each year, the department
1777 ~~beginning in 2009, the Office~~ shall submit a report to the
1778 Governor, the President of the Senate, and the Speaker of the
1779 House of Representatives which describes in detail the use of
1780 the loan funds. The report must include, at a minimum, the
1781 number of businesses receiving loans, the number of full-time
1782 equivalent jobs created as a result of the loans, the amount of
1783 wages paid to employees in the newly created jobs, the locations
1784 and types of economic activity undertaken by the borrowers, the
1785 amounts of loan repayments made to date, and the default rate of
1786 borrowers.
1787 Section 21. Paragraph (b) of subsection (5) and subsections
1788 (1), (2), (7), (8), and (9) of section 288.1082, Florida
1789 Statutes, are amended to read:
1790 288.1082 Economic Gardening Technical Assistance Pilot
1791 Program.—
1792 (1) There is created within the department ~~Office of~~
1793 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
1794 Technical Assistance Pilot Program. The purpose of the pilot
1795 program is to stimulate investment in Florida's economy by
1796 providing technical assistance for expanding businesses in the
1797 state. ~~As used in this section, the term "Office" means the~~
1798 ~~Office of Tourism, Trade, and Economic Development.~~



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1799 (2) The department ~~Office~~ shall contract with one or more
1800 entities to administer the pilot program under this section. The
1801 department ~~Office~~ shall award each contract in accordance with
1802 the competitive bidding requirements in s. 287.057 to an entity
1803 that demonstrates the ability to implement the pilot program on
1804 a statewide basis, has an outreach plan, and has the ability to
1805 provide counseling services, access to technology and
1806 information, marketing services and advice, business management
1807 support, and other similar services. In selecting these
1808 entities, the department ~~Office~~ also must consider whether the
1809 entities will qualify for matching funds to provide the
1810 technical assistance.
1811 (5)
1812 (b) The department ~~office~~ or the contracted entity
1813 administering the pilot program may prescribe in the agreement
1814 additional reporting requirements that are necessary to track
1815 the progress of the business and monitor the business's
1816 implementation of the assistance. The contracted entity shall
1817 report the information to the department ~~office~~ on a quarterly
1818 basis.
1819 (7) The department ~~Office~~ shall review the progress of the
1820 ~~a~~ contracted entity administering the pilot program at least
1821 once each 6 months and shall determine whether the contracted
1822 entity is meeting its contractual obligations for administering
1823 the pilot program. The department ~~Office~~ may terminate and rebid
1824 a contract if the contracted entity does not meet its
1825 contractual obligations.
1826 (8) On December 31 of each year, the department ~~beginning~~
1827 ~~in 2009, the Office~~ shall submit a report to the Governor, the



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1828 President of the Senate, and the Speaker of the House of
1829 Representatives which describes in detail the progress of the
1830 pilot program. The report must include, at a minimum, the number
1831 of businesses receiving assistance, the number of full-time
1832 equivalent jobs created as a result of the assistance, if any,
1833 the amount of wages paid to employees in the newly created jobs,
1834 and the locations and types of economic activity undertaken by
1835 the businesses.
1836 (9) The department ~~Office~~ may adopt rules under ss.
1837 120.536(1) and 120.54 to administer this section.
1838 Section 22. Section 288.901, Florida Statutes, is amended
1839 to read:
1840 (Substantial rewording of section. See
1841 s. 288.901, F.S., for present text.)
1842 288.901 Enterprise Florida, Inc.—
1843 (1) CREATION.—
1844 (a) There is created a nonprofit corporation, to be known
1845 as "Enterprise Florida, Inc.," which shall be registered,
1846 incorporated, organized, and operated in compliance with chapter
1847 617, and which is not a unit or entity of state government.
1848 (b) The Legislature determines it is in the public interest
1849 and reflects the state's public policy that Enterprise Florida,
1850 Inc., operate in the most open and accessible manner consistent
1851 with its public purposes. To this end, the Legislature
1852 specifically declares that Enterprise Florida, Inc., and its
1853 divisions, boards, and advisory councils, or similar entities
1854 created or managed by Enterprise Florida, Inc., are subject to
1855 the provisions of chapter 119, relating to public records and
1856 those provisions of chapter 286 relating to public meetings and



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1857 records.
1858 (c) The Legislature determines that it is in the public
1859 interest for the members of Enterprise Florida, Inc., board of
1860 directors to be subject to the requirements of ss. 112.3135,
1861 112.3143, and 112.313, excluding s. 112.313(2), notwithstanding
1862 the fact that the board members are not public officers or
1863 employees. For purposes of those sections, the board members
1864 shall be considered to be public officers or employees. The
1865 exemption set forth in s. 112.313(12) for advisory boards
1866 applies to the members of Enterprise Florida, Inc., board of
1867 directors. Further, each member of the board of directors who is
1868 not otherwise required to file financial disclosures pursuant to
1869 s. 8, Art. II of the State Constitution or s. 112.3144, shall
1870 file disclosure of financial interests pursuant to s. 112.3145.
1871 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
1872 economic-development organization for the state, utilizing
1873 private-sector and public-sector expertise in collaboration with
1874 the department to:
1875 (a) Increase private investment in Florida;
1876 (b) Advance international and domestic trade opportunities;
1877 (c) Market the state both as a pro-business location for
1878 new investment and as an unparalleled tourist destination;
1879 (d) Revitalize Florida’s space and aerospace industries,
1880 and promote emerging complementary industries;
1881 (e) Promote opportunities for minority-owned businesses;
1882 (f) Assist and market professional and amateur sport teams
1883 and sporting events in Florida; and
1884 (g) Assist, promote, and enhance economic opportunities in
1885 this state’s rural and urban communities.



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1886 (3) PERFORMANCE.—Enterprise Florida, Inc., shall enter into
1887 a performance-based contract with the department, pursuant to s.
1888 20.60, which includes annual measurements of the performance of
1889 Enterprise Florida, Inc.
1890 (4) GOVERNANCE.—Enterprise Florida, Inc., shall be governed
1891 by a board of directors. The Governor shall serve as chairperson
1892 of the board. The board of directors shall biennially elect one
1893 of its members as vice chairperson.
1894 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—
1895 (a) In addition to the Governor or the Governor's designee,
1896 the board of directors shall consist of the following appointed
1897 members:
1898 1. The Commissioner of Education or the commissioner's
1899 designee.
1900 2. The Chief Financial Officer or his or her designee.
1901 3. The chairperson of the board of directors of Workforce
1902 Florida, Inc.
1903 4. The Secretary of State or the secretary's designee.
1904 5. Twelve members from the private sector, six of whom
1905 shall be appointed by the Governor, three of whom shall be
1906 appointed by the President of the Senate, and three of whom
1907 shall be appointed by the Speaker of the House of
1908 Representatives. All appointees are subject to Senate
1909 confirmation.
1910 (b) In making their appointments, the Governor, the
1911 President of the Senate, and the Speaker of the House of
1912 Representatives shall ensure that the composition of the board
1913 of directors reflects the diversity of Florida's business
1914 community and is representative of the economic development



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1915 goals in subsection (2). The board must include at least one
1916 director for each of the following areas of expertise:
1917 international business, tourism marketing, the space or
1918 aerospace industry, managing or financing a minority-owned
1919 business, manufacturing, finance and accounting, and sports
1920 marketing.
1921 (c) The Governor, the President of the Senate, and the
1922 Speaker of the House of Representatives also shall consider
1923 appointees who reflect Florida's racial, ethnic, and gender
1924 diversity. Efforts shall be taken to ensure participation from
1925 all geographic areas of the state, including representation from
1926 urban and rural communities.
1927 (d) Appointed members shall be appointed to 4-year terms,
1928 except that initially, to provide for staggered terms, the
1929 Governor, the President of the Senate, and the Speaker of the
1930 House of Representatives shall each appoint one member to serve
1931 a 2-year term and one member to serve a 3-year term, with the
1932 remaining initial appointees serving 4-year terms. All
1933 subsequent appointments shall be for 4-year terms.
1934 (e) Initial appointments must be made by October 1, 2011,
1935 and be eligible for confirmation at the earliest available
1936 Senate session. Terms end on September 30.
1937 (f) Any member is eligible for reappointment, except that a
1938 member may not serve more than two terms.
1939 (g) A vacancy on the board of directors shall be filled for
1940 the remainder of the unexpired term. Vacancies on the board
1941 shall be filled by appointment by the Governor, the President of
1942 the Senate, or the Speaker of the House of Representatives,
1943 respectively, depending on who appointed the member whose



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1944 vacancy is to be filled or whose term has expired.
1945 (h) Appointed members may be removed by the Governor, the
1946 President of the Senate, or the Speaker of the House of
1947 Representatives, respectively, for cause. Absence from three
1948 consecutive meetings results in automatic removal.
1949 (6) AT-LARGE MEMBERS OF THE BOARD OF DIRECTORS.—The board
1950 of directors may by resolution appoint at-large members to the
1951 board from the private sector, each of whom may serve a term of
1952 up to 3 years. At-large members shall have the powers and duties
1953 of other members of the board. An at-large member is eligible
1954 for reappointment but may not vote on his or her own
1955 reappointment. An at-large member shall be eligible to fill
1956 vacancies occurring among private-sector appointees under
1957 subsection (5). At-large members may annually provide
1958 contributions to Enterprise Florida, Inc., in an amount
1959 determined by the board of directors. The contributions must be
1960 used to defray the operating expenses of Enterprise Florida,
1961 Inc., and help meet the required private match to the state's
1962 annual appropriation.
1963 (7) EX OFFICIO BOARD MEMBERS.—In addition to the members
1964 specified in subsections (5) and (6), the board of directors
1965 shall consist of the following ex officio members:
1966 (a) A member of the Senate, who shall be appointed by the
1967 President of the Senate and serve at the pleasure of the
1968 President.
1969 (b) A member of the House of Representatives, who shall be
1970 appointed by the Speaker of the House of Representatives and
1971 serve at the pleasure of the Speaker.
1972 (8) MEETING.—The board of directors shall meet at least



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1973 four times each year, upon the call of the chairperson, at the
1974 request of the vice chairperson, or at the request of a majority
1975 of the membership. A majority of the total number of current
1976 voting members shall constitute a quorum. The board of directors
1977 may take official action by a majority vote of the members
1978 present at any meeting at which a quorum is present.
1979 (9) SERVICE.—Members of the board of directors shall serve
1980 without compensation, but members may be reimbursed for all
1981 reasonable, necessary, and actual expenses, as determined by the
1982 board of directors.
1983 (10) PROHIBITION.—Enterprise Florida, Inc., may not endorse
1984 any candidate for any elected public office or contribute moneys
1985 to the campaign of any such candidate.
1986 Section 23. Section 288.9015, Florida Statutes, is amended
1987 to read:
1988 (Substantial rewording of section. See
1989 s. 288.9015, F.S., for present text.)
1990 288.9015 Powers of Enterprise Florida, Inc.; board of
1991 directors.—
1992 (1) Enterprise Florida, Inc., shall integrate its efforts
1993 in business recruitment and expansion, job creation, marketing
1994 the state for tourism and sports, and promoting economic
1995 opportunities for minority-owned businesses and promoting
1996 economic opportunities for rural and distressed urban
1997 communities with those of the department, to create an
1998 aggressive, agile, and collaborative effort to reinvigorate the
1999 state’s economy.
2000 (2) The board of directors of Enterprise Florida, Inc.,
2001 may:



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2002 (a) Secure funding for its programs and activities, and for
2003 its boards from federal, state, local, and private sources and
2004 from fees charged for services and published materials.
2005 (b) Solicit, receive, hold, invest, and administer any
2006 grant, payment, or gift of funds or property and make
2007 expenditures consistent with the powers granted to it.
2008 (c) Make and enter into contracts and other instruments
2009 necessary or convenient for the exercise of its powers and
2010 functions. A contract executed by Enterprise Florida, Inc., with
2011 a person or organization under which such person or organization
2012 agrees to perform economic development services or similar
2013 business assistance services on behalf of Enterprise Florida,
2014 Inc., or the state must include provisions requiring a
2015 performance report on the contracted activities and must account
2016 for the proper use of funds provided under the contract,
2017 coordinate with other components of state and local economic
2018 development systems, and avoid duplication of existing state and
2019 local services and activities.
2020 (d) Elect or appoint such officers, employees, and agents
2021 as required for its activities and for its divisions and pay
2022 such persons reasonable compensation.
2023 (e) Carry forward any unexpended state appropriations into
2024 succeeding fiscal years.
2025 (f) Create and dissolve advisory councils pursuant to s.
2026 288.92, working groups, task forces, or similar organizations,
2027 as necessary to carry out its mission. Members of advisory
2028 councils, working groups, task forces, or similar organizations
2029 created by Enterprise Florida, Inc., shall serve without
2030 compensation, but may be reimbursed for reasonable, necessary,



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2031 and actual expenses, as determined by the board of directors of
2032 Enterprise Florida, Inc.
2033 (g) Establish an executive committee consisting of the
2034 chairperson or a designee, the vice chairperson, and as many
2035 additional members of the board of directors as the board deems
2036 appropriate, except that such committee must have a minimum of
2037 five members. The executive committee shall have such authority
2038 as the board of directors delegates to it, except that the board
2039 may not delegate the authority to hire or fire the president or
2040 the authority to establish or adjust the compensation paid to
2041 the president.
2042 (h) Sue and be sued, and appear and defend in all actions
2043 and proceedings, in its corporate name to the same extent as a
2044 natural person.
2045 (i) Adopt, use, and alter a common corporate seal for
2046 Enterprise Florida, Inc., and its divisions. Notwithstanding any
2047 provision of chapter 617 to the contrary, this seal is not
2048 required to contain the words "corporation not for profit."
2049 (j) Adopt, amend, and repeal bylaws, not inconsistent with
2050 the powers granted to it or the articles of incorporation, for
2051 the administration of the activities of Enterprise Florida,
2052 Inc., and the exercise of its corporate powers.
2053 (k) Acquire, enjoy, use, and dispose of patents,
2054 copyrights, and trademarks and any licenses, royalties, and
2055 other rights or interests thereunder or therein.
2056 (l) Use the state seal, notwithstanding the provisions of
2057 s. 15.03, when appropriate, for standard corporate identity
2058 applications. Use of the state seal is not intended to replace
2059 use of a corporate seal as provided in this section.



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2060 (m) Procure insurance or require bond against any loss in
2061 connection with the property of Enterprise Florida, Inc., and
2062 its divisions, in such amounts and from such insurers as is
2063 necessary or desirable.
2064 (3) The powers granted to Enterprise Florida, Inc., shall
2065 be liberally construed in order that Enterprise Florida, Inc.,
2066 may pursue and succeed in its responsibilities under this part.
2067 (4) Under no circumstances may the credit of the State of
2068 Florida be pledged on behalf of Enterprise Florida, Inc.
2069 (5) In addition to any indemnification available under
2070 chapter 617, Enterprise Florida, Inc., may indemnify, and
2071 purchase and maintain insurance on behalf of, it directors,
2072 officers, and employees of Enterprise Florida, Inc., and its
2073 divisions against any personal liability or accountability by
2074 reason of actions taken while acting within the scope of their
2075 authority.
2076 Section 24. Section 288.903, Florida Statutes, is amended
2077 to read:
2078 (Substantial rewording of section. See
2079 s. 288.903, F.S., for present text.)
2080 288.903 Duties of Enterprise Florida, Inc.—Enterprise
2081 Florida, Inc., shall have the following duties:
2082 (1) Responsibly and prudently manage all public and private
2083 funds received, and ensure that the use of such funds is in
2084 accordance with all applicable laws, bylaws, or contractual
2085 requirements.
2086 (2) Administer the entities or programs created pursuant to
2087 part IX of this chapter; ss. 288.9622-288.9624; ss. 288.95155
2088 and 288.9519; and chapter 95-429, Laws of Florida, line 1680Y.



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2089 (3) Prepare an annual report pursuant to s. 288.906 and an
2090 annual incentives report pursuant to s. 288.907.
2091 (4) Assist the department with the development of an annual
2092 and a long-range strategic business blueprint for economic
2093 development required in s. 20.60.
2094 (5) In coordination with Workforce Florida, Inc., identify
2095 education and training programs that will ensure Florida
2096 businesses have access to a skilled and competent workforce
2097 necessary to compete successfully in the domestic and global
2098 marketplace.
2099 Section 25. Section 288.904, Florida Statutes, is amended
2100 to read:
2101 (Substantial rewording of section. See
2102 s. 288.904, F.S., for present text.)
2103 288.904 Funding for Enterprise Florida, Inc.; performance
2104 and return on the public's investment.—
2105 (1)(a) The Legislature may annually appropriate to
2106 Enterprise Florida, Inc., a sum of money for its operations, and
2107 separate line-item appropriations for each of the divisions
2108 listed in s. 288.92.
2109 (b) The state's operating investment in Enterprise Florida,
2110 Inc., and its divisions is the budget contracted by the
2111 department to Enterprise Florida, Inc., less any funding that is
2112 directed by the Legislature to be subcontracted to a specific
2113 recipient entity.
2114 (c) The board of directors of Enterprise Florida, Inc.,
2115 shall adopt for each upcoming fiscal year an operating budget
2116 for the organization, including its divisions, which specifies
2117 the intended uses of the state's operating investment and a plan



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2118 for securing private-sector support.
2119 (2)(a) The Legislature finds that it is a priority to
2120 maximize private-sector support in operating Enterprise Florida,
2121 Inc., and its divisions, as an endorsement of its value and as
2122 an enhancement of its efforts. Thus, the state appropriations
2123 must be matched with private-sector support equal to at least
2124 100 percent of the state operational funding.
2125 (b) Private-sector support in operating Enterprise Florida,
2126 Inc., and its divisions includes:
2127 1. Cash given directly to Enterprise Florida, Inc., for its
2128 operations, including contributions from at-large members of the
2129 board of directors;
2130 2. Cash donations from organizations assisted by the
2131 divisions;
2132 3. Cash jointly raised by Enterprise Florida, Inc., and a
2133 private local economic development organization, a group of such
2134 organizations, or a statewide private business organization that
2135 supports collaborative projects;
2136 4. Cash generated by fees charged for products or services
2137 of Enterprise Florida, Inc., and its divisions by sponsorship of
2138 events, missions, programs, and publications; and
2139 5. Copayments, stock, warrants, royalties, or other private
2140 resources dedicated to Enterprise Florida, Inc., or its
2141 divisions.
2142 (3)(a) Specifically for the marketing and advertising
2143 activities of the Division of Tourism Marketing or as contracted
2144 through the Florida Tourism Industry Corporation, a one-to-one
2145 match is required of private to public contributions within 4
2146 calendar years after the implementation date of the marketing



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2147 plan pursuant to s. 288.923.
2148 (b) For purposes of calculating the required one-to-one
2149 match, matching private funds shall be divided into four
2150 categories. Documentation for the components of the four private
2151 match categories shall be kept on file for inspection as
2152 determined necessary. The four private match categories are:
2153 1. Direct cash contributions, which include, but are not
2154 limited to, cash derived from strategic alliances, contributions
2155 of stocks and bonds, and partnership contributions.
2156 2. Fees for services, which include, but are not limited
2157 to, event participation, research, and brochure placement and
2158 transparencies.
2159 3. Cooperative advertising, which is the value based on
2160 cost of contributed productions, air time, and print space.
2161 4. In-kind contributions, which include, but are not
2162 limited to, the value of strategic alliance services
2163 contributed, the value of loaned employees, discounted service
2164 fees, items contributed for use in promotions, and radio or
2165 television air time or print space for promotions. The value of
2166 air time or print space shall be calculated by taking the actual
2167 time or space and multiplying by the nonnegotiated unit price
2168 for that specific time or space which is known as the media
2169 equivalency value. In order to avoid duplication in determining
2170 media equivalency value, only the value of the promotion itself
2171 shall be included; the value of the items contributed for the
2172 promotion may not be included.
2173 (4) Enterprise Florida, Inc., shall fully comply with the
2174 performance measures, standards, and sanctions in its contract
2175 with the department, under s. 20.60. The department shall



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2176 ensure, to the maximum extent possible, that the contract
2177 performance measures are consistent with performance measures
2178 that it is required to develop and track under performance-based
2179 program budgeting. The contract shall also include performance
2180 measures for the divisions.
2181 (5) The Legislature intends to review the performance of
2182 Enterprise Florida, Inc., in achieving the performance goals
2183 stated in its annual contract with the department to determine
2184 whether the public is receiving a positive return on its
2185 investment in Enterprise Florida, Inc., and its divisions. It
2186 also is the intent of the Legislature that Enterprise Florida,
2187 Inc., coordinate its operations with local economic development
2188 organizations to maximize the state and local return on
2189 investment to create jobs for Floridians.
2190 (6) As part of the annual report required under s. 288.906,
2191 Enterprise Florida, Inc., shall provide the Legislature with
2192 information quantifying the return on the public's investment
2193 each fiscal year. Enterprise Florida, Inc., in consultation with
2194 the Office of Economic and Demographic Research, shall hire an
2195 economic analysis firm to develop the methodology for
2196 establishing and reporting the return on the public's investment
2197 and in-kind contributions as described in this section. The
2198 Office of Economic and Demographic Research shall review and
2199 offer feedback on the methodology before it is implemented.
2200 Section 26. Section 288.905, Florida Statutes, is amended
2201 to read:
2202 (Substantial rewording of section. See
2203 s. 288.905, F.S., for present text.)
2204 288.905 President and employees of Enterprise Florida,



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2205 Inc.—
2206 (1) The board of directors of Enterprise Florida, Inc.,
2207 shall appoint a president, who shall serve at the pleasure of
2208 the Governor. The president shall also be known as the
2209 "secretary of commerce" and shall serve as the Governor's chief
2210 negotiator for business recruitment and business expansion.
2211 (2) The president is the chief administrative and
2212 operational officer of the board of directors and of Enterprise
2213 Florida, Inc., and shall direct and supervise the administrative
2214 affairs of the board of directors and any divisions, councils,
2215 or boards. The board of directors may delegate to the president
2216 those powers and responsibilities it deems appropriate,
2217 including hiring and management of all staff, except for the
2218 appointment of a president.
2219 (3) The board of directors shall establish and adjust the
2220 president's compensation.
2221 (4) No employee of Enterprise Florida, Inc., may receive
2222 compensation for employment that exceeds the salary paid to the
2223 Governor, unless the board of directors and the employee have
2224 executed a contract that prescribes specific, measurable
2225 performance outcomes for the employee, the satisfaction of which
2226 provides the basis for the award of incentive payments that
2227 increase the employee's total compensation to a level above the
2228 salary paid to the Governor.
2229 Section 27. Section 288.906, Florida Statutes, is amended
2230 to read:
2231 288.906 Annual report of Enterprise Florida, Inc., and its
2232 divisions; audits.—
2233 (1) Before ~~Prior to~~ December 1 of each year, Enterprise



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2234 Florida, Inc., shall submit to the Governor, the President of
2235 the Senate, the Speaker of the House of Representatives, the
2236 Senate Minority Leader, and the House Minority Leader a complete
2237 and detailed report including, but not limited to:
2238 (a) ~~(1)~~ A description of the operations and accomplishments
2239 of Enterprise Florida, Inc., and its divisions, boards, and
2240 advisory councils ~~committees~~ or similar entities ~~groups~~ created
2241 by Enterprise Florida, Inc., and an identification of any major
2242 trends, initiatives, or developments affecting the performance
2243 of any program or activity. The individual annual reports
2244 prepared by each division shall be included as addenda.
2245 (b) ~~(2)~~ An evaluation of progress toward ~~towards~~ achieving
2246 organizational goals and specific performance outcomes, both
2247 short-term and long-term, established pursuant to this part or
2248 under the agreement with the department ~~s. 288.905~~.
2249 (c) ~~(3)~~ Methods for implementing and funding the operations
2250 of Enterprise Florida, Inc., and its divisions, including the
2251 private-sector support required under s. 288.904 ~~boards~~.
2252 (d) ~~(4)~~ A description of the operations and accomplishments
2253 of Enterprise Florida, Inc., and its divisions ~~boards~~ with
2254 respect to aggressively marketing Florida's rural communities
2255 and distressed urban communities as locations for potential new
2256 investment and job creation, aggressively assisting in the
2257 creation, retention, and expansion of existing businesses and
2258 job growth in these communities, and aggressively assisting
2259 these communities in the identification and development of new
2260 economic development opportunities.
2261 (e) ~~(5)~~ A description and evaluation of the operations and
2262 accomplishments of Enterprise Florida, Inc., and its divisions



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2263 ~~boards~~ with respect to interaction with local and private
2264 economic development organizations, including the ~~an~~
2265 identification of each organization that is a primary partner
2266 and any specific programs or activities which promoted the
2267 activities of such organizations and an identification of any
2268 specific programs or activities that ~~which~~ promoted a
2269 comprehensive and coordinated approach to economic development
2270 in this state.
2271 (f) ~~(6)~~ An assessment of job creation that directly benefits
2272 participants in the welfare transition program or other programs
2273 designed to put long-term unemployed persons back to work.
2274 (g) The results of a customer-satisfaction survey of
2275 businesses served. The survey shall be conducted by an
2276 independent entity with expertise in survey research that is
2277 under contract with Enterprise Florida, Inc., to develop,
2278 analyze, and report the results.
2279 (h) ~~(7)~~ An annual compliance and financial audit of accounts
2280 and records by an independent certified public accountant at the
2281 end of its most recent fiscal year performed in accordance with
2282 rules adopted by the Auditor General.
2283 (2) The detailed report required by this section ~~subsection~~
2284 shall also include the information identified in subsection (1)
2285 ~~subsections (1)-(7)~~, if applicable, for each division ~~any board~~
2286 established within ~~the corporate structure of~~ Enterprise
2287 Florida, Inc.
2288 Section 28. Section 288.907, Florida Statutes, is created
2289 to read:
2290 288.907 Annual incentives report.—
2291 (1) In addition to the annual report required under s.



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2292 288.906, Enterprise Florida, Inc., by December 30 of each year,
2293 shall provide the Governor, the President of the Senate, and the
2294 Speaker of the House of Representatives a detailed incentives
2295 report quantifying the economic benefits for all of the economic
2296 development incentive programs marketed by Enterprise Florida,
2297 Inc.
2298 (a) The annual incentives report must include for each
2299 incentive program:
2300 1. A brief description of the incentive program.
2301 2. The amount of awards granted, by year, since inception.
2302 3. The economic benefits, as defined in s. 288.005, based
2303 on the actual amount of private capital invested, actual number
2304 of jobs created, and actual wages paid for incentive agreements
2305 completed during the previous 3 years.
2306 4. The report shall also include the actual amount of
2307 private capital invested, actual number of jobs created, and
2308 actual wages paid for incentive agreements completed during the
2309 previous 3 years for each target industry sector.
2310 (b) For projects completed during the previous state fiscal
2311 year, the report must include:
2312 1. The number of economic development incentive
2313 applications received.
2314 2. The number of recommendations made to the department by
2315 Enterprise Florida, Inc., including the number recommended for
2316 approval and the number recommended for denial.
2317 3. The number of final decisions issued by the department
2318 for approval and for denial.
2319 4. The projects for which a tax refund, tax credit, or cash
2320 grant agreement was executed, identifying:



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2321 a. The number of jobs committed to be created.
2322 b. The amount of capital investments committed to be made.
2323 c. The annual average wage committed to be paid.
2324 d. The amount of state economic development incentives
2325 committed to the project from each incentive program under the
2326 project's terms of agreement with the Department of Economic
2327 Opportunity.
2328 e. The amount and type of local matching funds committed to
2329 the project.
2330 (c) For economic development projects that received tax
2331 refunds, tax credits, or cash grants under the terms of an
2332 agreement for incentives, the report must identify:
2333 1. The number of jobs actually created.
2334 2. The amount of capital investments actually made.
2335 3. The annual average wage paid.
2336 (d) For a project receiving economic development incentives
2337 approved by the department and receiving federal or local
2338 incentives, the report must include a description of the federal
2339 or local incentives, if available.
2340 (e) The report must state the number of withdrawn or
2341 terminated projects that did not fulfill the terms of their
2342 agreements with the department and consequently are not
2343 receiving incentives.
2344 (f) The report must include an analysis of the economic
2345 benefits, as defined in s. 288.005, of tax refunds, tax credits,
2346 or other payments made to projects locating or expanding in
2347 state enterprise zones, rural communities, brownfield areas, or
2348 distressed urban communities.
2349 (g) The report must identify the target industry businesses



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2350 and high-impact businesses.
2351 (h) The report must describe the trends relating to
2352 business interest in, and usage of, the various incentives, and
2353 the number of minority-owned or woman-owned businesses receiving
2354 incentives.
2355 (i) The report must identify incentive programs not
2356 utilized.
2357 (2) The Division of Strategic Business Development within
2358 the department shall assist Enterprise Florida, Inc., in the
2359 preparation of the annual incentives report.
2360 Section 29. Section 288.912, Florida Statutes, is created
2361 to read:
2362 288.912 Inventory of communities seeking to recruit
2363 businesses.—By September 30 of each year, a county or
2364 municipality that has a population of at least 25,000 or its
2365 local economic development organization must submit to
2366 Enterprise Florida, Inc., a brief overview of the strengths,
2367 services, and economic development incentives that its community
2368 offers. The local government or its local economic development
2369 organization also must identify any industries that it is
2370 encouraging to locate or relocate to its area. A county or
2371 municipality having a population of 25,000 or fewer or its local
2372 economic development organization seeking to recruit businesses
2373 may submit information as required in this section and may
2374 participate in any activity or initiative resulting from the
2375 collection, analysis, and reporting of the information to
2376 Enterprise Florida, Inc., pursuant to this section.
2377 Section 30. Section 288.92, Florida Statutes, is created to
2378 read:



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2379 288.92 Divisions of Enterprise Florida, Inc.—
2380 (1) Enterprise Florida, Inc., may create and dissolve
2381 divisions as necessary to carry out its mission. Each division
2382 shall have distinct responsibilities and complementary missions.
2383 At a minimum, Enterprise Florida, Inc., shall have divisions
2384 related to the following areas:
2385 (a) International Trade and Business Development;
2386 (b) Business Retention and Recruitment;
2387 (c) Tourism Marketing;
2388 (d) Minority Business Development; and
2389 (e) Sports Industry Development.
2390 (2)(a) The officers and agents of the divisions shall be
2391 hired and their annual compensation established by the president
2392 of Enterprise Florida, Inc., as deemed appropriate by the board
2393 of directors, and may be eligible for performance bonuses
2394 pursuant to s. 288.905. This paragraph does not apply to any
2395 employees of the corporation established pursuant to s.
2396 288.1226.
2397 (b) The board of directors of Enterprise Florida, Inc., may
2398 organize the divisions and, to the greatest extent possible,
2399 minimize costs by requiring that the divisions share
2400 administrative staff.
2401 (3) By October 15 each year, each division shall draft and
2402 submit an annual report which details the division’s activities
2403 during the prior fiscal year and includes any recommendations
2404 for improving current statutes related to the division’s related
2405 area.
2406 Section 31. Section 288.923, Florida Statutes, is created
2407 to read:



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2408 288.923 Division of Tourism Marketing; definitions;
2409 responsibilities.—
2410 (1) There is created within Enterprise Florida, Inc., the
2411 Division of Tourism Marketing.
2412 (2) As used in this section, the term:
2413 (a) "Tourism marketing" means any effort exercised to
2414 attract domestic and international visitors from outside the
2415 state to destinations in this state and to stimulate Florida
2416 resident tourism to areas within the state.
2417 (b) "Tourist" means any person who participates in trade or
2418 recreation activities outside the county of his or her permanent
2419 residence or who rents or leases transient living quarters or
2420 accommodations as described in s. 125.0104(3)(a).
2421 (c) "County destination marketing organization" means a
2422 public or private agency that is funded by local option tourist
2423 development tax revenues under s. 125.0104, or local option
2424 convention development tax revenues under s. 212.0305, and is
2425 officially designated by a county commission to market and
2426 promote the area for tourism or convention business or, in any
2427 county that has not levied such taxes, a public or private
2428 agency that is officially designated by the county commission to
2429 market and promote the area for tourism or convention business.
2430 (d) "Direct-support organization" means the Florida Tourism
2431 Industry Marketing Corporation.
2432 (3) Enterprise Florida, Inc., shall contract with the
2433 Florida Tourism Industry Marketing Corporation, a direct-support
2434 organization established in s. 288.1226, to execute tourism
2435 promotion and marketing services, functions, and programs for
2436 the state, including, but not limited to, the activities



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2437 prescribed by the 4-year marketing plan. The division shall
2438 assist to maintain and implement the contract.
2439 (4) The division's responsibilities and duties include, but
2440 are not limited to:
2441 (a) Maintaining and implementing the contract with the
2442 Florida Tourism Industry Marketing Corporation.
2443 (b) Advising the department and Enterprise Florida, Inc.,
2444 on development of domestic and international tourism marketing
2445 campaigns featuring Florida; and
2446 (c) Developing a 4-year marketing plan.
2447 1. At a minimum, the marketing plan shall discuss the
2448 following:
2449 a. Continuation of overall tourism growth in this state;
2450 b. Expansion to new or under-represented tourist markets;
2451 c. Maintenance of traditional and loyal tourist markets;
2452 d. Coordination of efforts with county destination
2453 marketing organizations, other local government marketing
2454 groups, privately owned attractions and destinations, and other
2455 private-sector partners to create a seamless, four-season
2456 advertising campaign for the state and its regions;
2457 e. Development of innovative techniques or promotions to
2458 build repeat visitation by targeted segments of the tourist
2459 population;
2460 f. Consideration of innovative sources of state funding for
2461 tourism marketing;
2462 g. Promotion of nature-based tourism and heritage tourism.
2463 h. Development of a component to address emergency response
2464 to natural and man-made disasters from a marketing standpoint.
2465 2. The plan shall be annual in construction and ongoing in



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2466 nature. Any annual revisions of the plan shall carry forward the
2467 concepts of the remaining 3-year portion of the plan and
2468 consider a continuum portion to preserve the 4-year time-frame
2469 of the plan. The plan also shall include recommendations for
2470 specific performance standards and measurable outcomes for the
2471 division and direct-support organization. The department, in
2472 consultation with the board of directors of Enterprise Florida,
2473 Inc., shall base the actual performance metrics on these
2474 recommendations.
2475 3. The 4-year marketing plan shall be developed in
2476 collaboration with the Florida Tourism Industry Marketing
2477 Corporation. The plan shall be annually reviewed and approved by
2478 the board of directors of Enterprise Florida, Inc.
2479 (d) Drafting and submitting an annual report required by s.
2480 288.92. The annual report shall set forth for the division and
2481 the direct-support organization:
2482 1. Operations and accomplishments during the fiscal year,
2483 including the economic benefit of the state's investment and
2484 effectiveness of the marketing plan.
2485 2. The 4-year marketing plan, including recommendations on
2486 methods for implementing and funding the plan.
2487 3. The assets and liabilities of the direct-support
2488 organization at the end of its most recent fiscal year.
2489 4. A copy of the annual financial and compliance audit
2490 conducted under s. 288.1226(6).
2491 (5) Notwithstanding s. 288.92, the division shall be
2492 staffed by the Florida Tourism Industry Marketing Corporation.
2493 Such staff shall not be considered to be employees of the
2494 division and shall remain employees of the Florida Tourism



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2495 Industry Marketing Corporation. Section 288.905 does not apply
2496 to the Florida Tourism Industry Marketing Corporation.
2497 Section 32. Section 288.1226, Florida Statutes, is amended
2498 to read:
2499 288.1226 Florida Tourism Industry Marketing Corporation;
2500 use of property; board of directors; duties; audit.—
2501 (1) DEFINITIONS.—For the purposes of this section, the term
2502 "corporation" means the Florida Tourism Industry Marketing
2503 Corporation.
2504 (2) ESTABLISHMENT.—~~The Florida Commission on Tourism shall~~
2505 ~~establish, no later than July 31, 1996,~~ The Florida Tourism
2506 Industry Marketing Corporation is ~~as~~ a direct-support
2507 organization of Enterprise Florida, Inc.~~:~~
2508 (a) The Florida Tourism Industry Marketing Corporation
2509 ~~Which~~ is a corporation not for profit, as defined in s.
2510 501(c)(6) of the Internal Revenue Code of 1986, as amended, that
2511 is incorporated under the provisions of chapter 617 and approved
2512 by the Department of State.
2513 (b) The corporation ~~Which~~ is organized and operated
2514 exclusively to request, receive, hold, invest, and administer
2515 property and to manage and make expenditures for the operation
2516 of the activities, services, functions, and programs of this
2517 state which relate to the statewide, national, and international
2518 promotion and marketing of tourism.
2519 ~~(c) Which the Florida Commission on Tourism and the Office~~
2520 ~~of Tourism, Trade, and Economic Development, after review, have~~
2521 ~~certified whether it is operating in a manner consistent with~~
2522 ~~the policies and goals of the commission and its long-range~~
2523 ~~marketing plan.~~



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2524 (d) The corporation is ~~Which shall~~ not ~~be considered~~ an
2525 agency for the purposes of chapters 120, 216, and 287; ss.
2526 255.21, 255.25, and 255.254, relating to leasing of buildings;
2527 ss. 283.33 and 283.35, relating to bids for printing; s. 215.31;
2528 and parts I, II, and IV-VIII of chapter 112.
2529 (e) The corporation is ~~Which shall be~~ subject to the
2530 provisions of chapter 119, relating to public meetings, and
2531 those provisions of chapter 286 relating to public meetings and
2532 records.
2533 (3) USE OF PROPERTY.—Enterprise Florida, Inc. ~~The~~
2534 ~~commission~~:
2535 (a) Is authorized to permit the use of property and
2536 facilities of Enterprise Florida, Inc., ~~the commission~~ by the
2537 corporation, subject to the provisions of this section.
2538 (b) Shall prescribe conditions with which the corporation
2539 must comply in order to use property and facilities of
2540 Enterprise Florida, Inc ~~the commission~~. Such conditions shall
2541 provide for budget and audit review and for oversight by
2542 Enterprise Florida, Inc ~~the commission~~.
2543 (c) May ~~Shall~~ not permit the use of property and facilities
2544 of Enterprise Florida, Inc., ~~the commission~~ if the corporation
2545 does not provide equal employment opportunities to all persons,
2546 regardless of race, color, national origin, sex, age, or
2547 religion.
2548 (4) BOARD OF DIRECTORS.—The board of directors of the
2549 corporation shall be composed of 31 tourism-industry-related
2550 members, appointed by Enterprise Florida, Inc., in conjunction
2551 with the department ~~the Florida Commission on Tourism from its~~
2552 ~~own membership~~. ~~the vice chair of the commission shall serve as~~



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2553 ~~chair of the corporation's board of directors.~~
2554 (a) The board shall consist of 16 members, appointed in
2555 such a manner as to equitably represent all geographic areas of
2556 the state, with no fewer than two members from any of the
2557 following regions:
2558 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,
2559 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
2560 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.
2561 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
2562 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
2563 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
2564 Taylor, and Union Counties.
2565 3. Region 3, composed of Brevard, Indian River, Lake,
2566 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
2567 Volusia Counties.
2568 4. Region 4, composed of Citrus, Hernando, Hillsborough,
2569 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.
2570 5. Region 5, composed of Charlotte, Collier, DeSoto,
2571 Glades, Hardee, Hendry, Highlands, and Lee Counties.
2572 6. Region 6, composed of Broward, Martin, Miami-Dade,
2573 Monroe, and Palm Beach Counties.
2574 (b) The 15 additional tourism-industry-related members,
2575 shall include 1 representatives from the statewide rental car
2576 industry, 7 representatives from tourist-related statewide
2577 associations, including those that represent hotels,
2578 campgrounds, county destination marketing organizations,
2579 museums, restaurants, retail, and attractions, 3 representatives
2580 from county destination marketing organizations, 1
2581 representative from the cruise industry, 1 representative from



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2582 an automobile and travel services membership organization that
2583 has at least 2.8 million members in Florida, 1 representative
2584 from the airline industry, and 1 representative from the space
2585 tourism industry, who will each serve for a term of 2 years.
2586 (5) POWERS AND DUTIES.—The corporation, in the performance
2587 of its duties:
2588 (a) May make and enter into contracts and assume such other
2589 functions as are necessary to carry out the provisions of the
2590 ~~Florida Commission on Tourism's~~ 4-year marketing plan required
2591 by s. 288.923, and the corporation's contract with Enterprise
2592 Florida, Inc., ~~the commission~~ which are not inconsistent with
2593 this or any other provision of law.
2594 (b) May develop a program to provide incentives and to
2595 attract and recognize those entities which make significant
2596 financial and promotional contributions towards the expanded
2597 tourism promotion activities of the corporation.
2598 (c) ~~May commission and adopt, in cooperation with the~~
2599 ~~commission, an official tourism logo to be used in all~~
2600 ~~promotional materials directly produced by the corporation. The~~
2601 ~~corporation~~ May establish a cooperative marketing program with
2602 other public and private entities which allows the use of the
2603 VISIT Florida ~~this~~ logo in tourism promotion campaigns which
2604 meet the standards of Enterprise Florida, Inc., ~~the commission~~
2605 ~~and the Office of Tourism, Trade, and Economic Development~~ for
2606 which the corporation may charge a reasonable fee.
2607 (d) May sue and be sued and appear and defend in all
2608 actions and proceedings in its corporate name to the same extent
2609 as a natural person.
2610 (e) May adopt, use, and alter a common corporate seal.



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2611 However, such seal must always contain the words “corporation
2612 not for profit.”
2613 (f) Shall elect or appoint such officers and agents as its
2614 affairs shall require and allow them reasonable compensation.
2615 (g) Shall hire and establish salaries and personnel and
2616 employee benefit programs for such permanent and temporary
2617 employees as are necessary to carry out the provisions of the
2618 ~~Florida Commission on Tourism’s~~ 4-year marketing plan and the
2619 corporation’s contract with Enterprise Florida, Inc., ~~the~~
2620 ~~commission~~ which are not inconsistent with this or any other
2621 provision of law.
2622 (h) Shall provide staff support to the Division of Tourism
2623 Promotion of Enterprise Florida, Inc ~~the Florida Commission on~~
2624 ~~Tourism~~. The president and chief executive officer of the
2625 Florida Tourism Industry Marketing Corporation shall serve
2626 without compensation as the ~~executive~~ director of the division
2627 ~~commission~~.
2628 (i) May adopt, change, amend, and repeal bylaws, not
2629 inconsistent with law or its articles of incorporation, for the
2630 administration of the provisions of the ~~Florida Commission on~~
2631 ~~Tourism’s~~ 4-year marketing plan and the corporation’s contract
2632 with Enterprise Florida, Inc ~~the commission~~.
2633 (j) May conduct its affairs, carry on its operations, and
2634 have offices and exercise the powers granted by this act in any
2635 state, territory, district, or possession of the United States
2636 or any foreign country. Where feasible, appropriate, and
2637 recommended by the 4-year marketing plan developed by the
2638 Division of Tourism Promotion of Enterprise Florida, Inc.
2639 ~~Florida Commission on Tourism~~, the corporation may collocate the



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2640 programs of foreign tourism offices in cooperation with any
2641 foreign office operated by any agency of this state.
2642 (k) May appear on its own behalf before boards,
2643 commissions, departments, or other agencies of municipal,
2644 county, state, or federal government.
2645 (l) May request or accept any grant, payment, or gift, of
2646 funds or property made by this state or by the United States or
2647 any department or agency thereof or by any individual, firm,
2648 corporation, municipality, county, or organization for any or
2649 all of the purposes of the ~~Florida Commission on Tourism's~~ 4-
2650 year marketing plan and the corporation's contract with
2651 Enterprise Florida, Inc., ~~the commission~~ that are not
2652 inconsistent with this or any other provision of law. Such funds
2653 shall be deposited in a bank account established by the
2654 corporation's board of directors. The corporation may expend
2655 such funds in accordance with the terms and conditions of any
2656 such grant, payment, or gift, in the pursuit of its
2657 administration or in support of the programs it administers. The
2658 corporation shall separately account for the public funds and
2659 the private funds deposited into the corporation's bank account.
2660 (m) Shall establish a plan for participation in the
2661 corporation which will provide additional funding for the
2662 administration and duties of the corporation.
2663 (n) In the performance of its duties, may undertake, or
2664 contract for, marketing projects and advertising research
2665 projects.
2666 (o) In addition to any indemnification available under
2667 chapter 617, the corporation may indemnify, and purchase and
2668 maintain insurance on behalf of, directors, officers, and



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2669 employees of the corporation against any personal liability or
2670 accountability by reason of actions taken while acting within
2671 the scope of their authority.
2672 (6) ANNUAL AUDIT.—The corporation shall provide for an
2673 annual financial audit in accordance with s. 215.981. The annual
2674 audit report shall be submitted to the Auditor General; the
2675 Office of Policy Analysis and Government Accountability;
2676 Enterprise Florida, Inc.; and the department ~~the Office of~~
2677 ~~Tourism, Trade, and Economic Development~~ for review. The Office
2678 of Program Policy Analysis and Government Accountability;
2679 Enterprise Florida, Inc.; the department ~~the Office of Tourism,~~
2680 ~~Trade, and Economic Development~~; and the Auditor General have
2681 the authority to require and receive from the corporation or
2682 from its independent auditor any detail or supplemental data
2683 relative to the operation of the corporation. The department
2684 ~~Office of Tourism, Trade, and Economic Development~~ shall
2685 annually certify whether the corporation is operating in a
2686 manner and achieving the objectives that are consistent with the
2687 policies and goals of Enterprise Florida, Inc., ~~the commission~~
2688 and its long-range marketing plan. The identity of a donor or
2689 prospective donor to the corporation who desires to remain
2690 anonymous and all information identifying such donor or
2691 prospective donor are confidential and exempt from the
2692 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2693 Constitution. Such anonymity shall be maintained in the
2694 auditor’s report.
2695 (7) The corporation shall provide a quarterly report to
2696 Enterprise Florida, Inc., ~~the commission~~ which shall:
2697 (a) Measure the current vitality of the visitor industry of



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2698 this state as compared to the vitality of such industry for the
2699 year to date and for comparable quarters of past years.
2700 Indicators of vitality shall be determined by Enterprise
2701 Florida, Inc., ~~the commission~~ and shall include, but not be
2702 limited to, estimated visitor count and party size, length of
2703 stay, average expenditure per party, and visitor origin and
2704 destination.
2705 (b) Provide detailed, unaudited financial statements of
2706 sources and uses of public and private funds.
2707 (c) Measure progress towards annual goals and objectives
2708 set forth in the ~~commission's~~ 4-year marketing plan.
2709 (d) Review all pertinent research findings.
2710 (e) Provide other measures of accountability as requested
2711 by Enterprise Florida, Inc ~~the commission~~.
2712 (8) The identity of any person who responds to a marketing
2713 project or advertising research project conducted by the
2714 corporation in the performance of its duties on behalf of
2715 Enterprise Florida, Inc. ~~the commission~~, or trade secrets as
2716 defined by s. 812.081 obtained pursuant to such activities, are
2717 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2718 Constitution.
2719 Section 33. Subsection (4) of section 409.942, Florida
2720 Statutes, is amended to read:
2721 409.942 Electronic benefit transfer program.—
2722 ~~(4) Workforce Florida, Inc., through the Agency for~~
2723 ~~Workforce Innovation, shall establish an electronic benefit~~
2724 ~~transfer program for the use and management of education,~~
2725 ~~training, child care, transportation, and other program benefits~~
2726 ~~under its direction. The workforce electronic benefit transfer~~



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2727 ~~program shall fulfill all federal and state requirements for~~
2728 ~~Individual Training Accounts, Retention Incentive Training~~
2729 ~~Accounts, Individual Development Accounts, and Individual~~
2730 ~~Services Accounts. The workforce electronic benefit transfer~~
2731 ~~program shall be designed to enable an individual who receives~~
2732 ~~an electronic benefit transfer card under subsection (1) to use~~
2733 ~~that card for purposes of benefits provided under the workforce~~
2734 ~~development system as well. The Department of Children and~~
2735 ~~Family Services shall assist Workforce Florida, Inc., in~~
2736 ~~developing an electronic benefit transfer program for the~~
2737 ~~workforce development system that is fully compatible with the~~
2738 ~~department's electronic benefit transfer program. The agency~~
2739 ~~shall reimburse the department for all costs incurred in~~
2740 ~~providing such assistance and shall pay all costs for the~~
2741 ~~development of the workforce electronic benefit transfer~~
2742 ~~program.~~
2743 Section 34. Subsections (4), (5), and (6) of section
2744 411.0102, Florida Statutes, are amended to read:
2745 411.0102 Child Care Executive Partnership Act; findings and
2746 intent; grant; limitation; rules.—
2747 (4) The Child Care Executive Partnership, staffed by the
2748 Office of Early Learning ~~Agency for Workforce Innovation~~, shall
2749 consist of a representative of the Executive Office of the
2750 Governor and nine members of the corporate or child care
2751 community, appointed by the Governor.
2752 (a) Members shall serve for a period of 4 years, except
2753 that the representative of the Executive Office of the Governor
2754 shall serve at the pleasure of the Governor.
2755 (b) The Child Care Executive Partnership shall be chaired



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2756 by a member chosen by a majority vote and shall meet at least
2757 quarterly and at other times upon the call of the chair. The
2758 Child Care Executive Partnership may use any method of
2759 telecommunications to conduct meetings, including establishing a
2760 quorum through telecommunications, only if the public is given
2761 proper notice of a telecommunications meeting and reasonable
2762 access to observe and, when appropriate, participate.
2763 (c) Members shall serve without compensation, but may be
2764 reimbursed for per diem and travel expenses in accordance with
2765 s. 112.061.
2766 (d) The Child Care Executive Partnership shall have all the
2767 powers and authority, not explicitly prohibited by statute,
2768 necessary to carry out and effectuate the purposes of this
2769 section, as well as the functions, duties, and responsibilities
2770 of the partnership, including, but not limited to, the
2771 following:
2772 1. Assisting in the formulation and coordination of the
2773 state’s child care policy.
2774 2. Adopting an official seal.
2775 3. Soliciting, accepting, receiving, investing, and
2776 expending funds from public or private sources.
2777 4. Contracting with public or private entities as
2778 necessary.
2779 5. Approving an annual budget.
2780 6. Carrying forward any unexpended state appropriations
2781 into succeeding fiscal years.
2782 7. Providing a report to the Governor, the Speaker of the
2783 House of Representatives, and the President of the Senate, on or
2784 before December 1 of each year.



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2785 (5)(a) The Legislature shall annually determine the amount
2786 of state or federal low-income child care moneys which shall be
2787 used to create Child Care Executive Partnership Program child
2788 care purchasing pools in counties chosen by the Child Care
2789 Executive Partnership, provided that at least two of the
2790 counties have populations of no more than 300,000. The
2791 Legislature shall annually review the effectiveness of the child
2792 care purchasing pool program and reevaluate the percentage of
2793 additional state or federal funds, if any, which ~~that~~ can be
2794 used for the program's expansion.
2795 (b) To ensure a seamless service delivery and ease of
2796 access for families, an early learning coalition or the Office
2797 of Early Learning ~~Agency for Workforce Innovation~~ shall
2798 administer the child care purchasing pool funds.
2799 (c) The Office of Early Learning ~~Agency for Workforce~~
2800 ~~Innovation~~, in conjunction with the Child Care Executive
2801 Partnership, shall develop procedures for disbursement of funds
2802 through the child care purchasing pools. In order to be
2803 considered for funding, an early learning coalition or the
2804 Office of Early Learning ~~Agency for Workforce Innovation~~ must
2805 commit to:
2806 1. Matching the state purchasing pool funds on a dollar-
2807 for-dollar basis; and
2808 2. Expending only those public funds that ~~which~~ are matched
2809 by employers, local government, and other matching contributors
2810 who contribute to the purchasing pool. Parents shall also pay a
2811 fee, which may not be less than the amount identified in the
2812 early learning coalition's school readiness program sliding fee
2813 scale.



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2814 (d) Each early learning coalition shall establish a
2815 community child care task force for each child care purchasing
2816 pool. The task force must be composed of employers, parents,
2817 private child care providers, and one representative from the
2818 local children's services council, if one exists in the area of
2819 the purchasing pool. The early learning coalition is expected to
2820 recruit the task force members from existing child care
2821 councils, commissions, or task forces already operating in the
2822 area of a purchasing pool. A majority of the task force shall
2823 consist of employers.
2824 (e) Each participating early learning coalition board shall
2825 develop a plan for the use of child care purchasing pool funds.
2826 The plan must show how many children will be served by the
2827 purchasing pool, how many will be new to receiving child care
2828 services, and how the early learning coalition intends to
2829 attract new employers and their employees to the program.
2830 (6) The Office of Early Learning ~~Agency for Workforce~~
2831 ~~Innovation~~ shall adopt any rules necessary for the
2832 implementation and administration of this section.
2833 Section 35. Paragraph (b) of subsection (5) of section
2834 11.40, Florida Statutes, is amended to read:
2835 11.40 Legislative Auditing Committee.—
2836 (5) Following notification by the Auditor General, the
2837 Department of Financial Services, or the Division of Bond
2838 Finance of the State Board of Administration of the failure of a
2839 local governmental entity, district school board, charter
2840 school, or charter technical career center to comply with the
2841 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
2842 s. 218.38, the Legislative Auditing Committee may schedule a



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2843 hearing. If a hearing is scheduled, the committee shall
2844 determine if the entity should be subject to further state
2845 action. If the committee determines that the entity should be
2846 subject to further state action, the committee shall:
2847 (b) In the case of a special district, notify the
2848 Department of Economic Opportunity ~~Community Affairs~~ that the
2849 special district has failed to comply with the law. Upon receipt
2850 of notification, the Department of Economic Opportunity
2851 ~~Community Affairs~~ shall proceed pursuant to the provisions
2852 specified in s. 189.421.
2853 Section 36. Paragraph (c) of subsection (7) of section
2854 11.45, Florida Statutes, is amended to read:
2855 11.45 Definitions; duties; authorities; reports; rules.—
2856 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—
2857 (c) The Auditor General shall provide annually a list of
2858 those special districts which are not in compliance with s.
2859 218.39 to the Special District Information Program of the
2860 Department of Economic Opportunity ~~Community Affairs~~.
2861 Section 37. Paragraph (b) of subsection (2) of section
2862 14.20195, Florida Statutes, is amended to read:
2863 14.20195 Suicide Prevention Coordinating Council; creation;
2864 membership; duties.—There is created within the Statewide Office
2865 for Suicide Prevention a Suicide Prevention Coordinating
2866 Council. The council shall develop strategies for preventing
2867 suicide.
2868 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
2869 shall consist of 28 voting members.
2870 (b) The following state officials or their designees shall
2871 serve on the coordinating council:



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2872 1. The Secretary of Elderly Affairs.
2873 2. The State Surgeon General.
2874 3. The Commissioner of Education.
2875 4. The Secretary of Health Care Administration.
2876 5. The Secretary of Juvenile Justice.
2877 6. The Secretary of Corrections.
2878 7. The executive director of the Department of Law
2879 Enforcement.
2880 8. The executive director of the Department of Veterans'
2881 Affairs.
2882 9. The Secretary of Children and Family Services.
2883 10. The executive director of the Department of Economic
2884 Opportunity ~~Agency for Workforce Innovation~~.
2885 Section 38. Section 15.182, Florida Statutes, is amended to
2886 read:
2887 15.182 International travel by state-funded musical,
2888 cultural, or artistic organizations; notification to the
2889 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
2890 ~~Economic Development~~.—
2891 (1) If a musical, cultural, or artistic organization that
2892 receives state funding is traveling internationally for a
2893 presentation, performance, or other significant public viewing,
2894 including an organization associated with a college or
2895 university, such organization shall notify the Department of
2896 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
2897 ~~Development~~ of its intentions to travel, together with the date,
2898 time, and location of each appearance.
2899 (2) The Department of Economic Opportunity ~~Office of~~
2900 ~~Tourism, Trade, and Economic Development~~, in conjunction with



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2901 Enterprise Florida, Inc., shall act as an intermediary between
2902 performing musical, cultural, and artistic organizations and
2903 Florida businesses to encourage and coordinate joint
2904 undertakings. Such coordination may include, but is not limited
2905 to, encouraging business and industry to sponsor cultural
2906 events, assistance with travel of such organizations, and
2907 coordinating travel schedules of cultural performance groups and
2908 international trade missions.
2909 (3) An organization shall provide the notification to the
2910 Department of State required by this section at least 30 days
2911 before ~~prior to~~ the date the international travel is to commence
2912 or, when an intention to travel internationally is not formed at
2913 least 30 days in advance of the date the travel is to commence,
2914 as soon as feasible after forming such travel intention. The
2915 Department of State shall take an active role in informing such
2916 groups of the responsibility to notify the department of travel
2917 intentions.
2918 Section 39. Paragraph (j) of subsection (1) of section
2919 16.615, Florida Statutes, is amended to read:
2920 16.615 Council on the Social Status of Black Men and Boys.—
2921 (1) The Council on the Social Status of Black Men and Boys
2922 is established within the Department of Legal Affairs and shall
2923 consist of 19 members appointed as follows:
2924 (j) The executive director of the Department of Economic
2925 Opportunity ~~Agency for Workforce Innovation~~ or his or her
2926 designee.
2927 Section 40. Paragraph (c) of subsection (3) of section
2928 17.61, Florida Statutes, is amended to read:
2929 17.61 Chief Financial Officer; powers and duties in the



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2930 investment of certain funds.—
2931 (3)
2932 (c) Except as provided in this paragraph and except for
2933 moneys described in paragraph (d), the following agencies may
2934 not invest trust fund moneys as provided in this section, but
2935 shall retain such moneys in their respective trust funds for
2936 investment, with interest appropriated to the General Revenue
2937 Fund, pursuant to s. 17.57:
2938 1. The Agency for Health Care Administration, except for
2939 the Tobacco Settlement Trust Fund.
2940 2. The Agency for Persons with Disabilities, except for:
2941 a. The Federal Grants Trust Fund.
2942 b. The Tobacco Settlement Trust Fund.
2943 3. The Department of Children and Family Services, except
2944 for:
2945 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
2946 b. The Social Services Block Grant Trust Fund.
2947 c. The Tobacco Settlement Trust Fund.
2948 d. The Working Capital Trust Fund.
2949 ~~4. The Department of Community Affairs, only for the~~
2950 ~~Operating Trust Fund.~~
2951 4.~~5.~~ The Department of Corrections.
2952 5.~~6.~~ The Department of Elderly Affairs, except for:
2953 a. The Federal Grants Trust Fund.
2954 b. The Tobacco Settlement Trust Fund.
2955 6.~~7.~~ The Department of Health, except for:
2956 a. The Federal Grants Trust Fund.
2957 b. The Grants and Donations Trust Fund.
2958 c. The Maternal and Child Health Block Grant Trust Fund.



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2959 d. The Tobacco Settlement Trust Fund.
2960 7.~~8.~~ The Department of Highway Safety and Motor Vehicles,
2961 only for the Security Deposits Trust Fund.
2962 8.~~9.~~ The Department of Juvenile Justice.
2963 9.~~10.~~ The Department of Law Enforcement.
2964 10.~~11.~~ The Department of Legal Affairs.
2965 11.~~12.~~ The Department of State, only for:
2966 a. The Grants and Donations Trust Fund.
2967 b. The Records Management Trust Fund.
2968 12.~~13.~~ The Department of Economic Opportunity ~~Executive~~
2969 ~~Office of the Governor~~, only for:
2970 a. The Economic Development Transportation Trust Fund.
2971 b. The Economic Development Trust Fund.
2972 13.~~14.~~ The Florida Public Service Commission, only for the
2973 Florida Public Service Regulatory Trust Fund.
2974 14.~~15.~~ The Justice Administrative Commission.
2975 15.~~16.~~ The state courts system.
2976 Section 41. Subsection (1) of section 20.181, Florida
2977 Statutes, is amended to read:
2978 20.181 Federal Grants Trust Fund.—
2979 (1) The Federal Grants Trust Fund is created within the
2980 Department of Economic Opportunity ~~Community Affairs~~.
2981 Section 42. Paragraph (a) of subsection (8) and paragraph
2982 (a) of subsection (9) of section 39.001, Florida Statutes, are
2983 amended to read:
2984 39.001 Purposes and intent; personnel standards and
2985 screening.—
2986 (8) PLAN FOR COMPREHENSIVE APPROACH.—
2987 (a) The office shall develop a state plan for the promotion



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2988 of adoption, support of adoptive families, and prevention of
2989 abuse, abandonment, and neglect of children and shall submit the
2990 state plan to the Speaker of the House of Representatives, the
2991 President of the Senate, and the Governor no later than December
2992 31, 2008. The Department of Children and Family Services, the
2993 Department of Corrections, the Department of Education, the
2994 Department of Health, the Department of Juvenile Justice, the
2995 Department of Law Enforcement, and the Agency for Persons with
2996 Disabilities~~, and the Agency for Workforce Innovation~~ shall
2997 participate and fully cooperate in the development of the state
2998 plan at both the state and local levels. Furthermore,
2999 appropriate local agencies and organizations shall be provided
3000 an opportunity to participate in the development of the state
3001 plan at the local level. Appropriate local groups and
3002 organizations shall include, but not be limited to, community
3003 mental health centers; guardian ad litem programs for children
3004 under the circuit court; the school boards of the local school
3005 districts; the Florida local advocacy councils; community-based
3006 care lead agencies; private or public organizations or programs
3007 with recognized expertise in working with child abuse prevention
3008 programs for children and families; private or public
3009 organizations or programs with recognized expertise in working
3010 with children who are sexually abused, physically abused,
3011 emotionally abused, abandoned, or neglected and with expertise
3012 in working with the families of such children; private or public
3013 programs or organizations with expertise in maternal and infant
3014 health care; multidisciplinary child protection teams; child day
3015 care centers; law enforcement agencies; and the circuit courts,
3016 when guardian ad litem programs are not available in the local



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3017 area. The state plan to be provided to the Legislature and the
3018 Governor shall include, as a minimum, the information required
3019 of the various groups in paragraph (b).
3020 (9) FUNDING AND SUBSEQUENT PLANS.—
3021 (a) All budget requests submitted by the office, the
3022 department, the Department of Health, the Department of
3023 Education, the Department of Juvenile Justice, the Department of
3024 Corrections, the Agency for Persons with Disabilities, ~~the~~
3025 ~~Agency for Workforce Innovation,~~ or any other agency to the
3026 Legislature for funding of efforts for the promotion of
3027 adoption, support of adoptive families, and prevention of child
3028 abuse, abandonment, and neglect shall be based on the state plan
3029 developed pursuant to this section.
3030 Section 43. Paragraph (a) of subsection (7) of section
3031 45.031, Florida Statutes, is amended to read:
3032 45.031 Judicial sales procedure.—In any sale of real or
3033 personal property under an order or judgment, the procedures
3034 provided in this section and ss. 45.0315-45.035 may be followed
3035 as an alternative to any other sale procedure if so ordered by
3036 the court.
3037 (7) DISBURSEMENTS OF PROCEEDS.—
3038 (a) On filing a certificate of title, the clerk shall
3039 disburse the proceeds of the sale in accordance with the order
3040 or final judgment and shall file a report of such disbursements
3041 and serve a copy of it on each party, and on the Department of
3042 Revenue if the department was named as a defendant in the action
3043 or if the Department of Economic Opportunity or the former
3044 Agency for Workforce Innovation ~~or the former Department of~~
3045 ~~Labor and Employment Security~~ was named as a defendant while the



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3046 Department of Revenue was providing unemployment tax collection
3047 services under contract with the Department of Economic
3048 Opportunity or the former Agency for Workforce Innovation
3049 through an interagency agreement pursuant to s. 443.1316.
3050 Section 44. Paragraph (a) of subsection (4) of section
3051 69.041, Florida Statutes, is amended to read:
3052 69.041 State named party; lien foreclosure, suit to quiet
3053 title.—
3054 (4)(a) The Department of Revenue has the right to
3055 participate in the disbursement of funds remaining in the
3056 registry of the court after distribution pursuant to s.
3057 45.031(7). The department shall participate in accordance with
3058 applicable procedures in any mortgage foreclosure action in
3059 which the department has a duly filed tax warrant, or interests
3060 under a lien arising from a judgment, order, or decree for
3061 support, as defined in s. 409.2554, or interest in an
3062 unemployment compensation tax lien under contract with the
3063 Department of Economic Opportunity ~~Agency for Workforce~~
3064 ~~Innovation~~ through an interagency agreement pursuant to s.
3065 443.1316, against the subject property and with the same
3066 priority, regardless of whether a default against the
3067 department, the Department of Economic Opportunity, or the
3068 former Agency for Workforce Innovation, ~~or the former Department~~
3069 ~~of Labor and Employment Security~~ has been entered for failure to
3070 file an answer or other responsive pleading.
3071 Section 45. Paragraph (b) of subsection (4) of section
3072 112.63, Florida Statutes, is amended to read:
3073 112.63 Actuarial reports and statements of actuarial
3074 impact; review.—



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3075 (4) Upon receipt, pursuant to subsection (2), of an
3076 actuarial report, or upon receipt, pursuant to subsection (3),
3077 of a statement of actuarial impact, the Department of Management
3078 Services shall acknowledge such receipt, but shall only review
3079 and comment on each retirement system’s or plan’s actuarial
3080 valuations at least on a triennial basis. If the department
3081 finds that the actuarial valuation is not complete, accurate, or
3082 based on reasonable assumptions or otherwise materially fails to
3083 satisfy the requirements of this part, if the department
3084 requires additional material information necessary to complete
3085 its review of the actuarial valuation of a system or plan or
3086 material information necessary to satisfy the duties of the
3087 department pursuant to s. 112.665(1), or if the department does
3088 not receive the actuarial report or statement of actuarial
3089 impact, the department shall notify the administrator of the
3090 affected retirement system or plan and the affected governmental
3091 entity and request appropriate adjustment, the additional
3092 material information, or the required report or statement. The
3093 notification must inform the administrator of the affected
3094 retirement system or plan and the affected governmental entity
3095 of the consequences for failure to comply with the requirements
3096 of this subsection. If, after a reasonable period of time, a
3097 satisfactory adjustment is not made or the report, statement, or
3098 additional material information is not provided, the department
3099 may notify the Department of Revenue and the Department of
3100 Financial Services of such noncompliance, in which case the
3101 Department of Revenue and the Department of Financial Services
3102 shall withhold any funds not pledged for satisfaction of bond
3103 debt service which are payable to the affected governmental



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3104 entity until the adjustment is made or the report, statement, or
3105 additional material information is provided to the department.
3106 The department shall specify the date such action is to begin,
3107 and notification by the department must be received by the
3108 Department of Revenue, the Department of Financial Services, and
3109 the affected governmental entity 30 days before the date the
3110 action begins.
3111 (b) In the case of an affected special district, the
3112 Department of Management Services shall also notify the
3113 Department of Economic Opportunity ~~Community Affairs~~. Upon
3114 receipt of notification, the Department of Economic Opportunity
3115 ~~Community Affairs~~ shall proceed pursuant to the provisions of s.
3116 189.421 with regard to the special district.
3117 Section 46. Paragraph (e) of subsection (1) of section
3118 112.665, Florida Statutes, is amended to read:
3119 112.665 Duties of Department of Management Services.—
3120 (1) The Department of Management Services shall:
3121 (e) Issue, by January 1 annually, a report to the Special
3122 District Information Program of the Department of Economic
3123 Opportunity ~~Community Affairs~~ that includes the participation in
3124 and compliance of special districts with the local government
3125 retirement system provisions in s. 112.63 and the state-
3126 administered retirement system provisions as specified in part I
3127 of chapter 121; and
3128 Section 47. Subsection (3) of section 112.3135, Florida
3129 Statutes, is amended to read:
3130 112.3135 Restriction on employment of relatives.—
3131 (3) An agency may prescribe regulations authorizing the
3132 temporary employment, in the event of an emergency as defined in



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3133 s. 252.34~~(3)~~, of individuals whose employment would be otherwise
3134 prohibited by this section.
3135 Section 48. Paragraph (d) of subsection (2) and paragraph
3136 (f) of subsection (5) of section 119.071, Florida Statutes, are
3137 amended to read:
3138 119.071 General exemptions from inspection or copying of
3139 public records.—
3140 (2) AGENCY INVESTIGATIONS.—
3141 (d) Any information revealing surveillance techniques or
3142 procedures or personnel is exempt from s. 119.07(1) and s.
3143 24(a), Art. I of the State Constitution. Any comprehensive
3144 inventory of state and local law enforcement resources compiled
3145 pursuant to part I, chapter 23, and any comprehensive policies
3146 or plans compiled by a criminal justice agency pertaining to the
3147 mobilization, deployment, or tactical operations involved in
3148 responding to an emergency ~~emergencies~~, as defined in s.
3149 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
3150 the State Constitution and unavailable for inspection, except by
3151 personnel authorized by a state or local law enforcement agency,
3152 the office of the Governor, the Department of Legal Affairs, the
3153 Department of Law Enforcement, or the Division of Emergency
3154 Management ~~the Department of Community Affairs~~ as having an
3155 official need for access to the inventory or comprehensive
3156 policies or plans.
3157 (5) OTHER PERSONAL INFORMATION.—
3158 (f) Medical history records and information related to
3159 health or property insurance provided to the Department of
3160 Economic Opportunity ~~Community Affairs~~, the Florida Housing
3161 Finance Corporation, a county, a municipality, or a local



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3162 housing finance agency by an applicant for or a participant in a
3163 federal, state, or local housing assistance program are
3164 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
3165 of the State Constitution. Governmental entities or their agents
3166 shall have access to such confidential and exempt records and
3167 information for the purpose of auditing federal, state, or local
3168 housing programs or housing assistance programs. Such
3169 confidential and exempt records and information may be used in
3170 any administrative or judicial proceeding, provided such records
3171 are kept confidential and exempt unless otherwise ordered by a
3172 court.
3173 Section 49. Paragraph (b) of subsection (3) of section
3174 120.54, Florida Statutes, as amended by chapter 2010-279, Laws
3175 of Florida, is amended to read:
3176 120.54 Rulemaking.—
3177 (3) ADOPTION PROCEDURES.—
3178 (b) Special matters to be considered in rule adoption.—
3179 1. Statement of estimated regulatory costs.—Before ~~Prior to~~
3180 the adoption, amendment, or repeal of any rule other than an
3181 emergency rule, an agency is encouraged to prepare a statement
3182 of estimated regulatory costs of the proposed rule, as provided
3183 by s. 120.541. However, an agency must prepare a statement of
3184 estimated regulatory costs of the proposed rule, as provided by
3185 s. 120.541, if:
3186 a. The proposed rule will have an adverse impact on small
3187 business; or
3188 b. The proposed rule is likely to directly or indirectly
3189 increase regulatory costs in excess of $200,000 in the aggregate
3190 in this state within 1 year after the implementation of the



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3191 rule.
3192 2. Small businesses, small counties, and small cities.—
3193 a. Each agency, before the adoption, amendment, or repeal
3194 of a rule, shall consider the impact of the rule on small
3195 businesses as defined by s. 288.703 and the impact of the rule
3196 on small counties or small cities as defined by s. 120.52.
3197 Whenever practicable, an agency shall tier its rules to reduce
3198 disproportionate impacts on small businesses, small counties, or
3199 small cities to avoid regulating small businesses, small
3200 counties, or small cities that do not contribute significantly
3201 to the problem the rule is designed to address. An agency may
3202 define "small business" to include businesses employing more
3203 than 200 persons, may define "small county" to include those
3204 with populations of more than 75,000, and may define "small
3205 city" to include those with populations of more than 10,000, if
3206 it finds that such a definition is necessary to adapt a rule to
3207 the needs and problems of small businesses, small counties, or
3208 small cities. The agency shall consider each of the following
3209 methods for reducing the impact of the proposed rule on small
3210 businesses, small counties, and small cities, or any combination
3211 of these entities:
3212 (I) Establishing less stringent compliance or reporting
3213 requirements in the rule.
3214 (II) Establishing less stringent schedules or deadlines in
3215 the rule for compliance or reporting requirements.
3216 (III) Consolidating or simplifying the rule's compliance or
3217 reporting requirements.
3218 (IV) Establishing performance standards or best management
3219 practices to replace design or operational standards in the



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3220 rule.
3221 (V) Exempting small businesses, small counties, or small
3222 cities from any or all requirements of the rule.
3223 b.(I) If the agency determines that the proposed action
3224 will affect small businesses as defined by the agency as
3225 provided in sub-subparagraph a., the agency shall send written
3226 notice of the rule to the Small Business Regulatory Advisory
3227 Council and the Department of Economic Opportunity at least
3228 ~~Office of Tourism, Trade, and Economic Development not less than~~
3229 28 days before ~~prior to~~ the intended action.
3230 (II) Each agency shall adopt those regulatory alternatives
3231 offered by the Small Business Regulatory Advisory Council and
3232 provided to the agency no later than 21 days after the council's
3233 receipt of the written notice of the rule which it finds are
3234 feasible and consistent with the stated objectives of the
3235 proposed rule and which would reduce the impact on small
3236 businesses. When regulatory alternatives are offered by the
3237 Small Business Regulatory Advisory Council, the 90-day period
3238 for filing the rule in subparagraph (e)2. is extended for a
3239 period of 21 days.
3240 (III) If an agency does not adopt all alternatives offered
3241 pursuant to this sub-subparagraph, it shall, before ~~prior to~~
3242 rule adoption or amendment and pursuant to subparagraph (d)1.,
3243 file a detailed written statement with the committee explaining
3244 the reasons for failure to adopt such alternatives. Within 3
3245 working days after ~~of~~ the filing of such notice, the agency
3246 shall send a copy of such notice to the Small Business
3247 Regulatory Advisory Council. The Small Business Regulatory
3248 Advisory Council may make a request of the President of the



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3249 Senate and the Speaker of the House of Representatives that the
3250 presiding officers direct the Office of Program Policy Analysis
3251 and Government Accountability to determine whether the rejected
3252 alternatives reduce the impact on small business while meeting
3253 the stated objectives of the proposed rule. Within 60 days after
3254 the date of the directive from the presiding officers, the
3255 Office of Program Policy Analysis and Government Accountability
3256 shall report to the Administrative Procedures Committee its
3257 findings as to whether an alternative reduces the impact on
3258 small business while meeting the stated objectives of the
3259 proposed rule. The Office of Program Policy Analysis and
3260 Government Accountability shall consider the proposed rule, the
3261 economic impact statement, the written statement of the agency,
3262 the proposed alternatives, and any comment submitted during the
3263 comment period on the proposed rule. The Office of Program
3264 Policy Analysis and Government Accountability shall submit a
3265 report of its findings and recommendations to the Governor, the
3266 President of the Senate, and the Speaker of the House of
3267 Representatives. The Administrative Procedures Committee shall
3268 report such findings to the agency, and the agency shall respond
3269 in writing to the Administrative Procedures Committee if the
3270 Office of Program Policy Analysis and Government Accountability
3271 found that the alternative reduced the impact on small business
3272 while meeting the stated objectives of the proposed rule. If the
3273 agency will not adopt the alternative, it must also provide a
3274 detailed written statement to the committee as to why it will
3275 not adopt the alternative.
3276 Section 50. Subsection (10) of section 120.80, Florida
3277 Statutes, is amended to read:



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3278 120.80 Exceptions and special requirements; agencies.—
3279 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY ~~AGENCY FOR~~
3280 ~~WORKFORCE INNOVATION~~.—
3281 (a) Notwithstanding s. 120.54, the rulemaking provisions of
3282 this chapter do not apply to unemployment appeals referees.
3283 (b) Notwithstanding s. 120.54(5), the uniform rules of
3284 procedure do not apply to appeal proceedings conducted under
3285 chapter 443 by the Unemployment Appeals Commission, special
3286 deputies, or unemployment appeals referees.
3287 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
3288 443 may not be conducted by an administrative law judge assigned
3289 by the division, but instead shall be conducted by the
3290 Unemployment Appeals Commission in unemployment compensation
3291 appeals, unemployment appeals referees, and the Department of
3292 Economic Opportunity ~~Agency for Workforce Innovation~~ or its
3293 special deputies under s. 443.141.
3294 Section 51. Subsections (4) and (5) of section 125.045,
3295 Florida Statutes, are amended to read:
3296 125.045 County economic development powers.—
3297 (4) A contract between the governing body of a county or
3298 other entity engaged in economic development activities on
3299 behalf of the county and an economic development agency must
3300 require the agency or entity receiving county funds to submit a
3301 report to the governing body of the county detailing how county
3302 funds were spent and detailing the results of the economic
3303 development agency's or entity's efforts on behalf of the
3304 county. By January 15, 2011, and annually thereafter, the county
3305 must file a copy of the report with the Office of Economic and
3306 Demographic Research ~~Legislative Committee on Intergovernmental~~



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3307 ~~Relations or its successor entity~~ and post a copy of the report
3308 on the county's website.
3309 (5)(a) By January 15, 2011, and annually thereafter, each
3310 county shall report to the Office of Economic and Demographic
3311 Research ~~Legislative Committee on Intergovernmental Relations or~~
3312 ~~its successor entity~~ the economic development incentives in
3313 excess of $25,000 given to any business during the county's
3314 previous fiscal year. The Office of Economic and Demographic
3315 Research ~~Legislative Committee on Intergovernmental Relations or~~
3316 ~~its successor entity~~ shall compile the information from the
3317 counties into a report and provide the report to the Department
3318 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
3319 ~~Development~~. Economic development incentives include:
3320 1. Direct financial incentives of monetary assistance
3321 provided to a business from the county or through an
3322 organization authorized by the county. Such incentives include,
3323 but are not limited to, grants, loans, equity investments, loan
3324 insurance and guarantees, and training subsidies.
3325 2. Indirect incentives in the form of grants and loans
3326 provided to businesses and community organizations that provide
3327 support to businesses or promote business investment or
3328 development.
3329 3. Fee-based or tax-based incentives, including, but not
3330 limited to, credits, refunds, exemptions, and property tax
3331 abatement or assessment reductions.
3332 4. Below-market rate leases or deeds for real property.
3333 (b) A county shall report its economic development
3334 incentives in the format specified by the Office of Economic and
3335 Demographic Research ~~Legislative Committee on Intergovernmental~~



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3336 ~~Relations or its successor entity~~.
3337 (c) The Office of Economic and Demographic Research
3338 ~~Legislative Committee on Intergovernmental Relations or its~~
3339 ~~successor entity~~ shall compile the economic development
3340 incentives provided by each county in a manner that shows the
3341 total of each class of economic development incentives provided
3342 by each county and all counties.
3343 Section 52. Subsection (11) of section 159.803, Florida
3344 Statutes, is amended to read:
3345 159.803 Definitions.—As used in this part, the term:
3346 (11) "Florida First Business project" means any project
3347 which is certified by the Department of Economic Opportunity
3348 ~~Office of Tourism, Trade, and Economic Development~~ as eligible
3349 to receive an allocation from the Florida First Business
3350 allocation pool established pursuant to s. 159.8083. The
3351 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
3352 ~~Economic Development~~ may certify those projects meeting the
3353 criteria set forth in s. 288.106(4)(b) or any project providing
3354 a substantial economic benefit to this state.
3355 Section 53. Paragraph (a) of subsection (2) of section
3356 159.8081, Florida Statutes, is amended to read:
3357 159.8081 Manufacturing facility bond pool.—
3358 (2)(a) The first 75 percent of this pool shall be available
3359 on a first come, first served basis, except that 15 percent of
3360 the state volume limitation allocated to this pool shall be
3361 available as provided in paragraph (b). Before ~~Prior to~~ issuing
3362 any written confirmations for the remaining 25 percent of this
3363 pool, the executive director shall forward all notices of intent
3364 to issue which are received by the division for manufacturing



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3365 facility projects to the Department of Economic Opportunity
3366 ~~Office of Tourism, Trade, and Economic Development~~. The
3367 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
3368 ~~Economic Development and the Department of Community Affairs~~
3369 shall decide, after receipt of the notices of intent to issue,
3370 which notices will receive written confirmations. Such decision
3371 shall be communicated in writing by the Department of Economic
3372 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
3373 to the executive director within 10 days of receipt of such
3374 notices of intent to issue. The Department of Economic
3375 Opportunity ~~Office of Tourism, Trade, and Economic Development,~~
3376 ~~in consultation with the Department of Community Affairs,~~ may
3377 develop rules to ensure that allocation of the remaining 25
3378 percent is consistent with the state's economic development
3379 policy.
3380 Section 54. Section 159.8083, Florida Statutes, is amended
3381 to read:
3382 159.8083 Florida First Business allocation pool.—The
3383 Florida First Business allocation pool is hereby established.
3384 The Florida First Business allocation pool shall be available
3385 solely to provide written confirmation for private activity
3386 bonds to finance Florida First Business projects certified by
3387 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
3388 ~~and Economic Development~~ as eligible to receive a written
3389 confirmation. Allocations from such pool shall be awarded
3390 statewide pursuant to procedures specified in s. 159.805, except
3391 that the provisions of s. 159.805(2), (3), and (6) do not apply.
3392 Florida First Business projects that are eligible for a
3393 carryforward do ~~shall~~ not lose their allocation pursuant to s.



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3394 159.809(3) on October 1, or pursuant to s. 159.809(4) on
3395 November 16, if they have applied for and have been granted a
3396 carryforward by the division pursuant to s. 159.81(1). In
3397 issuing written confirmations of allocations for Florida First
3398 Business projects, the division shall use the Florida First
3399 Business allocation pool. If allocation is not available from
3400 the Florida First Business allocation pool, the division shall
3401 issue written confirmations of allocations for Florida First
3402 Business projects pursuant to s. 159.806 or s. 159.807, in such
3403 order. For the purpose of determining priority within a regional
3404 allocation pool or the state allocation pool, notices of intent
3405 to issue bonds for Florida First Business projects to be issued
3406 from a regional allocation pool or the state allocation pool
3407 shall be considered to have been received by the division at the
3408 time it is determined by the division that the Florida First
3409 Business allocation pool is unavailable to issue confirmation
3410 for such Florida First Business project. If the total amount
3411 requested in notices of intent to issue private activity bonds
3412 for Florida First Business projects exceeds the total amount of
3413 the Florida First Business allocation pool, the director shall
3414 forward all timely notices of intent to issue, which are
3415 received by the division for such projects, to the Department of
3416 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
3417 ~~Development~~ which shall render a decision as to which notices of
3418 intent to issue are to receive written confirmations. The
3419 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
3420 ~~Economic Development~~, in consultation with the division, shall
3421 develop rules to ensure that the allocation provided in such
3422 pool is available solely to provide written confirmations for



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3423 private activity bonds to finance Florida First Business
3424 projects and that such projects are feasible and financially
3425 solvent.
3426 Section 55. Subsection (3) of section 159.809, Florida
3427 Statutes, is amended to read:
3428 159.809 Recapture of unused amounts.—
3429 (3) On October 1 of each year, any portion of the
3430 allocation made to the Florida First Business allocation pool
3431 pursuant to s. 159.804(5), ~~or~~ subsection (1), or subsection (2),
3432 which is eligible for carryforward pursuant to s. 146(f) of the
3433 Code but which has not been certified for carryforward by the
3434 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
3435 ~~Economic Development~~, shall be returned to the Florida First
3436 Business allocation pool.
3437 Section 56. Subsection (4) of section 161.142, Florida
3438 Statutes, is amended to read:
3439 161.142 Declaration of public policy relating to improved
3440 navigation inlets.—The Legislature recognizes the need for
3441 maintaining navigation inlets to promote commercial and
3442 recreational uses of our coastal waters and their resources. The
3443 Legislature further recognizes that inlets interrupt or alter
3444 the natural drift of beach-quality sand resources, which often
3445 results in these sand resources being deposited in nearshore
3446 areas or in the inlet channel, or in the inland waterway
3447 adjacent to the inlet, instead of providing natural nourishment
3448 to the adjacent eroding beaches. Accordingly, the Legislature
3449 finds it is in the public interest to replicate the natural
3450 drift of sand which is interrupted or altered by inlets to be
3451 replaced and for each level of government to undertake all



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3452 reasonable efforts to maximize inlet sand bypassing to ensure
3453 that beach-quality sand is placed on adjacent eroding beaches.
3454 Such activities cannot make up for the historical sand deficits
3455 caused by inlets but shall be designed to balance the sediment
3456 budget of the inlet and adjacent beaches and extend the life of
3457 proximate beach-restoration projects so that periodic
3458 nourishment is needed less frequently. Therefore, in furtherance
3459 of this declaration of public policy and the Legislature's
3460 intent to redirect and recommit the state's comprehensive beach
3461 management efforts to address the beach erosion caused by
3462 inlets, the department shall ensure that:
3463 (4) The provisions of subsections (1) and (2) shall not be
3464 a requirement imposed upon ports listed in s. 403.021(9)(b);
3465 however, such ports must demonstrate reasonable effort to place
3466 beach-quality sand from construction and maintenance dredging
3467 and port-development projects on adjacent eroding beaches in
3468 accordance with port master plans approved by the Department of
3469 Economic Opportunity ~~Community Affairs~~, and permits approved and
3470 issued by the department, to ensure compliance with this
3471 section. Ports may sponsor or cosponsor inlet management
3472 projects that are fully eligible for state cost sharing.
3473 Section 57. Subsection (10) of section 161.54, Florida
3474 Statutes, is amended to read:
3475 161.54 Definitions.—In construing ss. 161.52-161.58:
3476 (10) "State land planning agency" means the Department of
3477 Economic Opportunity ~~Community Affairs~~.
3478 Section 58. Subsection (1) of section 175.021, Florida
3479 Statutes, is amended to read:
3480 175.021 Legislative declaration.—



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3481 (1) It is hereby declared by the Legislature that
3482 firefighters~~, as hereinafter defined,~~ perform state and
3483 municipal functions; that it is their duty to extinguish fires,
3484 to protect life, and to protect property at their own risk and
3485 peril; that it is their duty to prevent conflagration and to
3486 continuously instruct school personnel, public officials, and
3487 private citizens in the prevention of fires and firesafety; that
3488 they protect both life and property from local emergencies as
3489 defined in s. 252.34~~(3)~~; and that their activities are vital to
3490 the public safety. It is further declared that firefighters
3491 employed by special fire control districts serve under the same
3492 circumstances and perform the same duties as firefighters
3493 employed by municipalities and should therefore be entitled to
3494 the benefits available under this chapter. Therefore, the
3495 Legislature declares that it is a proper and legitimate state
3496 purpose to provide a uniform retirement system for the benefit
3497 of firefighters ~~as hereinafter defined~~ and intends, in
3498 implementing the provisions of s. 14, Art. X of the State
3499 Constitution as they relate to municipal and special district
3500 firefighters' pension trust fund systems and plans, that such
3501 retirement systems or plans be managed, administered, operated,
3502 and funded in such manner as to maximize the protection of the
3503 firefighters' pension trust funds. Pursuant to s. 18, Art. VII
3504 of the State Constitution, the Legislature hereby determines and
3505 declares that ~~the provisions of~~ this act fulfill an important
3506 state interest.
3507 Section 59. Subsection (20) of section 163.3164, Florida
3508 Statutes, is amended to read:
3509 163.3164 Local Government Comprehensive Planning and Land



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3510 Development Regulation Act; definitions.—As used in this act:
3511 (20) "State land planning agency" means the Department of
3512 Economic Opportunity ~~Community Affairs~~.
3513 Section 60. Paragraphs (d) and (e) of subsection (9) of
3514 section 166.021, Florida Statutes, are amended to read:
3515 166.021 Powers.—
3516 (9)
3517 (d) A contract between the governing body of a municipality
3518 or other entity engaged in economic development activities on
3519 behalf of the municipality and an economic development agency
3520 must require the agency or entity receiving municipal funds to
3521 submit a report to the governing body of the municipality
3522 detailing how the municipal funds are spent and detailing the
3523 results of the economic development agency's or entity's efforts
3524 on behalf of the municipality. By January 15, 2011, and annually
3525 thereafter, the municipality shall file a copy of the report
3526 with the Office of Economic and Demographic Research ~~Legislative~~
3527 ~~Committee on Intergovernmental Relations or its successor entity~~
3528 and post a copy of the report on the municipality's website.
3529 (e)1. By January 15, 2011, and annually thereafter
3530 ~~therafter~~, each municipality having annual revenues or
3531 expenditures greater than $250,000 shall report to the Office of
3532 Economic Demographic Research ~~Legislative Committee on~~
3533 ~~Intergovernmental Relations or its successor entity~~ the economic
3534 development incentives in excess of $25,000 given to any
3535 business during the municipality's previous fiscal year. The
3536 Office of Economic and Demographic Research ~~Legislative~~
3537 ~~Committee on Intergovernmental Relations or its successor entity~~
3538 shall compile the information from the municipalities into a



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3539 report and provide the report to the Department of Economic
3540 Opportunity ~~Office of Tourism, Trade, and Economic Development~~.
3541 Economic development incentives include:
3542 a. Direct financial incentives of monetary assistance
3543 provided to a business from the municipality or through an
3544 organization authorized by the municipality. Such incentives
3545 include, but are not limited to, grants, loans, equity
3546 investments, loan insurance and guarantees, and training
3547 subsidies.
3548 b. Indirect incentives in the form of grants and loans
3549 provided to businesses and community organizations that provide
3550 support to businesses or promote business investment or
3551 development.
3552 c. Fee-based or tax-based incentives, including, but not
3553 limited to, credits, refunds, exemptions, and property tax
3554 abatement or assessment reductions.
3555 d. Below-market rate leases or deeds for real property.
3556 2. A municipality shall report its economic development
3557 incentives in the format specified by the Office of Economic and
3558 Demographic Research ~~Legislative Committee on Intergovernmental~~
3559 ~~Relations or its successor entity~~.
3560 3. The Office of Economic and Demographic Research
3561 ~~Legislative Committee on Intergovernmental Relations or its~~
3562 ~~successor entity~~ shall compile the economic development
3563 incentives provided by each municipality in a manner that shows
3564 the total of each class of economic development incentives
3565 provided by each municipality and all municipalities.
3566 Section 61. Subsection (1) of section 171.204, Florida
3567 Statutes, is amended to read:



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3568 171.204 Prerequisites to annexation under this part.—The
3569 interlocal service boundary agreement may describe the character
3570 of land that may be annexed under this part and may provide that
3571 the restrictions on the character of land that may be annexed
3572 pursuant to part I are not restrictions on land that may be
3573 annexed pursuant to this part. As determined in the interlocal
3574 service boundary agreement, any character of land may be
3575 annexed, including, but not limited to, an annexation of land
3576 not contiguous to the boundaries of the annexing municipality,
3577 an annexation that creates an enclave, or an annexation where
3578 the annexed area is not reasonably compact; however, such area
3579 must be "urban in character" as defined in s. 171.031(8). The
3580 interlocal service boundary agreement may not allow for
3581 annexation of land within a municipality that is not a party to
3582 the agreement or of land that is within another county. Before
3583 annexation of land that is not contiguous to the boundaries of
3584 the annexing municipality, an annexation that creates an
3585 enclave, or an annexation of land that is not currently served
3586 by water or sewer utilities, one of the following options must
3587 be followed:
3588 (1) The municipality shall transmit a comprehensive plan
3589 amendment that proposes specific amendments relating to the
3590 property anticipated for annexation to the Department of
3591 Economic Opportunity ~~Community Affairs~~ for review under chapter
3592 163. After considering the department's review, the municipality
3593 may approve the annexation and comprehensive plan amendment
3594 concurrently. The local government must adopt the annexation and
3595 the comprehensive plan amendment as separate and distinct
3596 actions but may take such actions at a single public hearing; or



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3597 Section 62. Paragraph (c) of subsection (4) of section
3598 186.504, Florida Statutes, is amended to read:
3599 186.504 Regional planning councils; creation; membership.—
3600 (4) In addition to voting members appointed pursuant to
3601 paragraph (2)(c), the Governor shall appoint the following ex
3602 officio nonvoting members to each regional planning council:
3603 (c) A representative nominated by the Department of
3604 Economic Opportunity ~~Enterprise Florida, Inc., and the Office of~~
3605 ~~Tourism, Trade, and Economic Development~~.
3606
3607 The Governor may also appoint ex officio nonvoting members
3608 representing appropriate metropolitan planning organizations and
3609 regional water supply authorities.
3610 Section 63. Subsection (11) of section 186.505, Florida
3611 Statutes, is amended to read:
3612 186.505 Regional planning councils; powers and duties.—Any
3613 regional planning council created hereunder shall have the
3614 following powers:
3615 (11) To cooperate, in the exercise of its planning
3616 functions, with federal and state agencies in planning for
3617 emergency management as defined in ~~under~~ s. 252.34~~(4)~~.
3618 Section 64. Subsection (4) of section 189.403, Florida
3619 Statutes, is amended to read:
3620 189.403 Definitions.—As used in this chapter, the term:
3621 (4) "Department" means the Department of Economic
3622 Opportunity ~~Community Affairs~~.
3623 Section 65. Section 189.412, Florida Statutes, is amended
3624 to read:
3625 189.412 Special District Information Program; duties and



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3626 responsibilities.—The Special District Information Program of
3627 the department of Economic Opportunity ~~Community Affairs~~ is
3628 created and has the following special duties:
3629 (1) The collection and maintenance of special district
3630 noncompliance status reports from the Department of Management
3631 Services, the Department of Financial Services, the Division of
3632 Bond Finance of the State Board of Administration, and the
3633 Auditor General for the reporting required in ss. 112.63,
3634 218.32, 218.38, and 218.39. The noncompliance reports must list
3635 those special districts that did not comply with the statutory
3636 reporting requirements.
3637 (2) The maintenance of a master list of independent and
3638 dependent special districts which shall be available on the
3639 department's website.
3640 (3) The publishing and updating of a "Florida Special
3641 District Handbook" that contains, at a minimum:
3642 (a) A section that specifies definitions of special
3643 districts and status distinctions in the statutes.
3644 (b) A section or sections that specify current statutory
3645 provisions for special district creation, implementation,
3646 modification, dissolution, and operating procedures.
3647 (c) A section that summarizes the reporting requirements
3648 applicable to all types of special districts as provided in ss.
3649 189.417 and 189.418.
3650 (4) When feasible, securing and maintaining access to
3651 special district information collected by all state agencies in
3652 existing or newly created state computer systems.
3653 (5) The facilitation of coordination and communication
3654 among state agencies regarding special district information.



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3655 (6) The conduct of studies relevant to special districts.
3656 (7) The provision of assistance related to and appropriate
3657 in the performance of requirements specified in this chapter,
3658 including assisting with an annual conference sponsored by the
3659 Florida Association of Special Districts or its successor.
3660 (8) Providing assistance to local general-purpose
3661 governments and certain state agencies in collecting delinquent
3662 reports or information, helping special districts comply with
3663 reporting requirements, declaring special districts inactive
3664 when appropriate, and, when directed by the Legislative Auditing
3665 Committee, initiating enforcement provisions as provided in ss.
3666 189.4044, 189.419, and 189.421.
3667 Section 66. Section 189.413, Florida Statutes, is amended
3668 to read:
3669 189.413 Special districts; oversight of state funds use.—
3670 Any state agency administering funding programs for which
3671 special districts are eligible shall be responsible for
3672 oversight of the use of such funds by special districts. The
3673 oversight responsibilities shall include, but not be limited to:
3674 (1) Reporting the existence of the program to the Special
3675 District Information Program of the department ~~of Community~~
3676 ~~Affairs~~.
3677 (2) Submitting annually a list of special districts
3678 participating in a state funding program to the Special District
3679 Information Program of the department ~~of Community Affairs~~. This
3680 list must indicate the special districts, if any, that are not
3681 in compliance with state funding program requirements.
3682 Section 67. Section 189.425, Florida Statutes, is amended
3683 to read:



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3684 189.425 Rulemaking authority.—The department ~~of Community~~
3685 ~~Affairs~~ may adopt rules to implement the provisions of this
3686 chapter.
3687 Section 68. Section 189.427, Florida Statutes, is amended
3688 to read:
3689 189.427 Fee schedule; Grants and Donations ~~Operating~~ Trust
3690 Fund.—The Department of Economic Opportunity ~~Community Affairs~~,
3691 by rule, shall establish a schedule of fees to pay one-half of
3692 the costs incurred by the department in administering this act,
3693 except that the fee may not exceed $175 per district per year.
3694 The fees collected under this section shall be deposited in the
3695 Grants and Donations ~~Operating~~ Trust Fund, which shall be
3696 administered by the Department of Economic Opportunity ~~Community~~
3697 ~~Affairs~~. Any fee rule must consider factors such as the
3698 dependent and independent status of the district and district
3699 revenues for the most recent fiscal year as reported to the
3700 Department of Financial Services. The department may assess
3701 fines of not more than $25, with an aggregate total not to
3702 exceed $50, as penalties against special districts that fail to
3703 remit required fees to the department. It is the intent of the
3704 Legislature that general revenue funds will be made available to
3705 the department to pay one-half of the cost of administering this
3706 act.
3707 Section 69. Subsection (1) of section 189.4035, Florida
3708 Statutes, is amended to read:
3709 189.4035 Preparation of official list of special
3710 districts.—
3711 (1) The Department of Economic Opportunity ~~Community~~
3712 ~~Affairs~~ shall compile the official list of special districts.



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3713 The official list of special districts shall include all special
3714 districts in this state and shall indicate the independent or
3715 dependent status of each district. All special districts in the
3716 list shall be sorted by county. The definitions in s. 189.403
3717 shall be the criteria for determination of the independent or
3718 dependent status of each special district on the official list.
3719 The status of community development districts shall be
3720 independent on the official list of special districts.
3721 Section 70. Subsection (2) of section 190.009, Florida
3722 Statutes, is amended to read:
3723 190.009 Disclosure of public financing.—
3724 (2) The Department of Economic Opportunity ~~Community~~
3725 ~~Affairs~~ shall keep a current list of districts and their
3726 disclosures pursuant to this act and shall make such studies and
3727 reports and take such actions as it deems necessary.
3728 Section 71. Section 190.047, Florida Statutes, is amended
3729 to read:
3730 190.047 Incorporation or annexation of district.—
3731 (1) Upon attaining the population standards for
3732 incorporation contained in s. 165.061 and as determined by the
3733 Department of Economic Opportunity ~~Community Affairs~~, any
3734 district wholly contained within the unincorporated area of a
3735 county that also meets the other requirements for incorporation
3736 contained in s. 165.061 shall hold a referendum at a general
3737 election on the question of whether to incorporate. However, any
3738 district contiguous to the boundary of a municipality may be
3739 annexed to such municipality pursuant to the provisions of
3740 chapter 171.
3741 (2) The Department of Economic Opportunity ~~Community~~



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3742 ~~Affairs~~ shall annually monitor the status of the district for
3743 purposes of carrying out the provisions of this section.
3744 Section 72. Subsection (1) of section 191.009, Florida
3745 Statutes, is amended to read:
3746 191.009 Taxes; non-ad valorem assessments; impact fees and
3747 user charges.—
3748 (1) AD VALOREM TAXES.—An elected board may levy and assess
3749 ad valorem taxes on all taxable property in the district to
3750 construct, operate, and maintain district facilities and
3751 services, to pay the principal of, and interest on, general
3752 obligation bonds of the district, and to provide for any sinking
3753 or other funds established in connection with such bonds. An ad
3754 valorem tax levied by the board for operating purposes,
3755 exclusive of debt service on bonds, may not exceed 3.75 mills
3756 unless a higher amount has been previously authorized by law,
3757 subject to a referendum as required by the State Constitution
3758 and this act. The ballot question on such referendum shall state
3759 the currently authorized millage rate and the year of its
3760 approval by referendum. The levy of ad valorem taxes pursuant to
3761 this section must be approved by referendum called by the board
3762 when the proposed levy of ad valorem taxes exceeds the amount
3763 authorized by prior special act, general law of local
3764 application, or county ordinance approved by referendum. Nothing
3765 in this act shall require a referendum on the levy of ad valorem
3766 taxes in an amount previously authorized by special act, general
3767 law of local application, or county ordinance approved by
3768 referendum. Such tax shall be assessed, levied, and collected in
3769 the same manner as county taxes. The levy of ad valorem taxes
3770 approved by referendum shall be reported within 60 days after



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3771 the vote to the Department of Economic Opportunity ~~Community~~
3772 ~~Affairs~~.
3773 Section 73. Section 191.015, Florida Statutes, is amended
3774 to read:
3775 191.015 Codification.—Each fire control district existing
3776 on the effective date of this section, by December 1, 2004,
3777 shall submit to the Legislature a draft codified charter, at its
3778 expense, so that its special acts may be codified into a single
3779 act for reenactment by the Legislature, if there is more than
3780 one special act for the district. The Legislature may adopt a
3781 schedule for individual district codification. Any codified act
3782 relating to a district, which act is submitted to the
3783 Legislature for reenactment, shall provide for the repeal of all
3784 prior special acts of the Legislature relating to the district.
3785 The codified act shall be filed with the Department of Economic
3786 Opportunity ~~Community Affairs~~ pursuant to s. 189.418(2).
3787 Section 74. Paragraph (a) of subsection (1) of section
3788 202.37, Florida Statutes, is amended to read:
3789 202.37 Special rules for administration of local
3790 communications services tax.—
3791 (1)(a) Except as otherwise provided in this section, all
3792 statutory provisions and administrative rules applicable to the
3793 communications services tax imposed by s. 202.12 apply to any
3794 local communications services tax imposed under s. 202.19, and
3795 the department shall administer, collect, and enforce all taxes
3796 imposed under s. 202.19, including interest and penalties
3797 attributable thereto, in accordance with the same procedures
3798 used in the administration, collection, and enforcement of the
3799 communications services tax imposed by s. 202.12. Audits



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3800 performed by the department shall include a determination of the
3801 dealer's compliance with the jurisdictional situsing of its
3802 customers' service addresses and a determination of whether the
3803 rate collected for the local tax pursuant to ss. 202.19 and
3804 202.20 is correct. The person or entity designated by a local
3805 government pursuant to s. 213.053(8) ~~s. 213.053(8)(v)~~ may
3806 provide evidence to the department demonstrating a specific
3807 person's failure to fully or correctly report taxable
3808 communications services sales within the jurisdiction. The
3809 department may request additional information from the designee
3810 to assist in any review. The department shall inform the
3811 designee of what action, if any, the department intends to take
3812 regarding the person.
3813 Section 75. Paragraphs (g), (h), (j), and (p) of subsection
3814 (5) and paragraph (b) of subsection (15) of section 212.08,
3815 Florida Statutes, are amended to read:
3816 212.08 Sales, rental, use, consumption, distribution, and
3817 storage tax; specified exemptions.—The sale at retail, the
3818 rental, the use, the consumption, the distribution, and the
3819 storage to be used or consumed in this state of the following
3820 are hereby specifically exempt from the tax imposed by this
3821 chapter.
3822 (5) EXEMPTIONS; ACCOUNT OF USE.—
3823 (g) *Building materials used in the rehabilitation of real*
3824 *property located in an enterprise zone.*—
3825 1. Building materials used in the rehabilitation of real
3826 property located in an enterprise zone are exempt from the tax
3827 imposed by this chapter upon an affirmative showing to the
3828 satisfaction of the department that the items have been used for



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3829 the rehabilitation of real property located in an enterprise
3830 zone. Except as provided in subparagraph 2., this exemption
3831 inures to the owner, lessee, or lessor at the time the real
3832 property is rehabilitated, but only through a refund of
3833 previously paid taxes. To receive a refund pursuant to this
3834 paragraph, the owner, lessee, or lessor of the rehabilitated
3835 real property must file an application under oath with the
3836 governing body or enterprise zone development agency having
3837 jurisdiction over the enterprise zone where the business is
3838 located, as applicable. A single application for a refund may be
3839 submitted for multiple, contiguous parcels that were part of a
3840 single parcel that was divided as part of the rehabilitation of
3841 the property. All other requirements of this paragraph apply to
3842 each parcel on an individual basis. The application must
3843 include:
3844 a. The name and address of the person claiming the refund.
3845 b. An address and assessment roll parcel number of the
3846 rehabilitated real property for which a refund of previously
3847 paid taxes is being sought.
3848 c. A description of the improvements made to accomplish the
3849 rehabilitation of the real property.
3850 d. A copy of a valid building permit issued by the county
3851 or municipal building department for the rehabilitation of the
3852 real property.
3853 e. A sworn statement, under penalty of perjury, from the
3854 general contractor licensed in this state with whom the
3855 applicant contracted to make the improvements necessary to
3856 rehabilitate the real property, which lists the building
3857 materials used to rehabilitate the real property, the actual



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3858 cost of the building materials, and the amount of sales tax paid
3859 in this state on the building materials. If a general contractor
3860 was not used, the applicant, not a general contractor, shall
3861 make the sworn statement required by this sub-subparagraph.
3862 Copies of the invoices that evidence the purchase of the
3863 building materials used in the rehabilitation and the payment of
3864 sales tax on the building materials must be attached to the
3865 sworn statement provided by the general contractor or by the
3866 applicant. Unless the actual cost of building materials used in
3867 the rehabilitation of real property and the payment of sales
3868 taxes is documented by a general contractor or by the applicant
3869 in this manner, the cost of the building materials is deemed to
3870 be an amount equal to 40 percent of the increase in assessed
3871 value for ad valorem tax purposes.
3872 f. The identifying number assigned pursuant to s. 290.0065
3873 to the enterprise zone in which the rehabilitated real property
3874 is located.
3875 g. A certification by the local building code inspector
3876 that the improvements necessary to rehabilitate the real
3877 property are substantially completed.
3878 h. A statement of whether the business is a small business
3879 as defined by s. 288.703~~(1)~~.
3880 i. If applicable, the name and address of each permanent
3881 employee of the business, including, for each employee who is a
3882 resident of an enterprise zone, the identifying number assigned
3883 pursuant to s. 290.0065 to the enterprise zone in which the
3884 employee resides.
3885 2. This exemption inures to a municipality, county, other
3886 governmental unit or agency, or nonprofit community-based



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3887 organization through a refund of previously paid taxes if the
3888 building materials used in the rehabilitation are paid for from
3889 the funds of a community development block grant, State Housing
3890 Initiatives Partnership Program, or similar grant or loan
3891 program. To receive a refund, a municipality, county, other
3892 governmental unit or agency, or nonprofit community-based
3893 organization must file an application that includes the same
3894 information required in subparagraph 1. In addition, the
3895 application must include a sworn statement signed by the chief
3896 executive officer of the municipality, county, other
3897 governmental unit or agency, or nonprofit community-based
3898 organization seeking a refund which states that the building
3899 materials for which a refund is sought were funded by a
3900 community development block grant, State Housing Initiatives
3901 Partnership Program, or similar grant or loan program.
3902 3. Within 10 working days after receipt of an application,
3903 the governing body or enterprise zone development agency shall
3904 review the application to determine if it contains all the
3905 information required by subparagraph 1. or subparagraph 2. and
3906 meets the criteria set out in this paragraph. The governing body
3907 or agency shall certify all applications that contain the
3908 required information and are eligible to receive a refund. If
3909 applicable, the governing body or agency shall also certify if
3910 20 percent of the employees of the business are residents of an
3911 enterprise zone, excluding temporary and part-time employees.
3912 The certification must be in writing, and a copy of the
3913 certification shall be transmitted to the executive director of
3914 the department. The applicant is responsible for forwarding a
3915 certified application to the department within the time



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3916 specified in subparagraph 4.
3917 4. An application for a refund must be submitted to the
3918 department within 6 months after the rehabilitation of the
3919 property is deemed to be substantially completed by the local
3920 building code inspector or by November 1 after the rehabilitated
3921 property is first subject to assessment.
3922 5. Only one exemption through a refund of previously paid
3923 taxes for the rehabilitation of real property is permitted for
3924 any single parcel of property unless there is a change in
3925 ownership, a new lessor, or a new lessee of the real property. A
3926 refund may not be granted unless the amount to be refunded
3927 exceeds $500. A refund may not exceed the lesser of 97 percent
3928 of the Florida sales or use tax paid on the cost of the building
3929 materials used in the rehabilitation of the real property as
3930 determined pursuant to sub-subparagraph 1.e. or $5,000, or, if
3931 at least 20 percent of the employees of the business are
3932 residents of an enterprise zone, excluding temporary and part-
3933 time employees, the amount of refund may not exceed the lesser
3934 of 97 percent of the sales tax paid on the cost of the building
3935 materials or $10,000. A refund shall be made within 30 days
3936 after formal approval by the department of the application for
3937 the refund.
3938 6. The department shall adopt rules governing the manner
3939 and form of refund applications and may establish guidelines as
3940 to the requisites for an affirmative showing of qualification
3941 for exemption under this paragraph.
3942 7. The department shall deduct an amount equal to 10
3943 percent of each refund granted under this paragraph from the
3944 amount transferred into the Local Government Half-cent Sales Tax



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3945 Clearing Trust Fund pursuant to s. 212.20 for the county area in
3946 which the rehabilitated real property is located and shall
3947 transfer that amount to the General Revenue Fund.
3948 8. For the purposes of the exemption provided in this
3949 paragraph, the term:
3950 a. “Building materials” means tangible personal property
3951 that becomes a component part of improvements to real property.
3952 b. “Real property” has the same meaning as provided in s.
3953 192.001(12), except that the term does not include a condominium
3954 parcel or condominium property as defined in s. 718.103.
3955 c. “Rehabilitation of real property” means the
3956 reconstruction, renovation, restoration, rehabilitation,
3957 construction, or expansion of improvements to real property.
3958 d. “Substantially completed” has the same meaning as
3959 provided in s. 192.042(1).
3960 9. This paragraph expires on the date specified in s.
3961 290.016 for the expiration of the Florida Enterprise Zone Act.
3962 (h) *Business property used in an enterprise zone.*—
3963 1. Business property purchased for use by businesses
3964 located in an enterprise zone which is subsequently used in an
3965 enterprise zone shall be exempt from the tax imposed by this
3966 chapter. This exemption inures to the business only through a
3967 refund of previously paid taxes. A refund shall be authorized
3968 upon an affirmative showing by the taxpayer to the satisfaction
3969 of the department that the requirements of this paragraph have
3970 been met.
3971 2. To receive a refund, the business must file under oath
3972 with the governing body or enterprise zone development agency
3973 having jurisdiction over the enterprise zone where the business



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3974 is located, as applicable, an application which includes:
3975 a. The name and address of the business claiming the
3976 refund.
3977 b. The identifying number assigned pursuant to s. 290.0065
3978 to the enterprise zone in which the business is located.
3979 c. A specific description of the property for which a
3980 refund is sought, including its serial number or other permanent
3981 identification number.
3982 d. The location of the property.
3983 e. The sales invoice or other proof of purchase of the
3984 property, showing the amount of sales tax paid, the date of
3985 purchase, and the name and address of the sales tax dealer from
3986 whom the property was purchased.
3987 f. Whether the business is a small business as defined by
3988 s. 288.703~~(1)~~.
3989 g. If applicable, the name and address of each permanent
3990 employee of the business, including, for each employee who is a
3991 resident of an enterprise zone, the identifying number assigned
3992 pursuant to s. 290.0065 to the enterprise zone in which the
3993 employee resides.
3994 3. Within 10 working days after receipt of an application,
3995 the governing body or enterprise zone development agency shall
3996 review the application to determine if it contains all the
3997 information required pursuant to subparagraph 2. and meets the
3998 criteria set out in this paragraph. The governing body or agency
3999 shall certify all applications that contain the information
4000 required pursuant to subparagraph 2. and meet the criteria set
4001 out in this paragraph as eligible to receive a refund. If
4002 applicable, the governing body or agency shall also certify if



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4003 20 percent of the employees of the business are residents of an
4004 enterprise zone, excluding temporary and part-time employees.
4005 The certification shall be in writing, and a copy of the
4006 certification shall be transmitted to the executive director of
4007 the Department of Revenue. The business shall be responsible for
4008 forwarding a certified application to the department within the
4009 time specified in subparagraph 4.
4010 4. An application for a refund pursuant to this paragraph
4011 must be submitted to the department within 6 months after the
4012 tax is due on the business property that is purchased.
4013 5. The amount refunded on purchases of business property
4014 under this paragraph shall be the lesser of 97 percent of the
4015 sales tax paid on such business property or $5,000, or, if no
4016 less than 20 percent of the employees of the business are
4017 residents of an enterprise zone, excluding temporary and part-
4018 time employees, the amount refunded on purchases of business
4019 property under this paragraph shall be the lesser of 97 percent
4020 of the sales tax paid on such business property or $10,000. A
4021 refund approved pursuant to this paragraph shall be made within
4022 30 days after ~~of~~ formal approval by the department of the
4023 application for the refund. A ~~No~~ refund may not ~~shall~~ be granted
4024 under this paragraph unless the amount to be refunded exceeds
4025 $100 in sales tax paid on purchases made within a 60-day time
4026 period.
4027 6. The department shall adopt rules governing the manner
4028 and form of refund applications and may establish guidelines as
4029 to the requisites for an affirmative showing of qualification
4030 for exemption under this paragraph.
4031 7. If the department determines that the business property



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4032 is used outside an enterprise zone within 3 years from the date
4033 of purchase, the amount of taxes refunded to the business
4034 purchasing such business property shall immediately be due and
4035 payable to the department by the business, together with the
4036 appropriate interest and penalty, computed from the date of
4037 purchase, in the manner provided by this chapter.
4038 Notwithstanding this subparagraph, business property used
4039 exclusively in:
4040 a. Licensed commercial fishing vessels,
4041 b. Fishing guide boats, or
4042 c. Ecotourism guide boats
4043
4044 that leave and return to a fixed location within an area
4045 designated under s. 379.2353, Florida Statutes 2010, are
4046 eligible for the exemption provided under this paragraph if all
4047 requirements of this paragraph are met. Such vessels and boats
4048 must be owned by a business that is eligible to receive the
4049 exemption provided under this paragraph. This exemption does not
4050 apply to the purchase of a vessel or boat.
4051 8. The department shall deduct an amount equal to 10
4052 percent of each refund granted under ~~the provisions of~~ this
4053 paragraph from the amount transferred into the Local Government
4054 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20
4055 for the county area in which the business property is located
4056 and shall transfer that amount to the General Revenue Fund.
4057 9. For the purposes of this exemption, “business property”
4058 means new or used property defined as “recovery property” in s.
4059 168(c) of the Internal Revenue Code of 1954, as amended, except:
4060 a. Property classified as 3-year property under s.



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4061 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;
4062 b. Industrial machinery and equipment as defined in sub-
4063 subparagraph (b)6.a. and eligible for exemption under paragraph
4064 (b);
4065 c. Building materials as defined in sub-subparagraph
4066 (g)8.a.; and
4067 d. Business property having a sales price of under $5,000
4068 per unit.
4069 10. This paragraph expires on the date specified in s.
4070 290.016 for the expiration of the Florida Enterprise Zone Act.
4071 (j) *Machinery and equipment used in semiconductor, defense,*
4072 *or space technology production.*—
4073 1.a. Industrial machinery and equipment used in
4074 semiconductor technology facilities certified under subparagraph
4075 5. to manufacture, process, compound, or produce semiconductor
4076 technology products for sale or for use by these facilities are
4077 exempt from the tax imposed by this chapter. For purposes of
4078 this paragraph, industrial machinery and equipment includes
4079 molds, dies, machine tooling, other appurtenances or accessories
4080 to machinery and equipment, testing equipment, test beds,
4081 computers, and software, whether purchased or self-fabricated,
4082 and, if self-fabricated, includes materials and labor for
4083 design, fabrication, and assembly.
4084 b. Industrial machinery and equipment used in defense or
4085 space technology facilities certified under subparagraph 5. to
4086 design, manufacture, assemble, process, compound, or produce
4087 defense technology products or space technology products for
4088 sale or for use by these facilities are exempt from the tax
4089 imposed by this chapter.



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2. Building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.

3. In addition to meeting the criteria mandated by subparagraph 1. or subparagraph 2., a business must be certified by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ in order to qualify for exemption under this paragraph.

4. For items purchased tax-exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser's entitlement to the exemption, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

5.a. To be eligible to receive the exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall initially apply to Enterprise Florida, Inc. The original certification is valid for a period of 2 years. In lieu of submitting a new application, the original certification may be renewed biennially by submitting to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ a statement, certified under oath, that there has not been a ~~no~~ material change in the conditions or circumstances entitling the business entity to the original certification. The initial application and the certification renewal statement shall be developed by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc~~.



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4119 b. The Division of Strategic Business Development of the
4120 Department of Economic Opportunity ~~Enterprise Florida, Inc.,~~
4121 shall review each submitted initial application and determine
4122 whether or not the application is complete within 5 working
4123 days. Once complete, the division ~~Enterprise Florida, Inc.,~~
4124 shall, within 10 working days, evaluate the application and
4125 recommend approval or disapproval to the Department of Economic
4126 Opportunity ~~Office of Tourism, Trade, and Economic Development~~.
4127 c. Upon receipt of the initial application and
4128 recommendation from the division ~~Enterprise Florida, Inc.,~~ or
4129 upon receipt of a certification renewal statement, the
4130 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
4131 ~~Economic Development~~ shall certify within 5 working days those
4132 applicants who are found to meet the requirements of this
4133 section and notify the applicant~~, Enterprise Florida, Inc., and~~
4134 ~~the department~~ of the original certification or certification
4135 renewal. If the Department of Economic Opportunity ~~Office of~~
4136 ~~Tourism, Trade, and Economic Development~~ finds that the
4137 applicant does not meet the requirements, it shall notify the
4138 applicant and Enterprise Florida, Inc., within 10 working days
4139 that the application for certification has been denied and the
4140 reasons for denial. The Department of Economic Opportunity
4141 ~~Office of Tourism, Trade, and Economic Development~~ has final
4142 approval authority for certification under this section.
4143 d. The initial application and certification renewal
4144 statement must indicate, for program evaluation purposes only,
4145 the average number of full-time equivalent employees at the
4146 facility over the preceding calendar year, the average wage and
4147 benefits paid to those employees over the preceding calendar



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4148 year, the total investment made in real and tangible personal
4149 property over the preceding calendar year, and the total value
4150 of tax-exempt purchases and taxes exempted during the previous
4151 year. The department shall assist the Department of Economic
4152 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4153 in evaluating and verifying information provided in the
4154 application for exemption.
4155 e. The Department of Economic Opportunity ~~Office of~~
4156 ~~Tourism, Trade, and Economic Development~~ may use the information
4157 reported on the initial application and certification renewal
4158 statement for evaluation purposes only.
4159 6. A business certified to receive this exemption may elect
4160 to designate one or more state universities or community
4161 colleges as recipients of up to 100 percent of the amount of the
4162 exemption. To receive these funds, the institution must agree to
4163 match the funds with equivalent cash, programs, services, or
4164 other in-kind support on a one-to-one basis for research and
4165 development projects requested by the certified business. The
4166 rights to any patents, royalties, or real or intellectual
4167 property must be vested in the business unless otherwise agreed
4168 to by the business and the university or community college.
4169 7. As used in this paragraph, the term:
4170 a. “Semiconductor technology products” means raw
4171 semiconductor wafers or semiconductor thin films that are
4172 transformed into semiconductor memory or logic wafers, including
4173 wafers containing mixed memory and logic circuits; related
4174 assembly and test operations; active-matrix flat panel displays;
4175 semiconductor chips; semiconductor lasers; optoelectronic
4176 elements; and related semiconductor technology products as



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4177 determined by the Department of Economic Opportunity ~~Office of~~
4178 ~~Tourism, Trade, and Economic Development~~.
4179 b. “Clean rooms” means manufacturing facilities enclosed in
4180 a manner that meets the clean manufacturing requirements
4181 necessary for high-technology semiconductor-manufacturing
4182 environments.
4183 c. “Defense technology products” means products that have a
4184 military application, including, but not limited to, weapons,
4185 weapons systems, guidance systems, surveillance systems,
4186 communications or information systems, munitions, aircraft,
4187 vessels, or boats, or components thereof, which are intended for
4188 military use and manufactured in performance of a contract with
4189 the United States Department of Defense or the military branch
4190 of a recognized foreign government or a subcontract thereunder
4191 which relates to matters of national defense.
4192 d. “Space technology products” means products that are
4193 specifically designed or manufactured for application in space
4194 activities, including, but not limited to, space launch
4195 vehicles, space flight vehicles, missiles, satellites or
4196 research payloads, avionics, and associated control systems and
4197 processing systems and components of any of the foregoing. The
4198 term does not include products that are designed or manufactured
4199 for general commercial aviation or other uses even though those
4200 products may also serve an incidental use in space applications.
4201 (p) *Community contribution tax credit for donations.*—
4202 1. Authorization.—Persons who are registered with the
4203 department under s. 212.18 to collect or remit sales or use tax
4204 and who make donations to eligible sponsors are eligible for tax
4205 credits against their state sales and use tax liabilities as



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4206 provided in this paragraph:
4207 a. The credit shall be computed as 50 percent of the
4208 person’s approved annual community contribution.
4209 b. The credit shall be granted as a refund against state
4210 sales and use taxes reported on returns and remitted in the 12
4211 months preceding the date of application to the department for
4212 the credit as required in sub-subparagraph 3.c. If the annual
4213 credit is not fully used through such refund because of
4214 insufficient tax payments during the applicable 12-month period,
4215 the unused amount may be included in an application for a refund
4216 made pursuant to sub-subparagraph 3.c. in subsequent years
4217 against the total tax payments made for such year. Carryover
4218 credits may be applied for a 3-year period without regard to any
4219 time limitation that would otherwise apply under s. 215.26.
4220 c. A person may not receive more than $200,000 in annual
4221 tax credits for all approved community contributions made in any
4222 one year.
4223 d. All proposals for the granting of the tax credit require
4224 the prior approval of the Department of Economic Opportunity
4225 ~~Office of Tourism, Trade, and Economic Development~~.
4226 e. The total amount of tax credits which may be granted for
4227 all programs approved under this paragraph, s. 220.183, and s.
4228 624.5105 is $10.5 million annually for projects that provide
4229 homeownership opportunities for low-income or very-low-income
4230 households as defined in s. 420.9071(19) and (28) and $3.5
4231 million annually for all other projects.
4232 f. A person who is eligible to receive the credit provided
4233 for in this paragraph, s. 220.183, or s. 624.5105 may receive
4234 the credit only under the one section of the person’s choice.



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4235 2. Eligibility requirements.—
4236 a. A community contribution by a person must be in the
4237 following form:
4238 (I) Cash or other liquid assets;
4239 (II) Real property;
4240 (III) Goods or inventory; or
4241 (IV) Other physical resources as identified by the
4242 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
4243 ~~Economic Development~~.
4244 b. All community contributions must be reserved exclusively
4245 for use in a project. As used in this sub-subparagraph, the term
4246 "project" means any activity undertaken by an eligible sponsor
4247 which is designed to construct, improve, or substantially
4248 rehabilitate housing that is affordable to low-income or very-
4249 low-income households as defined in s. 420.9071(19) and (28);
4250 designed to provide commercial, industrial, or public resources
4251 and facilities; or designed to improve entrepreneurial and job-
4252 development opportunities for low-income persons. A project may
4253 be the investment necessary to increase access to high-speed
4254 broadband capability in rural communities with enterprise zones,
4255 including projects that result in improvements to communications
4256 assets that are owned by a business. A project may include the
4257 provision of museum educational programs and materials that are
4258 directly related to any project approved between January 1,
4259 1996, and December 31, 1999, and located in an enterprise zone
4260 designated pursuant to s. 290.0065. This paragraph does not
4261 preclude projects that propose to construct or rehabilitate
4262 housing for low-income or very-low-income households on
4263 scattered sites. With respect to housing, contributions may be



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4264 used to pay the following eligible low-income and very-low-
4265 income housing-related activities:
4266 (I) Project development impact and management fees for low-
4267 income or very-low-income housing projects;
4268 (II) Down payment and closing costs for eligible persons,
4269 as defined in s. 420.9071(19) and (28);
4270 (III) Administrative costs, including housing counseling
4271 and marketing fees, not to exceed 10 percent of the community
4272 contribution, directly related to low-income or very-low-income
4273 projects; and
4274 (IV) Removal of liens recorded against residential property
4275 by municipal, county, or special district local governments when
4276 satisfaction of the lien is a necessary precedent to the
4277 transfer of the property to an eligible person, as defined in s.
4278 420.9071(19) and (28), for the purpose of promoting home
4279 ownership. Contributions for lien removal must be received from
4280 a nonrelated third party.
4281 c. The project must be undertaken by an "eligible sponsor,"
4282 which includes:
4283 (I) A community action program;
4284 (II) A nonprofit community-based development organization
4285 whose mission is the provision of housing for low-income or
4286 very-low-income households or increasing entrepreneurial and
4287 job-development opportunities for low-income persons;
4288 (III) A neighborhood housing services corporation;
4289 (IV) A local housing authority created under chapter 421;
4290 (V) A community redevelopment agency created under s.
4291 163.356;
4292 (VI) The Florida Industrial Development Corporation;



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4293 (VII) A historic preservation district agency or
4294 organization;
4295 (VIII) A regional workforce board;
4296 (IX) A direct-support organization as provided in s.
4297 1009.983;
4298 (X) An enterprise zone development agency created under s.
4299 290.0056;
4300 (XI) A community-based organization incorporated under
4301 chapter 617 which is recognized as educational, charitable, or
4302 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
4303 and whose bylaws and articles of incorporation include
4304 affordable housing, economic development, or community
4305 development as the primary mission of the corporation;
4306 (XII) Units of local government;
4307 (XIII) Units of state government; or
4308 (XIV) Any other agency that the Department of Economic
4309 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4310 designates by rule.
4311
4312 In no event may a contributing person have a financial interest
4313 in the eligible sponsor.
4314 d. The project must be located in an area designated an
4315 enterprise zone or a Front Porch Florida Community ~~pursuant to~~
4316 ~~s. 20.18(6)~~, unless the project increases access to high-speed
4317 broadband capability for rural communities with enterprise zones
4318 but is physically located outside the designated rural zone
4319 boundaries. Any project designed to construct or rehabilitate
4320 housing for low-income or very-low-income households as defined
4321 in s. 420.9071(19) and (28) is exempt from the area requirement



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4322 of this sub-subparagraph.
4323 e.(I) If, during the first 10 business days of the state
4324 fiscal year, eligible tax credit applications for projects that
4325 provide homeownership opportunities for low-income or very-low-
4326 income households as defined in s. 420.9071(19) and (28) are
4327 received for less than the annual tax credits available for
4328 those projects, the Department of Economic Opportunity ~~Office of~~
4329 ~~Tourism, Trade, and Economic Development~~ shall grant tax credits
4330 for those applications and shall grant remaining tax credits on
4331 a first-come, first-served basis for any subsequent eligible
4332 applications received before the end of the state fiscal year.
4333 If, during the first 10 business days of the state fiscal year,
4334 eligible tax credit applications for projects that provide
4335 homeownership opportunities for low-income or very-low-income
4336 households as defined in s. 420.9071(19) and (28) are received
4337 for more than the annual tax credits available for those
4338 projects, the Department of Economic Opportunity ~~office~~ shall
4339 grant the tax credits for those applications as follows:
4340 (A) If tax credit applications submitted for approved
4341 projects of an eligible sponsor do not exceed $200,000 in total,
4342 the credits shall be granted in full if the tax credit
4343 applications are approved.
4344 (B) If tax credit applications submitted for approved
4345 projects of an eligible sponsor exceed $200,000 in total, the
4346 amount of tax credits granted pursuant to sub-sub-sub-
4347 subparagraph (A) shall be subtracted from the amount of
4348 available tax credits, and the remaining credits shall be
4349 granted to each approved tax credit application on a pro rata
4350 basis.



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4351 (II) If, during the first 10 business days of the state
4352 fiscal year, eligible tax credit applications for projects other
4353 than those that provide homeownership opportunities for low-
4354 income or very-low-income households as defined in s.
4355 420.9071(19) and (28) are received for less than the annual tax
4356 credits available for those projects, the Department of Economic
4357 Opportunity ~~office~~ shall grant tax credits for those
4358 applications and shall grant remaining tax credits on a first-
4359 come, first-served basis for any subsequent eligible
4360 applications received before the end of the state fiscal year.
4361 If, during the first 10 business days of the state fiscal year,
4362 eligible tax credit applications for projects other than those
4363 that provide homeownership opportunities for low-income or very-
4364 low-income households as defined in s. 420.9071(19) and (28) are
4365 received for more than the annual tax credits available for
4366 those projects, the Department of Economic Opportunity ~~office~~
4367 shall grant the tax credits for those applications on a pro rata
4368 basis.
4369 3. Application requirements.—
4370 a. Any eligible sponsor seeking to participate in this
4371 program must submit a proposal to the Department of Economic
4372 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4373 which sets forth the name of the sponsor, a description of the
4374 project, and the area in which the project is located, together
4375 with such supporting information as is prescribed by rule. The
4376 proposal must also contain a resolution from the local
4377 governmental unit in which the project is located certifying
4378 that the project is consistent with local plans and regulations.
4379 b. Any person seeking to participate in this program must



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4380 submit an application for tax credit to the Department of
4381 Economic Opportunity ~~office~~ which sets forth the name of the
4382 sponsor, a description of the project, and the type, value, and
4383 purpose of the contribution. The sponsor shall verify the terms
4384 of the application and indicate its receipt of the contribution,
4385 which verification must be in writing and accompany the
4386 application for tax credit. The person must submit a separate
4387 tax credit application to the Department of Economic Opportunity
4388 ~~office~~ for each individual contribution that it makes to each
4389 individual project.
4390 c. Any person who has received notification from the
4391 Department of Economic Opportunity ~~office~~ that a tax credit has
4392 been approved must apply to the department to receive the
4393 refund. Application must be made on the form prescribed for
4394 claiming refunds of sales and use taxes and be accompanied by a
4395 copy of the notification. A person may submit only one
4396 application for refund to the department within any 12-month
4397 period.
4398 4. Administration.—
4399 a. The Department of Economic Opportunity ~~Office of~~
4400 ~~Tourism, Trade, and Economic Development~~ may adopt rules
4401 pursuant to ss. 120.536(1) and 120.54 necessary to administer
4402 this paragraph, including rules for the approval or disapproval
4403 of proposals by a person.
4404 b. The decision of the Department of Economic Opportunity
4405 ~~office~~ must be in writing, and, if approved, the notification
4406 shall state the maximum credit allowable to the person. Upon
4407 approval, the Department of Economic Opportunity ~~office~~ shall
4408 transmit a copy of the decision to the Department of Revenue.



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4409 c. The Department of Economic Opportunity ~~office~~ shall
4410 periodically monitor all projects in a manner consistent with
4411 available resources to ensure that resources are used in
4412 accordance with this paragraph; however, each project must be
4413 reviewed at least once every 2 years.
4414 d. The Department of Economic Opportunity ~~office~~ shall, in
4415 consultation with ~~the Department of Community Affairs and~~ the
4416 statewide and regional housing and financial intermediaries,
4417 market the availability of the community contribution tax credit
4418 program to community-based organizations.
4419 5. Expiration.—This paragraph expires June 30, 2015;
4420 however, any accrued credit carryover that is unused on that
4421 date may be used until the expiration of the 3-year carryover
4422 period for such credit.
4423 (15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—
4424 (b) To receive this exemption, a business must file an
4425 application, with the enterprise zone development agency having
4426 jurisdiction over the enterprise zone where the business is
4427 located, on a form provided by the department for the purposes
4428 of this subsection and s. 166.231(8). The application shall be
4429 made under oath and shall include:
4430 1. The name and location of the business.
4431 2. The identifying number assigned pursuant to s. 290.0065
4432 to the enterprise zone in which the business is located.
4433 3. The date on which electrical service is to be first
4434 initiated to the business.
4435 4. The name and mailing address of the entity from which
4436 electrical energy is to be purchased.
4437 5. The date of the application.



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4438 6. The name of the city in which the business is located.
4439 7. If applicable, the name and address of each permanent
4440 employee of the business including, for each employee who is a
4441 resident of an enterprise zone, the identifying number assigned
4442 pursuant to s. 290.0065 to the enterprise zone in which the
4443 employee resides.
4444 8. Whether the business is a small business as defined by
4445 s. 288.703~~(1)~~.
4446 Section 76. Paragraph (b) of subsection (2) of section
4447 212.096, Florida Statutes, is amended to read:
4448 212.096 Sales, rental, storage, use tax; enterprise zone
4449 jobs credit against sales tax.—
4450 (2)
4451 (b) The credit shall be computed as 20 percent of the
4452 actual monthly wages paid in this state to each new employee
4453 hired when a new job has been created, unless the business is
4454 located within a rural enterprise zone pursuant to s.
4455 290.004~~(6)~~, in which case the credit shall be 30 percent of the
4456 actual monthly wages paid. If no less than 20 percent of the
4457 employees of the business are residents of an enterprise zone,
4458 excluding temporary and part-time employees, the credit shall be
4459 computed as 30 percent of the actual monthly wages paid in this
4460 state to each new employee hired when a new job has been
4461 created, unless the business is located within a rural
4462 enterprise zone, in which case the credit shall be 45 percent of
4463 the actual monthly wages paid. If the new employee hired when a
4464 new job is created is a participant in the welfare transition
4465 program, the following credit shall be a percent of the actual
4466 monthly wages paid: 40 percent for $4 above the hourly federal



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4467 minimum wage rate; 41 percent for $5 above the hourly federal
4468 minimum wage rate; 42 percent for $6 above the hourly federal
4469 minimum wage rate; 43 percent for $7 above the hourly federal
4470 minimum wage rate; and 44 percent for $8 above the hourly
4471 federal minimum wage rate. For purposes of this paragraph,
4472 monthly wages shall be computed as one-twelfth of the expected
4473 annual wages paid to such employee. The amount paid as wages to
4474 a new employee is the compensation paid to such employee that is
4475 subject to unemployment tax. The credit shall be allowed for up
4476 to 24 consecutive months, beginning with the first tax return
4477 due pursuant to s. 212.11 after approval by the department.
4478 Section 77. Paragraphs (a) and (e) of subsection (1) and
4479 subsections (4), (6), (7), (10), (11), and (16) of section
4480 212.097, Florida Statutes, are amended to read:
4481 212.097 Urban High-Crime Area Job Tax Credit Program.—
4482 (1) As used in this section, the term:
4483 (a) “Eligible business” means any sole proprietorship,
4484 firm, partnership, or corporation that is located in a qualified
4485 county and is predominantly engaged in, or is headquarters for a
4486 business predominantly engaged in, activities usually provided
4487 for consideration by firms classified within the following
4488 standard industrial classifications: SIC 01-SIC 09 (agriculture,
4489 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
4490 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
4491 storage); SIC 70 (hotels and other lodging places); SIC 7391
4492 (research and development); SIC 781 (motion picture production
4493 and allied services); SIC 7992 (public golf courses); and SIC
4494 7996 (amusement parks). A call center or similar customer
4495 service operation that services a multistate market or



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4496 international market is also an eligible business. In addition,
4497 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
4498 ~~and Economic Development~~ may, as part of its final budget
4499 request submitted pursuant to s. 216.023, recommend additions to
4500 or deletions from the list of standard industrial
4501 classifications used to determine an eligible business, and the
4502 Legislature may implement such recommendations. Excluded from
4503 eligible receipts are receipts from retail sales, except such
4504 receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other
4505 lodging places classified in SIC 70, public golf courses in SIC
4506 7992, and amusement parks in SIC 7996. For purposes of this
4507 paragraph, the term "predominantly" means that more than 50
4508 percent of the business's gross receipts from all sources is
4509 generated by those activities usually provided for consideration
4510 by firms in the specified standard industrial classification.
4511 The determination of whether the business is located in a
4512 qualified high-crime area and the tier ranking of that area must
4513 be based on the date of application for the credit under this
4514 section. Commonly owned and controlled entities are to be
4515 considered a single business entity.
4516 (e) "Qualified high-crime area" means an area selected by
4517 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
4518 ~~and Economic Development~~ in the following manner: every third
4519 year, the Department of Economic Opportunity ~~Office~~ shall rank
4520 and tier those areas nominated under subsection (7), according
4521 to the following prioritized criteria:
4522 1. Highest arrest rates within the geographic area for
4523 violent crime and for such other crimes as drug sale, drug
4524 possession, prostitution, vandalism, and civil disturbances;



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4525 2. Highest reported crime volume and rate of specific
4526 property crimes such as business and residential burglary, motor
4527 vehicle theft, and vandalism;
4528 3. Highest percentage of reported index crimes that are
4529 violent in nature;
4530 4. Highest overall index crime volume for the area; and
4531 5. Highest overall index crime rate for the geographic
4532 area.
4533
4534 Tier-one areas are ranked 1 through 5 and represent the highest
4535 crime areas according to this ranking. Tier-two areas are ranked
4536 6 through 10 according to this ranking. Tier-three areas are
4537 ranked 11 through 15. Notwithstanding this definition,
4538 "qualified high-crime area" also means an area that has been
4539 designated as a federal Empowerment Zone pursuant to the
4540 Taxpayer Relief Act of 1997. Such a designated area is ranked in
4541 tier three until the areas are reevaluated by the Department of
4542 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
4543 ~~Development~~.
4544 (4) For any new eligible business receiving a credit
4545 pursuant to subsection (2), an additional $500 credit shall be
4546 provided for any qualified employee who is a welfare transition
4547 program participant. For any existing eligible business
4548 receiving a credit pursuant to subsection (3), an additional
4549 $500 credit shall be provided for any qualified employee who is
4550 a welfare transition program participant. Such employee must be
4551 employed on the application date and have been employed less
4552 than 1 year. This credit shall be in addition to other credits
4553 pursuant to this section regardless of the tier-level of the



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4554 high-crime area. Appropriate documentation concerning the
4555 eligibility of an employee for this credit must be submitted as
4556 determined by the Department of Revenue.
4557 (6) Any county or municipality, or a county and one or more
4558 municipalities together, may apply to the Department of Economic
4559 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4560 for the designation of an area as a high-crime area after the
4561 adoption by the governing body or bodies of a resolution that:
4562 (a) Finds that a high-crime area exists in such county or
4563 municipality, or in both the county and one or more
4564 municipalities, which chronically exhibits extreme and
4565 unacceptable levels of poverty, unemployment, physical
4566 deterioration, and economic disinvestment;
4567 (b) Determines that the rehabilitation, conservation, or
4568 redevelopment, or a combination thereof, of such a high-crime
4569 area is necessary in the interest of the health, safety, and
4570 welfare of the residents of such county or municipality, or such
4571 county and one or more municipalities; and
4572 (c) Determines that the revitalization of such a high-crime
4573 area can occur if the public sector or private sector can be
4574 induced to invest its own resources in productive enterprises
4575 that build or rebuild the economic viability of the area.
4576 (7) The governing body of the entity nominating the area
4577 shall provide to the Department of Economic Opportunity ~~Office~~
4578 ~~of Tourism, Trade, and Economic Development~~ the following:
4579 (a) The overall index crime rate for the geographic area;
4580 (b) The overall index crime volume for the area;
4581 (c) The percentage of reported index crimes that are
4582 violent in nature;



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4583 (d) The reported crime volume and rate of specific property
4584 crimes such as business and residential burglary, motor vehicle
4585 theft, and vandalism; and
4586 (e) The arrest rates within the geographic area for violent
4587 crime and for such other crimes as drug sale, drug possession,
4588 prostitution, disorderly conduct, vandalism, and other public-
4589 order offenses.
4590 (10)(a) In order to claim this credit, an eligible business
4591 must file under oath with the Department of Economic Opportunity
4592 ~~Office of Tourism, Trade, and Economic Development~~ a statement
4593 that includes the name and address of the eligible business and
4594 any other information that is required to process the
4595 application.
4596 (b) Applications shall be reviewed and certified pursuant
4597 to s. 288.061.
4598 (c) The maximum credit amount that may be approved during
4599 any calendar year is $5 million, of which $1 million shall be
4600 exclusively reserved for tier-one areas. The Department of
4601 Revenue, in conjunction with the Department of Economic
4602 Opportunity ~~Office of Tourism, Trade, and Economic Development~~,
4603 shall notify the governing bodies in areas designated as urban
4604 high-crime areas when the $5 million maximum amount has been
4605 reached. Applications must be considered for approval in the
4606 order in which they are received without regard to whether the
4607 credit is for a new or existing business. This limitation
4608 applies to the value of the credit as contained in approved
4609 applications. Approved credits may be taken in the time and
4610 manner allowed pursuant to this section.
4611 (11) If the application is insufficient to support the



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4612 credit authorized in this section, the Department of Economic
4613 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4614 shall deny the credit and notify the business of that fact. The
4615 business may reapply for this credit within 3 months after such
4616 notification.
4617 (16) The Department of Revenue shall adopt rules governing
4618 the manner and form of applications for credit and may establish
4619 guidelines concerning the requisites for an affirmative showing
4620 of qualification for the credit under this section.
4621 Section 78. Paragraphs (a) and (c) of subsection (1) and
4622 subsections (6) and (7), of section 212.098, Florida Statutes,
4623 are amended to read:
4624 212.098 Rural Job Tax Credit Program.—
4625 (1) As used in this section, the term:
4626 (a) "Eligible business" means any sole proprietorship,
4627 firm, partnership, or corporation that is located in a qualified
4628 county and is predominantly engaged in, or is headquarters for a
4629 business predominantly engaged in, activities usually provided
4630 for consideration by firms classified within the following
4631 standard industrial classifications: SIC 01-SIC 09 (agriculture,
4632 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422
4633 (public warehousing and storage); SIC 70 (hotels and other
4634 lodging places); SIC 7391 (research and development); SIC 781
4635 (motion picture production and allied services); SIC 7992
4636 (public golf courses); SIC 7996 (amusement parks); and a
4637 targeted industry eligible for the qualified target industry
4638 business tax refund under s. 288.106. A call center or similar
4639 customer service operation that services a multistate market or
4640 an international market is also an eligible business. In



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4641 addition, the Department of Economic Opportunity ~~Office of~~
4642 ~~Tourism, Trade, and Economic Development~~ may, as part of its
4643 final budget request submitted pursuant to s. 216.023, recommend
4644 additions to or deletions from the list of standard industrial
4645 classifications used to determine an eligible business, and the
4646 Legislature may implement such recommendations. Excluded from
4647 eligible receipts are receipts from retail sales, except such
4648 receipts for hotels and other lodging places classified in SIC
4649 70, public golf courses in SIC 7992, and amusement parks in SIC
4650 7996. For purposes of this paragraph, the term "predominantly"
4651 means that more than 50 percent of the business's gross receipts
4652 from all sources is generated by those activities usually
4653 provided for consideration by firms in the specified standard
4654 industrial classification. The determination of whether the
4655 business is located in a qualified county and the tier ranking
4656 of that county must be based on the date of application for the
4657 credit under this section. Commonly owned and controlled
4658 entities are to be considered a single business entity.
4659 (c) "Qualified area" means any area that is contained
4660 within a rural area of critical economic concern designated
4661 under s. 288.0656, a county that has a population of fewer than
4662 75,000 persons, or a county that has a population of 125,000 or
4663 less and is contiguous to a county that has a population of less
4664 than 75,000, selected in the following manner: every third year,
4665 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
4666 ~~and Economic Development~~ shall rank and tier the state's
4667 counties according to the following four factors:
4668 1. Highest unemployment rate for the most recent 36-month
4669 period.



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4670 2. Lowest per capita income for the most recent 36-month
4671 period.
4672 3. Highest percentage of residents whose incomes are below
4673 the poverty level, based upon the most recent data available.
4674 4. Average weekly manufacturing wage, based upon the most
4675 recent data available.
4676 (6)(a) In order to claim this credit, an eligible business
4677 must file under oath with the Department of Economic Opportunity
4678 ~~Office of Tourism, Trade, and Economic Development~~ a statement
4679 that includes the name and address of the eligible business, the
4680 starting salary or hourly wages paid to the new employee, and
4681 any other information that the Department of Revenue requires.
4682 (b) Pursuant to the incentive review process under s.
4683 288.061, the Department of Economic Opportunity ~~Within 30~~
4684 ~~working days after receipt of an application for credit, the~~
4685 ~~Office of Tourism, Trade, and Economic Development~~ shall review
4686 the application to determine whether it contains all the
4687 information required by this subsection and meets the criteria
4688 set out in this section. Subject to the provisions of paragraph
4689 (c), the Department of Economic Opportunity ~~Office of Tourism,~~
4690 ~~Trade, and Economic Development~~ shall approve all applications
4691 that contain the information required by this subsection and
4692 meet the criteria set out in this section as eligible to receive
4693 a credit.
4694 (c) The maximum credit amount that may be approved during
4695 any calendar year is $5 million. The Department of Revenue, in
4696 conjunction with the Department of Economic Opportunity ~~Office~~
4697 ~~of Tourism, Trade, and Economic Development~~, shall notify the
4698 governing bodies in areas designated as qualified counties when



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4699 the $5 million maximum amount has been reached. Applications
4700 must be considered for approval in the order in which they are
4701 received without regard to whether the credit is for a new or
4702 existing business. This limitation applies to the value of the
4703 credit as contained in approved applications. Approved credits
4704 may be taken in the time and manner allowed pursuant to this
4705 section.
4706 (d) A business may not receive more than $500,000 of tax
4707 credits under this section during any one calendar year.
4708 (7) If the application is insufficient to support the
4709 credit authorized in this section, the Department of Economic
4710 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4711 shall deny the credit and notify the business of that fact. The
4712 business may reapply for this credit within 3 months after such
4713 notification.
4714 Section 79. Paragraph (d) of subsection (6) of section
4715 212.20, Florida Statutes, is amended to read:
4716 212.20 Funds collected, disposition; additional powers of
4717 department; operational expense; refund of taxes adjudicated
4718 unconstitutionally collected.—
4719 (6) Distribution of all proceeds under this chapter and s.
4720 202.18(1)(b) and (2)(b) shall be as follows:
4721 (d) The proceeds of all other taxes and fees imposed
4722 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
4723 and (2)(b) shall be distributed as follows:
4724 1. In any fiscal year, the greater of $500 million, minus
4725 an amount equal to 4.6 percent of the proceeds of the taxes
4726 collected pursuant to chapter 201, or 5.2 percent of all other
4727 taxes and fees imposed pursuant to this chapter or remitted



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4728 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
4729 monthly installments into the General Revenue Fund.
4730 2. After the distribution under subparagraph 1., 8.814
4731 percent of the amount remitted by a sales tax dealer located
4732 within a participating county pursuant to s. 218.61 shall be
4733 transferred into the Local Government Half-cent Sales Tax
4734 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
4735 transferred shall be reduced by 0.1 percent, and the department
4736 shall distribute this amount to the Public Employees Relations
4737 Commission Trust Fund less $5,000 each month, which shall be
4738 added to the amount calculated in subparagraph 3. and
4739 distributed accordingly.
4740 3. After the distribution under subparagraphs 1. and 2.,
4741 0.095 percent shall be transferred to the Local Government Half-
4742 cent Sales Tax Clearing Trust Fund and distributed pursuant to
4743 s. 218.65.
4744 4. After the distributions under subparagraphs 1., 2., and
4745 3., 2.0440 percent of the available proceeds shall be
4746 transferred monthly to the Revenue Sharing Trust Fund for
4747 Counties pursuant to s. 218.215.
4748 5. After the distributions under subparagraphs 1., 2., and
4749 3., 1.3409 percent of the available proceeds shall be
4750 transferred monthly to the Revenue Sharing Trust Fund for
4751 Municipalities pursuant to s. 218.215. If the total revenue to
4752 be distributed pursuant to this subparagraph is at least as
4753 great as the amount due from the Revenue Sharing Trust Fund for
4754 Municipalities and the former Municipal Financial Assistance
4755 Trust Fund in state fiscal year 1999-2000, no municipality shall
4756 receive less than the amount due from the Revenue Sharing Trust



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4757 Fund for Municipalities and the former Municipal Financial
4758 Assistance Trust Fund in state fiscal year 1999-2000. If the
4759 total proceeds to be distributed are less than the amount
4760 received in combination from the Revenue Sharing Trust Fund for
4761 Municipalities and the former Municipal Financial Assistance
4762 Trust Fund in state fiscal year 1999-2000, each municipality
4763 shall receive an amount proportionate to the amount it was due
4764 in state fiscal year 1999-2000.
4765 6. Of the remaining proceeds:
4766 a. In each fiscal year, the sum of $29,915,500 shall be
4767 divided into as many equal parts as there are counties in the
4768 state, and one part shall be distributed to each county. The
4769 distribution among the several counties must begin each fiscal
4770 year on or before January 5th and continue monthly for a total
4771 of 4 months. If a local or special law required that any moneys
4772 accruing to a county in fiscal year 1999-2000 under the then-
4773 existing provisions of s. 550.135 be paid directly to the
4774 district school board, special district, or a municipal
4775 government, such payment must continue until the local or
4776 special law is amended or repealed. The state covenants with
4777 holders of bonds or other instruments of indebtedness issued by
4778 local governments, special districts, or district school boards
4779 before July 1, 2000, that it is not the intent of this
4780 subparagraph to adversely affect the rights of those holders or
4781 relieve local governments, special districts, or district school
4782 boards of the duty to meet their obligations as a result of
4783 previous pledges or assignments or trusts entered into which
4784 obligated funds received from the distribution to county
4785 governments under then-existing s. 550.135. This distribution



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4786 specifically is in lieu of funds distributed under s. 550.135
4787 before July 1, 2000.
4788 b. The department shall distribute $166,667 monthly
4789 pursuant to s. 288.1162 to each applicant certified as a
4790 facility for a new or retained professional sports franchise
4791 pursuant to s. 288.1162. Up to $41,667 shall be distributed
4792 monthly by the department to each certified applicant as defined
4793 in s. 288.11621 for a facility for a spring training franchise.
4794 However, not more than $416,670 may be distributed monthly in
4795 the aggregate to all certified applicants for facilities for
4796 spring training franchises. Distributions begin 60 days after
4797 such certification and continue for not more than 30 years,
4798 except as otherwise provided in s. 288.11621. A certified
4799 applicant identified in this sub-subparagraph may not receive
4800 more in distributions than expended by the applicant for the
4801 public purposes provided for in s. 288.1162(5) or s.
4802 288.11621(3).
4803 c. Beginning 30 days after notice by the Department of
4804 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
4805 ~~Development~~ to the Department of Revenue that an applicant has
4806 been certified as the professional golf hall of fame pursuant to
4807 s. 288.1168 and is open to the public, $166,667 shall be
4808 distributed monthly, for up to 300 months, to the applicant.
4809 d. Beginning 30 days after notice by the Department of
4810 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
4811 ~~Development~~ to the Department of Revenue that the applicant has
4812 been certified as the International Game Fish Association World
4813 Center facility pursuant to s. 288.1169, and the facility is
4814 open to the public, $83,333 shall be distributed monthly, for up



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4815 to 168 months, to the applicant. This distribution is subject to
4816 reduction pursuant to s. 288.1169. A lump sum payment of
4817 $999,996 shall be made, after certification and before July 1,
4818 2000.
4819 7. All other proceeds must remain in the General Revenue
4820 Fund.
4821 Section 80. Subsection (4), paragraph (a) of subsection
4822 (7), paragraphs (k) through (cc) of subsection (8), and
4823 subsections (19), (20), and (21) of section 213.053, Florida
4824 Statutes, as amended by chapter 2010-280, Laws of Florida, are
4825 amended, to read:
4826 213.053 Confidentiality and information sharing.—
4827 (4) The department, while providing unemployment tax
4828 collection services under contract with the Department of
4829 Economic Opportunity ~~Agency for Workforce Innovation~~ through an
4830 interagency agreement pursuant to s. 443.1316, may release
4831 unemployment tax rate information to the agent of an employer,
4832 which agent provides payroll services for more than 100 ~~500~~
4833 employers, pursuant to the terms of a memorandum of
4834 understanding. The memorandum of understanding must state that
4835 the agent affirms, subject to the criminal penalties contained
4836 in ss. 443.171 and 443.1715, that the agent will retain the
4837 confidentiality of the information, that the agent has in effect
4838 a power of attorney from the employer which permits the agent to
4839 obtain unemployment tax rate information, and that the agent
4840 shall provide the department with a copy of the employer's power
4841 of attorney upon request.
4842 (7)(a) Any information received by the Department of
4843 Revenue in connection with the administration of taxes,



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4844 including, but not limited to, information contained in returns,
4845 reports, accounts, or declarations filed by persons subject to
4846 tax, shall be made available to the following in performance of
4847 their official duties:
4848 1. The Auditor General or his or her authorized agent;
4849 2. The director of the Office of Program Policy Analysis
4850 and Government Accountability or his or her authorized agent;
4851 3. The Chief Financial Officer or his or her authorized
4852 agent;
4853 4. The Director of the Office of Insurance Regulation of
4854 the Financial Services Commission or his or her authorized
4855 agent;
4856 5. A property appraiser or tax collector or their
4857 authorized agents pursuant to s. 195.084(1); ~~or~~
4858 6. Designated employees of the Department of Education
4859 solely for determination of each school district's price level
4860 index pursuant to s. 1011.62(2); and~~.~~
4861 7. The executive director of the Department of Economic
4862 Opportunity or his or her authorized agent.
4863 (8) Notwithstanding any other provision of this section,
4864 the department may provide:
4865 ~~(k)1. Payment information relative to chapters 199, 201,~~
4866 ~~202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and~~
4867 ~~Economic Development, or its employees or agents that are~~
4868 ~~identified in writing by the office to the department, in the~~
4869 ~~administration of the tax refund program for qualified defense~~
4870 ~~contractors and space flight business contractors authorized by~~
4871 ~~s. 288.1045 and the tax refund program for qualified target~~
4872 ~~industry businesses authorized by s. 288.106.~~



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4873 ~~2. Information relative to tax credits taken by a business~~
4874 ~~under s. 220.191 and exemptions or tax refunds received by a~~
4875 ~~business under s. 212.08(5)(j) to the Office of Tourism, Trade,~~
4876 ~~and Economic Development, or its employees or agents that are~~
4877 ~~identified in writing by the office to the department, in the~~
4878 ~~administration and evaluation of the capital investment tax~~
4879 ~~credit program authorized in s. 220.191 and the semiconductor,~~
4880 ~~defense, and space tax exemption program authorized in s.~~
4881 ~~212.08(5)(j).~~
4882 ~~3. Information relative to tax credits taken by a taxpayer~~
4883 ~~pursuant to the tax credit programs created in ss. 193.017;~~
4884 ~~212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097;~~
4885 ~~212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;~~
4886 ~~220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;~~
4887 ~~290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;~~
4888 ~~550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to~~
4889 ~~the Office of Tourism, Trade, and Economic Development, or its~~
4890 ~~employees or agents that are identified in writing by the office~~
4891 ~~to the department, for use in the administration or evaluation~~
4892 ~~of such programs.~~
4893 (k)~~(l)~~ Information relative to chapter 212 and the Bill of
4894 Lading Program to the Office of Agriculture Law Enforcement of
4895 the Department of Agriculture and Consumer Services in the
4896 conduct of its official duties.
4897 (l)~~(m)~~ Information relative to chapter 198 to the Agency
4898 for Health Care Administration in the conduct of its official
4899 business relating to ss. 409.901-409.9101.
4900 (m)~~(n)~~ Information contained in returns, reports, accounts,
4901 or declarations to the Board of Accountancy in connection with a



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4902 disciplinary proceeding conducted pursuant to chapter 473 when
4903 related to a certified public accountant participating in the
4904 certified audits project, or to the court in connection with a
4905 civil proceeding brought by the department relating to a claim
4906 for recovery of taxes due to negligence on the part of a
4907 certified public accountant participating in the certified
4908 audits project. In any judicial proceeding brought by the
4909 department, upon motion for protective order, the court shall
4910 limit disclosure of tax information when necessary to effectuate
4911 the purposes of this section.
4912 (n) ~~(o)~~ Information relative to ss. 376.70 and 376.75 to the
4913 Department of Environmental Protection in the conduct of its
4914 official business and to the facility owner, facility operator,
4915 and real property owners as defined in s. 376.301.
4916 (o) ~~(p)~~ Information relative to ss. 220.1845 and 376.30781
4917 to the Department of Environmental Protection in the conduct of
4918 its official business.
4919 (p) ~~(q)~~ Names, addresses, and sales tax registration
4920 information to the Division of Consumer Services of the
4921 Department of Agriculture and Consumer Services in the conduct
4922 of its official duties.
4923 (q) ~~(r)~~ Information relative to the returns required by ss.
4924 175.111 and 185.09 to the Department of Management Services in
4925 the conduct of its official duties. The Department of Management
4926 Services is, in turn, authorized to disclose payment information
4927 to a governmental agency or the agency's agent for purposes
4928 related to budget preparation, auditing, revenue or financial
4929 administration, or administration of chapters 175 and 185.
4930 (r) ~~(s)~~ Names, addresses, and federal employer



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4931 identification numbers, or similar identifiers, to the
4932 Department of Highway Safety and Motor Vehicles for use in the
4933 conduct of its official duties.
4934 ~~(t) Information relative to the tax exemptions under ss.~~
4935 ~~212.031, 212.06, and 212.08 for those persons qualified under s.~~
4936 ~~288.1258 to the Office of Film and Entertainment. The Department~~
4937 ~~of Revenue shall provide the Office of Film and Entertainment~~
4938 ~~with information in the aggregate.~~
4939 (s) ~~(u)~~ Information relative to ss. 211.0251, 212.1831,
4940 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of
4941 Education and the Division of Alcoholic Beverages and Tobacco in
4942 the conduct of official business.
4943 (t) ~~(v)~~ Information relative to chapter 202 to each local
4944 government that imposes a tax pursuant to s. 202.19 in the
4945 conduct of its official duties as specified in chapter 202.
4946 Information provided under this paragraph may include, but is
4947 not limited to, any reports required pursuant to s. 202.231,
4948 audit files, notices of intent to audit, tax returns, and other
4949 confidential tax information in the department's possession
4950 relating to chapter 202. A person or an entity designated by the
4951 local government in writing to the department as requiring
4952 access to confidential taxpayer information shall have
4953 reasonable access to information provided pursuant to this
4954 paragraph. Such person or entity may disclose such information
4955 to other persons or entities with direct responsibility for
4956 budget preparation, auditing, revenue or financial
4957 administration, or legal counsel. Such information shall only be
4958 used for purposes related to budget preparation, auditing, and
4959 revenue and financial administration. Any confidential and



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4960 exempt information furnished to a local government, or to any
4961 person or entity designated by the local government as
4962 authorized by this paragraph may not be further disclosed by the
4963 recipient except as provided by this paragraph.
4964 ~~(w) Tax registration information to the Agency for~~
4965 ~~Workforce Innovation for use in the conduct of its official~~
4966 ~~duties, which information may not be redisclosed by the Agency~~
4967 ~~for Workforce Innovation.~~
4968 (u) ~~(x)~~ Rental car surcharge revenues authorized by s.
4969 212.0606, reported according to the county to which the
4970 surcharge was attributed to the Department of Transportation.
4971 (v) ~~(y)~~ Information relative to ss. 212.08(7)(ccc) and
4972 220.192 to the Department of Agriculture and Consumer Services
4973 ~~Florida Energy and Climate Commission~~ for use in the conduct of
4974 its official business.
4975 (w) ~~(z)~~ Taxpayer names and identification numbers for the
4976 purposes of information-sharing agreements with financial
4977 institutions pursuant to s. 213.0532.
4978 (x) ~~(aa)~~ Information relative to chapter 212 to the
4979 Department of Environmental Protection in the conduct of its
4980 official duties in the administration of s. 253.03(7)(b) and
4981 (11).
4982 ~~(bb) Information relative to tax credits taken under s.~~
4983 ~~288.1254 to the Office of Film and Entertainment and the Office~~
4984 ~~of Tourism, Trade, and Economic Development.~~
4985 (y) ~~(cc)~~ Information relative to ss. 253.03(8) and 253.0325
4986 to the Department of Environmental Protection in the conduct of
4987 its official business.
4988



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4989 Disclosure of information under this subsection shall be
4990 pursuant to a written agreement between the executive director
4991 and the agency. Such agencies, governmental or nongovernmental,
4992 shall be bound by the same requirements of confidentiality as
4993 the Department of Revenue. Breach of confidentiality is a
4994 misdemeanor of the first degree, punishable as provided by s.
4995 775.082 or s. 775.083.
4996 ~~(19) The department may disclose information relative to~~
4997 ~~tax credits taken by a taxpayer pursuant to s. 288.9916 to the~~
4998 ~~Office of Tourism, Trade, and Economic Development or its~~
4999 ~~employees or agents. Such employees must be identified in~~
5000 ~~writing by the office to the department. All information~~
5001 ~~disclosed under this subsection is subject to the same~~
5002 ~~requirements of confidentiality and the same penalties for~~
5003 ~~violation of the requirements as the department.~~
5004 (19) ~~(20)~~(a) The department may publish a list of taxpayers
5005 against whom the department has filed a warrant, notice of lien,
5006 or judgment lien certificate. The list may include the name and
5007 address of each taxpayer; the amounts and types of delinquent
5008 taxes, fees, or surcharges, penalties, or interest; and the
5009 employer identification number or other taxpayer identification
5010 number.
5011 (b) The department shall update the list at least monthly
5012 to reflect payments for resolution of deficiencies and to
5013 otherwise add or remove taxpayers from the list.
5014 (c) The department may adopt rules to administer this
5015 subsection.
5016 (20) ~~(21)~~ The department may disclose information relating
5017 to taxpayers against whom the department has filed a warrant,



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5018 notice of lien, or judgment lien certificate. Such information
5019 includes the name and address of the taxpayer, the actions
5020 taken, the amounts and types of liabilities, and the amount of
5021 any collections made.
5022 Section 81. Subsection (1) of section 215.5588, Florida
5023 Statutes, is amended to read:
5024 215.5588 Florida Disaster Recovery Program.—
5025 (1) The Department of Economic Opportunity ~~Community~~
5026 ~~Affairs~~ shall implement the 2006 Disaster Recovery Program from
5027 funds provided through the Emergency Supplemental Appropriations
5028 Act for Defense, the Global War on Terror, and Hurricane
5029 Recovery, 2006, for the purpose of assisting local governments
5030 in satisfying disaster recovery needs in the areas of low-income
5031 housing and infrastructure, with a primary focus on the
5032 hardening of single-family and multifamily housing units, not
5033 only to ensure that affordable housing can withstand the effects
5034 of hurricane-force winds, but also to mitigate the increasing
5035 costs of insurance, which may ultimately render existing
5036 affordable homes unaffordable or uninsurable. This section does
5037 not create an entitlement for local governments or property
5038 owners or obligate the state in any way to fund disaster
5039 recovery needs.
5040 Section 82. Paragraph (b) of subsection (8) of section
5041 216.136, Florida Statutes, is amended to read:
5042 216.136 Consensus estimating conferences; duties and
5043 principals.—
5044 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—
5045 (b) The Office of Early Learning ~~Agency for Workforce~~
5046 ~~Innovation~~ shall provide information on needs and waiting lists



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5047 for school readiness programs, and information on the needs for
5048 the Voluntary Prekindergarten Education Program, as requested by
5049 the Early Learning Programs Estimating Conference or individual
5050 conference principals in a timely manner.
5051 Section 83. Paragraph (a) of subsection (6) of section
5052 216.292, Florida Statutes, is amended to read:
5053 216.292 Appropriations nontransferable; exceptions.—
5054 (6) The Chief Financial Officer shall transfer from any
5055 available funds of an agency or the judicial branch the
5056 following amounts and shall report all such transfers and the
5057 reasons therefor to the legislative appropriations committees
5058 and the Executive Office of the Governor:
5059 (a) The amount due to the Unemployment Compensation Trust
5060 Fund which is more than 90 days delinquent on reimbursements due
5061 to the Unemployment Compensation Trust Fund. The amount
5062 transferred shall be that certified by the state agency
5063 providing unemployment tax collection services under contract
5064 with the Department of Economic Opportunity ~~Agency for Workforce~~
5065 ~~Innovation~~ through an interagency agreement pursuant to s.
5066 443.1316.
5067 Section 84. Subsection (1) of section 216.231, Florida
5068 Statutes, is amended to read:
5069 216.231 Release of certain classified appropriations.—
5070 (1)(a) Any appropriation to the Executive Office of the
5071 Governor which is classified as an ~~"~~emergency,~~"~~ as defined in s.
5072 252.34~~(3)~~, may be released only with the approval of the
5073 Governor. The state agency, or the judicial branch, desiring the
5074 use of the emergency appropriation shall submit to the Executive
5075 Office of the Governor application ~~therefor~~ in writing setting



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5076 forth the facts from which the alleged need arises. The
5077 Executive Office of the Governor shall, at a public hearing,
5078 review such application promptly and approve or disapprove the
5079 applications as the circumstances may warrant. All actions of
5080 the Executive Office of the Governor shall be reported to the
5081 legislative appropriations committees, and the committees may
5082 advise the Executive Office of the Governor relative to the
5083 release of such funds.
5084 (b) The release of appropriated funds classified as
5085 "emergency" shall be approved only if ~~when~~ an act or
5086 circumstance caused by an act of God, civil disturbance, natural
5087 disaster, or other circumstance of an emergency nature
5088 threatens, endangers, or damages the property, safety, health,
5089 or welfare of the state or its residents ~~citizens~~, which
5090 condition has not been provided for in appropriation acts of the
5091 Legislature. Funds allocated for this purpose may be used to pay
5092 overtime pay to personnel of agencies called upon to perform
5093 extra duty because of any civil disturbance or other emergency
5094 as defined in s. 252.34~~(3)~~ and to provide the required state
5095 match for federal grants under the federal Disaster Relief Act.
5096 Section 85. Subsection (2) of section 218.32, Florida
5097 Statutes, is amended to read:
5098 218.32 Annual financial reports; local governmental
5099 entities.—
5100 (2) The department shall annually by December 1 file a
5101 verified report with the Governor, the Legislature, the Auditor
5102 General, and the Special District Information Program of the
5103 Department of Economic Opportunity ~~Community Affairs~~ showing the
5104 revenues, both locally derived and derived from



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5105 intergovernmental transfers, and the expenditures of each local
5106 governmental entity, regional planning council, local government
5107 finance commission, and municipal power corporation that is
5108 required to submit an annual financial report. The report must
5109 include, but is not limited to:
5110 (a) The total revenues and expenditures of each local
5111 governmental entity that is a component unit included in the
5112 annual financial report of the reporting entity.
5113 (b) The amount of outstanding long-term debt by each local
5114 governmental entity. For purposes of this paragraph, the term
5115 “long-term debt” means any agreement or series of agreements to
5116 pay money, which, at inception, contemplate terms of payment
5117 exceeding 1 year in duration.
5118 Section 86. Paragraph (g) of subsection (1) of section
5119 218.37, Florida Statutes, is amended to read:
5120 218.37 Powers and duties of Division of Bond Finance;
5121 advisory council.—
5122 (1) The Division of Bond Finance of the State Board of
5123 Administration, with respect to both general obligation bonds
5124 and revenue bonds, shall:
5125 (g) By January 1 each year, provide the Special District
5126 Information Program of the Department of Economic Opportunity
5127 ~~Community Affairs~~ with a list of special districts that are not
5128 in compliance with the requirements in s. 218.38.
5129 Section 87. Paragraph (a) of subsection (3) of section
5130 218.64, Florida Statutes, is amended to read:
5131 218.64 Local government half-cent sales tax; uses;
5132 limitations.—
5133 (3) Subject to ordinances enacted by the majority of the



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5134 members of the county governing authority and by the majority of
5135 the members of the governing authorities of municipalities
5136 representing at least 50 percent of the municipal population of
5137 such county, counties may use up to $2 million annually of the
5138 local government half-cent sales tax allocated to that county
5139 for funding for any of the following applicants:
5140 (a) A certified applicant as a facility for a new or
5141 retained professional sports franchise under s. 288.1162 or a
5142 certified applicant as defined in s. 288.11621 for a facility
5143 for a spring training franchise. It is the Legislature's intent
5144 that the provisions of s. 288.1162, including, but not limited
5145 to, the evaluation process by the Department of Economic
5146 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
5147 except for the limitation on the number of certified applicants
5148 or facilities as provided in that section and the restrictions
5149 set forth in s. 288.1162(8), shall apply to an applicant's
5150 facility to be funded by local government as provided in this
5151 subsection.
5152 Section 88. Paragraph (ff) of subsection (1) of section
5153 220.03, Florida Statutes, is amended to read:
5154 220.03 Definitions.—
5155 (1) SPECIFIC TERMS.—When used in this code, and when not
5156 otherwise distinctly expressed or manifestly incompatible with
5157 the intent thereof, the following terms shall have the following
5158 meanings:
5159 (ff) "Job" means a full-time position, as consistent with
5160 terms used by the Department of Economic Opportunity ~~Agency for~~
5161 ~~Workforce Innovation~~ and the United States Department of Labor
5162 for purposes of unemployment compensation tax administration and



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5163 employment estimation resulting directly from business
5164 operations in this state. The term may not include a temporary
5165 construction job involved with the construction of facilities or
5166 any job that has previously been included in any application for
5167 tax credits under s. 212.096. The term also includes employment
5168 of an employee leased from an employee leasing company licensed
5169 under chapter 468 if the employee has been continuously leased
5170 to the employer for an average of at least 36 hours per week for
5171 more than 6 months.
5172 Section 89. Paragraph (a) of subsection (1) and paragraph
5173 (g) of subsection (2) of section 220.181, Florida Statutes, are
5174 amended to read:
5175 220.181 Enterprise zone jobs credit.—
5176 (1)(a) There shall be allowed a credit against the tax
5177 imposed by this chapter to any business located in an enterprise
5178 zone which demonstrates to the department that, on the date of
5179 application, the total number of full-time jobs is greater than
5180 the total was 12 months before ~~prior to~~ that date. The credit
5181 shall be computed as 20 percent of the actual monthly wages paid
5182 in this state to each new employee hired when a new job has been
5183 created, as defined under s. 220.03(1)(ee), unless the business
5184 is located in a rural enterprise zone, pursuant to s.
5185 290.004~~(6)~~, in which case the credit shall be 30 percent of the
5186 actual monthly wages paid. If no less than 20 percent of the
5187 employees of the business are residents of an enterprise zone,
5188 excluding temporary and part-time employees, the credit shall be
5189 computed as 30 percent of the actual monthly wages paid in this
5190 state to each new employee hired when a new job has been
5191 created, unless the business is located in a rural enterprise



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5192 zone, in which case the credit shall be 45 percent of the actual
5193 monthly wages paid, for a period of up to 24 consecutive months.
5194 If the new employee hired when a new job is created is a
5195 participant in the welfare transition program, the following
5196 credit shall be a percent of the actual monthly wages paid: 40
5197 percent for $4 above the hourly federal minimum wage rate; 41
5198 percent for $5 above the hourly federal minimum wage rate; 42
5199 percent for $6 above the hourly federal minimum wage rate; 43
5200 percent for $7 above the hourly federal minimum wage rate; and
5201 44 percent for $8 above the hourly federal minimum wage rate.
5202 (2) When filing for an enterprise zone jobs credit, a
5203 business must file under oath with the governing body or
5204 enterprise zone development agency having jurisdiction over the
5205 enterprise zone where the business is located, as applicable, a
5206 statement which includes:
5207 (g) Whether the business is a small business as defined by
5208 s. 288.703~~(1)~~.
5209 Section 90. Subsection (13) of section 220.182, Florida
5210 Statutes, is amended to read:
5211 220.182 Enterprise zone property tax credit.—
5212 (13) When filing for an enterprise zone property tax
5213 credit, a business shall indicate whether the business is a
5214 small business as defined by s. 288.703~~(1)~~.
5215 Section 91. Paragraph (d) of subsection (1), paragraphs
5216 (b), (c), and (d) of subsection (2), and subsections (3), and
5217 (4) of section 220.183, Florida Statutes, are amended to read:
5218 220.183 Community contribution tax credit.—
5219 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
5220 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM



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5221 SPENDING.—
5222 (d) All proposals for the granting of the tax credit shall
5223 require the prior approval of the Department of Economic
5224 Opportunity ~~Office of Tourism, Trade, and Economic Development~~.
5225 (2) ELIGIBILITY REQUIREMENTS.—
5226 (b)1. All community contributions must be reserved
5227 exclusively for use in projects as defined in s. 220.03(1)(t).
5228 2. If, during the first 10 business days of the state
5229 fiscal year, eligible tax credit applications for projects that
5230 provide homeownership opportunities for low-income or very-low-
5231 income households as defined in s. 420.9071(19) and (28) are
5232 received for less than the annual tax credits available for
5233 those projects, the Department of Economic Opportunity ~~Office of~~
5234 ~~Tourism, Trade, and Economic Development~~ shall grant tax credits
5235 for those applications and shall grant remaining tax credits on
5236 a first-come, first-served basis for any subsequent eligible
5237 applications received before the end of the state fiscal year.
5238 If, during the first 10 business days of the state fiscal year,
5239 eligible tax credit applications for projects that provide
5240 homeownership opportunities for low-income or very-low-income
5241 households as defined in s. 420.9071(19) and (28) are received
5242 for more than the annual tax credits available for those
5243 projects, the office shall grant the tax credits for those
5244 applications as follows:
5245 a. If tax credit applications submitted for approved
5246 projects of an eligible sponsor do not exceed $200,000 in total,
5247 the credit shall be granted in full if the tax credit
5248 applications are approved.
5249 b. If tax credit applications submitted for approved



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5250 projects of an eligible sponsor exceed $200,000 in total, the
5251 amount of tax credits granted under sub-subparagraph a. shall be
5252 subtracted from the amount of available tax credits, and the
5253 remaining credits shall be granted to each approved tax credit
5254 application on a pro rata basis.
5255 3. If, during the first 10 business days of the state
5256 fiscal year, eligible tax credit applications for projects other
5257 than those that provide homeownership opportunities for low-
5258 income or very-low-income households as defined in s.
5259 420.9071(19) and (28) are received for less than the annual tax
5260 credits available for those projects, the office shall grant tax
5261 credits for those applications and shall grant remaining tax
5262 credits on a first-come, first-served basis for any subsequent
5263 eligible applications received before the end of the state
5264 fiscal year. If, during the first 10 business days of the state
5265 fiscal year, eligible tax credit applications for projects other
5266 than those that provide homeownership opportunities for low-
5267 income or very-low-income households as defined in s.
5268 420.9071(19) and (28) are received for more than the annual tax
5269 credits available for those projects, the office shall grant the
5270 tax credits for those applications on a pro rata basis.
5271 (c) The project must be undertaken by an “eligible
5272 sponsor,” defined here as:
5273 1. A community action program;
5274 2. A nonprofit community-based development organization
5275 whose mission is the provision of housing for low-income or
5276 very-low-income households or increasing entrepreneurial and
5277 job-development opportunities for low-income persons;
5278 3. A neighborhood housing services corporation;



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5279 4. A local housing authority, created pursuant to chapter
5280 421;
5281 5. A community redevelopment agency, created pursuant to s.
5282 163.356;
5283 6. The Florida Industrial Development Corporation;
5284 7. An historic preservation district agency or
5285 organization;
5286 8. A regional workforce board;
5287 9. A direct-support organization as provided in s.
5288 1009.983;
5289 10. An enterprise zone development agency created pursuant
5290 to s. 290.0056;
5291 11. A community-based organization incorporated under
5292 chapter 617 which is recognized as educational, charitable, or
5293 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
5294 and whose bylaws and articles of incorporation include
5295 affordable housing, economic development, or community
5296 development as the primary mission of the corporation;
5297 12. Units of local government;
5298 13. Units of state government; or
5299 14. Such other agency as the Department of Economic
5300 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
5301 may, from time to time, designate by rule.
5302
5303 In no event shall a contributing business firm have a financial
5304 interest in the eligible sponsor.
5305 (d) The project shall be located in an area designated as
5306 an enterprise zone or a Front Porch Florida Community ~~pursuant~~
5307 ~~to s. 20.18(6)~~. Any project designed to construct or



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5308 rehabilitate housing for low-income or very-low-income
5309 households as defined in s. 420.9071(19) and (28) is exempt from
5310 the area requirement of this paragraph. This section does not
5311 preclude projects that propose to construct or rehabilitate
5312 housing for low-income or very-low-income households on
5313 scattered sites. Any project designed to provide increased
5314 access to high-speed broadband capabilities which includes
5315 coverage of a rural enterprise zone may locate the project's
5316 infrastructure in any area of a rural county.
5317 (3) APPLICATION REQUIREMENTS.—
5318 (a) Any eligible sponsor wishing to participate in this
5319 program must submit a proposal to the Department of Economic
5320 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
5321 which sets forth the sponsor, the project, the area in which the
5322 project is located, and such supporting information as may be
5323 prescribed by rule. The proposal shall also contain a resolution
5324 from the local governmental unit in which it is located
5325 certifying that the project is consistent with local plans and
5326 regulations.
5327 (b) Any business wishing to participate in this program
5328 must submit an application for tax credit to the Department of
5329 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
5330 ~~Development~~, which application sets forth the sponsor; the
5331 project; and the type, value, and purpose of the contribution.
5332 The sponsor shall verify the terms of the application and
5333 indicate its receipt of the contribution, which verification
5334 must be in writing and accompany the application for tax credit.
5335 (c) The business firm must submit a separate application
5336 for tax credit for each individual contribution that it makes to



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5337 each individual project.
5338 (4) ADMINISTRATION.—
5339 (a) The Department of Economic Opportunity ~~Office of~~
5340 ~~Tourism, Trade, and Economic Development~~ has authority to adopt
5341 rules pursuant to ss. 120.536(1) and 120.54 to implement the
5342 provisions of this section, including rules for the approval or
5343 disapproval of proposals by business firms.
5344 (b) The decision of the Department of Economic Opportunity
5345 ~~Office of Tourism, Trade, and Economic Development~~ shall be in
5346 writing, and, if approved, the notification must state the
5347 maximum credit allowable to the business firm. A copy of the
5348 decision shall be transmitted to the executive director of the
5349 Department of Revenue, who shall apply such credit to the tax
5350 liability of the business firm.
5351 (c) The Department of Economic Opportunity ~~Office of~~
5352 ~~Tourism, Trade, and Economic Development~~ shall periodically
5353 monitor all projects in a manner consistent with available
5354 resources to ensure that resources are utilized in accordance
5355 with this section; however, each project shall be reviewed no
5356 less often than once every 2 years.
5357 (d) The Department of Revenue has authority to adopt rules
5358 pursuant to ss. 120.536(1) and 120.54 to implement the
5359 provisions of this section.
5360 (e) The Department of Economic Opportunity ~~Office of~~
5361 ~~Tourism, Trade, and Economic Development~~ shall, in consultation
5362 with ~~the Department of Community Affairs,~~ the Florida Housing
5363 Finance Corporation~~,~~ and the statewide and regional housing and
5364 financial intermediaries, market the availability of the
5365 community contribution tax credit program to community-based



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5366 organizations.
5367 Section 92. Section 220.1895, Florida Statutes, is amended
5368 to read:
5369 220.1895 Rural Job Tax Credit and Urban High-Crime Area Job
5370 Tax Credit.—There shall be allowed a credit against the tax
5371 imposed by this chapter amounts approved by the Department of
5372 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
5373 ~~Development~~ pursuant to the Rural Job Tax Credit Program in s.
5374 212.098 and the Urban High-Crime Area Job Tax Credit Program in
5375 s. 212.097. A corporation that uses its credit against the tax
5376 imposed by this chapter may not take the credit against the tax
5377 imposed by chapter 212. If any credit granted under this section
5378 is not fully used in the first year for which it becomes
5379 available, the unused amount may be carried forward for a period
5380 not to exceed 5 years. The carryover may be used in a subsequent
5381 year when the tax imposed by this chapter for such year exceeds
5382 the credit for such year under this section after applying the
5383 other credits and unused credit carryovers in the order provided
5384 in s. 220.02(8).
5385 Section 93. Section 220.1896, Florida Statutes, is amended
5386 to read:
5387 220.1896 Jobs for the Unemployed Tax Credit Program.—
5388 (1) As used in this section, the term:
5389 (a) “Eligible business” means any target industry business
5390 as defined in s. 288.106(2) which is subject to the tax imposed
5391 by this chapter. The eligible business does not have to be
5392 certified to receive the Qualified Target Industry Tax Refund
5393 Incentive under s. 288.106 in order to receive the tax credit
5394 available under this section.



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5395 ~~(b) "Office" means the Office of Tourism, Trade, and~~
5396 ~~Economic Development.~~
5397 (b) ~~(c)~~ "Qualified employee" means a person:
5398 1. Who was unemployed at least 30 days immediately before
5399 ~~prior to~~ being hired by an eligible business.
5400 2. Who was hired by an eligible business on or after July
5401 1, 2010, and had not previously been employed by the eligible
5402 business or its parent or an affiliated corporation.
5403 3. Who performed duties connected to the operations of the
5404 eligible business on a regular, full-time basis for an average
5405 of at least 36 hours per week and for at least 12 months before
5406 an eligible business is awarded a tax credit.
5407 4. Whose employment by the eligible business has not formed
5408 the basis for any other claim to a credit pursuant to this
5409 section.
5410 (2) A certified business shall receive a $1,000 tax credit
5411 for each qualified employee, pursuant to limitation in
5412 subsection (5).
5413 (3)(a) In order to become a certified business, an eligible
5414 business must file under oath with the Department of Economic
5415 Opportunity ~~office~~ an application that includes:
5416 1. The name, address and NAICS identifying code of the
5417 eligible business.
5418 2. Relevant employment information.
5419 3. A sworn affidavit, signed by each employee, attesting to
5420 his or her previous unemployment for whom the eligible business
5421 is seeking credits under this section.
5422 4. Verification that the wages paid by the eligible
5423 business to each of its qualified employees exceeds the wage



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5424 eligibility levels for Medicaid and other public assistance
5425 programs.
5426 5. Any other information necessary to process the
5427 application.
5428 (b) The Department of Economic Opportunity ~~office~~ shall
5429 process applications to certify a business in the order in which
5430 the applications are received, without regard as to whether the
5431 applicant is a new or an existing business. The Department of
5432 Economic Opportunity ~~office~~ shall review and approve or deny an
5433 application within 10 days after receiving a completed
5434 application. The Department of Economic Opportunity ~~office~~ shall
5435 notify the applicant in writing as to the department's ~~office's~~
5436 decision.
5437 (c)1. The Department of Economic Opportunity ~~office~~ shall
5438 submit a copy of the letter of certification to the Department
5439 of Revenue within 10 days after the Department of Economic
5440 Opportunity ~~office~~ issues the letter of certification to the
5441 applicant.
5442 2. If the application of an eligible business is not
5443 sufficient to certify the applicant business, the Department of
5444 Economic Opportunity ~~office~~ must deny the application and issue
5445 a notice of denial to the applicant.
5446 3. If the application of an eligible business does not
5447 contain sufficient documentation of the number of qualified
5448 employees, the Department of Economic Opportunity ~~office~~ shall
5449 approve the application with respect to the employees for whom
5450 the Department of Economic Opportunity ~~office~~ determines are
5451 qualified employees. The Department of Economic Opportunity
5452 ~~office~~ must deny the application with respect to persons for



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5453 whom the Department of Economic Opportunity ~~office~~ determines
5454 are not qualified employees or for whom insufficient
5455 documentation has been provided. A business may not submit a
5456 revised application for certification or for the determination
5457 of a person as a qualified employee more than 3 months after the
5458 issuance of a notice of denial with respect to the business or a
5459 particular person as a qualified employee.
5460 (4) The applicant for a tax credit under this section has
5461 the responsibility to affirmatively demonstrate to the
5462 satisfaction of the Department of Economic Opportunity ~~office~~
5463 and the Department of Revenue that the applicant and the persons
5464 claimed as qualified employees meet the requirements of this
5465 section.
5466 (5) The total amount of tax credits under this section
5467 which may be approved by the Department of Economic Opportunity
5468 ~~office~~ for all applicants is $10 million, with $5 million
5469 available to be awarded in the 2011-2012 fiscal year and $5
5470 million available to be awarded in the 2012-2013 fiscal year.
5471 (6) A tax credit amount that is granted under this section
5472 which is not fully used in the first year for which it becomes
5473 available may be carried forward to the subsequent taxable year.
5474 The carryover credit may be used in the subsequent year if the
5475 tax imposed by this chapter for such year exceeds the credit for
5476 such year under this section after applying the other credits
5477 and unused credit carryovers in the order provided in s.
5478 220.02(8).
5479 (7) A person who fraudulently claims a credit under this
5480 section is liable for repayment of the credit plus a mandatory
5481 penalty of 100 percent of the credit. Such person also commits a



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5482 misdemeanor of the second degree, punishable as provided in s.
5483 775.082 or s. 775.083.
5484 (8) The Department of Economic Opportunity ~~office~~ may adopt
5485 rules governing the manner and form of applications for the tax
5486 credit. The Department of Economic Opportunity ~~office~~ may
5487 establish guidelines for making an affirmative showing of
5488 qualification for the tax credit under this section.
5489 (9) The Department of Revenue may adopt rules to administer
5490 this section, including rules relating to the creation of forms
5491 to claim a tax credit and examination and audit procedures
5492 required to administer this section.
5493 (10) This section expires June 30, 2012. However, a
5494 taxpayer that is awarded a tax credit in the second year of the
5495 program may carry forward any unused credit amount to the
5496 subsequent tax reporting period. Rules adopted by the Department
5497 of Revenue to administer this section shall remain valid as long
5498 as a taxpayer may use a credit against its corporate income tax
5499 liability.
5500 Section 94. Subsection (1) of section 220.1899, Florida
5501 Statutes, is amended to read:
5502 220.1899 Entertainment industry tax credit.—
5503 (1) There shall be a credit allowed against the tax imposed
5504 by this chapter in the amounts awarded by the Department of
5505 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
5506 ~~Development~~ under the entertainment industry financial incentive
5507 program in s. 288.1254.
5508 Section 95. Paragraphs (e), (f), (g), and (h) of subsection
5509 (1), paragraph (a) of subsection (3), and subsections (5) and
5510 (6) of section 220.191, Florida Statutes, are amended to read:



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5511 220.191 Capital investment tax credit.—
5512 (1) DEFINITIONS.—For purposes of this section:
5513 (e) "Jobs" means full-time equivalent positions, as that
5514 term is consistent with terms used by the Department of Economic
5515 Opportunity ~~Agency for Workforce Innovation~~ and the United
5516 States Department of Labor for purposes of unemployment tax
5517 administration and employment estimation, resulting directly
5518 from a project in this state. The term does not include
5519 temporary construction jobs involved in the construction of the
5520 project facility.
5521 ~~(f) "Office" means the Office of Tourism, Trade, and~~
5522 ~~Economic Development.~~
5523 (f)~~(g)~~ "Qualifying business" means a business which
5524 establishes a qualifying project in this state and which is
5525 certified by the Department of Economic Opportunity ~~office~~ to
5526 receive tax credits pursuant to this section.
5527 (g)~~(h)~~ "Qualifying project" means a facility in this state
5528 meeting one or more of the following criteria:
5529 1. A new or expanding facility in this state which creates
5530 at least 100 new jobs in this state and is in one of the high-
5531 impact sectors identified by Enterprise Florida, Inc., and
5532 certified by the Department of Economic Opportunity ~~office~~
5533 pursuant to s. 288.108(6), including, but not limited to,
5534 aviation, aerospace, automotive, and silicon technology
5535 industries. However, between July 1, 2011, and June 30, 2014,
5536 the requirement that a facility be in a high-impact sector is
5537 waived for any otherwise eligible business from another state
5538 which locates all or a portion of its business to a
5539 Disproportionally Affected County. For purposes of this section,



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5540 the term "Disproportionally Affected County" means Bay County,
5541 Escambia County, Franklin County, Gulf County, Okaloosa County,
5542 Santa Rosa County, Walton County, or Wakulla County.~~;~~
5543 2. A new or expanded facility in this state which is
5544 engaged in a target industry designated pursuant to the
5545 procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which
5546 is induced by this credit to create or retain at least 1,000
5547 jobs in this state, provided that at least 100 of those jobs are
5548 new, pay an annual average wage of at least 130 percent of the
5549 average private sector wage in the area as defined in s.
5550 288.106(2), and make a cumulative capital investment of at least
5551 $100 million ~~after July 1, 2005~~. Jobs may be considered retained
5552 only if there is significant evidence that the loss of jobs is
5553 imminent. Notwithstanding subsection (2), annual credits against
5554 the tax imposed by this chapter may ~~shall~~ not exceed 50 percent
5555 of the increased annual corporate income tax liability or the
5556 premium tax liability generated by or arising out of a project
5557 qualifying under this subparagraph. A facility that qualifies
5558 under this subparagraph for an annual credit against the tax
5559 imposed by this chapter may take the tax credit for a period not
5560 to exceed 5 years.~~; or~~
5561 3. A new or expanded headquarters facility in this state
5562 which locates in an enterprise zone and brownfield area and is
5563 induced by this credit to create at least 1,500 jobs which on
5564 average pay at least 200 percent of the statewide average annual
5565 private sector wage, as published by the Department of Economic
5566 Opportunity ~~Agency for Workforce Innovation or its successor~~,
5567 and which new or expanded headquarters facility makes a
5568 cumulative capital investment in this state of at least $250



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5569 million.
5570 (3)(a) Notwithstanding subsection (2), an annual credit
5571 against the tax imposed by this chapter shall be granted to a
5572 qualifying business which establishes a qualifying project
5573 pursuant to subparagraph (1)(g) ~~(h)~~3., in an amount equal to the
5574 lesser of $15 million or 5 percent of the eligible capital costs
5575 made in connection with a qualifying project, for a period not
5576 to exceed 20 years beginning with the commencement of operations
5577 of the project. The tax credit shall be granted against the
5578 corporate income tax liability of the qualifying business and as
5579 further provided in paragraph (c). The total tax credit provided
5580 pursuant to this subsection shall be equal to no more than 100
5581 percent of the eligible capital costs of the qualifying project.
5582 (5) Applications shall be reviewed and certified pursuant
5583 to s. 288.061. The Department of Economic Opportunity ~~office~~,
5584 upon a recommendation by Enterprise Florida, Inc., shall first
5585 certify a business as eligible to receive tax credits pursuant
5586 to this section prior to the commencement of operations of a
5587 qualifying project, and such certification shall be transmitted
5588 to the Department of Revenue. Upon receipt of the certification,
5589 the Department of Revenue shall enter into a written agreement
5590 with the qualifying business specifying, at a minimum, the
5591 method by which income generated by or arising out of the
5592 qualifying project will be determined.
5593 (6) The Department of Economic Opportunity ~~office~~, in
5594 consultation with Enterprise Florida, Inc., is authorized to
5595 develop the necessary guidelines and application materials for
5596 the certification process described in subsection (5).
5597 Section 96. Subsection (2) of section 222.15, Florida



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5598 Statutes, is amended to read:
5599 222.15 Wages or unemployment compensation payments due
5600 deceased employee may be paid spouse or certain relatives.—
5601 (2) It is also lawful for the Department of Economic
5602 Opportunity ~~Agency for Workforce Innovation~~, in case of death of
5603 any unemployed individual, to pay to those persons referred to
5604 in subsection (1) any unemployment compensation payments that
5605 may be due to the individual at the time of his or her death.
5606 Section 97. Subsections (3) and (4) of section 250.06,
5607 Florida Statutes, are amended to read:
5608 250.06 Commander in chief.—
5609 (3) The Governor may, in order to preserve the public
5610 peace, execute the laws of the state, suppress insurrection,
5611 repel invasion, respond to an emergency as defined in s.
5612 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
5613 of all or any portion of the militia of this state ~~Florida~~ into
5614 the services of the United States, may increase the Florida
5615 National Guard and organize it in accordance with rules and
5616 regulations governing the Armed Forces of the United States.
5617 Such organization and increase may be pursuant to or in advance
5618 of any call made by the President of the United States. If the
5619 Florida National Guard is activated into service of the United
5620 States, another organization may not be designated as the
5621 Florida National Guard.
5622 (4) The Governor may, in order to preserve the public
5623 peace, execute the laws of the state, enhance domestic security,
5624 respond to terrorist threats or attacks, respond to an emergency
5625 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
5626 respond to any need for emergency aid to civil authorities as



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5627 specified in s. 250.28, order into state active duty all or any
5628 part of the militia which he or she deems proper.
5629 Section 98. Subsection (2) of section 252.34, Florida
5630 Statutes, is amended to read:
5631 252.34 Definitions.—As used in this part ~~ss. 252.31-252.60~~,
5632 the term:
5633 (2) "Division" means the Division of Emergency Management
5634 within the Executive Office of the Governor ~~of the Department of~~
5635 ~~Community Affairs~~, or the successor to that division.
5636 Section 99. Paragraphs (j), (s), and (t) of subsection (2)
5637 of section 252.35, Florida Statutes, are amended to read:
5638 252.35 Emergency management powers; Division of Emergency
5639 Management.—
5640 (2) The division is responsible for carrying out the
5641 provisions of ss. 252.31-252.90. In performing its duties ~~under~~
5642 ~~ss. 252.31-252.90~~, the division shall:
5643 (j) In cooperation with ~~The Division of Emergency~~
5644 ~~Management and~~ the Department of Education, ~~shall~~ coordinate
5645 with the Agency for Persons with Disabilities to provide an
5646 educational outreach program on disaster preparedness and
5647 readiness to individuals who have limited English skills and
5648 identify persons who are in need of assistance but are not
5649 defined under special-needs criteria.
5650 (s) ~~By January 1, 2007, the Division of Emergency~~
5651 ~~Management shall~~ Complete an inventory of portable generators
5652 owned by the state and local governments which are capable of
5653 operating during a major disaster. The inventory must identify,
5654 at a minimum, the location of each generator, the number of
5655 generators stored at each specific location, the agency to which



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5656 each generator belongs, the primary use of the generator by the
5657 owner agency, and the names, addresses, and telephone numbers of
5658 persons having the authority to loan the stored generators as
5659 authorized by the division ~~of Emergency Management~~ during a
5660 declared emergency.
5661 (t) ~~The division shall~~ Maintain an inventory list of
5662 generators owned by the state and local governments. In
5663 addition, the division may keep a list of private entities,
5664 along with appropriate contact information, which offer
5665 generators for sale or lease. The list of private entities shall
5666 be available to the public for inspection in written and
5667 electronic formats.
5668 Section 100. Subsection (2) of section 252.355, Florida
5669 Statutes, is amended to read:
5670 252.355 Registry of persons with special needs; notice.—
5671 (2) The division ~~Department of Community Affairs~~ shall be
5672 the designated lead agency responsible for community education
5673 and outreach to the public, including special needs clients,
5674 regarding registration and special needs shelters and general
5675 information regarding shelter stays.
5676 Section 101. Section 252.371, Florida Statutes, is amended
5677 to read:
5678 252.371 Emergency Management, Preparedness, and Assistance
5679 Trust Fund.—There is created the Emergency Management,
5680 Preparedness, and Assistance Trust Fund to be administered by
5681 the division ~~Department of Community Affairs~~.
5682 Section 102. Subsections (1) and (2) of section 252.373,
5683 Florida Statutes, are amended to read:
5684 252.373 Allocation of funds; rules.—



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5685 (1) Funds appropriated from the Emergency Management,
5686 Preparedness, and Assistance Trust Fund shall be allocated by
5687 the division ~~Department of Community Affairs~~ for the following
5688 purposes:
5689 (a) To implement and administer state and local emergency
5690 management programs, including administration, training, and
5691 operations.
5692 (b) For grants and loans to state or regional agencies,
5693 local governments, and private organizations to implement
5694 projects that will further state and local emergency management
5695 objectives. These projects must include, but need not be limited
5696 to, projects that will promote public education on disaster
5697 preparedness and recovery issues, enhance coordination of relief
5698 efforts of statewide private sector organizations, and improve
5699 the training and operations capabilities of agencies assigned
5700 lead or support responsibilities in the state comprehensive
5701 emergency management plan, including the State Fire Marshal's
5702 Office for coordinating the Florida fire services. The division
5703 shall establish criteria and procedures for competitive
5704 allocation of these funds by rule. No more than 5 percent of any
5705 award made pursuant to this subparagraph may be used for
5706 administrative expenses. This competitive criteria must give
5707 priority consideration to hurricane evacuation shelter retrofit
5708 projects.
5709 (c) To meet any matching requirements imposed as a
5710 condition of receiving federal disaster relief assistance.
5711 (2) The division ~~department~~ shall allocate funds from the
5712 Emergency Management, Preparedness, and Assistance Trust Fund to
5713 local emergency management agencies and programs pursuant to



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5714 criteria specified in rule. Such rules shall include, but are
5715 not limited to:
5716 (a) Requiring that, at a minimum, a local emergency
5717 management agency either:
5718 1. Have a program director who works at least 40 hours a
5719 week in that capacity; or
5720 2. If the county has fewer than 75,000 population or is
5721 party to an interjurisdictional emergency management agreement
5722 entered into pursuant to s. 252.38(3)(b), that is recognized by
5723 the Governor by executive order or rule, have an emergency
5724 management coordinator who works at least 20 hours a week in
5725 that capacity.
5726 (b) Specifying a formula that establishes a base grant
5727 allocation and weighted factors for funds to be allocated over
5728 the base grant amount.
5729 (c) Specifying match requirements.
5730 (d) Preferential funding to provide incentives to counties
5731 and municipalities to participate in mutual aid agreements.
5732 Section 103. Subsection (5) of section 252.55, Florida
5733 Statutes, is amended to read:
5734 252.55 Civil Air Patrol, Florida Wing.—
5735 (5) The wing commander of the Florida Wing of the Civil Air
5736 Patrol shall biennially furnish the division ~~Bureau of Emergency~~
5737 ~~Management~~ a 2-year projection of the goals and objectives of
5738 the Civil Air Patrol which shall be reported in the division's
5739 biennial report submitted pursuant to s. 252.35.
5740 Section 104. Subsection (4) of section 252.60, Florida
5741 Statutes, is amended to read:
5742 252.60 Radiological emergency preparedness.—



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5743 (4) POWERS AND DUTIES.—In implementing the requirements of
5744 this section, the director of the division ~~secretary of the~~
5745 ~~department~~, or the director's ~~secretary's~~ designated
5746 representative, shall:
5747 (a) Negotiate and enter into such additional contracts and
5748 arrangements among the division, appropriate counties, and each
5749 operator to provide for the level of funding and the respective
5750 roles of each in the development, preparation, testing, and
5751 implementation of the plans.
5752 (b) Evaluate and determine the adequacy of the plans based
5753 upon consultations with the United States Nuclear Regulatory
5754 Commission and other agencies, as appropriate, and upon the
5755 results of such tests as may be conducted.
5756 (c) Limited to such funding as is available based upon the
5757 requirements of subsection (5), require the participation of
5758 appropriate counties and operators in the development,
5759 preparation, testing, or implementation of the plans as needed.
5760 (d) Determine the reasonableness and adequacy of the
5761 provisions, terms, and conditions of the plans and, in the event
5762 the appropriate counties and the operators cannot agree, resolve
5763 such differences and require compliance by the appropriate
5764 counties and the operators with the plans. In resolving such
5765 differences, the director ~~secretary~~ shall consider:
5766 1. The requirements and parameters placed on the operators
5767 by federal law and agencies;
5768 2. The reasonableness and adequacy of the funding for
5769 appropriate counties from any sources of funds other than local
5770 revenue sources; and
5771 3. The reasonableness and appropriateness of the costs to



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5772 the appropriate counties likely to be incurred in complying with
5773 provisions, terms, and conditions of the plans.
5774 (e) Receive, expend, and disburse such funds as are made
5775 available by each licensee pursuant to this section.
5776 (f) Limited to such funding as is available based upon the
5777 requirements of subsection (5), coordinate all activities
5778 undertaken pursuant to this section or required of appropriate
5779 counties and operators by any federal or state agency.
5780 Section 105. Section 252.61, Florida Statutes, is amended
5781 to read:
5782 252.61 List of persons for contact relating to release of
5783 toxic substances into atmosphere.—The Division of Emergency
5784 Management ~~Department of Community Affairs~~ shall maintain a list
5785 of contact persons ~~after the survey pursuant to s. 403.771 is~~
5786 ~~completed~~.
5787 Section 106. Section 252.82, Florida Statutes, is amended
5788 to read:
5789 252.82 Definitions.—As used in this part:
5790 (1) "Commission" means the State Hazardous Materials
5791 Emergency Response Commission created pursuant to s. 301 of
5792 EPCRA.
5793 (2) "Committee" means any local emergency planning
5794 committee established in the state pursuant to s. 301 of EPCRA.
5795 (3) "Division" means the Division of Emergency Management
5796 within the Executive Office of the Governor ~~"Department" means~~
5797 ~~the Department of Community Affairs~~.
5798 (4) "Facility" means facility as defined in s. 329 of
5799 EPCRA. Vehicles placarded according to title 49 Code of Federal
5800 Regulations are ~~shall~~ not ~~be~~ considered a facility except for



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5801 purposes of s. 304 of EPCRA.
5802 (5) “Hazardous material” means any hazardous chemical,
5803 toxic chemical, or extremely hazardous substance, as defined in
5804 s. 329 of EPCRA.
5805 (6) “EPCRA” means the Emergency Planning and Community
5806 Right-to-Know Act of 1986, title III of the Superfund Amendments
5807 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499,~~ ss. 300-
5808 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
5809 adopted thereunder.
5810 (7) “Trust fund” means the Operating Trust Fund of the
5811 division ~~Department of Community Affairs~~.
5812 Section 107. Section 252.83, Florida Statutes, is amended
5813 to read:
5814 252.83 Powers and duties of the division ~~department.~~
5815 (1) The division ~~department~~ shall have the authority:
5816 (a) To coordinate its activities under this part with its
5817 other emergency management responsibilities, including its
5818 responsibilities under part I of this chapter, and activities
5819 and with the related activities of other agencies, keeping
5820 separate accounts for all activities supported or partially
5821 supported from the Operating Trust Fund.
5822 (b) To make rules, with the advice and consent of the
5823 commission, to implement this part.
5824 (2) The division ~~department~~ shall provide administrative
5825 support, including staff, facilities, materials, and services,
5826 to the commission and shall provide funding to the committees to
5827 enable the commission and the committees to perform their
5828 functions under EPCRA and this part.
5829 (3) The division ~~department~~ and the commission, to the



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5830 extent possible, shall use the emergency planning capabilities
5831 of local governments to reduce duplication and paperwork to
5832 achieve the intent of this part. It is the intent of the
5833 Legislature that this part be implemented in the most cost-
5834 efficient manner possible, with the least possible financial
5835 impact on local government and the community.
5836 Section 108. Subsections (1), (3), (4), and (5) of section
5837 252.85, Florida Statutes, are amended to read:
5838 252.85 Fees.—
5839 (1) Any owner or operator of a facility required under s.
5840 302 or s. 312 of EPCRA, or by s. 252.87, to submit a
5841 notification or an annual inventory form to the commission shall
5842 be required to pay an annual registration fee. The fee for any
5843 company, including all facilities under common ownership or
5844 control, shall not be less than $25 nor more than $2,000. The
5845 division ~~department~~ shall establish a reduced fee, of not less
5846 than $25 nor more than $500, applicable to any owner or operator
5847 regulated under part I of chapter 368, chapter 527, or s.
5848 376.303, which does not have present any extremely hazardous
5849 substance, as defined by EPCRA, in excess of a threshold
5850 planning quantity, as established by EPCRA. The division
5851 ~~department~~ shall establish a reduced fee of not less than $25
5852 nor more than $1,000, applicable to any owner or operator of a
5853 facility with a Standard Industrial Classification Code of 01,
5854 02, or 07, which is eligible for the “routine agricultural use”
5855 exemption provided in ss. 311 and 312 of EPCRA. The fee under
5856 this subsection shall be based on the number of employees
5857 employed within the state at facilities under the common
5858 ownership or control of such owner or operator, which number



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5859 shall be determined, to the extent possible, in accordance with
5860 data supplied by the Department of Economic Opportunity or its
5861 tax collection service provider ~~Labor and Employment Security~~.
5862 In order to avoid the duplicative reporting of seasonal and
5863 temporary agricultural employees, fees applicable to owners or
5864 operators of agricultural facilities, which are eligible for the
5865 "routine agricultural use" reporting exemption provided in ss.
5866 311 and 312 of EPCRA, shall be based on employee data which most
5867 closely reflects such owner or operator's permanent nonseasonal
5868 workforce. The division ~~department~~ shall establish by rule the
5869 date by which the fee is to be paid, as well as a formula or
5870 method of determining the applicable fee under this subsection
5871 without regard to the number of facilities under common
5872 ownership or control. The division ~~department~~ may require owners
5873 or operators of multiple facilities to demonstrate common
5874 ownership or control for purposes of this subsection.
5875 (3) Any owner or operator of a facility that is required to
5876 submit a report or filing under s. 313 of EPCRA shall pay an
5877 annual reporting fee not to exceed $150 for those s. 313 EPCRA
5878 listed substances in effect on January 1, 2005. The division
5879 ~~department~~ shall establish by rule the date by which the fee is
5880 to be paid, as well as a formula or method of determining the
5881 applicable fee under this subsection.
5882 (4)(a) The division ~~department~~ may assess a late fee for
5883 the failure to submit a report or filing that substantially
5884 complies with the requirements of EPCRA or s. 252.87 by the
5885 specified date or for failure to pay any fee, including any late
5886 fee, required by this section. This late fee shall be in
5887 addition to the fee otherwise imposed pursuant to this section.



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5888 If the division ~~department~~ elects to impose a late fee, it shall
5889 provide the owner or operator with a written notice that
5890 identifies the specific requirements which have not been met and
5891 advises of its intent to assess a late fee.
5892 (b) The division ~~department~~ may impose a late fee, subject
5893 to the limitations set forth below:
5894 1. If the report, filing, or fee is submitted within 30
5895 days after the receipt of the division's ~~department's~~ notice, no
5896 late fee may be assessed.
5897 2. If the report, filing, or fee is not submitted within 30
5898 days after the receipt of the division's ~~department's~~ notice,
5899 the division ~~department~~ may impose a late fee in an amount equal
5900 to the amount of the annual registration fee, filing fee, or s.
5901 313 fee due, not to exceed $2,000.
5902 3. If the report, filing, or fee is not submitted within 90
5903 days after the receipt of the division's ~~department's~~ notice,
5904 the division ~~department~~ may issue a second notice. If the
5905 report, filing, or fee is not submitted within 30 days after
5906 receipt of the division's ~~department's~~ second notice, the
5907 division ~~department~~ may assess a second late fee in an amount
5908 equal to twice the amount of the annual registration fee, filing
5909 fee, or s. 313 fee due, not to exceed $4,000.
5910 4. The division ~~department~~ may consider, but is not limited
5911 to considering, the following factors in assessing late fees:
5912 good faith attempt to comply; history of noncompliance; ability
5913 to pay or continue in business; threat to health and safety
5914 posed by noncompliance; and degree of culpability.
5915 (5) The division ~~department~~ shall establish by rule the
5916 dates by which the fee is to be paid, as well as a formula or



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5917 method of determining the facility registration fee and late
5918 fee.
5919 Section 109. Subsections (1) and (3) of section 252.86,
5920 Florida Statutes, are amended to read:
5921 252.86 Penalties and remedies.—
5922 (1) The owner or operator of a facility, an employer, or
5923 any other person submitting written information pursuant to
5924 EPCRA or this part to the commission, a committee, or a fire
5925 department shall be liable for a civil penalty of $5,000 for
5926 each item of information in the submission that is false, if
5927 such person knew or should have known the information was false
5928 or if such person submitted the information with reckless
5929 disregard of its truth or falsity. The division ~~department~~ may
5930 institute a civil action in a court of competent jurisdiction to
5931 impose and recover a civil penalty for the amount indicated in
5932 this subsection. However, the court may receive evidence in
5933 mitigation.
5934 (3) Any provision of s. 325 or s. 326 of EPCRA which
5935 creates a federal cause of action shall create a corresponding
5936 cause of action under state law, with jurisdiction in the
5937 circuit courts. Any provision of s. 325 or s. 326 of EPCRA which
5938 imposes or authorizes the imposition of a civil penalty by the
5939 Administrator of the Environmental Protection Agency, or which
5940 creates a liability to the United States, shall impose or
5941 authorize the imposition of such a penalty by the division
5942 ~~department~~ or create such a liability to and for the benefit of
5943 the state, to be paid into the Operating Trust Fund. Venue shall
5944 be proper in the county where the violation occurred or where
5945 the defendant has its principal place of business.



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5946 Section 110. Subsections (4) and (7) of section 252.87,
5947 Florida Statutes, are amended to read:
5948 252.87 Supplemental state reporting requirements.—
5949 (4) Each employer that owns or operates a facility in this
5950 state at which hazardous materials are present in quantities at
5951 or above the thresholds established under ss. 311(b) and 312(b)
5952 of EPCRA shall comply with the reporting requirements of ss. 311
5953 and 312 of EPCRA. Such employer shall also be responsible for
5954 notifying the division ~~department~~, the local emergency planning
5955 committee, and the local fire department in writing within 30
5956 days if there is a discontinuance or abandonment of the
5957 employer's business activities that could affect any stored
5958 hazardous materials.
5959 (7) The division ~~department~~ shall avoid duplicative
5960 reporting requirements by using ~~utilizing~~ the reporting
5961 requirements of other state agencies that regulate hazardous
5962 materials to the extent feasible and shall request the
5963 information authorized under EPCRA. With the advice and consent
5964 of the State Emergency Response Commission for Hazardous
5965 Materials, the division ~~department~~ may require by rule that the
5966 maximum daily amount entry on the chemical inventory report
5967 required under s. 312 of EPCRA provide for reporting in
5968 estimated actual amounts. The division ~~department~~ may also
5969 require by rule an entry for the Federal Employer Identification
5970 Number on this report. To the extent feasible, the division
5971 ~~department~~ shall encourage and accept required information in a
5972 form initiated through electronic data interchange and shall
5973 describe by rule the format, manner of execution, and method of
5974 electronic transmission necessary for using such form. To the



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5975 extent feasible, the Department of Financial Services, the
5976 Department of Agriculture and Consumer Services, the Department
5977 of Environmental Protection, the Public Service Commission, the
5978 Department of Revenue, ~~the Department of Labor and Employment~~
5979 ~~Security,~~ and other state agencies which regulate hazardous
5980 materials shall coordinate with the division ~~department~~ in order
5981 to avoid duplicative requirements contained in each agency's
5982 respective reporting or registration forms. The other state
5983 agencies that inspect facilities storing hazardous materials and
5984 suppliers and distributors of covered substances shall assist
5985 the division ~~department~~ in informing the facility owner or
5986 operator of the requirements of this part. The division
5987 ~~department~~ shall provide the other state agencies with the
5988 necessary information and materials to inform the owners and
5989 operators of the requirements of this part to ensure that the
5990 budgets of these agencies are not adversely affected.
5991 Section 111. Subsection (4) of section 252.88, Florida
5992 Statutes, is amended to read:
5993 252.88 Public records.—
5994 (4) The division ~~department~~, the commission, and the
5995 committees shall furnish copies of public records submitted
5996 under EPCRA or this part, and may charge a fee of $1 per page
5997 per person per year for over 25 pages of materials copied.
5998 Section 112. Subsections (3), (8), (9), and (19) of section
5999 252.936, Florida Statutes, are amended to read:
6000 252.936 Definitions.—As used in this part, the term:
6001 (3) "Audit" means a review of information at, ~~a stationary~~
6002 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary
6003 source subject to s. 112(r)(7), to determine whether that



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6004 stationary source is in compliance with ~~the requirements of~~ this
6005 part and rules adopted to administer ~~implement~~ this part. Audits
6006 must include a review of the adequacy of the stationary source's
6007 Risk Management Plan, may consist of reviews of information
6008 submitted to the division ~~department~~ or the United States
6009 Environmental Protection Agency to determine whether the plan is
6010 complete or whether revisions to the plan are needed, and the
6011 reviews may be conducted at the stationary source to confirm
6012 that information onsite is consistent with reported information.
6013 (8) "Division" means the Division of Emergency Management
6014 in the Executive Office of the Governor ~~"Department" means the~~
6015 ~~Department of Community Affairs~~.
6016 (9) "Inspection" means a review of information at a
6017 stationary source subject to s. 112(r)(7), including
6018 documentation and operating practices and access to the source
6019 and to any area where an accidental release could occur, to
6020 determine whether the stationary source is in compliance with
6021 ~~the requirements of~~ this part or rules adopted to administer
6022 ~~implement~~ this part.
6023 (19) "Trust fund" means the Operating Trust Fund of the
6024 division ~~established in the department's Division of Emergency~~
6025 ~~Management~~.
6026 Section 113. Section 252.937, Florida Statutes, is amended
6027 to read:
6028 252.937 Division ~~Department~~ powers and duties.—
6029 (1) The division ~~department~~ has the power and duty to:
6030 (a)1. Seek delegation from the United States Environmental
6031 Protection Agency to implement the Accidental Release Prevention
6032 Program under s. 112(r)(7) of the Clean Air Act and the federal



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6033 implementing regulations for specified sources subject to s.
6034 112(r)(7) of the Clean Air Act. Implementation for all other
6035 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~
6036 be performed by the United States Environmental Protection
6037 Agency; and
6038 2. Ensure the timely submission of Risk Management Plans
6039 and any subsequent revisions of Risk Management Plans.
6040 (b) Adopt, modify, and repeal rules, with the advice and
6041 consent of the commission, necessary to obtain delegation from
6042 the United States Environmental Protection Agency and to
6043 administer the s. 112(r)(7) Accidental Release Prevention
6044 Program in this state for the specified stationary sources with
6045 no expansion or addition of the regulatory program.
6046 (c) Make and execute contracts and other agreements
6047 necessary or convenient to the administration ~~implementation~~ of
6048 this part.
6049 (d) Coordinate its activities under this part with its
6050 other emergency management responsibilities, including its
6051 responsibilities and activities under parts I, II, and III of
6052 this chapter and with the related activities of other state and
6053 local agencies, keeping separate accounts for all activities
6054 conducted under this part which are supported or partially
6055 supported from the trust fund.
6056 (e) Establish, with the advice and consent of the
6057 commission, a technical assistance and outreach program ~~on or~~
6058 ~~before January 31, 1999,~~ to assist owners and operators of
6059 specified stationary sources subject to s. 112(r)(7) in
6060 complying with the reporting and fee requirements of this part.
6061 This program is designed to facilitate and ensure timely



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6062 submission of proper certifications or compliance schedules and
6063 timely submission and registration of Risk Management Plans and
6064 revised registrations and Risk Management Plans if ~~when~~ required
6065 for these sources.
6066 (f) Make a quarterly report to the State Emergency Response
6067 Commission on income and expenses for the state's Accidental
6068 Release Prevention Program under this part.
6069 (2) To ensure that this program is self-supporting, the
6070 division ~~department~~ shall provide administrative support,
6071 including staff, facilities, materials, and services to
6072 implement this part for specified stationary sources subject to
6073 s. 252.939 and ~~shall~~ provide necessary funding to local
6074 emergency planning committees and county emergency management
6075 agencies for work performed to implement this part. Each state
6076 agency with regulatory, inspection, or technical assistance
6077 programs for specified stationary sources subject to this part
6078 shall enter into a memorandum of understanding with the division
6079 ~~department~~ which specifically outlines how each agency's staff,
6080 facilities, materials, and services will be used ~~utilized~~ to
6081 support implementation. ~~At a minimum, these agencies and~~
6082 ~~programs include: the Department of Environmental Protection's~~
6083 ~~Division of Air Resources Management and Division of Water~~
6084 ~~Resource Management, and the Department of Labor and Employment~~
6085 ~~Security's Division of Safety.~~ It is the Legislature's intent to
6086 implement this part as efficiently and economically as possible,
6087 using existing expertise and resources, if available and
6088 appropriate.
6089 (3) To prevent the duplication of investigative efforts and
6090 resources, the division ~~department~~, on behalf of the commission,



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6091 shall coordinate with any federal agencies or agents thereof,
6092 including the federal Chemical Safety and Hazard Investigation
6093 Board, or its successor, which are performing accidental release
6094 investigations for specified stationary sources, and may
6095 coordinate with any agencies of the state which are performing
6096 accidental release investigations. This accidental release
6097 investigation coordination is not intended to limit or take the
6098 place of any individual agency accidental release investigation
6099 under separate authority.
6100 (4) To promote efficient administration of this program and
6101 specified stationary sources, ~~the~~ only the division ~~agency which~~
6102 may seek delegation from the United States Environmental
6103 Protection Agency for this program ~~is the Florida Department of~~
6104 ~~Community Affairs~~. Further, the division may ~~Florida Department~~
6105 ~~of Community Affairs shall~~ not delegate this program to any
6106 local environmental agency.
6107 Section 114. Section 252.943, Florida Statutes, is amended
6108 to read:
6109 252.943 Public records.—
6110 (1) The division ~~Department of Community Affairs~~ shall
6111 protect records, reports, or information or particular parts
6112 thereof, other than release or emissions data, contained in a
6113 risk management plan from public disclosure pursuant to ss.
6114 112(r) and 114(c) of the federal Clean Air Act and authorities
6115 cited therein, based upon a showing satisfactory to the
6116 Administrator of the United States Environmental Protection
6117 Agency, by any owner or operator of a stationary source subject
6118 to the Accidental Release Prevention Program, that public
6119 release of such records, reports, or information would divulge



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6120 methods or processes entitled to protection as trade secrets as
6121 provided for in 40 C.F.R. part 2, subpart B. Such records,
6122 reports, or information held by the division ~~department~~ are
6123 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
6124 s. 24(a), Art. I of the State Constitution, unless a final
6125 determination has been made by the Administrator of the
6126 Environmental Protection Agency that such records, reports, or
6127 information are not entitled to trade secret protection, or
6128 pursuant to an order of court.
6129 (2) The division ~~department~~ shall protect records, reports,
6130 or information or particular parts thereof, other than release
6131 or emissions data, obtained from an investigation, inspection,
6132 or audit from public disclosure pursuant to ss. 112(r) and
6133 114(c) of the federal Clean Air Act and authorities cited
6134 therein, based upon a showing satisfactory to the Administrator
6135 of the United States Environmental Protection Agency, by any
6136 owner or operator of a stationary source subject to the
6137 Accidental Release Prevention Program, that public release of
6138 such records, reports, or information would divulge methods or
6139 processes entitled to protection as trade secrets as provided
6140 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
6141 information held by the division ~~department~~ are confidential and
6142 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
6143 of the State Constitution, unless a final determination has been
6144 made by the Administrator of the Environmental Protection Agency
6145 that such records, reports, or information are not entitled to
6146 trade secret protection, or pursuant to a court ~~an~~ order ~~of~~
6147 ~~court~~.
6148 Section 115. Section 252.946, Florida Statutes, is amended



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6149 to read:
6150 252.946 Public records.—With regard to information
6151 submitted to the United States Environmental Protection Agency
6152 under this part or s. 112(r)(7), the division ~~Department of~~
6153 ~~Community Affairs~~, the State Hazardous Materials Emergency
6154 Response Commission, and any local emergency planning committee
6155 may assist persons in electronically accessing such information
6156 held by the United States Environmental Protection Agency in its
6157 centralized database. If requested, the division ~~department~~, the
6158 commission, or a committee may furnish copies of such United
6159 States Environmental Protection Agency records.
6160 Section 116. Subsections (3) and (4) of section 255.042,
6161 Florida Statutes, are amended to read:
6162 255.042 Shelter in public buildings.—
6163 (3) The Division of Emergency Management ~~Department of~~
6164 ~~Community Affairs~~ shall, in those cases in which the architect-
6165 engineer firm does not possess the specialized training required
6166 for the inclusion of fallout protection in building design and
6167 upon request from the architect-engineer concerned or the
6168 responsible state or local agency, provide, at no cost to the
6169 architect-engineer or agency, professional development service
6170 to increase fallout protection through shelter slanting and
6171 cost-reduction techniques.
6172 (4) Nothing in this section establishes ~~act shall be~~
6173 ~~construed as establishing~~ a mandatory requirement for the
6174 incorporation of fallout shelter in the construction of,
6175 modification of, or addition to the public buildings concerned.
6176 It is mandatory, however, that the incorporation of such
6177 protection be given every consideration through acceptable



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6178 shelter slanting and cost-reduction techniques. The responsible
6179 state or local official shall determine whether cost, or other
6180 related factors, precludes or makes impracticable the
6181 incorporation of fallout shelter in public buildings. Further,
6182 the Division of Emergency Management ~~Department of Community~~
6183 ~~Affairs~~ may waive the requirement for consideration of shelter
6184 in those cases where presently available shelter spaces equal or
6185 exceed the requirements of the area concerned.
6186 Section 117. Paragraph (b) of subsection (1) of section
6187 255.099, Florida Statutes, is amended to read:
6188 255.099 Preference to state residents.—
6189 (1) Each contract for construction that is funded by state
6190 funds must contain a provision requiring the contractor to give
6191 preference to the employment of state residents in the
6192 performance of the work on the project if state residents have
6193 substantially equal qualifications to those of nonresidents. A
6194 contract for construction funded by local funds may contain such
6195 a provision.
6196 (b) A contractor required to employ state residents must
6197 contact the Department of Economic Opportunity ~~Agency for~~
6198 ~~Workforce Innovation~~ to post the contractor's employment needs
6199 in the state's job bank system.
6200 Section 118. Subsection (4) of section 258.004, Florida
6201 Statutes, is amended to read:
6202 258.004 Duties of division.—
6203 (4) The Division of Recreation and Parks shall provide
6204 consultation assistance to ~~the Department of Community Affairs~~
6205 ~~and to~~ local governing units as to the protection, organization,
6206 and administration of local recreation systems and the planning



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6207 and design of local recreation areas and facilities.
6208 Section 119. Paragraph (b) of subsection (1) of section
6209 259.035, Florida Statutes, is amended to read:
6210 259.035 Acquisition and Restoration Council.—
6211 (1) There is created the Acquisition and Restoration
6212 Council.
6213 (b) The four ~~five~~ remaining appointees shall be composed of
6214 the Secretary of Environmental Protection, the director of the
6215 Division of Forestry of the Department of Agriculture and
6216 Consumer Services, the executive director of the Fish and
6217 Wildlife Conservation Commission, and the director of the
6218 Division of Historical Resources of the Department of State, ~~and~~
6219 ~~the secretary of the Department of Community Affairs,~~ or their
6220 respective designees.
6221 Section 120. Paragraphs (c) and (j) of subsection (3) of
6222 section 259.105, Florida Statutes, are amended to read:
6223 259.105 The Florida Forever Act.—
6224 (3) Less the costs of issuing and the costs of funding
6225 reserve accounts and other costs associated with bonds, the
6226 proceeds of cash payments or bonds issued pursuant to this
6227 section shall be deposited into the Florida Forever Trust Fund
6228 created by s. 259.1051. The proceeds shall be distributed by the
6229 Department of Environmental Protection in the following manner:
6230 (c) Twenty-one percent to the Department of Environmental
6231 Protection ~~Community Affairs~~ for use by the Florida Communities
6232 Trust for the purposes of part III of chapter 380, as described
6233 and limited by this subsection, and grants to local governments
6234 or nonprofit environmental organizations that are tax-exempt
6235 under s. 501(c)(3) of the United States Internal Revenue Code



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6236 for the acquisition of community-based projects, urban open
6237 spaces, parks, and greenways to implement local government
6238 comprehensive plans. From funds available to the trust and used
6239 for land acquisition, 75 percent shall be matched by local
6240 governments on a dollar-for-dollar basis. The Legislature
6241 intends that the Florida Communities Trust emphasize funding
6242 projects in low-income or otherwise disadvantaged communities
6243 and projects that provide areas for direct water access and
6244 water-dependent facilities that are open to the public and offer
6245 public access by vessels to waters of the state, including boat
6246 ramps and associated parking and other support facilities. At
6247 least 30 percent of the total allocation provided to the trust
6248 shall be used in Standard Metropolitan Statistical Areas, but
6249 one-half of that amount shall be used in localities in which the
6250 project site is located in built-up commercial, industrial, or
6251 mixed-use areas and functions to intersperse open spaces within
6252 congested urban core areas. From funds allocated to the trust,
6253 no less than 5 percent shall be used to acquire lands for
6254 recreational trail systems, provided that in the event these
6255 funds are not needed for such projects, they will be available
6256 for other trust projects. Local governments may use federal
6257 grants or loans, private donations, or environmental mitigation
6258 funds, including environmental mitigation funds required
6259 pursuant to s. 338.250, for any part or all of any local match
6260 required for acquisitions funded through the Florida Communities
6261 Trust. Any lands purchased by nonprofit organizations using
6262 funds allocated under this paragraph must provide for such lands
6263 to remain permanently in public use through a reversion of title
6264 to local or state government, conservation easement, or other



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6265 appropriate mechanism. Projects funded with funds allocated to
6266 the Trust shall be selected in a competitive process measured
6267 against criteria adopted in rule by the Trust.
6268 (j) Two and five-tenths percent to the Department of
6269 Environmental Protection ~~Community Affairs~~ for the acquisition
6270 of land and capital project expenditures necessary to implement
6271 the Stan Mayfield Working Waterfronts Program within the Florida
6272 communities trust pursuant to s. 380.5105.
6273 Section 121. Paragraph (d) of subsection (1) of section
6274 260.0142, Florida Statutes, is amended to read:
6275 260.0142 Florida Greenways and Trails Council; composition;
6276 powers and duties.—
6277 (1) There is created within the department the Florida
6278 Greenways and Trails Council which shall advise the department
6279 in the execution of the department's powers and duties under
6280 this chapter. The council shall be composed of 20 ~~21~~ members,
6281 consisting of:
6282 (d) The 9 ~~10~~ remaining members shall include:
6283 1. The Secretary of Environmental Protection or a designee.
6284 2. The executive director of the Fish and Wildlife
6285 Conservation Commission or a designee.
6286 ~~3. The Secretary of Community Affairs or a designee.~~
6287 3.~~4.~~ The Secretary of Transportation or a designee.
6288 4.~~5.~~ The Director of the Division of Forestry of the
6289 Department of Agriculture and Consumer Services or a designee.
6290 5.~~6.~~ The director of the Division of Historical Resources
6291 of the Department of State or a designee.
6292 6.~~7.~~ A representative of the water management districts.
6293 Membership on the council shall rotate among the five districts.



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6294 The districts shall determine the order of rotation.
6295 7.~~8.~~ A representative of a federal land management agency.
6296 The Secretary of Environmental Protection shall identify the
6297 appropriate federal agency and request designation of a
6298 representative from the agency to serve on the council.
6299 8.~~9.~~ A representative of the regional planning councils to
6300 be appointed by the Secretary of Environmental Protection ~~in~~
6301 ~~consultation with the Secretary of Community Affairs~~. Membership
6302 on the council shall rotate among the seven regional planning
6303 councils. The regional planning councils shall determine the
6304 order of rotation.
6305 9.~~10.~~ A representative of local governments to be appointed
6306 by the Secretary of Environmental Protection ~~in consultation~~
6307 ~~with the Secretary of Community Affairs~~. Membership shall
6308 alternate between a county representative and a municipal
6309 representative.
6310 Section 122. Paragraph (b) of subsection (4) of section
6311 267.0625, Florida Statutes, is amended to read:
6312 267.0625 Abrogation of offensive and derogatory geographic
6313 place names.—
6314 (4) The division shall:
6315 (b) Notify the Department of Transportation, the Department
6316 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
6317 ~~Development~~, the Department of Management Services, and any
6318 other entity that compiles information for or develops maps or
6319 markers for the state of the name change so that it may be
6320 reflected on subsequent editions of any maps, informational
6321 literature, or markers produced by those entities.
6322 Section 123. Section 272.11, Florida Statutes, is amended



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6323 to read:
6324 272.11 Capitol information center.—Enterprise Florida,
6325 Inc., ~~The Florida Commission on Tourism~~ shall establish,
6326 maintain, and operate a Capitol information center somewhere
6327 within the area of the Capitol Center and employ personnel or
6328 enter into contracts to maintain same.
6329 Section 124. Paragraph (a) of subsection (4) of section
6330 282.34, Florida Statutes, is amended to read:
6331 282.34 Statewide e-mail service.—A state e-mail system that
6332 includes the delivery and support of e-mail, messaging, and
6333 calendaring capabilities is established as an enterprise
6334 information technology service as defined in s. 282.0041. The
6335 service shall be designed to meet the needs of all executive
6336 branch agencies. The primary goals of the service are to
6337 minimize the state investment required to establish, operate,
6338 and support the statewide service; reduce the cost of current e-
6339 mail operations and the number of duplicative e-mail systems;
6340 and eliminate the need for each state agency to maintain its own
6341 e-mail staff.
6342 (4) All agencies must be completely migrated to the
6343 statewide e-mail service as soon as financially and
6344 operationally feasible, but no later than June 30, 2015.
6345 (a) The following statewide e-mail service implementation
6346 schedule is established for state agencies:
6347 1. Phase 1.—The following agencies must be completely
6348 migrated to the statewide e-mail system by June 30, 2012: the
6349 Agency for Enterprise Information Technology; ~~the Department of~~
6350 ~~Community Affairs, including the Division of Emergency~~
6351 ~~Management;~~ the Department of Corrections; the Department of



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6352 Health; the Department of Highway Safety and Motor Vehicles; the
6353 Department of Management Services, including the Division of
6354 Administrative Hearings, the Division of Retirement, the
6355 Commission on Human Relations, and the Public Employees
6356 Relations Commission; the Southwood Shared Resource Center; and
6357 the Department of Revenue.
6358 2. Phase 2.—The following agencies must be completely
6359 migrated to the statewide e-mail system by June 30, 2013: the
6360 Department of Business and Professional Regulation; the
6361 Department of Education, including the Board of Governors; the
6362 Department of Environmental Protection; the Department of
6363 Juvenile Justice; the Department of the Lottery; the Department
6364 of State; the Department of Law Enforcement; the Department of
6365 Veterans' Affairs; the Judicial Administration Commission; the
6366 Public Service Commission; and the Statewide Guardian Ad Litem
6367 Office.
6368 3. Phase 3.—The following agencies must be completely
6369 migrated to the statewide e-mail system by June 30, 2014: the
6370 Agency for Health Care Administration; ~~the Agency for Workforce~~
6371 ~~Innovation;~~ the Department of Financial Services, including the
6372 Office of Financial Regulation and the Office of Insurance
6373 Regulation; the Department of Agriculture and Consumer Services;
6374 the Executive Office of the Governor, including the Division of
6375 Emergency Management; the Department of Transportation; the Fish
6376 and Wildlife Conservation Commission; the Agency for Persons
6377 With Disabilities; the Northwood Shared Resource Center; and the
6378 State Board of Administration.
6379 4. Phase 4.—The following agencies must be completely
6380 migrated to the statewide e-mail system by June 30, 2015: the



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6381 Department of Children and Family Services; the Department of
6382 Citrus; the Department of Elderly Affairs; the Department of
6383 Economic Opportunity; and the Department of Legal Affairs.
6384 Section 125. Paragraphs (a) and (d) of subsection (1) and
6385 subsection (4) of section 282.709, Florida Statutes, are amended
6386 to read:
6387 282.709 State agency law enforcement radio system and
6388 interoperability network.—
6389 (1) The department may acquire and administer a statewide
6390 radio communications system to serve law enforcement units of
6391 state agencies, and to serve local law enforcement agencies
6392 through mutual aid channels.
6393 (a) The department shall, in conjunction with the
6394 Department of Law Enforcement and the Division of Emergency
6395 Management ~~of the Department of Community Affairs~~, establish
6396 policies, procedures, and standards to be incorporated into a
6397 comprehensive management plan for the use and operation of the
6398 statewide radio communications system.
6399 (d) The department shall exercise its powers and duties
6400 under this part to plan, manage, and administer the mutual aid
6401 channels in the statewide radio communication system.
6402 1. In implementing such powers and duties, the department
6403 shall consult and act in conjunction with the Department of Law
6404 Enforcement and the Division of Emergency Management ~~of the~~
6405 ~~Department of Community Affairs~~, and shall manage and administer
6406 the mutual aid channels in a manner that reasonably addresses
6407 the needs and concerns of the involved law enforcement agencies
6408 and emergency response agencies and entities.
6409 2. The department may make the mutual aid channels



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6410 available to federal agencies, state agencies, and agencies of
6411 the political subdivisions of the state for the purpose of
6412 public safety and domestic security.
6413 (4) The department may create and administer an
6414 interoperability network to enable interoperability between
6415 various radio communications technologies and to serve federal
6416 agencies, state agencies, and agencies of political subdivisions
6417 of the state for the purpose of public safety and domestic
6418 security.
6419 (a) The department shall, in conjunction with the
6420 Department of Law Enforcement and the Division of Emergency
6421 Management ~~of the Department of Community Affairs~~, exercise its
6422 powers and duties pursuant to this chapter to plan, manage, and
6423 administer the interoperability network. The office may:
6424 1. Enter into mutual aid agreements among federal agencies,
6425 state agencies, and political subdivisions of the state for the
6426 use of the interoperability network.
6427 2. Establish the cost of maintenance and operation of the
6428 interoperability network and charge subscribing federal and
6429 local law enforcement agencies for access and use of the
6430 network. The department may not charge state law enforcement
6431 agencies identified in paragraph (2)(a) to use the network.
6432 3. In consultation with the Department of Law Enforcement
6433 and the Division of Emergency Management ~~of the Department of~~
6434 ~~Community Affairs~~, amend and enhance the statewide radio
6435 communications system as necessary to implement the
6436 interoperability network.
6437 (b) The department, in consultation with the Joint Task
6438 Force on State Agency Law Enforcement Communications, and in



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6439 conjunction with the Department of Law Enforcement and the
6440 Division of Emergency Management ~~of the Department of Community~~
6441 ~~Affairs~~, shall establish policies, procedures, and standards to
6442 incorporate into a comprehensive management plan for the use and
6443 operation of the interoperability network.
6444 Section 126. Subsection (2) of section 287.0931, Florida
6445 Statutes, is amended to read:
6446 287.0931 Minority business enterprises; participation in
6447 bond underwriting.—
6448 (2) To meet such participation requirement, the minority
6449 firm must have full-time employees located in this state, must
6450 have a permanent place of business located in this state, and
6451 must be a firm which is at least 51-percent-owned by minority
6452 persons as defined in s. 288.703~~(3)~~. However, for the purpose of
6453 bond underwriting only, the requirement that the minority person
6454 be a permanent resident of this state does ~~shall~~ not apply.
6455 Section 127. Paragraph (e) of subsection (2) of section
6456 287.0943, Florida Statutes, is amended to read:
6457 287.0943 Certification of minority business enterprises.—
6458 (2)
6459 (e) In assessing the status of ownership and control,
6460 certification criteria shall, at a minimum:
6461 1. Link ownership by a minority person~~,~~ as defined in s.
6462 288.703~~(3)~~, or as dictated by the legal obligations of a
6463 certifying organization, to day-to-day control and financial
6464 risk by the qualifying minority owner, and to demonstrated
6465 expertise or licensure of a minority owner in any trade or
6466 profession that the minority business enterprise will offer to
6467 the state when certified. Businesses must comply with all state



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licensing requirements before ~~prior to~~ becoming certified as a minority business enterprise.

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



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6497 not constitute a useful business function unless it is done so
6498 in a normal industry practice. As used in this section, the term
6499 “acting as a conduit” means, in part, not acting as a regular
6500 dealer by making sales of material, goods, or supplies from
6501 items bought, kept in stock, and regularly sold to the public in
6502 the usual course of business. Brokers, manufacturer’s
6503 representatives, sales representatives, and nonstocking
6504 distributors are considered as conduits that do not perform a
6505 useful business function, unless normal industry practice
6506 dictates.
6507 Section 128. Paragraph (n) of subsection (4) of section
6508 287.09451, Florida Statutes, is amended to read:
6509 287.09451 Office of Supplier Diversity; powers, duties, and
6510 functions.—
6511 (4) The Office of Supplier Diversity shall have the
6512 following powers, duties, and functions:
6513 (n)1. To develop procedures to be used by an agency in
6514 identifying commodities, contractual services, architectural and
6515 engineering services, and construction contracts, except those
6516 architectural, engineering, construction, or other related
6517 services or contracts subject to the provisions of chapter 339,
6518 that could be provided by minority business enterprises. Each
6519 agency is encouraged to spend 21 percent of the moneys actually
6520 expended for construction contracts, 25 percent of the moneys
6521 actually expended for architectural and engineering contracts,
6522 24 percent of the moneys actually expended for commodities, and
6523 50.5 percent of the moneys actually expended for contractual
6524 services during the previous fiscal year, except for the state
6525 university construction program which shall be based upon public



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6526 education capital outlay projections for the subsequent fiscal
6527 year, and reported to the Legislature pursuant to s. 216.023,
6528 for the purpose of entering into contracts with certified
6529 minority business enterprises as defined in s. 288.703~~(2)~~, or
6530 approved joint ventures. However, in the event of budget
6531 reductions pursuant to s. 216.221, the base amounts may be
6532 adjusted to reflect such reductions. The overall spending goal
6533 for each industry category shall be subdivided as follows:
6534 a. For construction contracts: 4 percent for black
6535 Americans, 6 percent for Hispanic-Americans, and 11 percent for
6536 American women.
6537 b. For architectural and engineering contracts: 9 percent
6538 for Hispanic-Americans, 1 percent for Asian-Americans, and 15
6539 percent for American women.
6540 c. For commodities: 2 percent for black Americans, 4
6541 percent for Hispanic-Americans, 0.5 percent for Asian-Americans,
6542 0.5 percent for Native Americans, and 17 percent for American
6543 women.
6544 d. For contractual services: 6 percent for black Americans,
6545 7 percent for Hispanic-Americans, 1 percent for Asian-Americans,
6546 0.5 percent for Native Americans, and 36 percent for American
6547 women.
6548 2. For the purposes of commodities contracts for the
6549 purchase of equipment to be used in the construction and
6550 maintenance of state transportation facilities involving the
6551 Department of Transportation, the terms "minority business
6552 enterprise" and ~~has the same meaning as provided in s. 288.703.~~
6553 "minority person" have ~~has~~ the same meanings ~~meaning~~ as provided
6554 in s. 288.703~~(3)~~. In order to ensure that the goals established



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6555 under this paragraph for contracting with certified minority
6556 business enterprises are met, the department, with the
6557 assistance of the Office of Supplier Diversity, shall make
6558 recommendations to the Legislature on revisions to the goals,
6559 based on an updated statistical analysis, at least once every 5
6560 years. Such recommendations shall be based on statistical data
6561 indicating the availability of and disparity in the use of
6562 minority businesses contracting with the state. The results of
6563 the first updated disparity study must be presented to the
6564 Legislature no later than December 1, 1996.
6565 3. In determining the base amounts for assessing compliance
6566 with this paragraph, the Office of Supplier Diversity may
6567 develop, by rule, guidelines for all agencies to use in
6568 establishing such base amounts. These rules must include, but
6569 are not limited to, guidelines for calculation of base amounts,
6570 a deadline for the agencies to submit base amounts, a deadline
6571 for approval of the base amounts by the Office of Supplier
6572 Diversity, and procedures for adjusting the base amounts as a
6573 result of budget reductions made pursuant to s. 216.221.
6574 4. To determine guidelines for the use of price
6575 preferences, weighted preference formulas, or other preferences,
6576 as appropriate to the particular industry or trade, to increase
6577 the participation of minority businesses in state contracting.
6578 These guidelines shall include consideration of:
6579 a. Size and complexity of the project.
6580 b. The concentration of transactions with minority business
6581 enterprises for the commodity or contractual services in
6582 question in prior agency contracting.
6583 c. The specificity and definition of work allocated to



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6584 participating minority business enterprises.
6585 d. The capacity of participating minority business
6586 enterprises to complete the tasks identified in the project.
6587 e. The available pool of minority business enterprises as
6588 prime contractors, either alone or as partners in an approved
6589 joint venture that serves as the prime contractor.
6590 5. To determine guidelines for use of joint ventures to
6591 meet minority business enterprises spending goals. For purposes
6592 of this section, “joint venture” means any association of two or
6593 more business concerns to carry out a single business enterprise
6594 for profit, for which purpose they combine their property,
6595 capital, efforts, skills, and knowledge. The guidelines shall
6596 allow transactions with joint ventures to be eligible for credit
6597 against the minority business enterprise goals of an agency when
6598 the contracting joint venture demonstrates that at least one
6599 partner to the joint venture is a certified minority business
6600 enterprise as defined in s. 288.703, and that such partner is
6601 responsible for a clearly defined portion of the work to be
6602 performed, and shares in the ownership, control, management,
6603 responsibilities, risks, and profits of the joint venture. Such
6604 demonstration shall be by verifiable documents and sworn
6605 statements and may be reviewed by the Office of Supplier
6606 Diversity at or before the time a contract bid, proposal, or
6607 reply is submitted. An agency may count toward its minority
6608 business enterprise goals a portion of the total dollar amount
6609 of a contract equal to the percentage of the ownership and
6610 control held by the qualifying certified minority business
6611 partners in the contracting joint venture, so long as the joint
6612 venture meets the guidelines adopted by the office.



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6613 Section 129. Subsections (1) and (5) of section 287.0947,
6614 Florida Statutes, are amended to read:
6615 287.0947 Florida Advisory Council on Small and Minority
6616 Business Development; creation; membership; duties.—
6617 (1) ~~On or after October 1, 1996,~~ The Secretary of
6618 Management Services ~~the Department of Labor and Employment~~
6619 ~~Security~~ may create the Florida Advisory Council on Small and
6620 Minority Business Development with the purpose of advising and
6621 assisting the secretary in carrying out the secretary's duties
6622 with respect to minority businesses and economic and business
6623 development. It is the intent of the Legislature that the
6624 membership of such council include practitioners, laypersons,
6625 financiers, and others with business development experience who
6626 can provide invaluable insight and expertise for this state in
6627 the diversification of its markets and networking of business
6628 opportunities. The council shall initially consist of 19
6629 persons, each of whom is or has been actively engaged in small
6630 and minority business development, either in private industry,
6631 in governmental service, or as a scholar of recognized
6632 achievement in the study of such matters. Initially, the council
6633 shall consist of members representing all regions of the state
6634 and shall include at least one member from each group identified
6635 within the definition of "minority person" in s. 288.703(3),
6636 considering also gender and nationality subgroups, and shall
6637 consist of the following:
6638 (a) Four members consisting of representatives of local and
6639 federal small and minority business assistance programs or
6640 community development programs.
6641 (b) Eight members composed of representatives of the



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6642 minority private business sector, including certified minority
6643 business enterprises and minority supplier development councils,
6644 among whom at least two shall be women and at least four shall
6645 be minority persons.
6646 (c) Two representatives of local government, one of whom
6647 shall be a representative of a large local government, and one
6648 of whom shall be a representative of a small local government.
6649 (d) Two representatives from the banking and insurance
6650 industry.
6651 (e) Two members from the private business sector,
6652 representing the construction and commodities industries.
6653 (f) A member from the board of directors of Enterprise
6654 Florida, Inc ~~The chairperson of the Florida Black Business~~
6655 ~~Investment Board or the chairperson's designee~~.
6656
6657 A candidate for appointment may be considered if eligible to be
6658 certified as an owner of a minority business enterprise, or if
6659 otherwise qualified under the criteria above. Vacancies may be
6660 filled by appointment of the secretary, in the manner of the
6661 original appointment.
6662 (5) The powers and duties of the council include, but are
6663 not limited to: researching and reviewing the role of small and
6664 minority businesses in the state's economy; reviewing issues and
6665 emerging topics relating to small and minority business economic
6666 development; studying the ability of financial markets and
6667 institutions to meet small business credit needs and determining
6668 the impact of government demands on credit for small businesses;
6669 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,
6670 requiring a state economic development comprehensive plan, as it



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6671 relates to small and minority businesses; assessing the
6672 reasonableness and effectiveness of efforts by any state agency
6673 or by all state agencies collectively to assist minority
6674 business enterprises; and advising the Governor, the secretary,
6675 and the Legislature on matters relating to small and minority
6676 business development which are of importance to the
6677 international strategic planning and activities of this state.
6678 Section 130. Section 288.012, Florida Statutes, is amended
6679 to read:
6680 288.012 State of Florida international ~~foreign~~ offices;
6681 state protocol officer; protocol manual.—The Legislature finds
6682 that the expansion of international trade and tourism is vital
6683 to the overall health and growth of the economy of this state.
6684 This expansion is hampered by the lack of technical and business
6685 assistance, financial assistance, and information services for
6686 businesses in this state. The Legislature finds that these
6687 businesses could be assisted by providing these services at
6688 State of Florida international ~~foreign~~ offices. The Legislature
6689 further finds that the accessibility and provision of services
6690 at these offices can be enhanced through cooperative agreements
6691 or strategic alliances between private businesses and state
6692 ~~entities~~, local ~~entities~~, and international governmental ~~foreign~~
6693 entities~~, and private businesses~~.
6694 (1) The department ~~Office of Tourism, Trade, and Economic~~
6695 ~~Development~~ is authorized to:
6696 (a) Establish and operate offices in other ~~foreign~~
6697 countries for the purpose of promoting ~~the~~ trade and economic
6698 development opportunities of the state, and promoting the
6699 gathering of trade data information and research on trade



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6700 opportunities in specific countries.
6701 (b) Enter into agreements with governmental and private
6702 sector entities to establish and operate offices in other
6703 ~~foreign~~ countries which contain ~~containing~~ provisions that ~~which~~
6704 may ~~be in~~ conflict with the general laws of the state pertaining
6705 to the purchase of office space, employment of personnel, and
6706 contracts for services. When agreements pursuant to this section
6707 are made which set compensation in another country's ~~foreign~~
6708 currency, such agreements shall be subject to the requirements
6709 of s. 215.425, but the purchase of another country's ~~foreign~~
6710 currency by the department ~~Office of Tourism, Trade, and~~
6711 ~~Economic Development~~ to meet such obligations shall be subject
6712 only to s. 216.311.
6713 (2) Each international ~~foreign~~ office shall have in place
6714 an operational plan approved by the participating boards or
6715 other governing authority, a copy of which shall be provided to
6716 the department ~~Office of Tourism, Trade, and Economic~~
6717 ~~Development~~. These operating plans shall be reviewed and updated
6718 each fiscal year and shall include, at a minimum, the following:
6719 (a) Specific policies and procedures encompassing the
6720 entire scope of the operation and management of each office.
6721 (b) A comprehensive, commercial strategic plan identifying
6722 marketing opportunities and industry sector priorities for the
6723 ~~foreign~~ country ~~or area~~ in which an international ~~a foreign~~
6724 office is located.
6725 (c) Provisions for access to information for Florida
6726 businesses related to ~~through the Florida Trade Data Center.~~
6727 ~~Each foreign office shall obtain and forward~~ trade leads and
6728 inquiries ~~to the center on a regular basis~~.



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6729 (d) Identification of new and emerging market opportunities
6730 for Florida businesses. ~~Each foreign office shall provide the~~
6731 ~~Florida Trade Data Center with a compilation of foreign buyers~~
6732 ~~and importers in industry sector priority areas on an annual~~
6733 ~~basis. In return, the Florida Trade Data Center shall make~~
6734 ~~available to each foreign office, and to Enterprise Florida,~~
6735 ~~Inc., the Florida Commission on Tourism, the Florida Ports~~
6736 ~~Council, the Department of State, the Department of Citrus, and~~
6737 ~~the Department of Agriculture and Consumer Services, trade~~
6738 ~~industry, commodity, and opportunity information.~~ This
6739 information shall be provided ~~to such offices and entities~~
6740 either free of charge or on a fee basis with fees set only to
6741 recover the costs of providing the information.
6742 (e) Provision of access for Florida businesses to ~~the~~
6743 ~~services of the Florida Trade Data Center,~~ international trade
6744 assistance services provided by state and local entities,
6745 seaport and airport information, and other services identified
6746 by the department ~~Office of Tourism, Trade, and Economic~~
6747 ~~Development~~.
6748 (f) Qualitative and quantitative performance measures for
6749 each office, including, but not limited to, the number of
6750 businesses assisted, the number of trade leads and inquiries
6751 generated, the number of international ~~foreign~~ buyers and
6752 importers contacted, and the amount and type of marketing
6753 conducted.
6754 (3) By October 1 of each year, each international ~~foreign~~
6755 office shall submit to the department ~~Office of Tourism, Trade,~~
6756 ~~and Economic Development~~ a complete and detailed report on its
6757 activities and accomplishments during the preceding fiscal year.



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6758 In a format provided by Enterprise Florida, Inc., the report
6759 must set forth information on:
6760 (a) The number of Florida companies assisted.
6761 (b) The number of inquiries received about investment
6762 opportunities in this state.
6763 (c) The number of trade leads generated.
6764 (d) The number of investment projects announced.
6765 (e) The estimated U.S. dollar value of sales confirmations.
6766 (f) The number of representation agreements.
6767 (g) The number of company consultations.
6768 (h) Barriers or other issues affecting the effective
6769 operation of the office.
6770 (i) Changes in office operations which are planned for the
6771 current fiscal year.
6772 (j) Marketing activities conducted.
6773 (k) Strategic alliances formed with organizations in the
6774 country in which the office is located.
6775 (l) Activities conducted with Florida's other ~~Florida~~
6776 international ~~foreign~~ offices.
6777 (m) Any other information that the office believes would
6778 contribute to an understanding of its activities.
6779 (4) The Department of Economic Opportunity ~~Office of~~
6780 ~~Tourism, Trade, and Economic Development~~, in connection with the
6781 establishment, operation, and management of any of its offices
6782 located in another ~~a foreign~~ country, is exempt from the
6783 provisions of ss. 255.21, 255.25, and 255.254 relating to
6784 leasing of buildings; ss. 283.33 and 283.35 relating to bids for
6785 printing; ss. 287.001-287.20 relating to purchasing and motor
6786 vehicles; and ss. 282.003-282.0056 and 282.702-282.7101 relating



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6787 to communications, and from all statutory provisions relating to
6788 state employment.
6789 (a) The department ~~Office of Tourism, Trade, and Economic~~
6790 ~~Development~~ may exercise such exemptions only upon prior
6791 approval of the Governor.
6792 (b) If approval for an exemption under this section is
6793 granted as an integral part of a plan of operation for a
6794 specified international ~~foreign~~ office, such action shall
6795 constitute continuing authority for the department ~~Office of~~
6796 ~~Tourism, Trade, and Economic Development~~ to exercise the
6797 exemption, but only in the context and upon the terms originally
6798 granted. Any modification of the approved plan of operation with
6799 respect to an exemption contained therein must be resubmitted to
6800 the Governor for his or her approval. An approval granted to
6801 exercise an exemption in any other context shall be restricted
6802 to the specific instance for which the exemption is to be
6803 exercised.
6804 (c) As used in this subsection, the term "plan of
6805 operation" means the plan developed pursuant to subsection (2).
6806 (d) Upon final action by the Governor with respect to a
6807 request to exercise the exemption authorized in this subsection,
6808 the department ~~Office of Tourism, Trade, and Economic~~
6809 ~~Development~~ shall report such action, along with the original
6810 request and any modifications thereto, to the President of the
6811 Senate and the Speaker of the House of Representatives within 30
6812 days.
6813 (5) Where feasible and appropriate, international ~~and~~
6814 ~~subject to s. 288.1224(9), foreign~~ offices established and
6815 operated under this section may provide one-stop access to the



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6816 economic development, trade, and tourism information, services,
6817 and programs of the state. Where feasible and appropriate, ~~and~~
6818 ~~subject to s. 288.1224(9),~~ such offices may also be collocated
6819 with other international ~~foreign~~ offices of the state.
6820 (6) The department ~~Office of Tourism, Trade, and Economic~~
6821 ~~Development~~ is authorized to make and to enter into contracts
6822 with Enterprise Florida, Inc., ~~and the Florida Commission on~~
6823 ~~Tourism~~ to carry out the provisions of this section. The
6824 authority, duties, and exemptions provided in this section apply
6825 to Enterprise Florida, Inc., ~~and the Florida Commission on~~
6826 ~~Tourism~~ to the same degree and subject to the same conditions as
6827 applied to the department ~~Office of Tourism, Trade, and Economic~~
6828 ~~Development~~. To the greatest extent possible, such contracts
6829 shall include provisions for cooperative agreements or strategic
6830 alliances between private businesses and state ~~entities~~,
6831 international, ~~foreign entities,~~ and local governmental
6832 entities~~, and private businesses~~ to operate international
6833 ~~foreign~~ offices.
6834 (7) The Governor may designate a state protocol officer.
6835 The state protocol officer shall be housed within the Executive
6836 Office of the Governor. In consultation with the Governor and
6837 other governmental officials, the state protocol officer shall
6838 develop, maintain, publish, and distribute the state protocol
6839 manual.
6840 Section 131. Subsections (1) and (3) of section 288.017,
6841 Florida Statutes, are amended to read:
6842 288.017 Cooperative advertising matching grants program.—
6843 (1) Enterprise Florida, Inc., ~~The Florida Commission on~~
6844 ~~Tourism~~ is authorized to establish a cooperative advertising



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6845 matching grants program and, pursuant thereto, to make
6846 expenditures and enter into contracts with local governments and
6847 nonprofit corporations for the purpose of publicizing the
6848 tourism advantages of the state. The department ~~Office of~~
6849 ~~Tourism, Trade, and Economic Development~~, based on
6850 recommendations from Enterprise Florida, Inc. ~~the Florida~~
6851 ~~Commission on Tourism~~, shall have final approval of grants
6852 awarded through this program. Enterprise Florida, Inc., ~~The~~
6853 ~~commission~~ may contract with its direct-support organization to
6854 administer the program.
6855 (3) Enterprise Florida, Inc., ~~The Florida Commission on~~
6856 ~~Tourism~~ shall conduct an annual competitive selection process
6857 for the award of grants under the program. In determining its
6858 recommendations for the grant awards, the commission shall
6859 consider the demonstrated need of the applicant for advertising
6860 assistance, the feasibility and projected benefit of the
6861 applicant's proposal, the amount of nonstate funds that will be
6862 leveraged, and such other criteria as the commission deems
6863 appropriate. In evaluating grant applications, the department
6864 ~~Office~~ shall consider recommendations from Enterprise Florida,
6865 Inc. ~~the Florida Commission on Tourism.~~ The department ~~Office~~,
6866 however, has final approval authority for any grant under this
6867 section.
6868 Section 132. Section 288.018, Florida Statutes, is amended
6869 to read:
6870 288.018 Regional Rural Development Grants Program.—
6871 (1) The department ~~Office of Tourism, Trade, and Economic~~
6872 ~~Development~~ shall establish a matching grant program to provide
6873 funding to regionally based economic development organizations



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representing rural counties and communities for the purpose of building the professional capacity of their organizations. Such matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves. The department ~~Office of Tourism, Trade, and Economic Development~~ is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be $35,000, or $100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

(2) In approving the participants, the department ~~Office of Tourism, Trade, and Economic Development~~ shall consider the demonstrated need of the applicant for assistance and require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.

(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.

(d) Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(e) Demonstration of the manner in which the organization



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6903 is or will coordinate its efforts with those of other local and
6904 state organizations.
6905 (3) The department ~~Office of Tourism, Trade, and Economic~~
6906 ~~Development~~ may also contract for the development of an
6907 enterprise zone web portal or websites for each enterprise zone
6908 which will be used to market the program for job creation in
6909 disadvantaged urban and rural enterprise zones. Each enterprise
6910 zone web page should include downloadable links to state forms
6911 and information, as well as local message boards that help
6912 businesses and residents receive information concerning zone
6913 boundaries, job openings, zone programs, and neighborhood
6914 improvement activities.
6915 (4) The department ~~Office of Tourism, Trade, and Economic~~
6916 ~~Development~~ may expend up to $750,000 each fiscal year from
6917 funds appropriated to the Rural Community Development Revolving
6918 Loan Fund for the purposes outlined in this section. The
6919 department ~~Office of Tourism, Trade, and Economic Development~~
6920 may contract with Enterprise Florida, Inc., for the
6921 administration of the purposes specified in this section. Funds
6922 released to Enterprise Florida, Inc., for this purpose shall be
6923 released quarterly and shall be calculated based on the
6924 applications in process.
6925 Section 133. Subsection (4) of section 288.019, Florida
6926 Statutes, is amended to read:
6927 288.019 Rural considerations in grant review and evaluation
6928 processes.—Notwithstanding any other law, and to the fullest
6929 extent possible, the member agencies and organizations of the
6930 Rural Economic Development Initiative (REDI) as defined in s.
6931 288.0656(6)(a) shall review all grant and loan application



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6932 evaluation criteria to ensure the fullest access for rural
6933 counties as defined in s. 288.0656(2) to resources available
6934 throughout the state.
6935 (4) For existing programs, the modified evaluation criteria
6936 and scoring procedure must be delivered to the department ~~Office~~
6937 ~~of Tourism, Trade, and Economic Development~~ for distribution to
6938 the REDI agencies and organizations. The REDI agencies and
6939 organizations shall review and make comments. Future rules,
6940 programs, evaluation criteria, and scoring processes must be
6941 brought before a REDI meeting for review, discussion, and
6942 recommendation to allow rural counties fuller access to the
6943 state's resources.
6944 Section 134. Subsection (1) of section 288.021, Florida
6945 Statutes, is amended to read:
6946 288.021 Economic development liaison.—
6947 (1) The heads of the Department of Transportation, the
6948 Department of Environmental Protection and an additional member
6949 appointed by the secretary of the department, ~~the Department of~~
6950 ~~Labor and Employment Security,~~ the Department of Education, ~~the~~
6951 ~~Department of Community Affairs,~~ the Department of Management
6952 Services, the Department of Revenue, the Fish and Wildlife
6953 Conservation Commission, each water management district, and
6954 each Department of Transportation District office shall
6955 designate a high-level staff member from within such agency to
6956 serve as the economic development liaison for the agency. This
6957 person shall report to the agency head and have general
6958 knowledge both of the state's permitting and other regulatory
6959 functions and of the state's economic goals, policies, and
6960 programs. This person shall also be the primary point of contact



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6961 for the agency with the department ~~Office of Tourism, Trade, and~~
6962 ~~Economic Development~~ on issues and projects important to the
6963 economic development of Florida, including its rural areas, to
6964 expedite project review, to ensure a prompt, effective response
6965 to problems arising with regard to permitting and regulatory
6966 functions, and to work closely with the other economic
6967 development liaisons to resolve interagency conflicts.
6968 Section 135. Section 288.0251, Florida Statutes, is amended
6969 to read:
6970 288.0251 International development outreach activities in
6971 Latin America and Caribbean Basin.—The department ~~Office of~~
6972 ~~Tourism, Trade, and Economic Development~~ may contract for the
6973 implementation of Florida's international volunteer corps to
6974 provide short-term training and technical assistance activities
6975 in Latin America and the Caribbean Basin. The entity contracted
6976 under this section must require that such activities be
6977 conducted by qualified volunteers who are citizens of the state.
6978 The contracting agency must have a statewide focus and
6979 experience in coordinating international volunteer programs.
6980 Section 136. Subsection (1) of section 288.035, Florida
6981 Statutes, is amended to read:
6982 288.035 Economic development activities.—
6983 (1) The Florida Public Service Commission may authorize
6984 public utilities to recover reasonable economic development
6985 expenses. For purposes of this section, recoverable "economic
6986 development expenses" are those expenses described in subsection
6987 (2) which are consistent with criteria to be established by
6988 rules adopted by the department ~~of Commerce as of June 30, 1996,~~
6989 ~~or as those criteria are later modified by the Office of~~



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6990 ~~Tourism, Trade, and Economic Development~~.
6991 Section 137. Section 288.037, Florida Statutes, is amended
6992 to read:
6993 288.037 Department of State; agreement with county tax
6994 collector.—In order to further the economic development goals of
6995 the state, and notwithstanding any law to the contrary, the
6996 Department of State may enter into an agreement with the county
6997 tax collector for the purpose of appointing the county tax
6998 collector as the Department of State's ~~department's~~ agent to
6999 accept applications for licenses or other similar registrations
7000 and applications for renewals of licenses or other similar
7001 registrations. The agreement must specify the time within which
7002 the tax collector must forward any applications and accompanying
7003 application fees to the Department of State.
7004 Section 138. Subsection (3) of section 288.041, Florida
7005 Statutes, is amended to read:
7006 288.041 Solar energy industry; legislative findings and
7007 policy; promotional activities.—
7008 (3) By January 15 of each year, the Department of
7009 Environmental Protection shall report to the Governor, the
7010 President of the Senate, and the Speaker of the House of
7011 Representatives on the impact of the solar energy industry on
7012 the economy of this state and shall make any recommendations on
7013 initiatives to further promote the solar energy industry as the
7014 Department of Environmental Protection deems appropriate.
7015 Section 139. Subsections (9) and (10) of section 288.047,
7016 Florida Statutes, are amended to read:
7017 288.047 Quick-response training for economic development.—
7018 (9) Notwithstanding any other provision of law, eligible



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7019 matching contributions received under the Quick-Response
7020 Training Program under this section may be counted toward the
7021 private sector support of Enterprise Florida, Inc., under s.
7022 288.904 ~~s. 288.90151(5)(d)~~.
7023 (10) Workforce Florida, Inc., and Enterprise Florida, Inc.,
7024 shall ensure maximum coordination and cooperation in
7025 administering this section, in such a manner that any division
7026 of responsibility between the two organizations which relates to
7027 marketing or administering the Quick-Response Training Program
7028 is not apparent to a business that inquires about or applies for
7029 funding under this section. ~~The organizations shall provide such~~
7030 A business shall be provided with a single point of contact for
7031 information and assistance.
7032 Section 140. Section 288.063, Florida Statutes, is amended
7033 to read:
7034 288.063 Contracts for transportation projects.—
7035 (1) The Department of Economic Opportunity may ~~Office of~~
7036 ~~Tourism, Trade, and Economic Development is authorized to~~ make~~,~~
7037 and ~~based on a recommendation from Enterprise Florida, Inc., to~~
7038 approve~~,~~ expenditures and enter into contracts for direct costs
7039 of transportation projects with the appropriate governmental
7040 body. Each application shall be reviewed and certified pursuant
7041 to s. 288.061. The Department of Economic Opportunity ~~Office of~~
7042 ~~Tourism, Trade, and Economic Development~~ shall provide the
7043 Department of Transportation, and the Department of
7044 Environmental Protection~~, and the Department of Community~~
7045 ~~Affairs~~ with an opportunity to formally review and comment on
7046 recommended transportation projects, although the Department of
7047 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~



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7048 ~~Development~~ has final approval authority for any project under
7049 this section.
7050 (2) Any contract with a governmental body for construction
7051 of any transportation project executed by the Department of
7052 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
7053 ~~Development~~ shall:
7054 (a) Specify and identify the transportation project to be
7055 constructed for a new or expanding business and the number of
7056 full-time permanent jobs that will result from the project.
7057 (b) Require that the appropriate governmental body award
7058 the construction of the particular transportation project to the
7059 lowest and best bidder in accordance with applicable state and
7060 federal statutes or regulations unless the project can be
7061 constructed with existing local government employees within the
7062 contract period specified by the Department of Economic
7063 Opportunity ~~Office of Tourism, Trade, and Economic Development~~.
7064 (c) Require that the appropriate governmental body provide
7065 the department ~~Office of Tourism, Trade, and Economic~~
7066 ~~Development~~ with quarterly progress reports. Each quarterly
7067 progress report shall contain a narrative description of the
7068 work completed according to the project schedule, a description
7069 of any change orders executed by the appropriate governmental
7070 body, a budget summary detailing planned expenditures versus
7071 actual expenditures, and identification of minority business
7072 enterprises used as contractors and subcontractors. Records of
7073 all progress payments made for work in connection with such
7074 transportation projects, and any change orders executed by the
7075 appropriate governmental body and payments made pursuant to such
7076 orders, shall be maintained by that governmental body in



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7077 accordance with accepted governmental accounting principles and
7078 practices and shall be subject to financial audit as required by
7079 law. In addition, the appropriate governmental body, upon
7080 completion and acceptance of the transportation project, shall
7081 make certification to the department ~~Office of Tourism, Trade,~~
7082 ~~and Economic Development~~ that the project has been completed in
7083 compliance with the terms and conditions of the contractual
7084 agreements between the department ~~Office of Tourism, Trade, and~~
7085 ~~Economic Development~~ and the appropriate governmental body and
7086 meets minimum construction standards established in accordance
7087 with s. 336.045.
7088 (d) Specify that the department ~~Office of Tourism, Trade,~~
7089 ~~and Economic Development~~ shall transfer funds upon receipt of a
7090 request for funds from the local government, on no more than a
7091 quarterly basis, consistent with project needs. A contract
7092 totaling less than $200,000 is exempt from this transfer
7093 requirement. The department may ~~Office of Tourism, Trade, and~~
7094 ~~Economic Development shall~~ not transfer any funds unless
7095 construction has begun on the facility of the business on whose
7096 behalf the award was made. Local governments shall expend funds
7097 in a timely manner.
7098 (e) Require that program funds be used only on those
7099 transportation projects that have been properly reviewed and
7100 approved in accordance with the criteria set forth in this
7101 section.
7102 (f) Require that the governing board of the appropriate
7103 local governmental body agree by resolution to accept future
7104 maintenance and other attendant costs occurring after completion
7105 of the transportation project if the project is construction on



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7106 a county or municipal system.
7107 (3) With respect to any contract executed pursuant to this
7108 section, the term “transportation project” means a
7109 transportation facility as defined in s. 334.03(31) which is
7110 necessary in the judgment of the department ~~Office of Tourism,~~
7111 ~~Trade, and Economic Development~~ to facilitate the economic
7112 development and growth of the state. ~~Except for applications~~
7113 ~~received prior to July 1, 1996,~~ Such transportation projects
7114 shall be approved only as a consideration to attract new
7115 employment opportunities to the state or expand or retain
7116 employment in existing companies operating within the state, or
7117 to allow for the construction or expansion of a state or federal
7118 correctional facility in a county with a population of 75,000 or
7119 less that creates new employment opportunities or expands or
7120 retains employment in the county. The department ~~Office of~~
7121 ~~Tourism, Trade, and Economic Development~~ shall institute
7122 procedures to ensure that small and minority businesses have
7123 equal access to funding provided under this section. Funding for
7124 approved transportation projects may include any expenses, other
7125 than administrative costs and equipment purchases specified in
7126 the contract, necessary for new, or improvement to existing,
7127 transportation facilities. Funds made available pursuant to this
7128 section may not be expended in connection with the relocation of
7129 a business from one community to another community in this state
7130 unless the department ~~Office of Tourism, Trade, and Economic~~
7131 ~~Development~~ determines that without such relocation the business
7132 will move outside this state or determines that the business has
7133 a compelling economic rationale for the relocation which creates
7134 additional jobs. Subject to appropriation for projects under



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7135 this section, any appropriation greater than $10 million shall
7136 be allocated to each of the districts of the Department of
7137 Transportation to ensure equitable geographical distribution.
7138 Such allocated funds that remain uncommitted by the third
7139 quarter of the fiscal year shall be reallocated among the
7140 districts based on pending project requests.
7141 (4) The Department of Economic Opportunity ~~Office of~~
7142 ~~Tourism, Trade, and Economic Development~~ may adopt criteria by
7143 which transportation projects are to be reviewed and certified
7144 in accordance with s. 288.061. In approving transportation
7145 projects for funding, the Department of Economic Opportunity
7146 ~~Office of Tourism, Trade, and Economic Development~~ shall
7147 consider factors including, but not limited to, the cost per job
7148 created or retained considering the amount of transportation
7149 funds requested; the average hourly rate of wages for jobs
7150 created; the reliance on the program as an inducement for the
7151 project's location decision; the amount of capital investment to
7152 be made by the business; the demonstrated local commitment; the
7153 location of the project in an enterprise zone designated
7154 pursuant to s. 290.0055; the location of the project in a
7155 spaceport territory as defined in s. 331.304; the unemployment
7156 rate of the surrounding area; the poverty rate of the community;
7157 and the adoption of an economic element as part of its local
7158 comprehensive plan in accordance with s. 163.3177(7)(j). The
7159 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
7160 ~~Economic Development~~ may contact any agency it deems appropriate
7161 for additional input regarding the approval of projects.
7162 (5) A ~~No~~ project is not eligible for funding unless it ~~that~~
7163 has ~~not~~ been specified and identified by the Department of



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7164 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
7165 ~~Development~~ in accordance with subsection (4) before ~~prior to~~
7166 the initiation of construction ~~shall be eligible for funding~~.
7167 (6) The Department of Transportation shall review the
7168 proposed projects to ensure proper coordination with
7169 transportation projects included in the adopted work program and
7170 may be the contracting agency when the project is on the State
7171 Highway System. In addition, upon request by the appropriate
7172 governmental body, the Department of Environmental Protection
7173 may advise and assist it or plan and construct other such
7174 transportation projects for it.
7175 (7) For the purpose of this section, Space Florida may
7176 serve as the local government or as the contracting agency for
7177 transportation projects within spaceport territory as defined by
7178 s. 331.304.
7179 (8) Each local government receiving funds under this
7180 section shall submit to the Department of Economic Opportunity
7181 ~~Office of Tourism, Trade, and Economic Development~~ a financial
7182 audit of the local entity conducted by an independent certified
7183 public accountant. The Department of Economic Opportunity ~~Office~~
7184 ~~of Tourism, Trade, and Economic Development~~ shall develop
7185 procedures to ensure that audits are received and reviewed in a
7186 timely manner and that deficiencies or questioned costs noted in
7187 the audit are resolved.
7188 (9) The Department of Economic Opportunity ~~Office of~~
7189 ~~Tourism, Trade, and Economic Development~~ shall monitor on site
7190 each grant recipient, including, but not limited to, the
7191 construction of the business facility, to ensure compliance with
7192 contractual requirements.



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7193 (10) In addition to the other provisions of this section,
7194 projects that the Legislature deems necessary to facilitate the
7195 economic development and growth of the state may be designated
7196 and funded in the General Appropriations Act. Such
7197 transportation projects create new employment opportunities,
7198 expand transportation infrastructure, improve mobility, or
7199 increase transportation innovation. The Department of Economic
7200 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
7201 shall enter into contracts with, and make expenditures to, the
7202 appropriate entities for the costs of transportation projects
7203 designated in the General Appropriations Act.
7204 Section 141. Subsections (1), (2), and (3) of section
7205 288.065, Florida Statutes, are amended to read:
7206 288.065 Rural Community Development Revolving Loan Fund.—
7207 (1) The Rural Community Development Revolving Loan Fund
7208 Program is established within the department ~~in the Office of~~
7209 ~~Tourism, Trade, and Economic Development~~ to facilitate the use
7210 of existing federal, state, and local financial resources by
7211 providing local governments with financial assistance to further
7212 promote the economic viability of rural communities. These funds
7213 may be used to finance initiatives directed toward maintaining
7214 or developing the economic base of rural communities, especially
7215 initiatives addressing employment opportunities for residents of
7216 these communities.
7217 (2)(a) The program shall provide for long-term loans, loan
7218 guarantees, and loan loss reserves to units of local
7219 governments, or economic development organizations substantially
7220 underwritten by a unit of local government, within counties with
7221 populations of 75,000 or fewer, or within any county with a



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7222 population of 125,000 or fewer which is contiguous to a county
7223 with a population of 75,000 or fewer, based on the most recent
7224 official population estimate as determined under s. 186.901,
7225 including those residing in incorporated areas and those
7226 residing in unincorporated areas of the county, or to units of
7227 local government, or economic development organizations
7228 substantially underwritten by a unit of local government, within
7229 a rural area of critical economic concern.
7230 (b) Requests for loans shall be made by application to the
7231 department ~~Office of Tourism, Trade, and Economic Development~~.
7232 Loans shall be made pursuant to agreements specifying the terms
7233 and conditions agreed to between the applicant and the
7234 department ~~Office of Tourism, Trade, and Economic Development~~.
7235 The loans shall be the legal obligations of the applicant.
7236 (c) All repayments of principal and interest shall be
7237 returned to the loan fund and made available for loans to other
7238 applicants. However, in a rural area of critical economic
7239 concern designated by the Governor, and upon approval by the
7240 department ~~Office of Tourism, Trade, and Economic Development~~,
7241 repayments of principal and interest may be retained by the
7242 applicant if such repayments are dedicated and matched to fund
7243 regionally based economic development organizations representing
7244 the rural area of critical economic concern.
7245 (3) The department ~~Office of Tourism, Trade, and Economic~~
7246 ~~Development~~ shall manage the fund, establishing loan practices
7247 that must include, but are not limited to, procedures for
7248 establishing loan interest rates, uses of funding, application
7249 procedures, and application review procedures. The department
7250 ~~Office of Tourism, Trade, and Economic Development~~ shall have



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7251 final approval authority for any loan under this section.
7252 Section 142. Subsections (1), (2), (3), and (4) of section
7253 288.0655, Florida Statutes, are amended to read:
7254 288.0655 Rural Infrastructure Fund.—
7255 (1) There is created within the department ~~Office of~~
7256 ~~Tourism, Trade, and Economic Development~~ the Rural
7257 Infrastructure Fund to facilitate the planning, preparing, and
7258 financing of infrastructure projects in rural communities which
7259 will encourage job creation, capital investment, and the
7260 strengthening and diversification of rural economies by
7261 promoting tourism, trade, and economic development.
7262 (2)(a) Funds appropriated by the Legislature shall be
7263 distributed by the department ~~Office~~ through grant programs that
7264 maximize the use of federal, local, and private resources,
7265 including, but not limited to, those available under the Small
7266 Cities Community Development Block Grant Program.
7267 (b) To facilitate access of rural communities and rural
7268 areas of critical economic concern as defined by the Rural
7269 Economic Development Initiative to infrastructure funding
7270 programs of the Federal Government, such as those offered by the
7271 United States Department of Agriculture and the United States
7272 Department of Commerce, and state programs, including those
7273 offered by Rural Economic Development Initiative agencies, and
7274 to facilitate local government or private infrastructure funding
7275 efforts, the department ~~Office~~ may award grants for up to 30
7276 percent of the total infrastructure project cost. If an
7277 application for funding is for a catalyst site, as defined in s.
7278 288.0656, the department ~~Office~~ may award grants for up to 40
7279 percent of the total infrastructure project cost. Eligible



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7280 projects must be related to specific job-creation or job-
7281 retention opportunities. Eligible projects may also include
7282 improving any inadequate infrastructure that has resulted in
7283 regulatory action that prohibits economic or community growth or
7284 reducing the costs to community users of proposed infrastructure
7285 improvements that exceed such costs in comparable communities.
7286 Eligible uses of funds shall include improvements to public
7287 infrastructure for industrial or commercial sites and upgrades
7288 to or development of public tourism infrastructure. Authorized
7289 infrastructure may include the following public or public-
7290 private partnership facilities: storm water systems;
7291 telecommunications facilities; broadband facilities; roads or
7292 other remedies to transportation impediments; nature-based
7293 tourism facilities; or other physical requirements necessary to
7294 facilitate tourism, trade, and economic development activities
7295 in the community. Authorized infrastructure may also include
7296 publicly or privately owned self-powered nature-based tourism
7297 facilities, publicly owned telecommunications facilities, and
7298 broadband facilities, and additions to the distribution
7299 facilities of the existing natural gas utility as defined in s.
7300 366.04(3)(c), the existing electric utility as defined in s.
7301 366.02, or the existing water or wastewater utility as defined
7302 in s. 367.021(12), or any other existing water or wastewater
7303 facility, which owns a gas or electric distribution system or a
7304 water or wastewater system in this state where:
7305 1. A contribution-in-aid of construction is required to
7306 serve public or public-private partnership facilities under the
7307 tariffs of any natural gas, electric, water, or wastewater
7308 utility as defined herein; and



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2. Such utilities as defined herein are willing and able to provide such service.

(c) To facilitate timely response and induce the location or expansion of specific job creating opportunities, the department ~~Office~~ may award grants for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Authorized grants shall be up to $50,000 for an employment project with a business committed to create at least 100 jobs;~~,~~ up to $150,000 for an employment project with a business committed to create at least 300 jobs;~~,~~ and up to $300,000 for a project in a rural area of critical economic concern. Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent of the total project cost. In evaluating applications under this paragraph, the department ~~Office~~ shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(d) The department ~~By September 1, 1999, the Office~~ shall participate in ~~pursue execution of~~ a memorandum of agreement with the United States Department of Agriculture under which state funds available through the Rural Infrastructure Fund may be advanced, in excess of the prescribed state share, for a project that has received from the United States Department of Agriculture a preliminary determination of eligibility for federal financial support. State funds in excess of the prescribed state share which are advanced pursuant to this paragraph and the memorandum of agreement shall be reimbursed when funds are awarded under an application for federal funding.



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7338 (e) To enable local governments to access the resources
7339 available pursuant to s. 403.973(18), the department ~~Office~~ may
7340 award grants for surveys, feasibility studies, and other
7341 activities related to the identification and preclearance review
7342 of land which is suitable for preclearance review. Authorized
7343 grants under this paragraph shall not exceed $75,000 each,
7344 except in the case of a project in a rural area of critical
7345 economic concern, in which case the grant shall not exceed
7346 $300,000. Any funds awarded under this paragraph must be matched
7347 at a level of 50 percent with local funds, except that any funds
7348 awarded for a project in a rural area of critical economic
7349 concern must be matched at a level of 33 percent with local
7350 funds. If an application for funding is for a catalyst site, as
7351 defined in s. 288.0656, the requirement for local match may be
7352 waived pursuant to the process in s. 288.06561. In evaluating
7353 applications under this paragraph, the department ~~office~~ shall
7354 consider the extent to which the application seeks to minimize
7355 administrative and consultant expenses.
7356 (3) The department ~~office~~, in consultation with Enterprise
7357 Florida, Inc., the Florida Tourism Industry Marketing
7358 Corporation ~~VISIT Florida~~, the Department of Environmental
7359 Protection, and the Florida Fish and Wildlife Conservation
7360 Commission, as appropriate, shall review and certify
7361 applications pursuant to s. 288.061. The review shall include an
7362 evaluation of the economic benefit of the projects and their
7363 long-term viability. The department ~~office~~ shall have final
7364 approval for any grant under this section.
7365 (4) By September 1, 2012 ~~1999~~, the department ~~office~~ shall,
7366 in consultation with the organizations listed in subsection (3),



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7367 and other organizations, reevaluate existing ~~develop~~ guidelines
7368 and criteria governing submission of applications for funding,
7369 review and evaluation of such applications, and approval of
7370 funding under this section. The department ~~office~~ shall consider
7371 factors including, but not limited to, the project's potential
7372 for enhanced job creation or increased capital investment, the
7373 demonstration and level of local public and private commitment,
7374 whether the project is located ~~location of the project~~ in an
7375 enterprise zone, ~~the location of the project~~ in a community
7376 development corporation service area, or in an urban high-crime
7377 area as ~~the location of the project in a county~~ designated under
7378 s. 212.097, the unemployment rate of the county in which the
7379 project would be located ~~surrounding area~~, and the poverty rate
7380 of the community.
7381 Section 143. Paragraph (b) of subsection (1), paragraphs
7382 (b) and (e) of subsection (2), paragraph (a) of subsection (6),
7383 and paragraphs (b) and (c) of subsection (7) of section
7384 288.0656, Florida Statutes, are amended to read:
7385 288.0656 Rural Economic Development Initiative.—
7386 (1)(b) The Rural Economic Development Initiative, known as
7387 "REDI," is created within the department ~~Office of Tourism,~~
7388 ~~Trade, and Economic Development~~, and the participation of state
7389 and regional agencies in this initiative is authorized.
7390 (2) As used in this section, the term:
7391 (b) "Catalyst site" means a parcel or parcels of land
7392 within a rural area of critical economic concern that has been
7393 prioritized as a geographic site for economic development
7394 through partnerships with state, regional, and local
7395 organizations. The site must be reviewed by REDI and approved by



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7396 the department ~~Office of Tourism, Trade, and Economic~~
7397 ~~Development~~ for the purposes of locating a catalyst project.
7398 (e) "Rural community" means:
7399 1. A county with a population of 75,000 or fewer.
7400 2. A county with a population of 125,000 or fewer which is
7401 contiguous to a county with a population of 75,000 or fewer.
7402 3. A municipality within a county described in subparagraph
7403 1. or subparagraph 2.
7404 4. An unincorporated federal enterprise community or an
7405 incorporated rural city with a population of 25,000 or fewer and
7406 an employment base focused on traditional agricultural or
7407 resource-based industries, located in a county not defined as
7408 rural, which has at least three or more of the economic distress
7409 factors identified in paragraph (c) and verified by the
7410 department ~~Office of Tourism, Trade, and Economic Development~~.
7411
7412 For purposes of this paragraph, population shall be determined
7413 in accordance with the most recent official estimate pursuant to
7414 s. 186.901.
7415 (6)(a) By August 1 of each year, the head of each of the
7416 following agencies and organizations shall designate a deputy
7417 secretary or higher-level staff person from within the agency or
7418 organization to serve as the REDI representative for the agency
7419 or organization:
7420 ~~1. The Department of Community Affairs.~~
7421 1.~~2.~~ The Department of Transportation.
7422 2.~~3.~~ The Department of Environmental Protection.
7423 3.~~4.~~ The Department of Agriculture and Consumer Services.
7424 4.~~5.~~ The Department of State.



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7425 5.~~6.~~ The Department of Health.
7426 6.~~7.~~ The Department of Children and Family Services.
7427 7.~~8.~~ The Department of Corrections.
7428 ~~9. The Agency for Workforce Innovation.~~
7429 8.~~10.~~ The Department of Education.
7430 9.~~11.~~ The Department of Juvenile Justice.
7431 10.~~12.~~ The Fish and Wildlife Conservation Commission.
7432 11.~~13.~~ Each water management district.
7433 12.~~14.~~ Enterprise Florida, Inc.
7434 13.~~15.~~ Workforce Florida, Inc.
7435 14.~~16.~~ ~~The Florida Commission on Tourism or~~ VISIT Florida.
7436 15.~~17.~~ The Florida Regional Planning Council Association.
7437 16.~~18.~~ The Agency for Health Care Administration.
7438 17.~~19.~~ The Institute of Food and Agricultural Sciences
7439 (IFAS).
7440
7441 An alternate for each designee shall also be chosen, and the
7442 names of the designees and alternates shall be sent to the
7443 executive director of the department ~~Office of Tourism, Trade,~~
7444 ~~and Economic Development~~.
7445 (7)
7446 (b) Designation as a rural area of critical economic
7447 concern under this subsection shall be contingent upon the
7448 execution of a memorandum of agreement among the department
7449 ~~Office of Tourism, Trade, and Economic Development~~; the
7450 governing body of the county; and the governing bodies of any
7451 municipalities to be included within a rural area of critical
7452 economic concern. Such agreement shall specify the terms and
7453 conditions of the designation, including, but not limited to,



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7454 the duties and responsibilities of the county and any
7455 participating municipalities to take actions designed to
7456 facilitate the retention and expansion of existing businesses in
7457 the area, as well as the recruitment of new businesses to the
7458 area.
7459 (c) Each rural area of critical economic concern may
7460 designate catalyst projects, provided that each catalyst project
7461 is specifically recommended by REDI, identified as a catalyst
7462 project by Enterprise Florida, Inc., and confirmed as a catalyst
7463 project by the department ~~Office of Tourism, Trade, and Economic~~
7464 ~~Development~~. All state agencies and departments shall use all
7465 available tools and resources to the extent permissible by law
7466 to promote the creation and development of each catalyst project
7467 and the development of catalyst sites.
7468 Section 144. Subsections (2) and (3) of section 288.06561,
7469 Florida Statutes, are amended to read:
7470 288.06561 Reduction or waiver of financial match
7471 requirements.—Notwithstanding any other law, the member agencies
7472 and organizations of the Rural Economic Development Initiative
7473 (REDI), as defined in s. 288.0656(6)(a), shall review the
7474 financial match requirements for projects in rural areas as
7475 defined in s. 288.0656(2).
7476 (2) Agencies and organizations shall ensure that all
7477 proposals are submitted to the department ~~Office of Tourism,~~
7478 ~~Trade, and Economic Development~~ for review by the REDI agencies.
7479 (3) These proposals shall be delivered to the department
7480 ~~Office of Tourism, Trade, and Economic Development~~ for
7481 distribution to the REDI agencies and organizations. A meeting
7482 of REDI agencies and organizations must be called within 30 days



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7483 after receipt of such proposals for REDI comment and
7484 recommendations on each proposal.
7485 Section 145. Subsections (2) and (4) of section 288.0657,
7486 Florida Statutes, are amended to read:
7487 288.0657 Florida rural economic development strategy
7488 grants.—
7489 (2) The department ~~Office of Tourism, Trade, and Economic~~
7490 ~~Development~~ may accept and administer moneys appropriated to the
7491 department ~~office~~ for providing grants to assist rural
7492 communities to develop and implement strategic economic
7493 development plans.
7494 (4) The department ~~Enterprise Florida, Inc., and VISIT~~
7495 ~~Florida,~~ shall establish criteria for reviewing grant
7496 applications. These criteria shall include, but are not limited
7497 to, the degree of participation and commitment by the local
7498 community and the application's consistency with local
7499 comprehensive plans or the application's proposal to ensure such
7500 consistency. The department ~~International Trade and Economic~~
7501 ~~Development Board of Enterprise Florida, Inc., and VISIT~~
7502 ~~Florida,~~ shall review each application for a grant ~~and shall~~
7503 ~~submit annually to the Office for approval a list of all~~
7504 ~~applications that are recommended by the board and VISIT~~
7505 ~~Florida, arranged in order of priority~~. The department ~~office~~
7506 may approve grants only to the extent that funds are
7507 appropriated for such grants by the Legislature.
7508 Section 146. Section 288.0658, Florida Statutes, is amended
7509 to read:
7510 288.0658 Nature-based recreation; promotion and other
7511 assistance by Fish and Wildlife Conservation Commission.—The



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7512 Florida Fish and Wildlife Conservation Commission is directed to
7513 assist Enterprise Florida, Inc. ~~the Florida Commission on~~
7514 ~~Tourism~~; the Florida Tourism Industry Marketing Corporation,
7515 doing business as VISIT Florida; convention and visitor bureaus;
7516 tourist development councils; economic development
7517 organizations; and local governments through the provision of
7518 marketing advice, technical expertise, promotional support, and
7519 product development related to nature-based recreation and
7520 sustainable use of natural resources. In carrying out this
7521 responsibility, the Florida Fish and Wildlife Conservation
7522 Commission shall focus its efforts on fostering nature-based
7523 recreation in rural communities and regions encompassing rural
7524 communities. As used in this section, the term "nature-based
7525 recreation" means leisure activities related to the state's
7526 lands, waters, and fish and wildlife resources, including, but
7527 not limited to, wildlife viewing, fishing, hiking, canoeing,
7528 kayaking, camping, hunting, backpacking, and nature photography.
7529 Section 147. Section 288.0659, Florida Statutes, is amended
7530 to read:
7531 288.0659 Local Government Distressed Area Matching Grant
7532 Program.—
7533 (1) The Local Government Distressed Area Matching Grant
7534 Program is created within the department ~~Office of Tourism,~~
7535 ~~Trade, and Economic Development~~. The purpose of the program is
7536 to stimulate investment in the state's economy by providing
7537 grants to match demonstrated business assistance by local
7538 governments to attract and retain businesses in this state.
7539 (2) As used in this section, the term:
7540 (a) "Local government" means a county or municipality.



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7541 ~~(b) "Office" means the Office of Tourism, Trade, and~~
7542 ~~Economic Development.~~
7543 (b) ~~(c)~~ "Qualified business assistance" means economic
7544 incentives provided by a local government for the purpose of
7545 attracting or retaining a specific business, including, but not
7546 limited to, suspensions, waivers, or reductions of impact fees
7547 or permit fees; direct incentive payments; expenditures for
7548 onsite or offsite improvements directly benefiting a specific
7549 business; or construction or renovation of buildings for a
7550 specific business.
7551 (3) The department ~~Office~~ may accept and administer moneys
7552 appropriated by the Legislature ~~to the Office~~ for providing
7553 grants to match expenditures by local governments to attract or
7554 retain businesses in this state.
7555 (4) A local government may apply for grants to match
7556 qualified business assistance made by the local government for
7557 the purpose of attracting or retaining a specific business. A
7558 local government may apply for no more than one grant per
7559 targeted business. A local government may only have one
7560 application pending with the department ~~Office~~. Additional
7561 applications may be filed after a previous application has been
7562 approved or denied.
7563 (5) To qualify for a grant, the business being targeted by
7564 a local government must create at least 15 full-time jobs, must
7565 be new to this state, must be expanding its operations in this
7566 state, or would otherwise leave the state absent state and local
7567 assistance, and the local government applying for the grant must
7568 expedite its permitting processes for the target business by
7569 accelerating the normal review and approval timelines. In



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7570 addition to these requirements, the department ~~office~~ shall
7571 review the grant requests using the following evaluation
7572 criteria, with priority given in descending order:
7573 (a) The presence and degree of pervasive poverty,
7574 unemployment, and general distress as determined pursuant to s.
7575 290.0058 in the area where the business will locate, with
7576 priority given to locations with greater degrees of poverty,
7577 unemployment, and general distress.
7578 (b) The extent of reliance on the local government
7579 expenditure as an inducement for the business's location
7580 decision, with priority given to higher levels of local
7581 government expenditure.
7582 (c) The number of new full-time jobs created, with priority
7583 given to higher numbers of jobs created.
7584 (d) The average hourly wage for jobs created, with priority
7585 given to higher average wages.
7586 (e) The amount of capital investment to be made by the
7587 business, with priority given to higher amounts of capital
7588 investment.
7589 (6) In evaluating grant requests, the department ~~Office~~
7590 shall take into consideration the need for grant assistance as
7591 it relates to the local government's general fund balance as
7592 well as local incentive programs that are already in existence.
7593 (7) Funds made available pursuant to this section may not
7594 be expended in connection with the relocation of a business from
7595 one community to another community in this state unless the
7596 department ~~Office~~ determines that without such relocation the
7597 business will move outside this state or determines that the
7598 business has a compelling economic rationale for the relocation



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which creates additional jobs. Funds made available pursuant to this section may not be used by the receiving local government to supplant matching commitments required of the local government pursuant to other state or federal incentive programs.

(8) Within 30 days after the department ~~Office~~ receives an application for a grant, the department ~~Office~~ shall approve a preliminary grant allocation or disapprove the application. The preliminary grant allocation shall be based on estimates of qualified business assistance submitted by the local government and shall equal 50 percent of the amount of the estimated qualified business assistance or $50,000, whichever is less. The preliminary grant allocation shall be executed by contract with the local government. The contract shall set forth the terms and conditions, including the timeframes within which the final grant award will be disbursed. The final grant award may not exceed the preliminary grant allocation. The department ~~Office~~ may approve preliminary grant allocations only to the extent that funds are appropriated for such grants by the Legislature.

(a) Preliminary grant allocations that are revoked or voluntarily surrendered shall be immediately available for reallocation.

(b) Recipients of preliminary grant allocations shall promptly report to the department ~~Office~~ the date on which the local government's permitting and approval process is completed and the date on which all qualified business assistance is completed.

(9) The department ~~Office~~ shall make a final grant award to a local government within 30 days after receiving information



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7628 from the local government sufficient to demonstrate actual
7629 qualified business assistance. An awarded grant amount shall
7630 equal 50 percent of the amount of the qualified business
7631 assistance or $50,000, whichever is less, and may not exceed the
7632 preliminary grant allocation. The amount by which a preliminary
7633 grant allocation exceeds a final grant award shall be
7634 immediately available for reallocation.
7635 (10) Up to 2 percent of the funds appropriated annually by
7636 the Legislature for the program may be used by the department
7637 ~~Office~~ for direct administrative costs associated with
7638 implementing this section.
7639 Section 148. Paragraph (a) of subsection (1) of section
7640 288.075, Florida Statutes, is amended to read:
7641 288.075 Confidentiality of records.—
7642 (1) DEFINITIONS.—As used in this section, the term:
7643 (a) "Economic development agency" means:
7644 1. The Department of Economic Opportunity ~~Office of~~
7645 ~~Tourism, Trade, and Economic Development~~;
7646 2. Any industrial development authority created in
7647 accordance with part III of chapter 159 or by special law;
7648 3. Space Florida created in part II of chapter 331;
7649 4. The public economic development agency of a county or
7650 municipality or, if the county or municipality does not have a
7651 public economic development agency, the county or municipal
7652 officers or employees assigned the duty to promote the general
7653 business interests or industrial interests of that county or
7654 municipality or the responsibilities related thereto;
7655 5. Any research and development authority created in
7656 accordance with part V of chapter 159; or



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7657 6. Any private agency, person, partnership, corporation, or
7658 business entity when authorized by the state, a municipality, or
7659 a county to promote the general business interests or industrial
7660 interests of the state or that municipality or county.
7661 Section 149. Paragraphs (c), (h), (p), and (r) of
7662 subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection
7663 (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g)
7664 of subsection (5), paragraphs (a), (b), and (c) of subsection
7665 (6), and subsections (7) and (8) of section 288.1045, Florida
7666 Statutes, are amended, and present paragraphs (i) through (u) of
7667 subsection (1) are redesignated as paragraphs (h) through (s),
7668 respectively, to read:
7669 288.1045 Qualified defense contractor and space flight
7670 business tax refund program.—
7671 (1) DEFINITIONS.—As used in this section:
7672 (c) "Business unit" means an employing unit, as defined in
7673 s. 443.036, that is registered with the department ~~Agency for~~
7674 ~~Workforce Innovation~~ for unemployment compensation purposes or
7675 means a subcategory or division of an employing unit that is
7676 accepted by the department ~~Agency for Workforce Innovation~~ as a
7677 reporting unit.
7678 ~~(h) "Director" means the director of the Office of Tourism,~~
7679 ~~Trade, and Economic Development.~~
7680 ~~(p) "Office" means the Office of Tourism, Trade, and~~
7681 ~~Economic Development.~~
7682 (p) ~~(r)~~ "Qualified applicant" means an applicant that has
7683 been approved by the department ~~director~~ to be eligible for tax
7684 refunds pursuant to this section.
7685 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—



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7686 (a) There shall be allowed, from the Economic Development
7687 Trust Fund, a refund to a qualified applicant for the amount of
7688 eligible taxes certified by the department ~~director~~ which were
7689 paid by such qualified applicant. The total amount of refunds
7690 for all fiscal years for each qualified applicant shall be
7691 determined pursuant to subsection (3). The annual amount of a
7692 refund to a qualified applicant shall be determined pursuant to
7693 subsection (5).
7694 (d) Contingent upon an annual appropriation by the
7695 Legislature, the department ~~director~~ may approve not more in tax
7696 refunds than the amount appropriated to the Economic Development
7697 Trust Fund for tax refunds, for a fiscal year pursuant to
7698 subsection (5) and s. 288.095.
7699 (e) For the first 6 months of each fiscal year, the
7700 department ~~director~~ shall set aside 30 percent of the amount
7701 appropriated for refunds pursuant to this section by the
7702 Legislature to provide tax refunds only to qualified applicants
7703 who employ 500 or fewer full-time employees in this state. Any
7704 unencumbered funds remaining undisbursed from this set-aside at
7705 the end of the 6-month period may be used to provide tax refunds
7706 for any qualified applicants pursuant to this section.
7707 (f) After entering into a tax refund agreement pursuant to
7708 subsection (4), a qualified applicant may:
7709 1. Receive refunds from the account for corporate income
7710 taxes due and paid pursuant to chapter 220 by that business
7711 beginning with the first taxable year of the business which
7712 begins after entering into the agreement.
7713 2. Receive refunds from the account for the following taxes
7714 due and paid by that business after entering into the agreement:



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7715 a. Taxes on sales, use, and other transactions paid
7716 pursuant to chapter 212.
7717 b. Intangible personal property taxes paid pursuant to
7718 chapter 199.
7719 c. Emergency excise taxes paid pursuant to chapter 221.
7720 d. Excise taxes paid on documents pursuant to chapter 201.
7721 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
7722 June 1, 1996.
7723 f. State communications services taxes administered under
7724 chapter 202. This provision does not apply to the gross receipts
7725 tax imposed under chapter 203 and administered under chapter 202
7726 or the local communications services tax authorized under s.
7727 202.19.
7728
7729 However, a qualified applicant may not receive a tax refund
7730 pursuant to this section for any amount of credit, refund, or
7731 exemption granted such contractor for any of such taxes. If a
7732 refund for such taxes is provided by the department ~~Office~~,
7733 which taxes are subsequently adjusted by the application of any
7734 credit, refund, or exemption granted to the qualified applicant
7735 other than that provided in this section, the qualified
7736 applicant shall reimburse the Economic Development Trust Fund
7737 for the amount of such credit, refund, or exemption. A qualified
7738 applicant must notify and tender payment to the office within 20
7739 days after receiving a credit, refund, or exemption, other than
7740 that provided in this section. ~~The addition of communications~~
7741 ~~services taxes administered under chapter 202 is remedial in~~
7742 ~~nature and retroactive to October 1, 2001. The Office may make~~
7743 ~~supplemental tax refund payments to allow for tax refunds for~~



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7744 ~~communications services taxes paid by an eligible qualified~~
7745 ~~defense contractor after October 1, 2001.~~
7746 (h) Funds made available pursuant to this section may not
7747 be expended in connection with the relocation of a business from
7748 one community to another community in this state unless the
7749 department ~~Office of Tourism, Trade, and Economic Development~~
7750 determines that without such relocation the business will move
7751 outside this state or determines that the business has a
7752 compelling economic rationale for the relocation which creates
7753 additional jobs.
7754 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
7755 DETERMINATION.—
7756 (a) To apply for certification as a qualified applicant
7757 pursuant to this section, an applicant must file an application
7758 with the department ~~Office~~ which satisfies the requirements of
7759 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
7760 and (e), or paragraphs (e) and (j). An applicant may not apply
7761 for certification pursuant to this section after a proposal has
7762 been submitted for a new Department of Defense contract, after
7763 the applicant has made the decision to consolidate an existing
7764 Department of Defense contract in this state for which such
7765 applicant is seeking certification, after a proposal has been
7766 submitted for a new space flight business contract in this
7767 state, after the applicant has made the decision to consolidate
7768 an existing space flight business contract in this state for
7769 which such applicant is seeking certification, or after the
7770 applicant has made the decision to convert defense production
7771 jobs to nondefense production jobs for which such applicant is
7772 seeking certification.



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7773 (b) Applications for certification based on the
7774 consolidation of a Department of Defense contract or a new
7775 Department of Defense contract must be submitted to the
7776 department ~~Office~~ as prescribed by the department ~~Office~~ and
7777 must include, but are not limited to, the following information:
7778 1. The applicant's federal employer identification number,
7779 the applicant's Florida sales tax registration number, and a
7780 signature of an officer of the applicant.
7781 2. The permanent location of the manufacturing, assembling,
7782 fabricating, research, development, or design facility in this
7783 state at which the project is or is to be located.
7784 3. The Department of Defense contract numbers of the
7785 contract to be consolidated, the new Department of Defense
7786 contract number, or the "RFP" number of a proposed Department of
7787 Defense contract.
7788 4. The date the contract was executed or is expected to be
7789 executed, and the date the contract is due to expire or is
7790 expected to expire.
7791 5. The commencement date for project operations under the
7792 contract in this state.
7793 6. The number of net new full-time equivalent Florida jobs
7794 included in the project as of December 31 of each year and the
7795 average wage of such jobs.
7796 7. The total number of full-time equivalent employees
7797 employed by the applicant in this state.
7798 8. The percentage of the applicant's gross receipts derived
7799 from Department of Defense contracts during the 5 taxable years
7800 immediately preceding the date the application is submitted.
7801 9. The number of full-time equivalent jobs in this state to



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7802 be retained by the project.
7803 10. A brief statement concerning the applicant's need for
7804 tax refunds, and the proposed uses of such refunds by the
7805 applicant.
7806 11. A resolution adopted by the governing board of the
7807 county or municipality in which the project will be located,
7808 which recommends the applicant be approved as a qualified
7809 applicant, and which indicates that the necessary commitments of
7810 local financial support for the applicant exist. Prior to the
7811 adoption of the resolution, the county commission may review the
7812 proposed public or private sources of such support and determine
7813 whether the proposed sources of local financial support can be
7814 provided or, for any applicant whose project is located in a
7815 county designated by the Rural Economic Development Initiative,
7816 a resolution adopted by the county commissioners of such county
7817 requesting that the applicant's project be exempt from the local
7818 financial support requirement.
7819 12. Any additional information requested by the department
7820 ~~Office~~.
7821 (c) Applications for certification based on the conversion
7822 of defense production jobs to nondefense production jobs must be
7823 submitted to the department ~~Office~~ as prescribed by the
7824 department ~~Office~~ and must include, but are not limited to, the
7825 following information:
7826 1. The applicant's federal employer identification number,
7827 the applicant's Florida sales tax registration number, and a
7828 signature of an officer of the applicant.
7829 2. The permanent location of the manufacturing, assembling,
7830 fabricating, research, development, or design facility in this



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7831 state at which the project is or is to be located.
7832 3. The Department of Defense contract numbers of the
7833 contract under which the defense production jobs will be
7834 converted to nondefense production jobs.
7835 4. The date the contract was executed, and the date the
7836 contract is due to expire or is expected to expire, or was
7837 canceled.
7838 5. The commencement date for the nondefense production
7839 operations in this state.
7840 6. The number of net new full-time equivalent Florida jobs
7841 included in the nondefense production project as of December 31
7842 of each year and the average wage of such jobs.
7843 7. The total number of full-time equivalent employees
7844 employed by the applicant in this state.
7845 8. The percentage of the applicant's gross receipts derived
7846 from Department of Defense contracts during the 5 taxable years
7847 immediately preceding the date the application is submitted.
7848 9. The number of full-time equivalent jobs in this state to
7849 be retained by the project.
7850 10. A brief statement concerning the applicant's need for
7851 tax refunds, and the proposed uses of such refunds by the
7852 applicant.
7853 11. A resolution adopted by the governing board of the
7854 county or municipality in which the project will be located,
7855 which recommends the applicant be approved as a qualified
7856 applicant, and which indicates that the necessary commitments of
7857 local financial support for the applicant exist. Prior to the
7858 adoption of the resolution, the county commission may review the
7859 proposed public or private sources of such support and determine



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7860 whether the proposed sources of local financial support can be
7861 provided or, for any applicant whose project is located in a
7862 county designated by the Rural Economic Development Initiative,
7863 a resolution adopted by the county commissioners of such county
7864 requesting that the applicant's project be exempt from the local
7865 financial support requirement.
7866 12. Any additional information requested by the department
7867 ~~Office~~.
7868 (d) Applications for certification based on a contract for
7869 reuse of a defense-related facility must be submitted to the
7870 department ~~Office~~ as prescribed by the department ~~office~~ and
7871 must include, but are not limited to, the following information:
7872 1. The applicant's Florida sales tax registration number
7873 and a signature of an officer of the applicant.
7874 2. The permanent location of the manufacturing, assembling,
7875 fabricating, research, development, or design facility in this
7876 state at which the project is or is to be located.
7877 3. The business entity holding a valid Department of
7878 Defense contract or branch of the Armed Forces of the United
7879 States that previously occupied the facility, and the date such
7880 entity last occupied the facility.
7881 4. A copy of the contract to reuse the facility, or such
7882 alternative proof as may be prescribed by the department ~~office~~
7883 that the applicant is seeking to contract for the reuse of such
7884 facility.
7885 5. The date the contract to reuse the facility was executed
7886 or is expected to be executed, and the date the contract is due
7887 to expire or is expected to expire.
7888 6. The commencement date for project operations under the



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7889 contract in this state.
7890 7. The number of net new full-time equivalent Florida jobs
7891 included in the project as of December 31 of each year and the
7892 average wage of such jobs.
7893 8. The total number of full-time equivalent employees
7894 employed by the applicant in this state.
7895 9. The number of full-time equivalent jobs in this state to
7896 be retained by the project.
7897 10. A brief statement concerning the applicant's need for
7898 tax refunds, and the proposed uses of such refunds by the
7899 applicant.
7900 11. A resolution adopted by the governing board of the
7901 county or municipality in which the project will be located,
7902 which recommends the applicant be approved as a qualified
7903 applicant, and which indicates that the necessary commitments of
7904 local financial support for the applicant exist. Before ~~Prior to~~
7905 the adoption of the resolution, the county commission may review
7906 the proposed public or private sources of such support and
7907 determine whether the proposed sources of local financial
7908 support can be provided or, for any applicant whose project is
7909 located in a county designated by the Rural Economic Development
7910 Initiative, a resolution adopted by the county commissioners of
7911 such county requesting that the applicant's project be exempt
7912 from the local financial support requirement.
7913 12. Any additional information requested by the department
7914 ~~Office~~.
7915 (e) To qualify for review by the department ~~Office~~, the
7916 application of an applicant must, at a minimum, establish the
7917 following to the satisfaction of the department ~~office~~:



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7918 1. The jobs proposed to be provided under the application,
7919 pursuant to subparagraph (b)6., subparagraph (c)6., or
7920 subparagraph (j)6., must pay an estimated annual average wage
7921 equaling at least 115 percent of the average wage in the area
7922 where the project is to be located.
7923 2. The consolidation of a Department of Defense contract
7924 must result in a net increase of at least 25 percent in the
7925 number of jobs at the applicant’s facilities in this state or
7926 the addition of at least 80 jobs at the applicant’s facilities
7927 in this state.
7928 3. The conversion of defense production jobs to nondefense
7929 production jobs must result in net increases in nondefense
7930 employment at the applicant’s facilities in this state.
7931 4. The Department of Defense contract or the space flight
7932 business contract cannot allow the business to include the costs
7933 of relocation or retooling in its base as allowable costs under
7934 a cost-plus, or similar, contract.
7935 5. A business unit of the applicant must have derived not
7936 less than 60 percent of its gross receipts in this state from
7937 Department of Defense contracts or space flight business
7938 contracts over the applicant’s last fiscal year, and must have
7939 derived not less than an average of 60 percent of its gross
7940 receipts in this state from Department of Defense contracts or
7941 space flight business contracts over the 5 years preceding the
7942 date an application is submitted pursuant to this section. This
7943 subparagraph does not apply to any application for certification
7944 based on a contract for reuse of a defense-related facility.
7945 6. The reuse of a defense-related facility must result in
7946 the creation of at least 100 jobs at such facility.



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7. A new space flight business contract or the consolidation of a space flight business contract must result in net increases in space flight business employment at the applicant's facilities in this state.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j) must be submitted to the department ~~office~~ for a determination of eligibility. The department ~~Office~~ shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan prepared by the department ~~adopted by Enterprise Florida, Inc.~~, taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry or space flight business.



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7976 7. The impact of any tax refunds granted pursuant to this
7977 section on the viability of the project and the probability that
7978 the project will occur in this state if such tax refunds are
7979 granted to the applicant, taking into account the expected long-
7980 term commitment of the applicant to economic growth and
7981 employment in this state.
7982 8. The length of the project, or the expected long-term
7983 commitment to this state resulting from the project.
7984 (g) Applications shall be reviewed and certified pursuant
7985 to s. 288.061. If appropriate, the department ~~director~~ shall
7986 enter into a written agreement with the qualified applicant
7987 pursuant to subsection (4).
7988 (h) The department ~~director~~ may not certify any applicant
7989 as a qualified applicant when the value of tax refunds to be
7990 included in that letter of certification exceeds the available
7991 amount of authority to certify new businesses as determined in
7992 s. 288.095(3). A letter of certification that approves an
7993 application must specify the maximum amount of a tax refund that
7994 is to be available to the contractor for each fiscal year and
7995 the total amount of tax refunds for all fiscal years.
7996 (i) This section does not create a presumption that an
7997 applicant should receive any tax refunds under this section.
7998 (j) Applications for certification based upon a new space
7999 flight business contract or the consolidation of a space flight
8000 business contract must be submitted to the department ~~office~~ as
8001 prescribed by the department ~~office~~ and must include, but are
8002 not limited to, the following information:
8003 1. The applicant’s federal employer identification number,
8004 the applicant’s Florida sales tax registration number, and a



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8005 signature of an officer of the applicant.
8006 2. The permanent location of the space flight business
8007 facility in this state where the project is or will be located.
8008 3. The new space flight business contract number, the space
8009 flight business contract numbers of the contract to be
8010 consolidated, or the request-for-proposal number of a proposed
8011 space flight business contract.
8012 4. The date the contract was executed and the date the
8013 contract is due to expire, is expected to expire, or was
8014 canceled.
8015 5. The commencement date for project operations under the
8016 contract in this state.
8017 6. The number of net new full-time equivalent Florida jobs
8018 included in the project as of December 31 of each year and the
8019 average wage of such jobs.
8020 7. The total number of full-time equivalent employees
8021 employed by the applicant in this state.
8022 8. The percentage of the applicant’s gross receipts derived
8023 from space flight business contracts during the 5 taxable years
8024 immediately preceding the date the application is submitted.
8025 9. The number of full-time equivalent jobs in this state to
8026 be retained by the project.
8027 10. A brief statement concerning the applicant’s need for
8028 tax refunds and the proposed uses of such refunds by the
8029 applicant.
8030 11. A resolution adopted by the governing board of the
8031 county or municipality in which the project will be located
8032 which recommends the applicant be approved as a qualified
8033 applicant and indicates that the necessary commitments of local



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8034 financial support for the applicant exist. Prior to the adoption
8035 of the resolution, the county commission may review the proposed
8036 public or private sources of such support and determine whether
8037 the proposed sources of local financial support can be provided
8038 or, for any applicant whose project is located in a county
8039 designated by the Rural Economic Development Initiative, a
8040 resolution adopted by the county commissioners of such county
8041 requesting that the applicant's project be exempt from the local
8042 financial support requirement.
8043 12. Any additional information requested by the department
8044 ~~office~~.
8045 (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—
8046 (a) A qualified applicant shall enter into a written
8047 agreement with the department ~~Office~~ containing, but not limited
8048 to, the following:
8049 1. The total number of full-time equivalent jobs in this
8050 state that are or will be dedicated to the qualified applicant's
8051 project, the average wage of such jobs, the definitions that
8052 will apply for measuring the achievement of these terms during
8053 the pendency of the agreement, and a time schedule or plan for
8054 when such jobs will be in place and active in this state.
8055 2. The maximum amount of a refund that the qualified
8056 applicant is eligible to receive for each fiscal year, based on
8057 the job creation or retention and maintenance schedule specified
8058 in subparagraph 1.
8059 3. An agreement with the department ~~Office~~ allowing the
8060 department ~~Office~~ to review and verify the financial and
8061 personnel records of the qualified applicant to ascertain
8062 whether the qualified applicant is complying with the



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8063 requirements of this section.
8064 4. The date by which, in each fiscal year, the qualified
8065 applicant may file a claim pursuant to subsection (5) to be
8066 considered to receive a tax refund in the following fiscal year.
8067 5. That local financial support shall be annually available
8068 and will be paid to the Economic Development Trust Fund.
8069 (b) Compliance with the terms and conditions of the
8070 agreement is a condition precedent for receipt of tax refunds
8071 each year. The failure to comply with the terms and conditions
8072 of the agreement shall result in the loss of eligibility for
8073 receipt of all tax refunds previously authorized pursuant to
8074 this section, and the revocation of the certification as a
8075 qualified applicant by the department ~~director~~, unless the
8076 qualified applicant is eligible to receive and elects to accept
8077 a prorated refund under paragraph (5)(g) or the department
8078 ~~Office~~ grants the qualified applicant an economic-stimulus
8079 exemption.
8080 1. A qualified applicant may submit, in writing, a request
8081 to the department ~~Office~~ for an economic-stimulus exemption. The
8082 request must provide quantitative evidence demonstrating how
8083 negative economic conditions in the qualified applicant's
8084 industry, the effects of the impact of a named hurricane or
8085 tropical storm, or specific acts of terrorism affecting the
8086 qualified applicant have prevented the qualified applicant from
8087 complying with the terms and conditions of its tax refund
8088 agreement.
8089 2. Upon receipt of a request under subparagraph 1., the
8090 department ~~director~~ shall have 45 days to notify the requesting
8091 qualified applicant, in writing, if its exemption has been



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8092 granted or denied. In determining if an exemption should be
8093 granted, the department ~~director~~ shall consider the extent to
8094 which negative economic conditions in the requesting qualified
8095 applicant's industry, the effects of the impact of a named
8096 hurricane or tropical storm, or specific acts of terrorism
8097 affecting the qualified applicant have prevented the qualified
8098 applicant from complying with the terms and conditions of its
8099 tax refund agreement.
8100 3. As a condition for receiving a prorated refund under
8101 paragraph (5)(g) or an economic-stimulus exemption under this
8102 paragraph, a qualified applicant must agree to renegotiate its
8103 tax refund agreement with the department ~~Office~~ to, at a
8104 minimum, ensure that the terms of the agreement comply with
8105 current law and the ~~Office~~ procedures of the department
8106 governing application for and award of tax refunds. Upon
8107 approving the award of a prorated refund or granting an
8108 economic-stimulus exemption, the department ~~Office~~ shall
8109 renegotiate the tax refund agreement with the qualified
8110 applicant as required by this subparagraph. When amending the
8111 agreement of a qualified applicant receiving an economic-
8112 stimulus exemption, the department ~~Office~~ may extend the
8113 duration of the agreement for a period not to exceed 2 years.
8114 ~~4. A qualified applicant may submit a request for an~~
8115 ~~economic-stimulus exemption to the Office in lieu of any tax~~
8116 ~~refund claim scheduled to be submitted after January 1, 2005,~~
8117 ~~but before July 1, 2006.~~
8118 4.~~5.~~ A qualified applicant that receives an economic-
8119 stimulus exemption may not receive a tax refund for the period
8120 covered by the exemption.



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8121 (c) The agreement shall be signed by the executive director
8122 and the authorized officer of the qualified applicant.
8123 (d) The agreement must contain the following legend,
8124 clearly printed on its face in bold type of not less than 10
8125 points:
8126
8127 "This agreement is neither a general obligation of the
8128 State of Florida, nor is it backed by the full faith
8129 and credit of the State of Florida. Payment of tax
8130 refunds are conditioned on and subject to specific
8131 annual appropriations by the Florida Legislature of
8132 funds sufficient to pay amounts authorized in s.
8133 288.1045, Florida Statutes."
8134
8135 (5) ANNUAL CLAIM FOR REFUND.—
8136 (a) To be eligible to claim any scheduled tax refund,
8137 qualified applicants who have entered into a written agreement
8138 with the department ~~Office~~ pursuant to subsection (4) and who
8139 have entered into a valid new Department of Defense contract,
8140 entered into a valid new space flight business contract,
8141 commenced the consolidation of a space flight business contract,
8142 commenced the consolidation of a Department of Defense contract,
8143 commenced the conversion of defense production jobs to
8144 nondefense production jobs, or entered into a valid contract for
8145 reuse of a defense-related facility must apply by January 31 of
8146 each fiscal year to the department ~~Office~~ for tax refunds
8147 scheduled to be paid from the appropriation for the fiscal year
8148 that begins on July 1 following the January 31 claims-submission
8149 date. The department ~~Office~~ may, upon written request, grant a



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8150 30-day extension of the filing date. The application must
8151 include a notarized signature of an officer of the applicant.
8152 (d) The department ~~director~~, with assistance from ~~the~~
8153 ~~Office,~~ the Department of Revenue~~, and the Agency for Workforce~~
8154 ~~Innovation~~, shall, by June 30 following the scheduled date for
8155 submitting the tax refund claim, specify by written order the
8156 approval or disapproval of the tax refund claim and, if
8157 approved, the amount of the tax refund that is authorized to be
8158 paid to the qualified applicant for the annual tax refund. The
8159 department ~~Office~~ may grant an extension of this date upon the
8160 request of the qualified applicant for the purpose of filing
8161 additional information in support of the claim.
8162 (e) The total amount of tax refunds approved by the
8163 department ~~director~~ under this section in any fiscal year may
8164 not exceed the amount authorized under s. 288.095(3).
8165 (g) A prorated tax refund, less a 5 percent penalty, shall
8166 be approved for a qualified applicant provided all other
8167 applicable requirements have been satisfied and the applicant
8168 proves to the satisfaction of the department ~~director~~ that it
8169 has achieved at least 80 percent of its projected employment and
8170 that the average wage paid by the qualified applicant is at
8171 least 90 percent of the average wage specified in the tax refund
8172 agreement, but in no case less than 115 percent of the average
8173 private sector wage in the area available at the time of
8174 certification. The prorated tax refund shall be calculated by
8175 multiplying the tax refund amount for which the qualified
8176 applicant would have been eligible, if all applicable
8177 requirements had been satisfied, by the percentage of the
8178 average employment specified in the tax refund agreement which



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8179 was achieved, and by the percentage of the average wages
8180 specified in the tax refund agreement which was achieved.
8181 (6) ADMINISTRATION.—
8182 (a) The department ~~Office~~ may adopt rules pursuant to
8183 chapter 120 for the administration of this section.
8184 (b) The department ~~Office~~ may verify information provided
8185 in any claim submitted for tax credits under this section with
8186 regard to employment and wage levels or the payment of the taxes
8187 with the appropriate agency or authority including the
8188 Department of Revenue, the department ~~Agency for Workforce~~
8189 ~~Innovation~~, or any local government or authority.
8190 (c) To facilitate the process of monitoring and auditing
8191 applications made under this program, the department ~~Office~~ may
8192 provide a list of qualified applicants to the Department of
8193 Revenue~~, to the Agency for Workforce Innovation,~~ or to any local
8194 government or authority. The department ~~Office~~ may request the
8195 assistance of said entities with respect to monitoring jobs,
8196 wages, and the payment of the taxes listed in subsection (2).
8197 ~~(7) Notwithstanding paragraphs (4)(a) and (5)(c), the~~
8198 ~~Office may approve a waiver of the local financial support~~
8199 ~~requirement for a business located in any of the following~~
8200 ~~counties in which businesses received emergency loans~~
8201 ~~administered by the Office in response to the named hurricanes~~
8202 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
8203 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~
8204 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~
8205 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
8206 ~~waiver may be granted only if the Office determines that the~~
8207 ~~local financial support cannot be provided or that doing so~~



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8208 ~~would effect a demonstrable hardship on the unit of local~~
8209 ~~government providing the local financial support. If the Office~~
8210 ~~grants a waiver of the local financial support requirement, the~~
8211 ~~state shall pay 100 percent of the refund due to an eligible~~
8212 ~~business. The waiver shall apply for tax refund applications~~
8213 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~
8214 (7) ~~(8)~~ EXPIRATION.—An applicant may not be certified as
8215 qualified under this section after June 30, 2014. A tax refund
8216 agreement existing on that date shall continue in effect in
8217 accordance with its terms.
8218 Section 150. Paragraphs (d), (f), (n), (p), (r), and (t) of
8219 subsection (2), paragraphs (a), (b), (e), and (f) of subsection
8220 (3), subsection (4), paragraphs (a), (b), and (c) of subsection
8221 (5), paragraphs (a), (c), (f), and (g) of subsection (6), and
8222 subsection (7) are amended, present paragraphs (g) through (u)
8223 of subsection (2) are redesignated as paragraphs (f) through
8224 (n), respectively, and subsection (8) is created in section
8225 288.106, Florida Statutes, to read:
8226 288.106 Tax refund program for qualified target industry
8227 businesses.—
8228 (2) DEFINITIONS.—As used in this section:
8229 (d) “Business” means an employing unit, as defined in s.
8230 443.036, that is registered for unemployment compensation
8231 purposes with the state agency providing unemployment tax
8232 collection services under ~~contract with the Agency for Workforce~~
8233 ~~Innovation through~~ an interagency agreement pursuant to s.
8234 443.1316, or a subcategory or division of an employing unit that
8235 is accepted by the state agency providing unemployment tax
8236 collection services as a reporting unit.



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8237 ~~(f) "Director" means the Director of the Office of Tourism,~~
8238 ~~Trade, and Economic Development~~.
8239 ~~(n) "Office" means the Office of Tourism, Trade, and~~
8240 ~~Economic Development.~~
8241 (n) ~~(p)~~ "Qualified target industry business" means a target
8242 industry business approved by the department ~~Office~~ to be
8243 eligible for tax refunds under this section.
8244 ~~(q) "Return on investment" means the gain in state revenues~~
8245 ~~as a percentage of the state's investment. The state's~~
8246 ~~investment includes state grants, tax exemptions, tax refunds,~~
8247 ~~tax credits, and other state incentives.~~
8248 (o) ~~(r)~~ "Rural city" means a city having a population of
8249 10,000 or fewer, or a city having a population of greater than
8250 10,000 but fewer than 20,000 that has been determined by the
8251 department ~~Office~~ to have economic characteristics such as, but
8252 not limited to, a significant percentage of residents on public
8253 assistance, a significant percentage of residents with income
8254 below the poverty level, or a significant percentage of the
8255 city's employment base in agriculture-related industries.
8256 (q) ~~(t)~~ "Target industry business" means a corporate
8257 headquarters business or any business that is engaged in one of
8258 the target industries identified pursuant to the following
8259 criteria developed by the department ~~Office~~ in consultation with
8260 Enterprise Florida, Inc.:
8261 1. Future growth.—Industry forecasts should indicate strong
8262 expectation for future growth in both employment and output,
8263 according to the most recent available data. Special
8264 consideration should be given to businesses that export goods
8265 to, or provide services in, international markets and businesses



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8266 that replace domestic and international imports of goods or
8267 services.
8268 2. Stability.—The industry should not be subject to
8269 periodic layoffs, whether due to seasonality or sensitivity to
8270 volatile economic variables such as weather. The industry should
8271 also be relatively resistant to recession, so that the demand
8272 for products of this industry is not typically subject to
8273 decline during an economic downturn.
8274 3. High wage.—The industry should pay relatively high wages
8275 compared to statewide or area averages.
8276 4. Market and resource independent.—The location of
8277 industry businesses should not be dependent on Florida markets
8278 or resources as indicated by industry analysis, except for
8279 businesses in the renewable energy industry.
8280 5. Industrial base diversification and strengthening.—The
8281 industry should contribute toward expanding or diversifying the
8282 state's or area's economic base, as indicated by analysis of
8283 employment and output shares compared to national and regional
8284 trends. Special consideration should be given to industries that
8285 strengthen regional economies by adding value to basic products
8286 or building regional industrial clusters as indicated by
8287 industry analysis. Special consideration should also be given to
8288 the development of strong industrial clusters that include
8289 defense and homeland security businesses.
8290 6. Positive economic impact ~~benefits~~.—The industry is
8291 expected to have strong positive economic impacts on or benefits
8292 to the state or regional economies.
8293
8294 The term does not include any business engaged in retail



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8295 industry activities; any electrical utility company; any
8296 phosphate or other solid minerals severance, mining, or
8297 processing operation; any oil or gas exploration or production
8298 operation; or any business subject to regulation by the Division
8299 of Hotels and Restaurants of the Department of Business and
8300 Professional Regulation. Any business within NAICS code 5611 or
8301 5614, office administrative services and business support
8302 services, respectively, may be considered a target industry
8303 business only after the local governing body and Enterprise
8304 Florida, Inc., make a determination that the community where the
8305 business may locate has conditions affecting the fiscal and
8306 economic viability of the local community or area, including but
8307 not limited to, factors such as low per capita income, high
8308 unemployment, high underemployment, and a lack of year-round
8309 stable employment opportunities, and such conditions may be
8310 improved by the location of such a business to the community. By
8311 January 1 of every 3rd year, beginning January 1, 2011, the
8312 department ~~Office~~, in consultation with Enterprise Florida,
8313 Inc., economic development organizations, the State University
8314 System, local governments, employee and employer organizations,
8315 market analysts, and economists, shall review and, as
8316 appropriate, revise the list of such target industries and
8317 submit the list to the Governor, the President of the Senate,
8318 and the Speaker of the House of Representatives.
8319 (3) TAX REFUND; ELIGIBLE AMOUNTS.—
8320 (a) There shall be allowed, from the account, a refund to a
8321 qualified target industry business for the amount of eligible
8322 taxes certified by the department ~~Office~~ that were paid by the
8323 business. The total amount of refunds for all fiscal years for



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8324 each qualified target industry business must be determined
8325 pursuant to subsection (4). The annual amount of a refund to a
8326 qualified target industry business must be determined pursuant
8327 to subsection (6).
8328 (b)1. Upon approval by the department ~~Office~~, a qualified
8329 target industry business shall be allowed tax refund payments
8330 equal to $3,000 multiplied by the number of jobs specified in
8331 the tax refund agreement under subparagraph (5)(a)1., or equal
8332 to $6,000 multiplied by the number of jobs if the project is
8333 located in a rural community or an enterprise zone.
8334 2. A qualified target industry business shall be allowed
8335 additional tax refund payments equal to $1,000 multiplied by the
8336 number of jobs specified in the tax refund agreement under
8337 subparagraph (5)(a)1. if such jobs pay an annual average wage of
8338 at least 150 percent of the average private sector wage in the
8339 area, or equal to $2,000 multiplied by the number of jobs if
8340 such jobs pay an annual average wage of at least 200 percent of
8341 the average private sector wage in the area.
8342 3. A qualified target industry business shall be allowed
8343 tax refund payments in addition to the other payments authorized
8344 in this paragraph equal to $1,000 multiplied by the number of
8345 jobs specified in the tax refund agreement under subparagraph
8346 (5)(a)1. if the local financial support is equal to that of the
8347 state’s incentive award under subparagraph 1.
8348 4. In addition to the other tax refund payments authorized
8349 in this paragraph, a qualified target industry business shall be
8350 allowed a tax refund payment equal to $2,000 multiplied by the
8351 number of jobs specified in the tax refund agreement under
8352 subparagraph (5)(a)1. if the business:



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8353 a. Falls within one of the high-impact sectors designated
8354 under s. 288.108; or
8355 b. Increases exports of its goods through a seaport or
8356 airport in the state by at least 10 percent in value or tonnage
8357 in each of the years that the business receives a tax refund
8358 under this section. For purposes of this sub-subparagraph,
8359 seaports in the state are limited to the ports of Jacksonville,
8360 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
8361 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
8362 Pensacola, Fernandina, and Key West.
8363 (e) However, a qualified target industry business may not
8364 receive a refund under this section for any amount of credit,
8365 refund, or exemption previously granted to that business for any
8366 of the taxes listed in paragraph (d). If a refund for such taxes
8367 is provided by the department ~~office~~, which taxes are
8368 subsequently adjusted by the application of any credit, refund,
8369 or exemption granted to the qualified target industry business
8370 other than as provided in this section, the business shall
8371 reimburse the account for the amount of that credit, refund, or
8372 exemption. A qualified target industry business shall notify and
8373 tender payment to the department ~~office~~ within 20 days after
8374 receiving any credit, refund, or exemption other than one
8375 provided in this section.
8376 (f) Refunds made available under this section may not be
8377 expended in connection with the relocation of a business from
8378 one community to another community in the state unless the
8379 department ~~Office~~ determines that, without such relocation, the
8380 business will move outside the state or determines that the
8381 business has a compelling economic rationale for relocation and



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8382 that the relocation will create additional jobs.
8383 (4) APPLICATION AND APPROVAL PROCESS.—
8384 (a) To apply for certification as a qualified target
8385 industry business under this section, the business must file an
8386 application with the department ~~Office~~ before the business
8387 decides to locate in this state or before the business decides
8388 to expand its existing operations in this state. The application
8389 must include, but need not be limited to, the following
8390 information:
8391 1. The applicant's federal employer identification number
8392 and, if applicable, state sales tax registration number.
8393 2. The proposed permanent location of the applicant's
8394 facility in this state at which the project is to be located.
8395 3. A description of the type of business activity or
8396 product covered by the project, including a minimum of a five-
8397 digit NAICS code for all activities included in the project. As
8398 used in this paragraph, "NAICS" means those classifications
8399 contained in the North American Industry Classification System,
8400 as published in 2007 by the Office of Management and Budget,
8401 Executive Office of the President, and updated periodically.
8402 4. The proposed number of net new full-time equivalent
8403 Florida jobs at the qualified target industry business as of
8404 December 31 of each year included in the project and the average
8405 wage of those jobs. If more than one type of business activity
8406 or product is included in the project, the number of jobs and
8407 average wage for those jobs must be separately stated for each
8408 type of business activity or product.
8409 5. The total number of full-time equivalent employees
8410 employed by the applicant in this state, if applicable.



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8411 6. The anticipated commencement date of the project.
8412 7. A brief statement explaining the role that the estimated
8413 tax refunds to be requested will play in the decision of the
8414 applicant to locate or expand in this state.
8415 8. An estimate of the proportion of the sales resulting
8416 from the project that will be made outside this state.
8417 9. An estimate of the proportion of the cost of the
8418 machinery and equipment, and any other resources necessary in
8419 the development of its product or service, to be used by the
8420 business in its Florida operations which will be purchased
8421 outside this state.
8422 10. A resolution adopted by the governing board of the
8423 county or municipality in which the project will be located,
8424 which resolution recommends that the project be approved as a
8425 qualified target industry business and specifies that the
8426 commitments of local financial support necessary for the target
8427 industry business exist. Before the passage of such resolution,
8428 the department ~~office~~ may also accept an official letter from an
8429 authorized local economic development agency that endorses the
8430 proposed target industry project and pledges that sources of
8431 local financial support for such project exist. For the purposes
8432 of making pledges of local financial support under this
8433 subparagraph, the authorized local economic development agency
8434 shall be officially designated by the passage of a one-time
8435 resolution by the local governing board.
8436 11. Any additional information requested by the department
8437 ~~Office~~.
8438 (b) To qualify for review by the department ~~Office~~, the
8439 application of a target industry business must, at a minimum,



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8440 establish the following to the satisfaction of the department
8441 ~~office~~:
8442 1.a. The jobs proposed to be created under the application,
8443 pursuant to subparagraph (a)4., must pay an estimated annual
8444 average wage equaling at least 115 percent of the average
8445 private sector wage in the area where the business is to be
8446 located or the statewide private sector average wage. The
8447 governing board of the local governmental entity providing the
8448 local financial support of the jurisdiction ~~county~~ where the
8449 qualified target industry business is to be located shall notify
8450 the department ~~Office~~ and Enterprise Florida, Inc., which
8451 calculation of the average private sector wage in the area must
8452 be used as the basis for the business's wage commitment. In
8453 determining the average annual wage, the department ~~Office~~ shall
8454 include only new proposed jobs, and wages for existing jobs
8455 shall be excluded from this calculation.
8456 b. The department ~~Office~~ may waive the average wage
8457 requirement at the request of the local governing body
8458 recommending the project and Enterprise Florida, Inc. The
8459 department ~~Office~~ may waive the wage requirement for a project
8460 located in a brownfield area designated under s. 376.80, in a
8461 rural city, in a rural community, in an enterprise zone, or for
8462 a manufacturing project at any location in the state if the jobs
8463 proposed to be created pay an estimated annual average wage
8464 equaling at least 100 percent of the average private sector wage
8465 in the area where the business is to be located, only if the
8466 merits of the individual project or the specific circumstances
8467 in the community in relationship to the project warrant such
8468 action. If the local governing body and Enterprise Florida,



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8469 Inc., make such a recommendation, it must be transmitted in
8470 writing, and the specific justification for the waiver
8471 recommendation must be explained. If the department ~~Office~~
8472 elects to waive the wage requirement, the waiver must be stated
8473 in writing, and the reasons for granting the waiver must be
8474 explained.
8475 2. The target industry business's project must result in
8476 the creation of at least 10 jobs at the project and, in the case
8477 of an expansion of an existing business, must result in a net
8478 increase in employment of at least 10 percent at the business.
8479 At the request of the local governing body recommending the
8480 project and Enterprise Florida, Inc., the department ~~Office~~ may
8481 waive this requirement for a business in a rural community or
8482 enterprise zone if the merits of the individual project or the
8483 specific circumstances in the community in relationship to the
8484 project warrant such action. If the local governing body and
8485 Enterprise Florida, Inc., make such a request, the request must
8486 be transmitted in writing, and the specific justification for
8487 the request must be explained. If the department ~~Office~~ elects
8488 to grant the request, the grant must be stated in writing, and
8489 the reason for granting the request must be explained.
8490 3. The business activity or product for the applicant's
8491 project must be within an industry identified by the department
8492 ~~Office~~ as a target industry business that contributes to the
8493 economic growth of the state and the area in which the business
8494 is located, that produces a higher standard of living for
8495 residents of this state in the new global economy, or that can
8496 be shown to make an equivalent contribution to the area's and
8497 state's economic progress.



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8498 (c) Each application meeting the requirements of paragraph
8499 (b) must be submitted to the department ~~Office~~ for determination
8500 of eligibility. The department ~~Office~~ shall review and evaluate
8501 each application based on, but not limited to, the following
8502 criteria:
8503 1. Expected contributions to the state's economy,
8504 consistent with the state strategic economic development plan
8505 prepared by the department ~~adopted by Enterprise Florida, Inc~~.
8506 2. The economic benefits ~~return on investment~~ of the
8507 proposed award of tax refunds under this section and the
8508 economic benefits of ~~return on investment for~~ state incentives
8509 proposed for the project. The term "economic benefits" has the
8510 same meaning as in s. 288.005. The Office of Economic and
8511 Demographic Research shall review and evaluate the methodology
8512 and model used to calculate the economic benefits ~~return on~~
8513 ~~investment~~ and shall report its findings by September 1 of every
8514 3rd year, ~~beginning September 1, 2010,~~ to the President of the
8515 Senate and the Speaker of the House of Representatives.
8516 3. The amount of capital investment to be made by the
8517 applicant in this state.
8518 4. The local financial commitment and support for the
8519 project.
8520 5. The effect of the project on the unemployment rate in
8521 the county where the project will be located.
8522 6. The effect of the award on the viability of the project
8523 and the probability that the project would be undertaken in this
8524 state if such tax refunds are granted to the applicant.
8525 7. The expected long-term commitment of the applicant to
8526 economic growth and employment in this state resulting from the



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8527 project.
8528 8. A review of the business's past activities in this state
8529 or other states, including whether such business has been
8530 subjected to criminal or civil fines and penalties. This
8531 subparagraph does not require the disclosure of confidential
8532 information.
8533 (d) Applications shall be reviewed and certified pursuant
8534 to s. 288.061. The department ~~Office~~ shall include in its review
8535 projections of the tax refunds the business would be eligible to
8536 receive in each fiscal year based on the creation and
8537 maintenance of the net new Florida jobs specified in
8538 subparagraph (a)4. as of December 31 of the preceding state
8539 fiscal year. If appropriate, the department ~~Office~~ shall enter
8540 into a written agreement with the qualified target industry
8541 business pursuant to subsection (5).
8542 (e) The department ~~Office~~ may not certify any target
8543 industry business as a qualified target industry business if the
8544 value of tax refunds to be included in that letter of
8545 certification exceeds the available amount of authority to
8546 certify new businesses as determined in s. 288.095(3). However,
8547 if the commitments of local financial support represent less
8548 than 20 percent of the eligible tax refund payments, or to
8549 otherwise preserve the viability and fiscal integrity of the
8550 program, the department ~~office~~ may certify a qualified target
8551 industry business to receive tax refund payments of less than
8552 the allowable amounts specified in paragraph (3)(b). A letter of
8553 certification that approves an application must specify the
8554 maximum amount of tax refund that will be available to the
8555 qualified industry business in each fiscal year and the total



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8556 amount of tax refunds that will be available to the business for
8557 all fiscal years.
8558 (f) This section does not create a presumption that an
8559 applicant will receive any tax refunds under this section.
8560 However, the department ~~Office~~ may issue nonbinding opinion
8561 letters, upon the request of prospective applicants, as to the
8562 applicants' eligibility and the potential amount of refunds.
8563 (5) TAX REFUND AGREEMENT.—
8564 (a) Each qualified target industry business must enter into
8565 a written agreement with the department ~~Office~~ that specifies,
8566 at a minimum:
8567 1. The total number of full-time equivalent jobs in this
8568 state that will be dedicated to the project, the average wage of
8569 those jobs, the definitions that will apply for measuring the
8570 achievement of these terms during the pendency of the agreement,
8571 and a time schedule or plan for when such jobs will be in place
8572 and active in this state.
8573 2. The maximum amount of tax refunds that the qualified
8574 target industry business is eligible to receive on the project
8575 and the maximum amount of a tax refund that the qualified target
8576 industry business is eligible to receive for each fiscal year,
8577 based on the job creation and maintenance schedule specified in
8578 subparagraph 1.
8579 3. That the department ~~Office~~ may review and verify the
8580 financial and personnel records of the qualified target industry
8581 business to ascertain whether that business is in compliance
8582 with this section.
8583 4. The date by which, in each fiscal year, the qualified
8584 target industry business may file a claim under subsection (6)



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8585 to be considered to receive a tax refund in the following fiscal
8586 year.
8587 5. That local financial support will be annually available
8588 and will be paid to the account. The department ~~Office~~ may not
8589 enter into a written agreement with a qualified target industry
8590 business if the local financial support resolution is not passed
8591 by the local governing body within 90 days after the department
8592 ~~Office~~ has issued the letter of certification under subsection
8593 (4).
8594 6. That the department ~~Office~~ may conduct a review of the
8595 business to evaluate whether the business is continuing to
8596 contribute to the area's or state's economy.
8597 7. That in the event the business does not complete the
8598 agreement, the business will provide the department ~~Office~~ with
8599 the reasons the business was unable to complete the agreement.
8600 (b) Compliance with the terms and conditions of the
8601 agreement is a condition precedent for the receipt of a tax
8602 refund each year. The failure to comply with the terms and
8603 conditions of the tax refund agreement results in the loss of
8604 eligibility for receipt of all tax refunds previously authorized
8605 under this section and the revocation by the department ~~Office~~
8606 of the certification of the business entity as a qualified
8607 target industry business, unless the business is eligible to
8608 receive and elects to accept a prorated refund under paragraph
8609 (6)(e) or the department ~~Office~~ grants the business an economic
8610 recovery extension.
8611 1. A qualified target industry business may submit a
8612 request to the department ~~Office~~ for an economic recovery
8613 extension. The request must provide quantitative evidence



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8614 demonstrating how negative economic conditions in the business's
8615 industry, the effects of a named hurricane or tropical storm, or
8616 specific acts of terrorism affecting the qualified target
8617 industry business have prevented the business from complying
8618 with the terms and conditions of its tax refund agreement.
8619 2. Upon receipt of a request under subparagraph 1., the
8620 department ~~Office~~ has 45 days to notify the requesting business,
8621 in writing, whether its extension has been granted or denied. In
8622 determining whether an extension should be granted, the
8623 department ~~Office~~ shall consider the extent to which negative
8624 economic conditions in the requesting business's industry have
8625 occurred in the state or the effects of a named hurricane or
8626 tropical storm or specific acts of terrorism affecting the
8627 qualified target industry business have prevented the business
8628 from complying with the terms and conditions of its tax refund
8629 agreement. The department ~~Office~~ shall consider current
8630 employment statistics for this state by industry, including
8631 whether the business's industry had substantial job loss during
8632 the prior year, when determining whether an extension shall be
8633 granted.
8634 3. As a condition for receiving a prorated refund under
8635 paragraph (6)(e) or an economic recovery extension under this
8636 paragraph, a qualified target industry business must agree to
8637 renegotiate its tax refund agreement with the department ~~Office~~
8638 to, at a minimum, ensure that the terms of the agreement comply
8639 with current law and the department's ~~office~~ procedures
8640 governing application for and award of tax refunds. Upon
8641 approving the award of a prorated refund or granting an economic
8642 recovery extension, the department ~~Office~~ shall renegotiate the



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8643 tax refund agreement with the business as required by this
8644 subparagraph. When amending the agreement of a business
8645 receiving an economic recovery extension, the department ~~Office~~
8646 may extend the duration of the agreement for a period not to
8647 exceed 2 years.
8648 4. A qualified target industry business may submit a
8649 request for an economic recovery extension to the department
8650 ~~Office~~ in lieu of any tax refund claim scheduled to be submitted
8651 after January 1, 2009, but before July 1, 2012.
8652 5. A qualified target industry business that receives an
8653 economic recovery extension may not receive a tax refund for the
8654 period covered by the extension.
8655 (c) The agreement must be signed by the executive director
8656 and by an authorized officer of the qualified target industry
8657 business within 120 days after the issuance of the letter of
8658 certification under subsection (4), but not before passage and
8659 receipt of the resolution of local financial support. The
8660 department ~~Office~~ may grant an extension of this period at the
8661 written request of the qualified target industry business.
8662 (6) ANNUAL CLAIM FOR REFUND.—
8663 (a) To be eligible to claim any scheduled tax refund, a
8664 qualified target industry business that has entered into a tax
8665 refund agreement with the department ~~Office~~ under subsection (5)
8666 must apply by January 31 of each fiscal year to the department
8667 ~~office~~ for the tax refund scheduled to be paid from the
8668 appropriation for the fiscal year that begins on July 1
8669 following the January 31 claims-submission date. The department
8670 ~~Office~~ may, upon written request, grant a 30-day extension of
8671 the filing date.



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8672 (c) The department ~~Office~~ may waive the requirement for
8673 proof of taxes paid in future years for a qualified target
8674 industry business that provides the office with proof that, in a
8675 single year, the business has paid an amount of state taxes from
8676 the categories in paragraph (3)(d) that is at least equal to the
8677 total amount of tax refunds that the business may receive
8678 through successful completion of its tax refund agreement.
8679 (f) The department ~~Office~~, with such assistance as may be
8680 required from the Department of Revenue ~~or the Agency for~~
8681 ~~Workforce Innovation~~, shall, by June 30 following the scheduled
8682 date for submission of the tax refund claim, specify by written
8683 order the approval or disapproval of the tax refund claim and,
8684 if approved, the amount of the tax refund that is authorized to
8685 be paid to the qualified target industry business for the annual
8686 tax refund. The department ~~Office~~ may grant an extension of this
8687 date on the request of the qualified target industry business
8688 for the purpose of filing additional information in support of
8689 the claim.
8690 (g) The total amount of tax refund claims approved by the
8691 department ~~Office~~ under this section in any fiscal year must not
8692 exceed the amount authorized under s. 288.095(3).
8693 (7) ADMINISTRATION.—
8694 (a) The department ~~Office~~ may verify information provided
8695 in any claim submitted for tax credits under this section with
8696 regard to employment and wage levels or the payment of the taxes
8697 to the appropriate agency or authority, including the Department
8698 of Revenue~~, the Agency for Workforce Innovation,~~ or any local
8699 government or authority.
8700 (b) To facilitate the process of monitoring and auditing



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applications made under this section, the department ~~Office~~ may provide a list of qualified target industry businesses to the Department of Revenue~~, to the Agency for Workforce Innovation,~~ or to any local government or authority. The department ~~Office~~ may request the assistance of those entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (3).

(c) Funds specifically appropriated for tax refunds for qualified target industry businesses under this section may not be used by the department ~~Office~~ for any purpose other than the payment of tax refunds authorized by this section.

(d) Beginning with tax refund agreements signed after July 1, 2010, the department ~~Office~~ shall attempt to ascertain the causes for any business's failure to complete its agreement and shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall be submitted by December 1 of each year beginning in 2011.

(8) SPECIAL INCENTIVES.—If the department determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may, between July 1, 2011, and June 30, 2014, waive any or all wage or local financial support eligibility requirements and allow a qualified target industry business from another state which relocates all or a portion of its business to a Disproportionally Affected County to receive a tax refund payment of up to $6,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph



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8730 (5)(a)1. over the term of the agreement. Prior to granting such
8731 waiver, the executive director of the department shall file with
8732 the Governor a written statement of the conditions and
8733 circumstances constituting the reason for the waiver. Such
8734 business shall be eligible for the additional tax refund
8735 payments specified in subparagraph (3)(b)4. if it meets the
8736 criteria. As used in this section, the term "Disproportionally
8737 Affected County" means Bay County, Escambia County, Franklin
8738 County, Gulf County, Okaloosa County, Santa Rosa County, Walton
8739 County, or Wakulla County.
8740 Section 151. Paragraphs (d), (e), (f), (g) and (h) of
8741 subsection (1), subsection (2), paragraphs (a), (b), (f), (g),
8742 (h), and (i) of subsection (4), and subsection (5) of section
8743 288.107, Florida Statutes, are amended to read:
8744 288.107 Brownfield redevelopment bonus refunds.—
8745 (1) DEFINITIONS.—As used in this section:
8746 ~~(d) "Director" means the director of the Office of Tourism,~~
8747 ~~Trade, and Economic Development.~~
8748 (d)~~(e)~~ "Eligible business" means:
8749 1. A qualified target industry business as defined in s.
8750 288.106(2); or
8751 2. A business that can demonstrate a fixed capital
8752 investment of at least $2 million in mixed-use business
8753 activities, including multiunit housing, commercial, retail, and
8754 industrial in brownfield areas, or at least $500,000 in
8755 brownfield areas that do not require site cleanup, and that
8756 provides benefits to its employees.
8757 (e)~~(f)~~ "Jobs" means full-time equivalent positions,
8758 including, but not limited to, positions obtained from a



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8759 temporary employment agency or employee leasing company or
8760 through a union agreement or coemployment under a professional
8761 employer organization agreement, that result directly from a
8762 project in this state. The term does not include temporary
8763 construction jobs involved with the construction of facilities
8764 for the project and which are not associated with the
8765 implementation of the site rehabilitation as provided in s.
8766 376.80.
8767 ~~(g) "Office" means The Office of Tourism, Trade, and~~
8768 ~~Economic Development.~~
8769 (f) ~~(h)~~ "Project" means the creation of a new business or
8770 the expansion of an existing business as defined in s. 288.106.
8771 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
8772 shall be approved by the department ~~Office~~ as specified in the
8773 final order and allowed from the account as follows:
8774 (a) A bonus refund of $2,500 shall be allowed to any
8775 qualified target industry business as defined in s. 288.106 for
8776 each new Florida job created in a brownfield area that is
8777 claimed on the qualified target industry business's annual
8778 refund claim authorized in s. 288.106(6).
8779 (b) A bonus refund of up to $2,500 shall be allowed to any
8780 other eligible business as defined in subparagraph (1)(d)2.
8781 ~~subparagraph (1)(e)2.~~ for each new Florida job created in a
8782 brownfield area that is claimed under an annual claim procedure
8783 similar to the annual refund claim authorized in s. 288.106(6).
8784 The amount of the refund shall be equal to 20 percent of the
8785 average annual wage for the jobs created.
8786 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—
8787 (a) To be eligible to receive a bonus refund for new



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8788 Florida jobs created in a brownfield area, a business must have
8789 been certified as a qualified target industry business under s.
8790 288.106 or eligible business as defined in paragraph (1)(d)
8791 ~~paragraph (1)(e)~~ and must have indicated on the qualified target
8792 industry business tax refund application form submitted in
8793 accordance with s. 288.106(4) or other similar agreement for
8794 other eligible business as defined in paragraph (1)(d) ~~paragraph~~
8795 ~~(1)(e)~~ that the project for which the application is submitted
8796 is or will be located in a brownfield area and that the business
8797 is applying for certification as a qualified brownfield business
8798 under this section, and must have signed a qualified target
8799 industry business tax refund agreement with the department
8800 ~~Office~~ that indicates that the business has been certified as a
8801 qualified target industry business located in a brownfield area
8802 and specifies the schedule of brownfield redevelopment bonus
8803 refunds that the business may be eligible to receive in each
8804 fiscal year.
8805 (b) To be considered to receive an eligible brownfield
8806 redevelopment bonus refund payment, the business meeting the
8807 requirements of paragraph (a) must submit a claim once each
8808 fiscal year on a claim form approved by the department ~~Office~~
8809 which indicates the location of the brownfield, the address of
8810 the business facility's brownfield location, the name of the
8811 brownfield in which it is located, the number of jobs created,
8812 and the average wage of the jobs created by the business within
8813 the brownfield as defined in s. 288.106 or other eligible
8814 business as defined in paragraph (1)(d) ~~paragraph (1)(e)~~ and the
8815 administrative rules and policies for that section.
8816 (f) Applications shall be reviewed and certified pursuant



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8817 to s. 288.061. The department ~~Office~~ shall review all
8818 applications submitted under s. 288.106 or other similar
8819 application forms for other eligible businesses as defined in
8820 paragraph (1)(d) ~~paragraph (1)(e)~~ which indicate that the
8821 proposed project will be located in a brownfield and determine,
8822 with the assistance of the Department of Environmental
8823 Protection, that the project location is within a brownfield as
8824 provided in this act.
8825 (g) The department ~~Office~~ shall approve all claims for a
8826 brownfield redevelopment bonus refund payment that are found to
8827 meet the requirements of paragraphs (b) and (d).
8828 (h) The department ~~director~~, with such assistance as may be
8829 required from ~~the Office and~~ the Department of Environmental
8830 Protection, shall specify by written final order the amount of
8831 the brownfield redevelopment bonus refund that is authorized for
8832 the qualified target industry business for the fiscal year
8833 within 30 days after the date that the claim for the annual tax
8834 refund is received by the department ~~office~~.
8835 (i) The total amount of the bonus refunds approved by the
8836 department ~~director~~ under this section in any fiscal year must
8837 not exceed the total amount appropriated to the Economic
8838 Development Incentives Account for this purpose for the fiscal
8839 year. In the event that the Legislature does not appropriate an
8840 amount sufficient to satisfy projections by the department
8841 ~~Office~~ for brownfield redevelopment bonus refunds under this
8842 section in a fiscal year, the department ~~Office~~ shall, not later
8843 than July 15 of such year, determine the proportion of each
8844 brownfield redevelopment bonus refund claim which shall be paid
8845 by dividing the amount appropriated for tax refunds for the



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8846 fiscal year by the projected total of brownfield redevelopment
8847 bonus refund claims for the fiscal year. The amount of each
8848 claim for a brownfield redevelopment bonus tax refund shall be
8849 multiplied by the resulting quotient. If, after the payment of
8850 all such refund claims, funds remain in the Economic Development
8851 Incentives Account for brownfield redevelopment tax refunds, the
8852 department ~~Office~~ shall recalculate the proportion for each
8853 refund claim and adjust the amount of each claim accordingly.
8854 (5) ADMINISTRATION.—
8855 (a) The department ~~Office~~ may verify information provided
8856 in any claim submitted for tax credits under this section with
8857 regard to employment and wage levels or the payment of the taxes
8858 to the appropriate agency or authority, including the Department
8859 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local
8860 government or authority.
8861 (b) To facilitate the process of monitoring and auditing
8862 applications made under this program, the department ~~Office~~ may
8863 provide a list of qualified target industry businesses to the
8864 Department of Revenue, ~~to the Agency for Workforce Innovation,~~
8865 to the Department of Environmental Protection, or to any local
8866 government authority. The department ~~office~~ may request the
8867 assistance of those entities with respect to monitoring the
8868 payment of the taxes listed in s. 288.106(3).
8869 Section 152. Subsection (2), paragraphs (b), (d), and (e)
8870 of subsection (3), subsection (4), paragraphs (a) and (c) of
8871 subsection (5), and subsections (6) and (7) of section 288.108,
8872 Florida Statutes, are amended to read:
8873 288.108 High-impact business.—
8874 (2) DEFINITIONS.—As used in this section, the term:



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8875 (c) ~~(a)~~ "Eligible high-impact business" means a business in
8876 one of the high-impact sectors identified by Enterprise Florida,
8877 Inc., and certified by the department ~~Office of Tourism, Trade,~~
8878 ~~and Economic Development~~ as provided in subsection (5), which is
8879 making a cumulative investment in the state of at least $50
8880 million and creating at least 50 new full-time equivalent jobs
8881 in the state or a research and development facility making a
8882 cumulative investment of at least $25 million and creating at
8883 least 25 new full-time equivalent jobs. Such investment and
8884 employment must be achieved in a period not to exceed 3 years
8885 after the date the business is certified as a qualified high-
8886 impact business.
8887 (f) ~~(b)~~ "Qualified high-impact business" means a business in
8888 one of the high-impact sectors that has been certified by the
8889 department ~~office~~ as a qualified high-impact business to receive
8890 a high-impact sector performance grant.
8891 ~~(c) "Office" means the Office of Tourism, Trade, and~~
8892 ~~Economic Development.~~
8893 ~~(d) "Director" means the director of the Office of Tourism,~~
8894 ~~Trade, and Economic Development.~~
8895 (b) ~~(e)~~ "Cumulative investment" means the total investment
8896 in buildings and equipment made by a qualified high-impact
8897 business since the beginning of construction of such facility.
8898 (d) ~~(f)~~ "Fiscal year" means the fiscal year of the state.
8899 (e) ~~(g)~~ "Jobs" means full-time equivalent positions,
8900 including, but not limited to, positions obtained from a
8901 temporary employment agency or employee leasing company or
8902 through a union agreement or coemployment under a professional
8903 employer organization agreement, that result directly from a



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8904 project in this state. The term does not include temporary
8905 construction jobs involved in the construction of the project
8906 facility.
8907 (a) ~~(h)~~ "Commencement of operations" means that the
8908 qualified high-impact business has begun to actively operate the
8909 principal function for which the facility was constructed as
8910 determined by the department ~~office~~ and specified in the
8911 qualified high-impact business agreement.
8912 (g) ~~(i)~~ "Research and development" means basic and applied
8913 research in science or engineering, as well as the design,
8914 development, and testing of prototypes or processes of new or
8915 improved products. Research and development does not mean market
8916 research, routine consumer product testing, sales research,
8917 research in the social sciences or psychology, nontechnological
8918 activities or technical services.
8919 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
8920 AMOUNTS.—
8921 (b) The department ~~Office~~ may~~, in consultation with~~
8922 ~~Enterprise Florida, Inc.,~~ negotiate qualified high-impact
8923 business performance grant awards for any single qualified high-
8924 impact business. In negotiating such awards, the department
8925 ~~Office~~ shall consider the following guidelines in conjunction
8926 with other relevant applicant impact and cost information and
8927 analysis as required in subsection (5).
8928 1. A qualified high-impact business making a cumulative
8929 investment of $50 million and creating 50 jobs may be eligible
8930 for a total qualified high-impact business performance grant of
8931 $500,000 to $1 million.
8932 2. A qualified high-impact business making a cumulative



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8933 investment of $100 million and creating 100 jobs may be eligible
8934 for a total qualified high-impact business performance grant of
8935 $1 million to $2 million.
8936 3. A qualified high-impact business making a cumulative
8937 investment of $800 million and creating 800 jobs may be eligible
8938 for a qualified high-impact business performance grant of $10
8939 million to $12 million.
8940 4. A qualified high-impact business engaged in research and
8941 development making a cumulative investment of $25 million and
8942 creating 25 jobs may be eligible for a total qualified high-
8943 impact business performance grant of $700,000 to $1 million.
8944 5. A qualified high-impact business engaged in research and
8945 development making a cumulative investment of $75 million, and
8946 creating 75 jobs may be eligible for a total qualified high-
8947 impact business performance grant of $2 million to $3 million.
8948 6. A qualified high-impact business engaged in research and
8949 development making a cumulative investment of $150 million, and
8950 creating 150 jobs may be eligible for a qualified high-impact
8951 business performance grant of $3.5 million to $4.5 million.
8952 (d) The balance of the performance grant award shall be
8953 paid to the qualified high-impact business upon the business's
8954 certification that full operations have commenced and that the
8955 full investment and employment goals specified in the qualified
8956 high-impact business agreement have been met and verified by the
8957 department ~~Office of Tourism, Trade, and Economic Development~~.
8958 The verification must occur not later than 60 days after the
8959 qualified high-impact business has provided the certification
8960 specified in this paragraph.
8961 (e) The department ~~office~~ may, upon a showing of reasonable



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8962 cause for delay and significant progress toward the achievement
8963 of the investment and employment goals specified in the
8964 qualified high-impact business agreement, extend the date for
8965 commencement of operations, not to exceed an additional 2 years
8966 beyond the limit specified in paragraph (2)(a), but in no case
8967 may any high-impact sector performance grant payment be made to
8968 the business until the scheduled goals have been achieved.
8969 (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~
8970 AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE
8971 GRANTS.—
8972 (a) The total amount of active performance grants scheduled
8973 for payment by the department ~~office~~ in any single fiscal year
8974 may not exceed the lesser of $30 million or the amount
8975 appropriated by the Legislature for that fiscal year for
8976 qualified high-impact business performance grants. If the
8977 scheduled grant payments are not made in the year for which they
8978 were scheduled in the qualified high-impact business agreement
8979 and are rescheduled as authorized in paragraph (3)(e), they are,
8980 for purposes of this paragraph, deemed to have been paid in the
8981 year in which they were originally scheduled in the qualified
8982 high-impact business agreement.
8983 (b) If the Legislature does not appropriate an amount
8984 sufficient to satisfy the qualified high-impact business
8985 performance grant payments scheduled for any fiscal year, the
8986 department ~~Office~~ shall, not later than July 15 of that year,
8987 determine the proportion of each grant payment which may be paid
8988 by dividing the amount appropriated for qualified high-impact
8989 business performance grant payments for the fiscal year by the
8990 total performance grant payments scheduled in all performance



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8991 grant agreements for the fiscal year. The amount of each grant
8992 scheduled for payment in that fiscal year must be multiplied by
8993 the resulting quotient. All businesses affected by this
8994 calculation must be notified by August 1 of each fiscal year.
8995 If, after the payment of all the refund claims, funds remain in
8996 the appropriation for payment of qualified high-impact business
8997 performance grants, the department ~~Office~~ shall recalculate the
8998 proportion for each performance grant payment and adjust the
8999 amount of each claim accordingly.
9000 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—
9001 (a) The department shall review an application pursuant to
9002 s. 288.061 which is received from any eligible business, as
9003 defined in subsection (2), ~~shall apply to Enterprise Florida,~~
9004 ~~Inc.,~~ for consideration as a qualified high-impact business
9005 before the business has made a decision to locate or expand a
9006 facility in this state. The business must provide ~~application,~~
9007 ~~developed by the Office of Tourism, Trade, and Economic~~
9008 ~~Development, in consultation with Enterprise Florida, Inc., must~~
9009 ~~include, but is not limited to,~~ the following information:
9010 1. A complete description of the type of facility, business
9011 operations, and product or service associated with the project.
9012 2. The number of full-time equivalent jobs that will be
9013 created by the project and the average annual wage of those
9014 jobs.
9015 3. The cumulative amount of investment to be dedicated to
9016 this project within 3 years.
9017 4. A statement concerning any special impacts the facility
9018 is expected to stimulate in the sector, the state, or regional
9019 economy and in state universities and community colleges.



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9020 5. A statement concerning the role the grant will play in
9021 the decision of the applicant business to locate or expand in
9022 this state.
9023 6. Any additional information requested by the department
9024 ~~Enterprise Florida, Inc., and the Office of Tourism, Trade, and~~
9025 ~~Economic Development~~.
9026 (c) The department ~~director~~ and the qualified high-impact
9027 business shall enter into a performance grant agreement setting
9028 forth the conditions for payment of the qualified high-impact
9029 business performance grant. The agreement shall include the
9030 total amount of the qualified high-impact business facility
9031 performance grant award, the performance conditions that must be
9032 met to obtain the award, including the employment, average
9033 salary, investment, the methodology for determining if the
9034 conditions have been met, and the schedule of performance grant
9035 payments.
9036 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—
9037 (a) Enterprise Florida, Inc., shall, by January 1, of every
9038 third year, beginning January 1, 2011, initiate the process of
9039 reviewing and, if appropriate, selecting a new high-impact
9040 sector for designation or recommending the deactivation of a
9041 designated high-impact sector. The process of reviewing
9042 designated high-impact sectors or recommending the deactivation
9043 of a designated high-impact sector shall be in consultation with
9044 the department ~~office~~, economic development organizations, the
9045 State University System, local governments, employee and
9046 employer organizations, market analysts, and economists.
9047 (b) The department ~~Office~~ has authority, ~~only~~ after
9048 recommendation from Enterprise Florida, Inc., to designate a



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9049 high-impact sector or to deauthorize a designated high-impact
9050 sector.
9051 (c) To begin the process of selecting and designating a new
9052 high-impact sector, Enterprise Florida, Inc., shall undertake a
9053 thorough study of the proposed sector. This study must consider
9054 the definition of the sector, including the types of facilities
9055 which characterize the sector that might qualify for a high-
9056 impact performance grant and whether a powerful incentive like
9057 the high-impact performance grant is needed to induce major
9058 facilities in the sector to locate or grow in this state; the
9059 benefits that major facilities in the sector have or could have
9060 on the state’s economy and the relative significance of those
9061 benefits; the needs of the sector and major sector facilities,
9062 including natural, public, and human resources and benefits and
9063 costs with regard to these resources; the sector’s current and
9064 future markets; the current fiscal and potential fiscal impacts
9065 of the sector, to both the state and its communities; any
9066 geographic opportunities or limitations with regard to the
9067 sector, including areas of the state most likely to benefit from
9068 the sector and areas unlikely to benefit from the sector; the
9069 state’s advantages or disadvantages with regard to the sector;
9070 and the long-term expectations for the industry on a global
9071 level and in the state. If Enterprise Florida, Inc., finds
9072 favorable conditions for the designation of the sector as a
9073 high-impact sector, it shall include in the study
9074 recommendations for a complete and comprehensive sector
9075 strategy, including appropriate marketing and workforce
9076 strategies for the entire sector and any recommendations that
9077 Enterprise Florida, Inc., may have for statutory or policy



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9078 changes needed to improve the state's business climate and to
9079 attract and grow Florida businesses, particularly small
9080 businesses, in the proposed sector. The study shall reflect the
9081 finding of the sector-business network specified in paragraph
9082 (d).
9083 (d) In conjunction with the study required in paragraph
9084 (c), Enterprise Florida, Inc., shall develop and consult with a
9085 network of sector businesses. While this network may include
9086 non-Florida businesses, it must include any businesses currently
9087 within the state. If the number of Florida businesses in the
9088 sector is large, a representative cross-section of Florida
9089 sector businesses may form the core of this network.
9090 (e) The study and its findings and recommendations and the
9091 recommendations gathered from the sector-business network must
9092 be discussed and considered during at least one ~~the~~ meeting per
9093 calendar year of leaders in business, government, education,
9094 workforce development, and economic development called by the
9095 Governor to address the business climate in the state, develop a
9096 common vision for the economic future of the state, and identify
9097 economic development efforts to fulfill that vision ~~required in~~
9098 ~~s. 14.2015(2)(e)~~.
9099 (f) If after consideration of the completed study required
9100 in paragraph (c) and the input derived from consultation with
9101 the sector-business network in paragraph (d) and the ~~quarterly~~
9102 meeting as required in paragraph (e), the board of directors of
9103 Enterprise Florida, Inc., finds that the sector will have
9104 exceptionally large and widespread benefits to the state and its
9105 citizens, relative to any public costs; that the sector is
9106 characterized by the types of facilities that require



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9107 exceptionally large investments and provide employment
9108 opportunities to a relatively large number of workers in high-
9109 quality, high-income jobs that might qualify for a high-impact
9110 performance grant; and that given the competition for such
9111 businesses it may be necessary for the state to be able to offer
9112 a large inducement, such as a high-impact performance grant, to
9113 attract such a business to the state or to encourage businesses
9114 to continue to grow in the state, the board of directors of
9115 Enterprise Florida, Inc., may recommend that the department
9116 ~~office~~ consider the designation of the sector as a high-impact
9117 business sector.
9118 (g) Upon receiving a recommendation from the board of
9119 directors of Enterprise Florida, Inc., together with the study
9120 required in paragraph (c) and a summary of the findings and
9121 recommendations of the sector-business network required in
9122 paragraph (d), including a list of all meetings of the sector
9123 network and participants in those meetings and the findings and
9124 recommendations from the ~~quarterly~~ meeting as required in
9125 paragraph (e), the department ~~Office~~ shall after a thorough
9126 evaluation of the study and accompanying materials report its
9127 findings and either concur in the recommendation of Enterprise
9128 Florida, Inc., and designate the sector as a high-impact
9129 business sector or notify Enterprise Florida, Inc., that it does
9130 not concur and deny the board's request for designation or
9131 return the recommendation and study to Enterprise Florida, Inc.,
9132 for further evaluation. In any case, the department's ~~director's~~
9133 decision must be in writing and justify the reasons for the
9134 decision.
9135 (h) If the department ~~Office~~ designates the sector as a



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9136 high-impact sector, it shall, within 30 days, notify the
9137 Governor, the President of the Senate, and the Speaker of the
9138 House of Representatives of its decision and provide a complete
9139 report on its decision, including copies of the material
9140 provided by Enterprise Florida, Inc., and the department's
9141 ~~Office of Tourism, Trade, and Economic Development's~~ evaluation
9142 and comment on any statutory or policy changes recommended by
9143 Enterprise Florida, Inc.
9144 (i) For the purposes of this subsection, a high-impact
9145 sector consists of the silicon technology sector that Enterprise
9146 Florida, Inc., has found to be focused around the type of high-
9147 impact businesses for which the incentive created in this
9148 subsection is required and will create the kinds of sector and
9149 economy wide benefits that justify the use of state resources to
9150 encourage these investments and require substantial inducements
9151 to compete with the incentive packages offered by other states
9152 and nations.
9153 (7) RULEMAKING.—The department ~~Office~~ may adopt rules
9154 necessary to carry out the provisions of this section.
9155 Section 153. Subsections (1), (2), (4), (5), (6), and (9)
9156 of section 288.1083, Florida Statutes, are amended to read:
9157 288.1083 Manufacturing and Spaceport Investment Incentive
9158 Program.—
9159 (1) The Manufacturing and Spaceport Investment Incentive
9160 Program is created within the department ~~office of Tourism,~~
9161 ~~Trade, and Economic Development~~. The purpose of the program is
9162 to encourage capital investment and job creation in
9163 manufacturing and spaceport activities in this state.
9164 (2) As used in this section, the term:



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9165 (a) “Base year purchases” means the total cost of eligible
9166 equipment purchased and placed into service in this state by an
9167 eligible entity in its tax year that began in 2008.
9168 ~~(b) “Department” means the Department of Revenue.~~
9169 (b) ~~(c)~~ “Eligible entity” means an entity that manufactures,
9170 processes, compounds, or produces items for sale of tangible
9171 personal property or engages in spaceport activities. The term
9172 also includes an entity that engages in phosphate or other solid
9173 minerals severance, mining, or processing operations. The term
9174 does not include electric utility companies, communications
9175 companies, oil or gas exploration or production operations,
9176 publishing firms that do not export at least 50 percent of their
9177 finished product out of the state, any firm subject to
9178 regulation by the Division of Hotels and Restaurants of the
9179 Department of Business and Professional Regulation, or any firm
9180 that does not manufacture, process, compound, or produce for
9181 sale items of tangible personal property or that does not use
9182 such machinery and equipment in spaceport activities.
9183 (c) ~~(d)~~ “Eligible equipment” means tangible personal
9184 property or other property that has a depreciable life of 3
9185 years or more and that is used as an integral part in the
9186 manufacturing, processing, compounding, or production of
9187 tangible personal property for sale or is exclusively used in
9188 spaceport activities, and that is located and placed into
9189 service in this state. A building and its structural components
9190 are not eligible equipment unless the building or structural
9191 component is so closely related to the industrial machinery and
9192 equipment that it houses or supports that the building or
9193 structural component can be expected to be replaced when the



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machinery and equipment are replaced. Heating and air-conditioning systems are not eligible equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories only to the extent that the exemption of such parts and accessories is consistent with ~~the provisions of~~ this paragraph.

(d) ~~(e)~~ "Eligible equipment purchases" means the cost of eligible equipment purchased and placed into service in this state in a given state fiscal year by an eligible entity in excess of the entity's base year purchases.

~~(f) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(e) ~~(g)~~ "Refund" means a payment to an eligible entity for the amount of state sales and use tax actually paid on eligible equipment purchases.

(4) To receive a refund, a business entity must first apply to the department ~~office~~ for a tax refund allocation. The entity shall provide such information in the application as reasonably required by the department ~~office~~. Further, the business entity shall provide such information as is required by the department ~~office~~ to establish the cost incurred and actual sales and use tax paid to purchase eligible equipment located and placed into service in this state during its taxable year that began in 2008.

(a) Within 30 days after the department ~~office~~ receives an application for a refund, the department ~~office~~ shall approve or



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9223 disapprove the application.
9224 (b) Refund allocations made during the 2010-2011 fiscal
9225 year shall be awarded in the same order in which applications
9226 are received. Eligible entities may apply to the department
9227 ~~office~~ beginning July 1, 2010, for refunds attributable to
9228 eligible equipment purchases made during the 2010-2011 fiscal
9229 year. For the 2010-2011 fiscal year, the department ~~office~~ shall
9230 allocate the maximum amount of $50,000 per entity until the
9231 entire $19 million available for refund in state fiscal year
9232 2010-2011 has been allocated. If the total amount available for
9233 allocation during the 2010-2011 fiscal year is allocated, the
9234 department ~~office~~ shall continue taking applications. Each
9235 applicant shall be informed of its place in the queue and
9236 whether the applicant received an allocation of the eligible
9237 funds.
9238 (c) Refund allocations made during the 2011-2012 fiscal
9239 year shall first be given to any applicants remaining in the
9240 queue from the prior fiscal year. The department ~~office~~ shall
9241 allocate the maximum amount of $50,000 per entity, first to
9242 those applicants that remained in the queue from 2010-2011 for
9243 eligible purchases in 2010-2011, then to applicants for 2011-
9244 2012 in the order applications are received for eligible
9245 purchases in 2011-2012. The department ~~office~~ shall allocate the
9246 maximum amount of $50,000 per entity until the entire $24
9247 million available to be allocated for refund in the 2011-2012
9248 fiscal year is allocated. If the total amount available for
9249 refund in 2011-2012 has been allocated, the department ~~office~~
9250 shall continue to accept applications from eligible entities in
9251 the 2011-2012 fiscal year for refunds attributable to eligible



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9252 equipment purchases made during the 2011-2012 fiscal year.
9253 Refund allocations made during the 2011-2012 fiscal year shall
9254 be awarded in the same order in which applications are received.
9255 Upon submitting an application, each applicant shall be informed
9256 of its place in the queue and whether the applicant has received
9257 an allocation of the eligible funds.
9258 (5) Upon completion of eligible equipment purchases, a
9259 business entity that received a refund allocation from the
9260 department ~~office~~ must apply to the department ~~office~~ for
9261 certification of a refund. For eligible equipment purchases made
9262 during the 2010-2011 fiscal year, the application for
9263 certification must be made no later than September 1, 2011. For
9264 eligible equipment purchases made during the 2011-2012 fiscal
9265 year, the application for certification must be made no later
9266 than September 1, 2012. The application shall provide such
9267 documentation as is reasonably required by the department ~~office~~
9268 to calculate the refund amount, including documentation
9269 necessary to confirm the cost of eligible equipment purchases
9270 supporting the claim of the sales and use tax paid thereon.
9271 Further, the business entity shall provide such documentation as
9272 required by the department ~~office~~ to establish the entity's base
9273 year purchases. If, upon reviewing the application, the
9274 department ~~office~~ determines that eligible equipment purchases
9275 did not occur, that the amount of tax claimed to have been paid
9276 or remitted on the eligible equipment purchases is not supported
9277 by the documentation provided, or that the information provided
9278 to the department ~~office~~ was otherwise inaccurate, the amount of
9279 the refund allocation not substantiated shall not be certified.
9280 Otherwise, the department ~~office~~ shall determine and certify the



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9281 amount of the refund to the eligible entity and to the
9282 department within 30 days after the department ~~office~~ receives
9283 the application for certification.
9284 (6) Upon certification of a refund for an eligible entity,
9285 the entity shall apply to the Department of Revenue within 30
9286 days for payment of the certified amount as a refund on a form
9287 prescribed by the Department of Revenue. The Department of
9288 Revenue may request documentation in support of the application
9289 and adopt emergency rules to administer the refund application
9290 process.
9291 (9) The department ~~office~~ shall adopt emergency rules
9292 governing applications for, issuance of, and procedures for
9293 allocation and certification and may establish guidelines as to
9294 the requisites for demonstrating base year purchases and
9295 eligible equipment purchases.
9296 Section 154. Subsections (2) and (3) of section 288.1088,
9297 Florida Statutes, are amended to read:
9298 288.1088 Quick Action Closing Fund.—
9299 (2) There is created within the department ~~Office of~~
9300 ~~Tourism, Trade, and Economic Development~~ the Quick Action
9301 Closing Fund. Projects eligible for receipt of funds from the
9302 Quick Action Closing Fund shall:
9303 (a) Be in an industry as referenced in s. 288.106.
9304 (b) Have a positive economic benefit ~~payback~~ ratio of at
9305 least 5 to 1.
9306 (c) Be an inducement to the project’s location or expansion
9307 in the state.
9308 (d) Pay an average annual wage of at least 125 percent of
9309 the areawide or statewide private sector average wage.



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9310 (e) Be supported by the local community in which the
9311 project is to be located.
9312 (3)(a) The department and Enterprise Florida, Inc., shall
9313 jointly review applications pursuant to s. 288.061 and determine
9314 the eligibility of each project consistent with the criteria in
9315 subsection (2). Waiver of ~~Enterprise Florida, Inc., in~~
9316 ~~consultation with the Office of Tourism, Trade, and Economic~~
9317 ~~Development, may waive~~ these criteria may be considered under
9318 the following criteria:
9319 1. Based on extraordinary circumstances;
9320 2. In order to mitigate the impact of the conclusion of the
9321 space shuttle program; or
9322 3. In rural areas of critical economic concern if the
9323 project would significantly benefit the local or regional
9324 economy.
9325 (b) The department ~~Enterprise Florida, Inc.,~~ shall evaluate
9326 individual proposals for high-impact business facilities ~~and~~
9327 ~~forward recommendations regarding the use of moneys in the fund~~
9328 ~~for such facilities to the director of the Office of Tourism,~~
9329 ~~Trade, and Economic Development~~. Such evaluation ~~and~~
9330 ~~recommendation~~ must include, but need not be limited to:
9331 1. A description of the type of facility or infrastructure,
9332 its operations, and the associated product or service associated
9333 with the facility.
9334 2. The number of full-time-equivalent jobs that will be
9335 created by the facility and the total estimated average annual
9336 wages of those jobs or, in the case of privately developed rural
9337 infrastructure, the types of business activities and jobs
9338 stimulated by the investment.



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9339 3. The cumulative amount of investment to be dedicated to
9340 the facility within a specified period.
9341 4. A statement of any special impacts the facility is
9342 expected to stimulate in a particular business sector in the
9343 state or regional economy or in the state's universities and
9344 community colleges.
9345 5. A statement of the role the incentive is expected to
9346 play in the decision of the applicant business to locate or
9347 expand in this state or for the private investor to provide
9348 critical rural infrastructure.
9349 6. A report evaluating the quality and value of the company
9350 submitting a proposal. The report must include:
9351 a. A financial analysis of the company, including an
9352 evaluation of the company's short-term liquidity ratio as
9353 measured by its assets to liability, the company's profitability
9354 ratio, and the company's long-term solvency as measured by its
9355 debt-to-equity ratio;
9356 b. The historical market performance of the company;
9357 c. A review of any independent evaluations of the company;
9358 d. A review of the latest audit of the company's financial
9359 statement and the related auditor's management letter; and
9360 e. A review of any other types of audits that are related
9361 to the internal and management controls of the company.
9362 (c)1. Within 7 business ~~22 calendar~~ days after evaluating a
9363 project, the department ~~receiving the evaluation and~~
9364 ~~recommendation from Enterprise Florida, Inc., the director of~~
9365 ~~the Office of Tourism, Trade, and Economic Development~~ shall
9366 recommend to the Governor approval or disapproval of a project
9367 for receipt of funds from the Quick Action Closing Fund. In



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9368 recommending a project, the department ~~director~~ shall include
9369 proposed performance conditions that the project must meet to
9370 obtain incentive funds.
9371 2. The Governor may approve projects without consulting the
9372 Legislature for projects requiring less than $2 million in
9373 funding.
9374 3. For projects requiring funding in the amount of $2
9375 million to $5 million, the Governor shall provide a written ~~the~~
9376 description and evaluation of a project ~~projects~~ recommended for
9377 approval to the chair and vice chair of the Legislative Budget
9378 Commission at least 10 days prior to ~~President of the Senate and~~
9379 ~~the Speaker of the House of Representatives and consult with the~~
9380 ~~President of the Senate and the Speaker of the House of~~
9381 ~~Representatives before~~ giving final approval for a project. ~~At~~
9382 ~~least 14 days before releasing funds for a project, the~~
9383 ~~Executive Office of the Governor shall recommend approval of the~~
9384 ~~project and the release of funds by delivering notice of such~~
9385 ~~action pursuant to the legislative consultation and review~~
9386 ~~requirements set forth in s. 216.177.~~ The recommendation must
9387 include proposed performance conditions that the project must
9388 meet in order to obtain funds.
9389 4. If the chair or vice chair of the Legislative Budget
9390 Commission or the President of the Senate or the Speaker of the
9391 House of Representatives timely advises the Executive Office of
9392 the Governor, in writing, that such action or proposed action
9393 exceeds the delegated authority of the Executive Office of the
9394 Governor or is contrary to legislative policy or intent, the
9395 Executive Office of the Governor shall void the release of funds
9396 and instruct the department ~~Office of Tourism, Trade, and~~



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9397 ~~Economic Development~~ to immediately change such action or
9398 proposed action until the Legislative Budget Commission or the
9399 Legislature addresses the issue. Notwithstanding such
9400 requirement, any project exceeding $5 million ~~$2,000,000~~ must be
9401 approved by the Legislative Budget Commission prior to the funds
9402 being released.
9403 (d) Upon the approval of the Governor, the department
9404 ~~director of the Office of Tourism, Trade, and Economic~~
9405 ~~Development~~ and the business shall enter into a contract that
9406 sets forth the conditions for payment of moneys from the fund.
9407 The contract must include the total amount of funds awarded; the
9408 performance conditions that must be met to obtain the award,
9409 including, but not limited to, net new employment in the state,
9410 average salary, and total capital investment; demonstrate a
9411 baseline of current service and a measure of enhanced
9412 capability; the methodology for validating performance; the
9413 schedule of payments from the fund; and sanctions for failure to
9414 meet performance conditions. The contract must provide that
9415 payment of moneys from the fund is contingent upon sufficient
9416 appropriation of funds by the Legislature.
9417 (e) Enterprise Florida, Inc., shall validate contractor
9418 performance. Such validation shall be reported within 6 months
9419 after completion of the contract to the Governor, President of
9420 the Senate, and the Speaker of the House of Representatives.
9421 Section 155. Subsection (1), paragraphs (b), (d), (e), (f),
9422 and (o) of subsection (2), and subsections (3) through (9),
9423 (11), and (12) of section 288.1089, Florida Statutes, are
9424 amended, and present paragraphs (g) through (n) and (p) through
9425 (s) of subsection (2) are redesignated as paragraphs (e) through



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9426 (o), respectively, to read:
9427 288.1089 Innovation Incentive Program.—
9428 (1) The Innovation Incentive Program is created within the
9429 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
9430 ~~Economic Development~~ to ensure that sufficient resources are
9431 available to allow the state to respond expeditiously to
9432 extraordinary economic opportunities and to compete effectively
9433 for high-value research and development, innovation business,
9434 and alternative and renewal energy projects.
9435 (2) As used in this section, the term:
9436 (b) “Average private sector wage” means the statewide
9437 average wage in the private sector or the average of all private
9438 sector wages in the county or in the standard metropolitan area
9439 in which the project is located as determined by the department
9440 ~~Agency for Workforce Innovation~~.
9441 ~~(d) “Commission” means the Florida Energy and Climate~~
9442 ~~Commission.~~
9443 ~~(f) “Director” means the director of the Office of Tourism,~~
9444 ~~Trade, and Economic Development.~~
9445 ~~(o) “Office” means the Office of Tourism, Trade, and~~
9446 ~~Economic Development.~~
9447 (3) To be eligible for consideration for an innovation
9448 incentive award, an innovation business, a research and
9449 development entity, or an alternative and renewable energy
9450 company must submit a written application to the department
9451 ~~Enterprise Florida, Inc.,~~ before making a decision to locate new
9452 operations in this state or expand an existing operation in this
9453 state. The application must include, but not be limited to:
9454 (a) The applicant’s federal employer identification number,



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9455 unemployment account number, and state sales tax registration
9456 number. If such numbers are not available at the time of
9457 application, they must be submitted to the department ~~office~~ in
9458 writing before ~~prior to~~ the disbursement of any payments under
9459 this section.
9460 (b) The location in this state at which the project is
9461 located or is to be located.
9462 (c) A description of the type of business activity,
9463 product, or research and development undertaken by the
9464 applicant, including six-digit North American Industry
9465 Classification System codes for all activities included in the
9466 project.
9467 (d) The applicant's projected investment in the project.
9468 (e) The total investment, from all sources, in the project.
9469 (f) The number of net new full-time equivalent jobs in this
9470 state the applicant anticipates having created as of December 31
9471 of each year in the project and the average annual wage of such
9472 jobs.
9473 (g) The total number of full-time equivalent employees
9474 currently employed by the applicant in this state, if
9475 applicable.
9476 (h) The anticipated commencement date of the project.
9477 (i) A detailed explanation of why the innovation incentive
9478 is needed to induce the applicant to expand or locate in the
9479 state and whether an award would cause the applicant to locate
9480 or expand in this state.
9481 (j) If applicable, an estimate of the proportion of the
9482 revenues resulting from the project that will be generated
9483 outside this state.



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9484 (4) To qualify for review by the department ~~office~~, the
9485 applicant must, at a minimum, establish the following to the
9486 satisfaction of the department ~~Enterprise Florida, Inc., and the~~
9487 ~~office~~:
9488 (a) The jobs created by the project must pay an estimated
9489 annual average wage equaling at least 130 percent of the average
9490 private sector wage. The department ~~office~~ may waive this
9491 average wage requirement at the request of Enterprise Florida,
9492 Inc., for a project located in a rural area, a brownfield area,
9493 or an enterprise zone, when the merits of the individual project
9494 or the specific circumstances in the community in relationship
9495 to the project warrant such action. A recommendation for waiver
9496 by Enterprise Florida, Inc., must include a specific
9497 justification for the waiver and be transmitted to the
9498 department ~~office~~ in writing. If the department ~~director~~ elects
9499 to waive the wage requirement, the waiver must be stated in
9500 writing and the reasons for granting the waiver must be
9501 explained.
9502 (b) A research and development project must:
9503 1. Serve as a catalyst for an emerging or evolving
9504 technology cluster.
9505 2. Demonstrate a plan for significant higher education
9506 collaboration.
9507 3. Provide the state, at a minimum, a break-even return on
9508 investment within a 20-year period.
9509 4. Be provided with a one-to-one match from the local
9510 community. The match requirement may be reduced or waived in
9511 rural areas of critical economic concern or reduced in rural
9512 areas, brownfield areas, and enterprise zones.



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9513 (c) An innovation business project in this state, other
9514 than a research and development project, must:
9515 1.a. Result in the creation of at least 1,000 direct, new
9516 jobs at the business; or
9517 b. Result in the creation of at least 500 direct, new jobs
9518 if the project is located in a rural area, a brownfield area, or
9519 an enterprise zone.
9520 2. Have an activity or product that is within an industry
9521 that is designated as a target industry business under s.
9522 288.106 or a designated sector under s. 288.108.
9523 3.a. Have a cumulative investment of at least $500 million
9524 within a 5-year period; or
9525 b. Have a cumulative investment that exceeds $250 million
9526 within a 10-year period if the project is located in a rural
9527 area, brownfield area, or an enterprise zone.
9528 4. Be provided with a one-to-one match from the local
9529 community. The match requirement may be reduced or waived in
9530 rural areas of critical economic concern or reduced in rural
9531 areas, brownfield areas, and enterprise zones.
9532 (d) For an alternative and renewable energy project in this
9533 state, the project must:
9534 1. Demonstrate a plan for significant collaboration with an
9535 institution of higher education;
9536 2. Provide the state, at a minimum, a break-even return on
9537 investment within a 20-year period;
9538 3. Include matching funds provided by the applicant or
9539 other available sources. The match requirement may be reduced or
9540 waived in rural areas of critical economic concern or reduced in
9541 rural areas, brownfield areas, and enterprise zones;



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9542 4. Be located in this state; and
9543 5. Provide at least 35 direct, new jobs that pay an
9544 estimated annual average wage that equals at least 130 percent
9545 of the average private sector wage.
9546 (5) The department ~~Enterprise Florida, Inc.,~~ shall review
9547 ~~evaluate~~ proposals pursuant to s. 288.061 for all three
9548 categories of innovation incentive awards ~~and transmit~~
9549 ~~recommendations for awards to the office~~. Before making a
9550 recommendation to the executive director, the department ~~its~~
9551 ~~recommendations on alternative and renewable energy projects,~~
9552 ~~Enterprise Florida, Inc.,~~ shall solicit comments and
9553 recommendations from the Department of Agriculture and Consumer
9554 Services ~~Florida Energy and Climate Commission~~. For each
9555 project, the evaluation and recommendation to the department
9556 ~~office~~ must include, but need not be limited to:
9557 (a) A description of the project, its required facilities,
9558 and the associated product, service, or research and development
9559 associated with the project.
9560 (b) The percentage of match provided for the project.
9561 (c) The number of full-time equivalent jobs that will be
9562 created by the project, the total estimated average annual wages
9563 of such jobs, and the types of business activities and jobs
9564 likely to be stimulated by the project.
9565 (d) The cumulative investment to be dedicated to the
9566 project within 5 years and the total investment expected in the
9567 project if more than 5 years.
9568 (e) The projected economic and fiscal impacts on the local
9569 and state economies relative to investment.
9570 (f) A statement of any special impacts the project is



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9571 expected to stimulate in a particular business sector in the
9572 state or regional economy or in the state's universities and
9573 community colleges.
9574 (g) A statement of any anticipated or proposed
9575 relationships with state universities.
9576 (h) A statement of the role the incentive is expected to
9577 play in the decision of the applicant to locate or expand in
9578 this state.
9579 (i) A recommendation and explanation of the amount of the
9580 award needed to cause the applicant to expand or locate in this
9581 state.
9582 (j) A discussion of the efforts and commitments made by the
9583 local community in which the project is to be located to induce
9584 the applicant's location or expansion, taking into consideration
9585 local resources and abilities.
9586 (k) A recommendation for specific performance criteria the
9587 applicant would be expected to achieve in order to receive
9588 payments from the fund and penalties or sanctions for failure to
9589 meet or maintain performance conditions.
9590 (l) Additional evaluative criteria for a research and
9591 development facility project, including:
9592 1. A description of the extent to which the project has the
9593 potential to serve as catalyst for an emerging or evolving
9594 cluster.
9595 2. A description of the extent to which the project has or
9596 could have a long-term collaborative research and development
9597 relationship with one or more universities or community colleges
9598 in this state.
9599 3. A description of the existing or projected impact of the



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9600 project on established clusters or targeted industry sectors.
9601 4. A description of the project's contribution to the
9602 diversity and resiliency of the innovation economy of this
9603 state.
9604 5. A description of the project's impact on special needs
9605 communities, including, but not limited to, rural areas,
9606 distressed urban areas, and enterprise zones.
9607 (m) Additional evaluative criteria for alternative and
9608 renewable energy proposals, including:
9609 1. The availability of matching funds or other in-kind
9610 contributions applied to the total project from an applicant.
9611 The Department of Agriculture and Consumer Services ~~commission~~
9612 shall give greater preference to projects that provide such
9613 matching funds or other in-kind contributions.
9614 2. The degree to which the project stimulates in-state
9615 capital investment and economic development in metropolitan and
9616 rural areas, including the creation of jobs and the future
9617 development of a commercial market for renewable energy
9618 technologies.
9619 3. The extent to which the proposed project has been
9620 demonstrated to be technically feasible based on pilot project
9621 demonstrations, laboratory testing, scientific modeling, or
9622 engineering or chemical theory that supports the proposal.
9623 4. The degree to which the project incorporates an
9624 innovative new technology or an innovative application of an
9625 existing technology.
9626 5. The degree to which a project generates thermal,
9627 mechanical, or electrical energy by means of a renewable energy
9628 resource that has substantial long-term production potential.



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9629 6. The degree to which a project demonstrates efficient use
9630 of energy and material resources.
9631 7. The degree to which the project fosters overall
9632 understanding and appreciation of renewable energy technologies.
9633 8. The ability to administer a complete project.
9634 9. Project duration and timeline for expenditures.
9635 10. The geographic area in which the project is to be
9636 conducted in relation to other projects.
9637 11. The degree of public visibility and interaction.
9638 (6) ~~In consultation with Enterprise Florida, Inc.,~~ The
9639 department ~~office~~ may negotiate the proposed amount of an award
9640 for any applicant meeting the requirements of this section. In
9641 negotiating such award, the department ~~office~~ shall consider the
9642 amount of the incentive needed to cause the applicant to locate
9643 or expand in this state in conjunction with other relevant
9644 applicant impact and cost information and analysis as described
9645 in this section. Particular emphasis shall be given to the
9646 potential for the project to stimulate additional private
9647 investment and high-quality employment opportunities in the
9648 area.
9649 (7) Upon receipt of the evaluation and recommendation from
9650 ~~Enterprise Florida, Inc.,~~ the department, ~~director shall~~
9651 ~~recommend to~~ the Governor shall approve or deny ~~the approval or~~
9652 ~~disapproval of~~ an award. In recommending approval of an award,
9653 the department ~~director~~ shall include proposed performance
9654 conditions that the applicant must meet in order to obtain
9655 incentive funds and any other conditions that must be met before
9656 the receipt of any incentive funds. The Governor shall consult
9657 with the President of the Senate and the Speaker of the House of



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9658 Representatives before giving approval for an award. Upon review
9659 and approval of an award by the Legislative Budget Commission,
9660 the Executive Office of the Governor shall release the funds.
9661 (8)(a) After the conditions set forth in subsection (7)
9662 have been met, the department ~~director~~ shall issue a letter
9663 certifying the applicant as qualified for an award. The
9664 department ~~office~~ and the award recipient shall enter into an
9665 agreement that sets forth the conditions for payment of the
9666 incentive funds. The agreement must include, at a minimum:
9667 1. The total amount of funds awarded.
9668 2. The performance conditions that must be met in order to
9669 obtain the award or portions of the award, including, but not
9670 limited to, net new employment in the state, average wage, and
9671 total cumulative investment.
9672 3. Demonstration of a baseline of current service and a
9673 measure of enhanced capability.
9674 4. The methodology for validating performance.
9675 5. The schedule of payments.
9676 6. Sanctions for failure to meet performance conditions,
9677 including any clawback provisions.
9678 (b) Additionally, agreements signed on or after July 1,
9679 2009, must include the following provisions:
9680 1. Notwithstanding subsection (4), a requirement that the
9681 jobs created by the recipient of the incentive funds pay an
9682 annual average wage at least equal to the relevant industry's
9683 annual average wage or at least 130 percent of the average
9684 private sector wage, whichever is greater.
9685 2. A reinvestment requirement. Each recipient of an award
9686 shall reinvest up to 15 percent of net royalty revenues,



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9687 including revenues from spin-off companies and the revenues from
9688 the sale of stock it receives from the licensing or transfer of
9689 inventions, methods, processes, and other patentable discoveries
9690 conceived or reduced to practice using its facilities in Florida
9691 or its Florida-based employees, in whole or in part, and to
9692 which the recipient of the grant becomes entitled during the 20
9693 years following the effective date of its agreement with the
9694 department ~~office~~. Each recipient of an award also shall
9695 reinvest up to 15 percent of the gross revenues it receives from
9696 naming opportunities associated with any facility it builds in
9697 this state. Reinvestment payments shall commence no later than 6
9698 months after the recipient of the grant has received the final
9699 disbursement under the contract and shall continue until the
9700 maximum reinvestment, as specified in the contract, has been
9701 paid. Reinvestment payments shall be remitted to the department
9702 ~~office~~ for deposit in the Biomedical Research Trust Fund for
9703 companies specializing in biomedicine or life sciences, or in
9704 the Economic Development Trust Fund for companies specializing
9705 in fields other than biomedicine or the life sciences. If these
9706 trust funds no longer exist at the time of the reinvestment, the
9707 state’s share of reinvestment shall be deposited in their
9708 successor trust funds as determined by law. Each recipient of an
9709 award shall annually submit a schedule of the shares of stock
9710 held by it as payment of the royalty required by this paragraph
9711 and report on any trades or activity concerning such stock. Each
9712 recipient’s reinvestment obligations survive the expiration or
9713 termination of its agreement with the state.
9714 3. Requirements for the establishment of internship
9715 programs or other learning opportunities for educators and



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9716 secondary, postsecondary, graduate, and doctoral students.
9717 4. A requirement that the recipient submit quarterly
9718 reports and annual reports related to activities and performance
9719 to the department ~~office~~, according to standardized reporting
9720 periods.
9721 5. A requirement for an annual accounting to the department
9722 ~~Office~~ of the expenditure of funds disbursed under this section.
9723 6. A process for amending the agreement.
9724 (9) The department ~~Enterprise Florida, Inc.,~~ shall validate
9725 ~~assist the Office in validating~~ the performance of an innovation
9726 business, a research and development facility, or an alternative
9727 and renewable energy business that has received an award. At the
9728 conclusion of the innovation incentive award agreement, or its
9729 earlier termination, the department ~~Enterprise Florida, Inc.,~~
9730 shall, within 90 days, submit a report to the Governor, the
9731 President of the Senate, and the Speaker of the House of
9732 Representatives detailing whether the recipient of the
9733 innovation incentive grant achieved its specified outcomes.
9734 (11)(a) The department ~~Beginning January 5, 2010, and every~~
9735 ~~year thereafter, the office~~ shall submit to the Governor, the
9736 President of the Senate, and the Speaker of the House of
9737 Representatives, as part of the annual report, a report
9738 summarizing the activities and accomplishments of the recipients
9739 of grants from the Innovation Incentive Program during the
9740 previous 12 months and an evaluation ~~by the office~~ of whether
9741 the recipients are catalysts for additional direct and indirect
9742 economic development in Florida.
9743 (b) Beginning March 1, 2010, and every third year
9744 thereafter, the Office of Program Policy Analysis and Government



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9745 Accountability, in consultation with the Auditor General's
9746 Office, shall release a report evaluating the Innovation
9747 Incentive Program's progress toward creating clusters of high-
9748 wage, high-skilled, complementary industries that serve as
9749 catalysts for economic growth specifically in the regions in
9750 which they are located, and generally for the state as a whole.
9751 Such report should include critical analyses of quarterly and
9752 annual reports, annual audits, and other documents prepared by
9753 the Innovation Incentive Program awardees; relevant economic
9754 development reports prepared by the department ~~office~~,
9755 Enterprise Florida, Inc., and local or regional economic
9756 development organizations; interviews with the parties involved;
9757 and any other relevant data. Such report should also include
9758 legislative recommendations, if necessary, on how to improve the
9759 Innovation Incentive Program so that the program reaches its
9760 anticipated potential as a catalyst for direct and indirect
9761 economic development in this state.
9762 (12) The department ~~office~~ may seek the assistance of the
9763 Office of Program Policy Analysis and Government Accountability,
9764 the Legislature's Office of Economic and Demographic Research,
9765 and other entities for the purpose of developing performance
9766 measures or techniques to quantify the synergistic economic
9767 development impacts that awardees of grants are having within
9768 their communities.
9769 Section 156. Paragraph (b) of subsection (4) of section
9770 288.109, Florida Statutes, is amended to read:
9771 288.109 One-Stop Permitting System.—
9772 (4) The One-Stop Permitting System must initially provide
9773 access to the following state agencies, water management



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9774 districts and counties, with other agencies and counties that
9775 agree to participate:
9776 (b) The Department of Economic Opportunity ~~Community~~
9777 ~~Affairs~~.
9778 Section 157. Section 288.1095, Florida Statutes, is amended
9779 to read:
9780 288.1095 Information concerning the One-Stop Permitting
9781 System.—The department ~~Office of Tourism, Trade, and Economic~~
9782 ~~Development~~ shall develop literature that explains the One-Stop
9783 Permitting System and identifies those counties that have been
9784 designated as Quick Permitting Counties. The literature must be
9785 updated at least once each year. To the maximum extent feasible,
9786 state agencies and Enterprise Florida, Inc., shall distribute
9787 such literature and inform the public of the One-Stop Permitting
9788 System and the Quick Permitting Counties. In addition,
9789 Enterprise Florida, Inc., shall provide this information to
9790 prospective, new, expanding, and relocating businesses seeking
9791 to conduct business in this state, municipalities, counties,
9792 economic-development organizations, and chambers of commerce.
9793 Section 158. Subsections (1) and (2), paragraphs (d) and
9794 (e) of subsection (4), paragraph (a) of subsection (6), and
9795 subsection (8) of section 288.1162, Florida Statutes, are
9796 amended to read:
9797 288.1162 Professional sports franchises; duties.—
9798 (1) The department ~~Office of Tourism, Trade, and Economic~~
9799 ~~Development~~ shall serve as the state agency for screening
9800 applicants for state funding under s. 212.20 and for certifying
9801 an applicant as a facility for a new or retained professional
9802 sports franchise.



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9803 (2) The department ~~Office of Tourism, Trade, and Economic~~
9804 ~~Development~~ shall develop rules for the receipt and processing
9805 of applications for funding under s. 212.20.
9806 (4) Before certifying an applicant as a facility for a new
9807 or retained professional sports franchise, the department ~~Office~~
9808 ~~of Tourism, Trade, and Economic Development~~ must determine that:
9809 (d) The applicant has projections, verified by the
9810 department ~~Office of Tourism, Trade, and Economic Development~~,
9811 which demonstrate that the new or retained professional sports
9812 franchise will attract a paid attendance of more than 300,000
9813 annually.
9814 (e) The applicant has an independent analysis or study,
9815 verified by the department ~~Office of Tourism, Trade, and~~
9816 ~~Economic Development~~, which demonstrates that the amount of the
9817 revenues generated by the taxes imposed under chapter 212 with
9818 respect to the use and operation of the professional sports
9819 franchise facility will equal or exceed $2 million annually.
9820 (6)(a) The department ~~Office of Tourism, Trade, and~~
9821 ~~Economic Development~~ shall notify the Department of Revenue of
9822 any facility certified as a facility for a new or retained
9823 professional sports franchise. The department ~~Office of Tourism,~~
9824 ~~Trade, and Economic Development~~ shall certify no more than eight
9825 facilities as facilities for a new professional sports franchise
9826 or as facilities for a retained professional sports franchise,
9827 including in the total any facilities certified by the former
9828 Department of Commerce before July 1, 1996. The department
9829 ~~office~~ may make no more than one certification for any facility.
9830 (8) An applicant is not qualified for certification under
9831 this section if the franchise formed the basis for a previous



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9832 certification, unless the previous certification was withdrawn
9833 by the facility or invalidated by the department ~~Office of~~
9834 ~~Tourism, Trade, and Economic Development~~ or the former
9835 Department of Commerce before any funds were distributed under
9836 s. 212.20. This subsection does not disqualify an applicant if
9837 the previous certification occurred between May 23, 1993, and
9838 May 25, 1993; however, any funds to be distributed under s.
9839 212.20 for the second certification shall be offset by the
9840 amount distributed to the previous certified facility.
9841 Distribution of funds for the second certification shall not be
9842 made until all amounts payable for the first certification are
9843 distributed.
9844 Section 159. Paragraph (f) of subsection (1), and
9845 subsections (2), (4), (5), (6), (7), and (8) of section
9846 288.11621, Florida Statutes, are amended to read:
9847 288.11621 Spring training baseball franchises.—
9848 (1) DEFINITIONS.—As used in this section, the term:
9849 ~~(f) "Office" means The Office of Tourism, Trade, and~~
9850 ~~Economic Development.~~
9851 (2) CERTIFICATION PROCESS.—
9852 (a) Before certifying an applicant to receive state funding
9853 for a facility for a spring training franchise, the department
9854 ~~Office~~ must verify that:
9855 1. The applicant is responsible for the acquisition,
9856 construction, management, or operation of the facility for a
9857 spring training franchise or holds title to the property on
9858 which the facility for a spring training franchise is located.
9859 2. The applicant has a certified copy of a signed agreement
9860 with a spring training franchise for the use of the facility for



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9861 a term of at least 20 years. The agreement also must require the
9862 franchise to reimburse the state for state funds expended by an
9863 applicant under this section if the franchise relocates before
9864 the agreement expires. The agreement may be contingent on an
9865 award of funds under this section and other conditions
9866 precedent.
9867 3. The applicant has made a financial commitment to provide
9868 50 percent or more of the funds required by an agreement for the
9869 acquisition, construction, or renovation of the facility for a
9870 spring training franchise. The commitment may be contingent upon
9871 an award of funds under this section and other conditions
9872 precedent.
9873 4. The applicant demonstrates that the facility for a
9874 spring training franchise will attract a paid attendance of at
9875 least 50,000 annually to the spring training games.
9876 5. The facility for a spring training franchise is located
9877 in a county that levies a tourist development tax under s.
9878 125.0104.
9879 (b) The department ~~office~~ shall competitively evaluate
9880 applications for state funding of a facility for a spring
9881 training franchise. The total number of certifications may not
9882 exceed 10 at any time. The evaluation criteria must include,
9883 with priority given in descending order to, the following items:
9884 1. The anticipated effect on the economy of the local
9885 community where the spring training facility is to be built,
9886 including projections on paid attendance, local and state tax
9887 collections generated by spring training games, and direct and
9888 indirect job creation resulting from the spring training
9889 activities. Priority shall be given to applicants who can



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9890 demonstrate the largest projected economic impact.
9891 2. The amount of the local matching funds committed to a
9892 facility relative to the amount of state funding sought, with
9893 priority given to applicants that commit the largest amount of
9894 local matching funds relative to the amount of state funding
9895 sought.
9896 3. The potential for the facility to serve multiple uses.
9897 4. The intended use of the funds by the applicant, with
9898 priority given to the funds being used to acquire a facility,
9899 construct a new facility, or renovate an existing facility.
9900 5. The length of time that a spring training franchise has
9901 been under an agreement to conduct spring training activities
9902 within an applicant's geographic location or jurisdiction, with
9903 priority given to applicants having agreements with the same
9904 franchise for the longest period of time.
9905 6. The length of time that an applicant's facility has been
9906 used by one or more spring training franchises, with priority
9907 given to applicants whose facilities have been in continuous use
9908 as facilities for spring training the longest.
9909 7. The term remaining on a lease between an applicant and a
9910 spring training franchise for a facility, with priority given to
9911 applicants having the shortest lease terms remaining.
9912 8. The length of time that a spring training franchise
9913 agrees to use an applicant's facility if an application is
9914 granted under this section, with priority given to applicants
9915 having agreements for the longest future use.
9916 9. The net increase of total active recreation space owned
9917 by the applicant after an acquisition of land for the facility,
9918 with priority given to applicants having the largest percentage



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9919 increase of total active recreation space that will be available
9920 for public use.
9921 10. The location of the facility in a brownfield, an
9922 enterprise zone, a community redevelopment area, or other area
9923 of targeted development or revitalization included in an urban
9924 infill redevelopment plan, with priority given to applicants
9925 having facilities located in these areas.
9926 (c) Each applicant certified on or after July 1, 2010,
9927 shall enter into an agreement with the department ~~office~~ that:
9928 1. Specifies the amount of the state incentive funding to
9929 be distributed.
9930 2. States the criteria that the certified applicant must
9931 meet in order to remain certified.
9932 3. States that the certified applicant is subject to
9933 decertification if the certified applicant fails to comply with
9934 this section or the agreement.
9935 4. States that the department ~~office~~ may recover state
9936 incentive funds if the certified applicant is decertified.
9937 5. Specifies information that the certified applicant must
9938 report to the department ~~office~~.
9939 6. Includes any provision deemed prudent by the department
9940 ~~office~~.
9941 (4) ANNUAL REPORTS.—On or before September 1 of each year,
9942 a certified applicant shall submit to the department ~~office~~ a
9943 report that includes, but is not limited to:
9944 (a) A copy of its most recent annual audit.
9945 (b) A detailed report on all local and state funds expended
9946 to date on the project being financed under this section.
9947 (c) A copy of the contract between the certified local



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9948 governmental entity and the spring training team.
9949 (d) A cost-benefit analysis of the team's impact on the
9950 community.
9951 (e) Evidence that the certified applicant continues to meet
9952 the criteria in effect when the applicant was certified.
9953 (5) DECERTIFICATION.—
9954 (a) The department ~~office~~ shall decertify a certified
9955 applicant upon the request of the certified applicant.
9956 (b) The department ~~office~~ shall decertify a certified
9957 applicant if the certified applicant does not:
9958 1. Have a valid agreement with a spring training franchise;
9959 or
9960 2. Satisfy its commitment to provide local matching funds
9961 to the facility.
9962
9963 However, decertification proceedings against a local government
9964 certified before July 1, 2010, shall be delayed until 12 months
9965 after the expiration of the local government's existing
9966 agreement with a spring training franchise, and without a new
9967 agreement being signed, if the certified local government can
9968 demonstrate to the department ~~office~~ that it is in active
9969 negotiations with a major league spring training franchise,
9970 other than the franchise that was the basis for the original
9971 certification.
9972 (c) A certified applicant has 60 days after it receives a
9973 notice of intent to decertify from the department ~~office~~ to
9974 petition ~~the office's director~~ for review of the
9975 decertification. Within 45 days after receipt of the request for
9976 review, the department ~~director~~ must notify a certified



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9977 applicant of the outcome of the review.
9978 (d) The department ~~office~~ shall notify the Department of
9979 Revenue that a certified applicant is decertified within 10 days
9980 after the order of decertification becomes final. The Department
9981 of Revenue shall immediately stop the payment of any funds under
9982 this section that were not encumbered by the certified applicant
9983 under subparagraph (3)(a)2.
9984 (e) The department ~~office~~ shall order a decertified
9985 applicant to repay all of the unencumbered state funds that the
9986 local government received under this section and any interest
9987 that accrued on those funds. The repayment must be made within
9988 60 days after the decertification order becomes final. These
9989 funds shall be deposited into the General Revenue Fund.
9990 (f) A local government as defined in s. 218.369 may not be
9991 decertified by the department if it has paid or pledged for the
9992 payment of debt service on, or to fund debt service reserve
9993 funds, arbitrage rebate obligations, or other amounts payable
9994 with respect thereto, bonds issued for the acquisition,
9995 construction, reconstruction, or renovation of the facility for
9996 which the local government was certified, or for the
9997 reimbursement of such costs or the refinancing of bonds issued
9998 for the acquisition, construction, reconstruction, or renovation
9999 of the facility for which the local government was certified, or
10000 for the reimbursement of such costs or the refinancing of bonds
10001 issued for such purpose. This subsection does not preclude or
10002 restrict the ability of a certified local government to
10003 refinance, refund, or defease such bonds.
10004 (6) ADDITIONAL CERTIFICATIONS.—If the department ~~office~~
10005 decertifies a unit of local government, the department ~~office~~



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10006 may accept applications for an additional certification. A unit
10007 of local government may not be certified for more than one
10008 spring training franchise at any time.
10009 (7) STRATEGIC PLANNING.—
10010 (a) The department ~~office~~ shall request assistance from
10011 Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ and the
10012 Florida Grapefruit League Association to develop a comprehensive
10013 strategic plan to:
10014 1. Finance spring training facilities.
10015 2. Monitor and oversee the use of state funds awarded to
10016 applicants.
10017 3. Identify the financial impact that spring training has
10018 on the state and ways in which to maintain or improve that
10019 impact.
10020 4. Identify opportunities to develop public-private
10021 partnerships to engage in marketing activities and advertise
10022 spring training baseball.
10023 5. Identify efforts made by other states to maintain or
10024 develop partnerships with baseball spring training teams.
10025 6. Develop recommendations for the Legislature to sustain
10026 or improve this state’s spring training tradition.
10027 (b) The department ~~office~~ shall submit a copy of the
10028 strategic plan to the Governor, the President of the Senate, and
10029 the Speaker of the House of Representatives by December 31,
10030 2010.
10031 (8) RULEMAKING.—The department ~~office~~ shall adopt rules to
10032 implement the certification, decertification, and
10033 decertification review processes required by this section.
10034 Section 160. Subsections (1), (2), and (4) of section



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10035 288.1168, Florida Statutes, are amended to read:
10036 288.1168 Professional golf hall of fame facility.—
10037 (1) The department ~~of Commerce~~ shall serve as the state
10038 agency for screening applicants for state funding pursuant to s.
10039 212.20 and for certifying one applicant as the professional golf
10040 hall of fame facility in the state.
10041 (2) Before ~~Prior to~~ certifying the professional golf hall
10042 of fame facility, the department ~~of Commerce~~ must determine
10043 that:
10044 (a) The professional golf hall of fame facility is the only
10045 professional golf hall of fame in the United States recognized
10046 by the PGA Tour, Inc.
10047 (b) The applicant is a unit of local government as defined
10048 in s. 218.369 or a private sector group that has contracted to
10049 construct or operate the professional golf hall of fame facility
10050 on land owned by a unit of local government.
10051 (c) The municipality in which the professional golf hall of
10052 fame facility is located, or the county if the facility is
10053 located in an unincorporated area, has certified by resolution
10054 after a public hearing that the application serves a public
10055 purpose.
10056 (d) There are existing projections that the professional
10057 golf hall of fame facility will attract a paid attendance of
10058 more than 300,000 annually.
10059 (e) There is an independent analysis or study, using
10060 methodology approved by the department, which demonstrates that
10061 the amount of the revenues generated by the taxes imposed under
10062 chapter 212 with respect to the use and operation of the
10063 professional golf hall of fame facility will equal or exceed $2



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10064 million annually.
10065 (f) The applicant has submitted an agreement to provide $2
10066 million annually in national and international media promotion
10067 of the professional golf hall of fame facility, Florida, and
10068 Florida tourism, through the PGA Tour, Inc., or its affiliates,
10069 at the then-current commercial rate, during the period of time
10070 that the facility receives funds pursuant to s. 212.20. The
10071 department ~~Office of Tourism, Trade, and Economic Development~~
10072 and the PGA Tour, Inc., or its affiliates, must agree annually
10073 on a reasonable percentage of advertising specifically allocated
10074 for generic Florida advertising. The department ~~Office of~~
10075 ~~Tourism, Trade, and Economic Development~~ shall have final
10076 approval of all generic advertising. Failure on the part of the
10077 PGA Tour, Inc., or its affiliates to annually provide the
10078 advertising as provided in this paragraph or subsection (6)
10079 shall result in the termination of funding as provided in s.
10080 212.20.
10081 (g) Documentation exists that demonstrates that the
10082 applicant has provided, is capable of providing, or has
10083 financial or other commitments to provide more than one-half of
10084 the costs incurred or related to the improvement and development
10085 of the facility.
10086 (h) The application is signed by an official senior
10087 executive of the applicant and is notarized according to Florida
10088 law providing for penalties for falsification.
10089 (4) Upon determining that an applicant is or is not
10090 certifiable, the department ~~Secretary of Commerce~~ shall notify
10091 the applicant of his or her status by means of an official
10092 letter. If certifiable, the department ~~secretary~~ shall notify



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10093 the executive director of the Department of Revenue and the
10094 applicant of such certification by means of an official letter
10095 granting certification. From the date of such certification, the
10096 applicant shall have 5 years to open the professional golf hall
10097 of fame facility to the public and notify the department ~~Office~~
10098 ~~of Tourism, Trade, and Economic Development~~ of such opening. The
10099 Department of Revenue shall not begin distributing funds until
10100 30 days following notice by the department ~~Office of Tourism,~~
10101 ~~Trade, and Economic Development~~ that the professional golf hall
10102 of fame facility is open to the public.
10103 Section 161. Subsections (1), (4), and (6) of section
10104 288.1169, Florida Statutes, are amended to read:
10105 288.1169 International Game Fish Association World Center
10106 facility.—
10107 (1) The department ~~of Commerce~~ shall serve as the state
10108 agency approving applicants for funding pursuant to s. 212.20
10109 and for certifying the applicant as the International Game Fish
10110 Association World Center facility. For purposes of this section,
10111 “facility” means the International Game Fish Association World
10112 Center, and “project” means the International Game Fish
10113 Association World Center and new colocated improvements by
10114 private sector concerns who have made cash or in-kind
10115 contributions to the facility of $1 million or more.
10116 (4) Upon determining that an applicant is or is not
10117 certifiable, the department ~~of Commerce~~ shall notify the
10118 applicant of its status by means of an official letter. If
10119 certifiable, the department ~~of Commerce~~ shall notify the
10120 executive director of the Department of Revenue and the
10121 applicant of such certification by means of an official letter



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10122 granting certification. From the date of such certification, the
10123 applicant shall have 5 years to open the facility to the public
10124 and notify the department ~~of Commerce~~ of such opening. The
10125 Department of Revenue shall not begin distributing funds until
10126 30 days following notice by the department ~~of Commerce~~ that the
10127 facility is open to the public.
10128 (6) The department ~~of Commerce~~ must recertify every 10
10129 years that the facility is open, that the International Game
10130 Fish Association World Center continues to be the only
10131 international administrative headquarters, fishing museum, and
10132 Hall of Fame in the United States recognized by the
10133 International Game Fish Association, and that the project is
10134 meeting the minimum projections for attendance or sales tax
10135 revenues as required at the time of original certification. If
10136 the facility is not recertified during this 10-year review as
10137 meeting the minimum projections, then funding shall be abated
10138 until certification criteria are met. If the project fails to
10139 generate $1 million of annual revenues pursuant to paragraph
10140 (2)(e), the distribution of revenues pursuant to s.
10141 212.20(6)(d)6.d. shall be reduced to an amount equal to $83,333
10142 multiplied by a fraction, the numerator of which is the actual
10143 revenues generated and the denominator of which is $1 million.
10144 Such reduction remains in effect until revenues generated by the
10145 project in a 12-month period equal or exceed $1 million.
10146 Section 162. Paragraph (d) of subsection (1), and
10147 subsections (2) and (3) of section 288.1171, Florida Statutes,
10148 are amended, and present paragraphs (e) through (g) of
10149 subsection (1) are redesignated as paragraphs (d) through (f),
10150 respectively, to read:



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10151 288.1171 Motorsports entertainment complex; definitions;
10152 certification; duties.—
10153 (1) As used in this section, the term:
10154 ~~(d) "Office" means The Office of Tourism, Trade, and~~
10155 ~~Economic Development of the Executive Office of the Governor.~~
10156 (2) The department ~~Office of Tourism, Trade, and Economic~~
10157 ~~Development~~ shall serve as the state agency for screening
10158 applicants for local option funding under s. 218.64(3) and for
10159 certifying an applicant as a motorsports entertainment complex.
10160 The department ~~Office~~ shall develop and adopt rules for the
10161 receipt and processing of applications for funding under s.
10162 218.64(3). The department ~~Office~~ shall make a determination
10163 regarding any application filed by an applicant not later than
10164 120 days after the application is filed.
10165 (3) Before certifying an applicant as a motorsports
10166 entertainment complex, the department ~~Office~~ must determine
10167 that:
10168 (a) A unit of local government holds title to the land on
10169 which the motorsports entertainment complex is located or holds
10170 title to the motorsports entertainment complex.
10171 (b) The municipality in which the motorsports entertainment
10172 complex is located, or the county if the motorsports
10173 entertainment complex is located in an unincorporated area, has
10174 certified by resolution after a public hearing that the
10175 application serves a public purpose.
10176 Section 163. Subsections (2), (4), (5), and (8) of section
10177 288.1175, Florida Statutes, are amended to read:
10178 288.1175 Agriculture education and promotion facility.—
10179 (2) The Department of Agriculture and Consumer Services



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10180 shall adopt ~~develop~~ rules pursuant to ss. 120.536(1) and 120.54
10181 for the receipt and processing of applications for funding of
10182 projects pursuant to this section.
10183 (4) The Department of Agriculture and Consumer Services
10184 shall certify a facility as an agriculture education and
10185 promotion facility if the Department of Agriculture and Consumer
10186 Services determines that:
10187 (a) The applicant is a unit of local government as defined
10188 in s. 218.369, or a fair association as defined in s.
10189 616.001(9), which is responsible for the planning, design,
10190 permitting, construction, renovation, management, and operation
10191 of the agriculture education and promotion facility or holds
10192 title to the property on which such facility is to be developed
10193 and located.
10194 (b) The applicant has projections, verified by the
10195 Department of Agriculture and Consumer Services, which
10196 demonstrate that the agriculture education and promotion
10197 facility will serve more than 25,000 visitors annually.
10198 (c) The municipality in which the facility is located, or
10199 the county if the facility is located in an unincorporated area,
10200 has certified by resolution after a public hearing that the
10201 proposed agriculture education and promotion facility serves a
10202 public purpose.
10203 (d) The applicant has demonstrated that it has provided, is
10204 capable of providing, or has financial or other commitments to
10205 provide more than 40 percent of the costs incurred or related to
10206 the planning, design, permitting, construction, or renovation of
10207 the facility. The applicant may include the value of the land
10208 and any improvements thereon in determining its contribution to



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10209 the development of the facility.
10210 (5) The Department of Agriculture and Consumer Services
10211 shall competitively evaluate applications for funding of an
10212 agriculture education and promotion facility. If the number of
10213 applicants exceeds three, the Department of Agriculture and
10214 Consumer Services shall rank the applications based upon
10215 criteria developed by the Department of Agriculture and Consumer
10216 Services, with priority given in descending order to the
10217 following items:
10218 (a) The intended use of the funds by the applicant, with
10219 priority given to the construction of a new facility.
10220 (b) The amount of local match, with priority given to the
10221 largest percentage of local match proposed.
10222 (c) The location of the facility in a brownfield site as
10223 defined in s. 376.79(3), a rural enterprise zone as defined in
10224 s. 290.004~~(6)~~, an agriculturally depressed area as defined in s.
10225 570.242(1), ~~a redevelopment area established pursuant to s.~~
10226 ~~373.461(5)(g),~~ or a county that has lost its agricultural land
10227 to environmental restoration projects.
10228 (d) The net increase, as a result of the facility, of total
10229 available exhibition, arena, or civic center space within the
10230 jurisdictional limits of the local government in which the
10231 facility is to be located, with priority given to the largest
10232 percentage increase of total exhibition, arena, or civic center
10233 space.
10234 (e) The historic record of the applicant in promoting
10235 agriculture and educating the public about agriculture,
10236 including, without limitation, awards, premiums, scholarships,
10237 auctions, and other such activities.



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10238 (f) The highest projection on paid attendance attracted by
10239 the agriculture education and promotion facility and the
10240 proposed economic impact on the local community.
10241 (g) The location of the facility with respect to an
10242 Institute of Food and Agricultural Sciences (IFAS) facility,
10243 with priority given to facilities closer in proximity to an IFAS
10244 facility.
10245 (8) Applications must be submitted by October 1 of each
10246 year. The Department of Agriculture and Consumer Services may
10247 not recommend funding for less than the requested amount to any
10248 applicant certified as an agriculture education and promotion
10249 facility; however, funding of certified applicants shall be
10250 subject to the amount provided by the Legislature in the General
10251 Appropriations Act for this program.
10252 Section 164. Section 288.122, Florida Statutes, is amended
10253 to read:
10254 288.122 Tourism Promotional Trust Fund.—There is created
10255 within the department ~~Office of Tourism, Trade, and Economic~~
10256 ~~Development of the Executive Office of the Governor~~ the Tourism
10257 Promotional Trust Fund. Moneys deposited in the Tourism
10258 Promotional Trust Fund shall only be used to support the
10259 authorized activities and operations ~~of the Florida Commission~~
10260 ~~on Tourism,~~ and the ~~to support~~ tourism promotion and marketing
10261 activities, services, functions, and programs administered by
10262 Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~
10263 through a contract with the ~~commission's~~ direct-support
10264 organization created under s. 288.1226.
10265 Section 165. Section 288.12265, Florida Statutes, is
10266 amended to read:



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10267 288.12265 Welcome centers.—
10268 (1) Responsibility for the welcome centers is assigned to
10269 Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~
10270 which shall contract with the Florida Tourism Industry Marketing
10271 Corporation ~~commission's direct-support organization~~ to employ
10272 all welcome center staff.
10273 (2) Enterprise Florida, Inc., ~~The Florida Commission on~~
10274 ~~Tourism, through its direct-support organization,~~ shall
10275 administer and operate the welcome centers. Pursuant to a
10276 contract with the Department of Transportation, Enterprise
10277 Florida, Inc., ~~the commission~~ shall be responsible for routine
10278 repair, replacement, or improvement and the day-to-day
10279 management of interior areas occupied by the welcome centers.
10280 All other repairs, replacements, or improvements to the welcome
10281 centers shall be the responsibility of the Department of
10282 Transportation.
10283 Section 166. Section 288.124, Florida Statutes, is amended
10284 to read:
10285 288.124 Convention grants program.—Enterprise Florida,
10286 Inc., ~~The Commission on Tourism~~ is authorized to establish a
10287 convention grants program and, pursuant to that program ~~thereto~~,
10288 to recommend to the department ~~Office of Tourism, Trade, and~~
10289 ~~Economic Development~~ expenditures and contracts with local
10290 governments and nonprofit corporations or organizations for the
10291 purpose of attracting national conferences and conventions to
10292 Florida. Preference shall be given to local governments and
10293 nonprofit corporations or organizations seeking to attract
10294 minority conventions to Florida. Minority conventions are events
10295 that primarily involve minority persons, as defined in s.



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10296 288.703, who are residents or nonresidents of the state.
10297 Enterprise Florida, Inc., ~~The commission~~ shall establish
10298 guidelines governing the award of grants and the administration
10299 of this program. The department ~~Office of Tourism, Trade, and~~
10300 ~~Economic Development~~ has final approval authority for any grants
10301 under this section. The total annual allocation of funds for
10302 this program shall not exceed $40,000.
10303 Section 167. Subsection (1) of section 288.1251, Florida
10304 Statutes, is amended to read:
10305 288.1251 Promotion and development of entertainment
10306 industry; Office of Film and Entertainment; creation; purpose;
10307 powers and duties.—
10308 (1) CREATION.—
10309 (a) There is hereby created within the department ~~Office of~~
10310 ~~Tourism, Trade, and Economic Development~~ the Office of Film and
10311 Entertainment for the purpose of developing, marketing,
10312 promoting, and providing services to the state's entertainment
10313 industry.
10314 (b) The department ~~Office of Tourism, Trade, and Economic~~
10315 ~~Development~~ shall conduct a national search for a qualified
10316 person to fill the position of Commissioner of Film and
10317 Entertainment when the position is vacant. The executive
10318 director of the department ~~Office of Tourism, Trade, and~~
10319 ~~Economic Development~~ has the responsibility to hire the film
10320 commissioner. Qualifications for the film commissioner include,
10321 but are not limited to, the following:
10322 1. A working knowledge of the equipment, personnel,
10323 financial, and day-to-day production operations of the
10324 industries to be served by the Office of Film and Entertainment;



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10325 2. Marketing and promotion experience related to the film
10326 and entertainment industries to be served;
10327 3. Experience working with a variety of individuals
10328 representing large and small entertainment-related businesses,
10329 industry associations, local community entertainment industry
10330 liaisons, and labor organizations; and
10331 4. Experience working with a variety of state and local
10332 governmental agencies.
10333 Section 168. Subsections (1) and (2), and paragraphs (d),
10334 (f), (g), and (h) of subsection (5) of section 288.1252, Florida
10335 Statutes, are amended to read:
10336 288.1252 Florida Film and Entertainment Advisory Council;
10337 creation; purpose; membership; powers and duties.—
10338 (1) CREATION.—There is ~~hereby~~ created within the department
10339 ~~Office of Tourism, Trade, and Economic Development of the~~
10340 ~~Executive Office of the Governor~~, for administrative purposes
10341 only, the Florida Film and Entertainment Advisory Council.
10342 (2) PURPOSE.—The purpose of the council is ~~shall be~~ to
10343 serve as an advisory body to the department ~~Office of Tourism,~~
10344 ~~Trade, and Economic Development~~ and to the Office of Film and
10345 Entertainment to provide these offices with industry insight and
10346 expertise related to developing, marketing, promoting, and
10347 providing service to the state’s entertainment industry.
10348 (5) POWERS AND DUTIES.—The Florida Film and Entertainment
10349 Advisory Council shall have all the powers necessary or
10350 convenient to carry out and effectuate the purposes and
10351 provisions of this act, including, but not limited to, the power
10352 to:
10353 (d) Consider and study the needs of the entertainment



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10354 industry for the purpose of advising the film commissioner and
10355 the department ~~Office of Tourism, Trade, and Economic~~
10356 ~~Development~~.
10357 (f) Consider all matters submitted to it by the film
10358 commissioner and the department ~~Office of Tourism, Trade, and~~
10359 ~~Economic Development~~.
10360 (g) Advise and consult with the film commissioner and the
10361 department ~~Office of Tourism, Trade, and Economic Development~~,
10362 at their request or upon its own initiative, regarding the
10363 promulgation, administration, and enforcement of all laws and
10364 rules relating to the entertainment industry.
10365 (h) Suggest policies and practices for the conduct of
10366 business by the Office of Film and Entertainment or by the
10367 department ~~Office of Tourism, Trade, and Economic Development~~
10368 that will improve internal operations affecting the
10369 entertainment industry and will enhance the economic development
10370 initiatives of the state for the industry.
10371 Section 169. Subsections (1), (2), (3), and (4) of section
10372 288.1253, Florida Statutes, are amended to read:
10373 288.1253 Travel and entertainment expenses.—
10374 (1) As used in this section, the term “travel expenses”
10375 means the actual, necessary, and reasonable costs of
10376 transportation, meals, lodging, and incidental expenses normally
10377 incurred by an employee of the Office of Film and Entertainment,
10378 which costs are defined and prescribed by rules adopted by the
10379 department ~~Office of Tourism, Trade, and Economic Development~~,
10380 subject to approval by the Chief Financial Officer.
10381 (2) Notwithstanding the provisions of s. 112.061, the
10382 department ~~Office of Tourism, Trade, and Economic Development~~



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10383 shall adopt rules by which it may make expenditures by
10384 reimbursement to: the Governor, the Lieutenant Governor,
10385 security staff of the Governor or Lieutenant Governor, the
10386 Commissioner of Film and Entertainment, or staff of the Office
10387 of Film and Entertainment for travel expenses or entertainment
10388 expenses incurred by such individuals solely and exclusively in
10389 connection with the performance of the statutory duties of the
10390 Office of Film and Entertainment. The rules are subject to
10391 approval by the Chief Financial Officer before adoption. The
10392 rules shall require the submission of paid receipts, or other
10393 proof of expenditure prescribed by the Chief Financial Officer,
10394 with any claim for reimbursement.
10395 (3) The department ~~Office of Tourism, Trade, and Economic~~
10396 ~~Development~~ shall prepare an annual report of the expenditures
10397 of the Office of Film and Entertainment and provide such report
10398 to the Legislature no later than December 30 of each year for
10399 the expenditures of the previous fiscal year. The report shall
10400 consist of a summary of all travel, entertainment, and
10401 incidental expenses incurred within the United States and all
10402 travel, entertainment, and incidental expenses incurred outside
10403 the United States, as well as a summary of all successful
10404 projects that developed from such travel.
10405 (4) The Office of Film and Entertainment and its employees
10406 and representatives, when authorized, may accept and use
10407 complimentary travel, accommodations, meeting space, meals,
10408 equipment, transportation, and any other goods or services
10409 necessary for or beneficial to the performance of the office's
10410 duties and purposes, so long as such acceptance or use is not in
10411 conflict with part III of chapter 112. The department ~~Office of~~



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10412 ~~Tourism, Trade, and Economic Development~~ shall, by rule, develop
10413 internal controls to ensure that such goods or services accepted
10414 or used pursuant to this subsection are limited to those that
10415 will assist solely and exclusively in the furtherance of the
10416 office's goals and are in compliance with part III of chapter
10417 112.
10418 Section 170. Paragraph (a) of subsection (1), paragraphs
10419 (d) and (f) of subsection (3), paragraphs (c) and (d) of
10420 subsection (4), paragraph (a) of subsection (5), and paragraph
10421 (b) of subsection (9) of section 288.1254, Florida Statutes, are
10422 amended to read:
10423 288.1254 Entertainment industry financial incentive
10424 program.—
10425 (1) DEFINITIONS.—As used in this section, the term:
10426 (a) "Certified production" means a qualified production
10427 that has tax credits allocated to it by the department ~~Office of~~
10428 ~~Tourism, Trade, and Economic Development~~ based on the
10429 production's estimated qualified expenditures, up to the
10430 production's maximum certified amount of tax credits, by the
10431 department ~~Office of Tourism, Trade, and Economic Development~~.
10432 The term does not include a production if its first day of
10433 principal photography or project start date in this state occurs
10434 before the production is certified by the department ~~Office of~~
10435 ~~Tourism, Trade, and Economic Development~~, unless the production
10436 spans more than 1 fiscal year, was a certified production on its
10437 first day of principal photography or project start date in this
10438 state, and submits an application for continuing the same
10439 production for the subsequent fiscal year.
10440 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—



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10441 (d) *Certification.*—The Office of Film and Entertainment
10442 shall review the application within 15 business days after
10443 receipt. Upon its determination that the application contains
10444 all the information required by this subsection and meets the
10445 criteria set out in this section, the Office of Film and
10446 Entertainment shall qualify the applicant and recommend to the
10447 department ~~Office of Tourism, Trade, and Economic Development~~
10448 that the applicant be certified for the maximum tax credit award
10449 amount. Within 5 business days after receipt of the
10450 recommendation, the department ~~Office of Tourism, Trade, and~~
10451 ~~Economic Development~~ shall reject the recommendation or certify
10452 the maximum recommended tax credit award, if any, to the
10453 applicant and to the executive director of the Department of
10454 Revenue.
10455 (f) *Verification of actual qualified expenditures.*—
10456 1. The Office of Film and Entertainment shall develop a
10457 process to verify the actual qualified expenditures of a
10458 certified production. The process must require:
10459 a. A certified production to submit, in a timely manner
10460 after production ends in this state and after making all of its
10461 qualified expenditures in this state, data substantiating each
10462 qualified expenditure, including documentation on the net
10463 expenditure on equipment and other tangible personal property by
10464 the qualified production, to an independent certified public
10465 accountant licensed in this state;
10466 b. Such accountant to conduct a compliance audit, at the
10467 certified production's expense, to substantiate each qualified
10468 expenditure and submit the results as a report, along with the
10469 required substantiating data, to the Office of Film and



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10470 Entertainment; and
10471 c. The Office of Film and Entertainment to review the
10472 accountant's submittal and report to the department ~~Office of~~
10473 ~~Tourism, Trade, and Economic Development~~ the final verified
10474 amount of actual qualified expenditures made by the certified
10475 production.
10476 2. The department ~~Office of Tourism, Trade, and Economic~~
10477 ~~Development~~ shall determine and approve the final tax credit
10478 award amount to each certified applicant based on the final
10479 verified amount of actual qualified expenditures and shall
10480 notify the executive director of the Department of Revenue in
10481 writing that the certified production has met the requirements
10482 of the incentive program and of the final amount of the tax
10483 credit award. The final tax credit award amount may not exceed
10484 the maximum tax credit award amount certified under paragraph
10485 (d).
10486 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
10487 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
10488 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
10489 ACQUISITIONS.—
10490 (c) *Withdrawal of tax credit eligibility.*—A qualified or
10491 certified production must continue on a reasonable schedule,
10492 which includes beginning principal photography or the production
10493 project in this state no more than 45 calendar days before or
10494 after the principal photography or project start date provided
10495 in the production's program application. The department ~~Office~~
10496 ~~of Tourism, Trade, and Economic Development~~ shall withdraw the
10497 eligibility of a qualified or certified production that does not
10498 continue on a reasonable schedule.



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10499 (d) *Election and distribution of tax credits.*—
10500 1. A certified production company receiving a tax credit
10501 award under this section shall, at the time the credit is
10502 awarded by the department ~~Office of Tourism, Trade, and Economic~~
10503 ~~Development~~ after production is completed and all requirements
10504 to receive a credit award have been met, make an irrevocable
10505 election to apply the credit against taxes due under chapter
10506 220, against state taxes collected or accrued under chapter 212,
10507 or against a stated combination of the two taxes. The election
10508 is binding upon any distributee, successor, transferee, or
10509 purchaser. The department ~~Office of Tourism, Trade, and Economic~~
10510 ~~Development~~ shall notify the Department of Revenue of any
10511 election made pursuant to this paragraph.
10512 2. A qualified production company is eligible for tax
10513 credits against its sales and use tax liabilities and corporate
10514 income tax liabilities as provided in this section. However, tax
10515 credits awarded under this section may not be claimed against
10516 sales and use tax liabilities or corporate income tax
10517 liabilities for any tax period beginning before July 1, 2011,
10518 regardless of when the credits are applied for or awarded.
10519 (5) TRANSFER OF TAX CREDITS.—
10520 (a) *Authorization.*—Upon application to the Office of Film
10521 and Entertainment and approval by the department ~~Office of~~
10522 ~~Tourism, Trade, and Economic Development~~, a certified production
10523 company, or a partner or member that has received a distribution
10524 under paragraph (4)(g), may elect to transfer, in whole or in
10525 part, any unused credit amount granted under this section. An
10526 election to transfer any unused tax credit amount under chapter
10527 212 or chapter 220 must be made no later than 5 years after the



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10528 date the credit is awarded, after which period the credit
10529 expires and may not be used. The department ~~Office of Tourism,~~
10530 ~~Trade, and Economic Development~~ shall notify the Department of
10531 Revenue of the election and transfer.
10532 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
10533 CREDITS; FRAUDULENT CLAIMS.—
10534 (b) *Revocation of tax credits.*—The department ~~Office of~~
10535 ~~Tourism, Trade, and Economic Development~~ may revoke or modify
10536 any written decision qualifying, certifying, or otherwise
10537 granting eligibility for tax credits under this section if it is
10538 discovered that the tax credit applicant submitted any false
10539 statement, representation, or certification in any application,
10540 record, report, plan, or other document filed in an attempt to
10541 receive tax credits under this section. The department ~~Office of~~
10542 ~~Tourism, Trade, and Economic Development~~ shall immediately
10543 notify the Department of Revenue of any revoked or modified
10544 orders affecting previously granted tax credits. Additionally,
10545 the applicant must notify the Department of Revenue of any
10546 change in its tax credit claimed.
10547 Section 171. Section 288.7015, Florida Statutes, is amended
10548 to read:
10549 288.7015 Appointment of rules ombudsman; duties.—The
10550 Governor shall appoint a rules ombudsman, as defined in s.
10551 288.703, in the Executive Office of the Governor, for
10552 considering the impact of agency rules on the state's citizens
10553 and businesses. In carrying out duties as provided by law, the
10554 ombudsman shall consult with Enterprise Florida, Inc., at which
10555 point the department ~~office~~ may recommend to improve the
10556 regulatory environment of this state. The duties of the rules



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10557 ombudsman are to:
10558 (1) Carry out the responsibility provided in s. 120.54(2),
10559 with respect to small businesses.
10560 (2) Review state agency rules that adversely or
10561 disproportionately impact businesses, particularly those
10562 relating to small and minority businesses.
10563 (3) Make recommendations on any existing or proposed rules
10564 to alleviate unnecessary or disproportionate adverse effects to
10565 businesses.
10566 (4) Each state agency shall cooperate fully with the rules
10567 ombudsman in identifying such rules. Further, each agency shall
10568 take the necessary steps to waive, modify, or otherwise minimize
10569 such adverse effects of any such rules. However, nothing in this
10570 section authorizes any state agency to waive, modify, provide
10571 exceptions to, or otherwise alter any rule that is:
10572 (a) Expressly required to implement or enforce any
10573 statutory provision or the express legislative intent thereof;
10574 (b) Designed to protect persons against discrimination on
10575 the basis of race, color, national origin, religion, sex, age,
10576 handicap, or marital status; or
10577 (c) Likely to prevent a significant risk or danger to the
10578 public health, the public safety, or the environment of the
10579 state.
10580 (5) The modification or waiver of any such rule pursuant to
10581 this section must be accomplished in accordance with the
10582 provisions of chapter 120.
10583 Section 172. Section 288.703, Florida Statutes, is amended
10584 to read:
10585 288.703 Definitions.—As used in ss. 288.702-288.706, the



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10586 term ~~this act, the following words and terms shall have the~~
10587 ~~following meanings unless the content shall indicate another~~
10588 ~~meaning or intent~~:
10589 (6) ~~(1)~~ "Small business" means an independently owned and
10590 operated business concern that employs 200 or fewer permanent
10591 full-time employees and that, together with its affiliates, has
10592 a net worth of not more than $5 million or any firm based in
10593 this state which has a Small Business Administration 8(a)
10594 certification. As applicable to sole proprietorships, the $5
10595 million net worth requirement shall include both personal and
10596 business investments.
10597 (3) ~~(2)~~ "Minority business enterprise" means any small
10598 business concern as defined in subsection (6) ~~(1)~~ which is
10599 organized to engage in commercial transactions, which is
10600 domiciled in Florida, and which is at least 51-percent-owned by
10601 minority persons who are members of an insular group that is of
10602 a particular racial, ethnic, or gender makeup or national
10603 origin, which has been subjected historically to disparate
10604 treatment due to identification in and with that group resulting
10605 in an underrepresentation of commercial enterprises under the
10606 group's control, and whose management and daily operations are
10607 controlled by such persons. A minority business enterprise may
10608 primarily involve the practice of a profession. Ownership by a
10609 minority person does not include ownership which is the result
10610 of a transfer from a nonminority person to a minority person
10611 within a related immediate family group if the combined total
10612 net asset value of all members of such family group exceeds $1
10613 million. For purposes of this subsection, the term "related
10614 immediate family group" means one or more children under 16



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10615 years of age and a parent of such children or the spouse of such
10616 parent residing in the same house or living unit.
10617 (4) ~~(3)~~ "Minority person" means a lawful, permanent resident
10618 of Florida who is:
10619 (a) An African American, a person having origins in any of
10620 the black racial groups of the African Diaspora, regardless of
10621 cultural origin.
10622 (b) A Hispanic American, a person of Spanish or Portuguese
10623 culture with origins in Spain, Portugal, Mexico, South America,
10624 Central America, or the Caribbean, regardless of race.
10625 (c) An Asian American, a person having origins in any of
10626 the original peoples of the Far East, Southeast Asia, the Indian
10627 Subcontinent, or the Pacific Islands, including the Hawaiian
10628 Islands before ~~prior to~~ 1778.
10629 (d) A Native American, a person who has origins in any of
10630 the Indian Tribes of North America before ~~prior to~~ 1835, upon
10631 presentation of proper documentation thereof as established by
10632 rule of the Department of Management Services.
10633 (e) An American woman.
10634 (1) ~~(4)~~ "Certified minority business enterprise" means a
10635 business which has been certified by the certifying organization
10636 or jurisdiction in accordance with s. 287.0943(1) and (2).
10637 ~~(5) "Department" means the Department of Management~~
10638 ~~Services.~~
10639 (5) ~~(6)~~ "Ombudsman" means an office or individual whose
10640 responsibilities include coordinating with the Office of
10641 Supplier Diversity for the interests of and providing assistance
10642 to small and minority business enterprises in dealing with
10643 governmental agencies and in developing proposals for changes in



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10644 state agency rules.
10645 (2) ~~(7)~~ "Financial institution" means any bank, trust
10646 company, insurance company, savings and loan association, credit
10647 union, federal lending agency, or foundation.
10648 ~~(8) "Secretary" means the secretary of the Department of~~
10649 ~~Management Services.~~
10650 Section 173. Section 288.705, Florida Statutes, is amended
10651 to read:
10652 288.705 Statewide contracts register.—All state agencies
10653 shall in a timely manner provide the Florida Small Business
10654 Development Center Procurement System with all formal
10655 solicitations for contractual services, supplies, and
10656 commodities. The Small Business Development Center shall
10657 coordinate with Minority Business Development Centers to compile
10658 and distribute this information to small and minority businesses
10659 requesting such service for the period of time necessary to
10660 familiarize the business with the market represented by state
10661 agencies. On or before February 1 of each year, the Small
10662 Business Development Center shall report to the department
10663 ~~Agency for Workforce Innovation~~ on the use of the statewide
10664 contracts register. The report shall include, but not be limited
10665 to, information relating to:
10666 (1) The total number of solicitations received from state
10667 agencies during the calendar year.
10668 (2) The number of solicitations received from each state
10669 agency during the calendar year.
10670 (3) The method of distributing solicitation information to
10671 businesses requesting such service.
10672 (4) The total number of businesses using the service.



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10673 (5) The percentage of businesses using the service which
10674 are owned and controlled by minorities.
10675 (6) The percentage of service-disabled veteran business
10676 enterprises using the service.
10677 Section 174. Subsection (12) of section 288.706, Florida
10678 Statutes, is amended to read:
10679 288.706 Florida Minority Business Loan Mobilization
10680 Program.—
10681 (12) The Department of Management Services shall
10682 collaborate with Enterprise Florida, Inc., ~~the Florida Black~~
10683 ~~Business Investment Board, Inc.,~~ and the department ~~Office of~~
10684 ~~Tourism, Trade, and Economic Development~~ to assist in the
10685 development and enhancement of black business enterprises.
10686 Section 175. Subsection (2) of section 288.7094, Florida
10687 Statutes, is amended to read:
10688 288.7094 Black business investment corporations.—
10689 (2) A black business investment corporation that meets the
10690 requirements of s. 288.7102(4) is eligible to participate in the
10691 Black Business Loan Program and shall receive priority
10692 consideration by the department ~~Office of Tourism, Trade, and~~
10693 ~~Economic Development~~ for participation in the program.
10694 Section 176. Section 288.7102, Florida Statutes, is amended
10695 to read:
10696 288.7102 Black Business Loan Program.—
10697 (1) The Black Business Loan Program is established in the
10698 department, which ~~Office of Tourism, Trade, and Economic~~
10699 ~~Development. Under the program, the office~~ shall annually
10700 certify eligible recipients and subsequently disburse funds
10701 appropriated by the Legislature, through such eligible



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10702 recipients, to black business enterprises that cannot obtain
10703 capital through conventional lending institutions but that could
10704 otherwise compete successfully in the private sector.
10705 (2) The department ~~office~~ shall establish an application
10706 and annual certification process for entities seeking funds to
10707 participate in providing loans, loan guarantees, or investments
10708 in black business enterprises pursuant to the Florida Black
10709 Business Investment Act. The department ~~office~~ shall process all
10710 applications and recertifications submitted by June 1 on or
10711 before July 31.
10712 (3) If the Black Business Loan Program is appropriated any
10713 funding in a fiscal year, the department ~~Office~~ shall distribute
10714 an equal amount of the appropriation, calculated as the total
10715 annual appropriation divided by the total number of program
10716 recipients certified on or before July 31 of that fiscal year.
10717 (4) To be eligible to receive funds and provide loans, loan
10718 guarantees, or investments under this section, a recipient must:
10719 (a) Be a corporation registered in the state.
10720 (b) For an existing recipient, annually submit to the
10721 department ~~office~~ a financial audit performed by an independent
10722 certified public account for the most recently completed fiscal
10723 year, which audit does not reveal any material weaknesses or
10724 instances of material noncompliance.
10725 (c) For a new recipient:
10726 1. Demonstrate that its board of directors includes
10727 citizens of the state experienced in the development of black
10728 business enterprises.
10729 2. Demonstrate that the recipient has a business plan that
10730 allows the recipient to operate in a manner consistent with this



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10731 section ~~ss. 288.707-288.714~~ and the rules of the department
10732 ~~office~~.
10733 3. Demonstrate that the recipient has the technical skills
10734 to analyze and evaluate applications by black business
10735 enterprises for loans, loan guarantees, or investments.
10736 4. Demonstrate that the recipient has established viable
10737 partnerships with public and private funding sources, economic
10738 development agencies, and workforce development and job referral
10739 networks.
10740 5. Demonstrate that the recipient can provide a private
10741 match equal to 20 percent of the amount of funds provided by the
10742 department ~~office~~.
10743 (d) For an existing or new recipient, agree to maintain the
10744 recipient's books and records relating to funds received by the
10745 department ~~office~~ according to generally accepted accounting
10746 principles and in accordance with the requirements of s.
10747 215.97(7) and to make those books and records available to the
10748 department ~~office~~ for inspection upon reasonable notice.
10749 (5) Each eligible recipient must meet the requirements of
10750 this section ~~provisions of ss. 288.707-288.714,~~ the terms of the
10751 contract between the recipient and the department ~~Office~~, and
10752 any other applicable state or federal laws. An entity may not
10753 receive funds ~~under ss. 288.707-288.714~~ unless the entity meets
10754 annual certification requirements.
10755 (6) Upon approval by the department ~~Office~~ and before
10756 release of the funds as provided in this section, the department
10757 ~~Office~~ shall issue a letter certifying the applicant as
10758 qualified for an award. The department ~~Office~~ and the applicant
10759 shall enter into an agreement that sets forth the conditions for



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10760 award of the funds. The agreement must include the total amount
10761 of funds awarded; the performance conditions that must be met
10762 once the funding has been awarded, including, but not limited
10763 to, compliance with all of the requirements of this section for
10764 eligible recipients of funds under this section; and sanctions
10765 for failure to meet performance conditions, including any
10766 provisions to recover awards.
10767 (7) The department ~~Office~~, in consultation with the board,
10768 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
10769 implement this section.
10770 (8) A black business investment corporation certified by
10771 the department ~~Office~~ as an eligible recipient under this
10772 section is authorized to use funds appropriated for the Black
10773 Business Loan Program in any of the following forms:
10774 (a) Purchases of stock, preferred or common, voting or
10775 nonvoting; however, no more than 40 percent of the funds may be
10776 used for direct investments in black business enterprises;
10777 (b) Loans or loan guarantees, with or without recourse, in
10778 either a subordinated or priority position; or
10779 (c) Technical support to black business enterprises, not to
10780 exceed 9 percent of the funds received, and direct
10781 administrative costs, not to exceed 12 percent of the funds
10782 received.
10783 (9) It is the intent of the Legislature that if any one
10784 type of investment mechanism authorized in subsection (8) is
10785 held to be invalid, all other valid mechanisms remain available.
10786 (10) All loans, loan guarantees, and investments, and any
10787 income related thereto, shall be used to carry out the public
10788 purpose ~~of ss. 288.707-288.714, which is~~ to develop black



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10789 business enterprises. This subsection does not preclude a
10790 reasonable profit for the participating black business
10791 investment corporation or for return of equity developed to the
10792 state and participating financial institutions upon any
10793 distribution of the assets or excess income of the investment
10794 corporation.
10795 Section 177. Section 288.714, Florida Statutes, is amended
10796 to read:
10797 288.714 Quarterly and annual reports.—
10798 (1) Each recipient of state funds under s. 288.7102 shall
10799 provide to the department ~~Office~~ a quarterly report within 15
10800 days after the end of each calendar quarter that includes a
10801 detailed summary of the recipient's performance of the duties
10802 imposed by s. 288.7102, including, but not limited to:
10803 (a) The dollar amount of all loans or loan guarantees made
10804 to black business enterprises, the percentages of the loans
10805 guaranteed, and the names and identification of the types of
10806 businesses served.
10807 (b) Loan performance information.
10808 (c) The amount and nature of all other financial assistance
10809 provided to black business enterprises.
10810 (d) The amount and nature of technical assistance provided
10811 to black business enterprises, including technical assistance
10812 services provided in areas in which such services are otherwise
10813 unavailable.
10814 (e) A balance sheet for the recipient, including an
10815 explanation of all investments and administrative and
10816 operational expenses.
10817 (f) A summary of all services provided to nonblack business



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10818 enterprises, including the dollar value and nature of such
10819 services and the names and identification of the types of
10820 businesses served.
10821 (g) Any other information as required by policies adopted
10822 by the department ~~Office~~.
10823 (2) The department ~~Office~~ must compile a summary of all
10824 quarterly reports and provide a copy of the summary to the board
10825 within 30 days after the end of each calendar quarter that
10826 includes a detailed summary of the recipient's performance of
10827 the duties imposed by s. 288.7102.
10828 (3) By August 31 of each year, the department ~~Office~~ shall
10829 provide to the Governor, the President of the Senate, and the
10830 Speaker of the House of Representatives a detailed report of the
10831 performance of the Black Business Loan Program. The report must
10832 include a cumulative summary of quarterly report data required
10833 by subsection (1).
10834 ~~(4) By August 31 of each year, the board shall provide to~~
10835 ~~the Governor, the President of the Senate, and the Speaker of~~
10836 ~~the House of Representatives a detailed report of the board's~~
10837 ~~performance, including:~~
10838 ~~(a) A description of the strategies implemented by the~~
10839 ~~board to increase private investment in black business~~
10840 ~~enterprises.~~
10841 ~~(b) A summary of the board's performance of its duties~~
10842 ~~under ss. 288.707-288.712.~~
10843 ~~(c) The most recent 5-year projection of the need for~~
10844 ~~capital by black business enterprises.~~
10845 ~~(d) Recommendations for legislative or other changes to~~
10846 ~~enhance the development and expansion of black business~~



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10847 ~~enterprises in the state.~~
10848 ~~(c) A projection of the program's activities during the~~
10849 ~~next 12 months.~~
10850 Section 178. Subsection (1) of section 288.773, Florida
10851 Statutes, is amended to read:
10852 288.773 Florida Export Finance Corporation.—The Florida
10853 Export Finance Corporation is hereby created as a corporation
10854 not for profit, to be incorporated under the provisions of
10855 chapter 617 and approved by the Department of State. The
10856 corporation is organized on a nonstock basis. The purpose of the
10857 corporation is to expand employment and income opportunities for
10858 residents of this state through increased exports of goods and
10859 services, by providing businesses domiciled in this state
10860 information and technical assistance on export opportunities,
10861 exporting techniques, and financial assistance through
10862 guarantees and direct loan originations for sale in support of
10863 export transactions. The corporation shall have the power and
10864 authority to carry out the following functions:
10865 (1) To coordinate the efforts of the corporation with
10866 programs and goals of the United States Export-Import Bank, the
10867 International Trade Administration of the United States
10868 Department of Commerce, the Foreign Credit Insurance
10869 Association, Enterprise Florida, Inc., ~~and its boards,~~ and other
10870 private and public programs and organizations, domestic and
10871 foreign, designed to provide export assistance and export-
10872 related financing.
10873 Section 179. Paragraph (b) of subsection (3) of section
10874 288.774, Florida Statutes, is amended to read:
10875 288.774 Powers and limitations.—



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10876 (3)
10877 (b) In providing assistance, the board shall be guided by
10878 the statewide economic development plan adopted by the
10879 department ~~pursuant to s. 288.905~~.
10880 Section 180. Paragraph (a) of subsection (1) and paragraph
10881 (g) of subsection (3) of section 288.776, Florida Statutes, are
10882 amended to read:
10883 288.776 Board of directors; powers and duties.—
10884 (1)(a) The corporation shall have a board of directors
10885 consisting of 15 members representing all geographic areas of
10886 the state. Minority and gender representation must be considered
10887 when making appointments to the board. The board membership must
10888 include:
10889 1. A representative of the following businesses, all of
10890 which must be registered to do business in this state: a foreign
10891 bank, a state bank, a federal bank, an insurance company
10892 involved in covering trade financing risks, and a small or
10893 medium-sized exporter.
10894 2. The following persons or their designee: the President
10895 of Enterprise Florida, Inc., the Chief Financial Officer, the
10896 Secretary of State, and a senior official of the United States
10897 Department of Commerce~~, and the chair of the Florida Black~~
10898 ~~Business Investment Board~~.
10899 (3) The board shall:
10900 (g) Consult with Enterprise Florida, Inc., ~~and its boards,~~
10901 or any state or federal agency, to ensure that the respective
10902 loan guarantee or working capital loan origination programs are
10903 not duplicative and that each program makes full use of, to the
10904 extent practicable, the resources of the other.



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10905 Section 181. Section 288.7771, Florida Statutes, is amended
10906 to read:
10907 288.7771 Annual report of Florida Export Finance
10908 Corporation.—The corporation shall annually prepare and submit
10909 to the department ~~Enterprise Florida, Inc.,~~ for inclusion in its
10910 annual report required by s. 288.095 a complete and detailed
10911 report setting forth:
10912 (1) The report required in s. 288.776(3).
10913 (2) Its assets and liabilities at the end of its most
10914 recent fiscal year.
10915 Section 182. Section 288.816, Florida Statutes, is amended
10916 to read:
10917 288.816 Intergovernmental relations.—
10918 (1) The state protocol officer ~~Office of Tourism, Trade,~~
10919 ~~and Economic Development~~ shall be responsible for consular
10920 operations and the sister city and sister state program and
10921 shall serve as liaison with foreign, federal, and other state
10922 international organizations and with county and municipal
10923 governments in Florida.
10924 (2) The state protocol officer ~~Office of Tourism, Trade,~~
10925 ~~and Economic Development~~ shall be responsible for all consular
10926 relations between the state and all foreign governments doing
10927 business in Florida. The state protocol officer ~~office~~ shall
10928 monitor United States laws and directives to ensure that all
10929 federal treaties regarding foreign privileges and immunities are
10930 properly observed. The state protocol officer ~~office~~ shall
10931 promulgate rules which shall:
10932 (a) Establish a viable system of registration for foreign
10933 government officials residing or having jurisdiction in the



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10934 state. Emphasis shall be placed on maintaining active
10935 communication between the state protocol officer ~~Office of~~
10936 ~~Tourism, Trade, and Economic Development~~ and the United States
10937 Department of State in order to be currently informed regarding
10938 foreign governmental personnel stationed in, or with official
10939 responsibilities for, Florida. Active dialogue shall also be
10940 maintained with foreign countries which historically have had
10941 dealings with Florida in order to keep them informed of the
10942 proper procedure for registering with the state.
10943 (b) Maintain and systematically update a current and
10944 accurate list of all such foreign governmental officials,
10945 consuls, or consulates.
10946 (c) Issue certificates to such foreign governmental
10947 officials after verification pursuant to proper investigations
10948 through United States Department of State sources and the
10949 appropriate foreign government.
10950 (d) Verify entitlement to sales and use tax exemptions
10951 pursuant to United States Department of State guidelines and
10952 identification methods.
10953 (e) Verify entitlement to issuance of special motor vehicle
10954 license plates by the Division of Motor Vehicles of the
10955 Department of Highway Safety and Motor Vehicles to honorary
10956 consuls or such other officials representing foreign governments
10957 who are not entitled to issuance of special Consul Corps license
10958 plates by the United States Government.
10959 (f) Establish a system of communication to provide all
10960 state and local law enforcement agencies with information
10961 regarding proper procedures relating to the arrest or
10962 incarceration of a foreign citizen.



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10963 (g) Request the Department of Law Enforcement to provide
10964 transportation and protection services when necessary pursuant
10965 to s. 943.68.
10966 (h) Coordinate, when necessary, special activities between
10967 foreign governments and Florida state and local governments.
10968 These may include Consular Corps Day, Consular Corps
10969 conferences, and various other social, cultural, or educational
10970 activities.
10971 (i) Notify all newly arrived foreign governmental officials
10972 of the services offered by the state protocol officer ~~Office of~~
10973 ~~Tourism, Trade, and Economic Development~~.
10974 (3) The state protocol officer ~~Office of Tourism, Trade,~~
10975 ~~and Economic Development~~ shall operate the sister city and
10976 sister state program and establish such new programs as needed
10977 to further global understanding through the interchange of
10978 people, ideas, and culture between Florida and the world. To
10979 accomplish this purpose, the state protocol officer ~~office~~ shall
10980 have the power and authority to:
10981 (a) Coordinate and carry out activities designed to
10982 encourage the state and its subdivisions to participate in
10983 sister city and sister state affiliations with foreign countries
10984 and their subdivisions. Such activities may include a State of
10985 Florida sister cities conference.
10986 (b) Encourage cooperation with and disseminate information
10987 pertaining to the Sister Cities International Program and any
10988 other program whose object is to promote linkages with foreign
10989 countries and their subdivisions.
10990 (c) Maximize any aid available from all levels of
10991 government, public and private agencies, and other entities to



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10992 facilitate such activities.
10993 (d) Establish a viable system of registration for sister
10994 city and sister state affiliations between the state and foreign
10995 countries and their subdivisions. Such system shall include a
10996 method to determine that sufficient ties are properly
10997 established as well as a method to supervise how these ties are
10998 maintained.
10999 (e) Maintain a current and accurate listing of all such
11000 affiliations. Sister city affiliations shall not be discouraged
11001 between the state and any country specified in s. 620(f)(1) of
11002 the federal Foreign Assistance Act of 1961, as amended, with
11003 whom the United States is currently conducting diplomatic
11004 relations unless a mandate from the United States Government
11005 expressly prohibits such affiliations.
11006 (4) The state protocol officer ~~Office of Tourism, Trade,~~
11007 ~~and Economic Development~~ shall serve as a contact for the state
11008 with the Florida Washington Office, the Florida Congressional
11009 Delegation, and United States Government agencies with respect
11010 to laws or policies which may affect the interests of the state
11011 in the area of international relations. All inquiries received
11012 regarding international economic trade development or reverse
11013 investment opportunities shall be referred to Enterprise
11014 Florida, Inc. In addition, the state protocol officer ~~office~~
11015 shall serve as liaison with other states with respect to
11016 international programs of interest to Florida. The state
11017 protocol officer ~~office~~ shall also investigate and make
11018 suggestions regarding possible areas of joint action or regional
11019 cooperation with these states.
11020 (5) The state protocol officer ~~Office of Tourism, Trade,~~



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11021 ~~and Economic Development~~ shall have the power and duty to
11022 encourage the relocation to Florida of consular offices and
11023 multilateral and international agencies and organizations.
11024 (6) The department and Enterprise Florida, Inc., ~~Office of~~
11025 ~~Tourism, Trade, and Economic Development, through membership on~~
11026 ~~the board of directors of Enterprise Florida, Inc.,~~ shall help
11027 to contribute an international perspective to the state's
11028 development efforts.
11029 Section 183. Paragraph (a) of subsection (1) and subsection
11030 (2) of section 288.809, Florida Statutes, are amended to read:
11031 288.809 Florida Intergovernmental Relations Foundation; use
11032 of property; board of directors; audit.—
11033 (1) DEFINITIONS.—For the purposes of this section, the
11034 term:
11035 (a) "Florida Intergovernmental Relations Foundation" means
11036 a direct-support organization:
11037 1. Which is a corporation not for profit that is
11038 incorporated under the provisions of chapter 617 and approved by
11039 the Department of State;
11040 2. Which is organized and operated exclusively to solicit,
11041 receive, hold, invest, and administer property and, subject to
11042 the approval of the state protocol officer ~~Office of Tourism,~~
11043 ~~Trade, and Economic Development~~, to make expenditures to or for
11044 the promotion of intergovernmental relations programs; and
11045 3. Which the state protocol officer ~~Office of Tourism,~~
11046 ~~Trade, and Economic Development~~, after review, has certified to
11047 be operating in a manner consistent with the policies and goals
11048 of the state protocol officer ~~office~~.
11049 (2) USE OF PROPERTY.—The state protocol officer ~~Office of~~



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11050 ~~Tourism, Trade, and Economic Development~~:
11051 (a) May ~~Is authorized to~~ permit the use of property,
11052 facilities, and personal services of the Executive Office of the
11053 Governor ~~Office of Tourism, Trade, and Economic Development~~ by
11054 the foundation, subject to ~~the provisions of~~ this section.
11055 (b) Shall prescribe conditions with which the foundation
11056 must comply in order to use property, facilities, or personal
11057 services of the department. Such conditions shall provide for
11058 budget and audit review and for oversight by the state protocol
11059 officer ~~Office of Tourism, Trade, and Economic Development~~.
11060 (c) Shall not permit the use of property, facilities, or
11061 personal services of the foundation if the foundation does not
11062 provide equal employment opportunities to all persons,
11063 regardless of race, color, national origin, sex, age, or
11064 religion.
11065 Section 184. Subsections (2) through (8) of section
11066 288.8175, Florida Statutes, are renumbered as subsections (1)
11067 through (7), respectively, and present subsections (1), (3),
11068 (4), and (8) of that section are amended to read:
11069 288.8175 Linkage institutes between postsecondary
11070 institutions in this state and foreign countries.—
11071 ~~(1) As used in this section, the term "department" means~~
11072 ~~the Department of Education.~~
11073 (2)~~(3)~~ Each institute must be governed by an agreement
11074 between the Board of Governors of the State University System
11075 for a state university and the State Board of Education for a
11076 community college with the counterpart organization in a foreign
11077 country. Each institute must report to the Department of
11078 Education regarding its program activities, expenditures, and



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11079 policies.
11080 (3) ~~(4)~~ Each institute must be co-administered in this state
11081 by a university-community college partnership, as designated in
11082 subsection (5), and must have a private sector and public sector
11083 advisory committee. The advisory committee must be
11084 representative of the international education and commercial
11085 interests of the state and may have members who are native to
11086 the foreign country partner. Six members must be appointed by
11087 the Department of Education. The Department of Education must
11088 appoint at least one member who is an international educator.
11089 The presidents, or their designees, of the participating
11090 university and community college must also serve on the advisory
11091 committee.
11092 (7) ~~(8)~~ A linkage institute may not be created or funded
11093 except upon the recommendation of the Department of Education
11094 and except by amendment to this section.
11095 Section 185. Section 288.826, Florida Statutes, is amended
11096 to read:
11097 288.826 Florida International Trade and Promotion Trust
11098 Fund.—There is hereby established in the State Treasury the
11099 Florida International Trade and Promotion Trust Fund. The moneys
11100 deposited into this trust fund shall be administered by the
11101 department ~~Office of Tourism, Trade, and Economic Development~~
11102 for the operation of Enterprise Florida, Inc., ~~and its boards~~
11103 and for the operation of Florida international ~~foreign~~ offices
11104 under s. 288.012.
11105 Section 186. Subsections (2) and (5) of section 288.95155,
11106 Florida Statutes, are amended to read:
11107 288.95155 Florida Small Business Technology Growth



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11108 Program.—
11109 (2)~~(a)~~ Enterprise Florida, Inc., shall establish a separate
11110 small business technology growth account in the Florida
11111 Technology Research Investment Fund for purposes of this
11112 section. Moneys in the account shall consist of appropriations
11113 by the Legislature, proceeds of any collateral used to secure
11114 such assistance, transfers, fees assessed for providing or
11115 processing such financial assistance, grants, interest earnings,
11116 and earnings on financial assistance.
11117 ~~(b) For the 2009-2010 fiscal year only, Enterprise Florida,~~
11118 ~~Inc., shall advance up to $600,000 from the account to the~~
11119 ~~Institute for Commercialization of Public Research for its~~
11120 ~~operations. This paragraph expires July 1, 2010.~~
11121 (5) Enterprise Florida, Inc., shall prepare for inclusion
11122 in the ~~and include in its~~ annual report of the department
11123 required by s. 288.095 a report on the financial status of the
11124 program. The report must specify the assets and liabilities of
11125 the program within the current fiscal year and must include a
11126 portfolio update that lists all of the businesses assisted, the
11127 private dollars leveraged by each business assisted, and the
11128 growth in sales and in employment of each business assisted.
11129 Section 187. Paragraph (e) of subsection (2), paragraph (a)
11130 of subsection (4), subsection (7), paragraph (b) of subsection
11131 (8), subsection (9), paragraph (l) of subsection (10), and
11132 subsection (15) of section 288.955, Florida Statutes, are
11133 amended, and present subsections (16) and (17) of that section
11134 are renumbered as subsections (15) and (16), respectively, to
11135 read:
11136 288.955 Scripps Florida Funding Corporation.—



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11137 (2) CREATION.—
11138 (e) The department ~~Office of Tourism, Trade, and Economic~~
11139 ~~Development~~ shall provide administrative support to the
11140 corporation as requested by the corporation. In the event of the
11141 dissolution of the corporation, the department ~~office~~ shall be
11142 the corporation's successor in interest and shall assume all
11143 rights, duties, and obligations of the corporation under any
11144 contract to which the corporation is then a party and under law.
11145 (4) BOARD; MEMBERSHIP.—The corporation shall be governed by
11146 a board of directors.
11147 (a) The board of directors shall consist of nine voting
11148 members, of whom the Governor shall appoint three, the President
11149 of the Senate shall appoint three, and the Speaker of the House
11150 of Representatives shall appoint three. The executive director
11151 of the department ~~Office of Tourism, Trade, and Economic~~
11152 ~~Development~~ or the director's designee shall serve as an ex-
11153 officio, nonvoting member of the board of directors.
11154 (7) INVESTMENT OF FUNDS.—The corporation must enter into an
11155 agreement with the State Board of Administration under which
11156 funds received by the corporation from the department ~~Office of~~
11157 ~~Tourism, Trade, and Economic Development~~ which are not disbursed
11158 to the grantee shall be invested by the State Board of
11159 Administration on behalf of the corporation. Funds shall be
11160 invested in suitable instruments authorized under s. 215.47 and
11161 specified in investment guidelines established and agreed to by
11162 the State Board of Administration and the corporation.
11163 (8) CONTRACT.—
11164 (b) The contract, at a minimum, must contain provisions:
11165 1. Specifying the procedures and schedules that govern the



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11166 disbursement of funds under this section and specifying the
11167 conditions or deliverables that the grantee must satisfy before
11168 the release of each disbursement.
11169 2. Requiring the grantee to submit to the corporation a
11170 business plan in a form and manner prescribed by the
11171 corporation.
11172 3. Prohibiting The Scripps Research Institute or the
11173 grantee from establishing other biomedical science or research
11174 facilities in any state other than this state or California for
11175 a period of 12 years from the commencement of the contract.
11176 Nothing in this subparagraph shall prohibit the grantee from
11177 establishing or engaging in normal collaborative activities with
11178 other organizations.
11179 4. Governing the ownership of or security interests in real
11180 property and personal property, including, but not limited to,
11181 research equipment, obtained through the financial support of
11182 state or local government, including a provision that in the
11183 event of a breach of the contract or in the event the grantee
11184 ceases operations in this state, such property purchased with
11185 state funds shall revert to the state and such property
11186 purchased with local funds shall revert to the local governing
11187 authority.
11188 5. Requiring the grantee to be an equal opportunity
11189 employer.
11190 6. Requiring the grantee to maintain a policy of awarding
11191 preference in employment to residents of this state, as defined
11192 by law, except for professional scientific staff positions
11193 requiring a doctoral degree, postdoctoral training positions,
11194 and graduate student positions.



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11195 7. Requiring the grantee to maintain a policy of making
11196 purchases from vendors in this state, to the extent it is cost-
11197 effective and scientifically sound.
11198 8. Requiring the grantee to use the Internet-based job-
11199 listing system of the department ~~Agency for Workforce Innovation~~
11200 in advertising employment opportunities.
11201 9. Requiring the grantee to establish accredited science
11202 degree programs.
11203 10. Requiring the grantee to establish internship programs
11204 to create learning opportunities for educators and secondary,
11205 postsecondary, graduate, and doctoral students.
11206 11. Requiring the grantee to submit data to the corporation
11207 on the activities and performance during each fiscal year and to
11208 provide to the corporation an annual accounting of the
11209 expenditure of funds disbursed under this section.
11210 12. Establishing that the corporation shall review the
11211 activities of the grantee to assess the grantee's financial and
11212 operational compliance with the provisions of the contract and
11213 with relevant provisions of law.
11214 13. Authorizing the grantee, when feasible, to use
11215 information submitted by it to the Federal Government or to
11216 other organizations awarding research grants to the grantee to
11217 help meet reporting requirements imposed under this section or
11218 the contract, if the information satisfies the reporting
11219 standards of this section and the contract.
11220 14. Requiring the grantee during the first 7 years of the
11221 contract to create 545 positions and to acquire associated
11222 research equipment for the grantee's facility in this state, and
11223 pay for related maintenance of the equipment, in a total amount



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11224 of not less than $45 million.
11225 15. Requiring the grantee to progress in the creation of
11226 the total number of jobs prescribed in subparagraph 14. on the
11227 following schedule: At least 38 positions in the 1st year, 168
11228 positions in the 2nd year, 280 positions in the 3rd year, 367
11229 positions in the 4th year, 436 positions in the 5th year, 500
11230 positions in the 6th year, and 545 positions in the 7th year.
11231 The board may allow the grantee to deviate downward from such
11232 employee levels by 25 percent in any year, to allow the grantee
11233 flexibility in achieving the objectives set forth in the
11234 business plan provided to the corporation; however, the grantee
11235 must have no fewer than 545 positions by the end of the 7th
11236 year.
11237 16. Requiring the grantee to allow the corporation to
11238 retain an independent certified public accountant licensed in
11239 this state pursuant to chapter 473 to inspect the records of the
11240 grantee in order to audit the expenditure of funds disbursed to
11241 the grantee. The independent certified public accountant shall
11242 not disclose any confidential or proprietary scientific
11243 information of the grantee.
11244 17. Requiring the grantee to purchase liability insurance
11245 and governing the coverage level of such insurance.
11246 (9) PERFORMANCE EXPECTATIONS.—In addition to the provisions
11247 prescribed in subsection (8), the contract between the
11248 corporation and the grantee shall include a provision that the
11249 grantee, in cooperation with the department ~~Office of Tourism,~~
11250 ~~Trade, and Economic Development~~, shall report to the corporation
11251 on performance expectations that reflect the aspirations of the
11252 Governor and the Legislature for the benefits accruing to this



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11253 state as a result of the funds appropriated pursuant to this
11254 section. These shall include, but are not limited to,
11255 performance expectations addressing:
11256 (a) The number and dollar value of research grants obtained
11257 from the Federal Government or sources other than this state.
11258 (b) The percentage of total research dollars received by
11259 The Scripps Research Institute from sources other than this
11260 state which is used to conduct research activities by the
11261 grantee in this state.
11262 (c) The number or value of patents obtained by the grantee.
11263 (d) The number or value of licensing agreements executed by
11264 the grantee.
11265 (e) The extent to which research conducted by the grantee
11266 results in commercial applications.
11267 (f) The number of collaborative agreements reached and
11268 maintained with colleges and universities in this state and with
11269 research institutions in this state, including agreements that
11270 foster participation in research opportunities by public and
11271 private colleges and universities and research institutions in
11272 this state with significant minority populations, including
11273 historically black colleges and universities.
11274 (g) The number of collaborative partnerships established
11275 and maintained with businesses in this state.
11276 (h) The total amount of funding received by the grantee
11277 from sources other than the State of Florida.
11278 (i) The number or value of spin-off businesses created in
11279 this state as a result of commercialization of the research of
11280 the grantee.
11281 (j) The number or value of businesses recruited to this



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11282 state by the grantee.
11283 (k) The establishment and implementation of policies to
11284 promote supplier diversity using the guidelines developed by the
11285 Office of Supplier Diversity under s. 287.09451 and to comply
11286 with the ordinances, including any small business ordinances,
11287 enacted by the county and which are applicable to the biomedical
11288 research institution and campus located in this state.
11289 (l) The designation by the grantee of a representative to
11290 coordinate with the Office of Supplier Diversity.
11291 (m) The establishment and implementation of a program to
11292 conduct workforce recruitment activities at public and private
11293 colleges and universities and community colleges in this state
11294 which request the participation of the grantee.
11295
11296 The contract shall require the grantee to provide information to
11297 the corporation on the progress in meeting these performance
11298 expectations on an annual basis. It is the intent of the
11299 Legislature that, in fulfilling its obligation to work with
11300 Florida’s public and private colleges and universities, Scripps
11301 Florida work with such colleges and universities regardless of
11302 size.
11303 (10) DISBURSEMENT CONDITIONS.—In addition to the provisions
11304 prescribed in subsection (8), the contract between the
11305 corporation and the grantee shall include disbursement
11306 conditions that must be satisfied by the grantee as a condition
11307 for the continued disbursement of funds under this section.
11308 These disbursement conditions shall be negotiated between the
11309 corporation and the grantee and shall not be designed to impede
11310 the ability of the grantee to attain full operational status.



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11311 The disbursement conditions may be appropriately varied as to
11312 timeframes, numbers, values, and percentages. The disbursement
11313 conditions shall include, but are not limited to, the following
11314 areas:
11315 (l) Beginning June 2004, the grantee shall commence
11316 collaboration efforts with the department ~~Office of Tourism,~~
11317 ~~Trade, and Economic Development~~ by complying with reasonable
11318 requests for cooperation in economic development efforts in the
11319 biomed/biotech industry. No later than July 2004, the grantee
11320 shall designate a person who shall be charged with assisting in
11321 these collaborative efforts.
11322 ~~(15) PROGRAM EVALUATION.~~
11323 ~~(a) Before January 1, 2007, the Office of Program Policy~~
11324 ~~Analysis and Government Accountability shall conduct a~~
11325 ~~performance audit of the Office of Tourism, Trade, and Economic~~
11326 ~~Development and the corporation relating to the provisions of~~
11327 ~~this section. The audit shall assess the implementation and~~
11328 ~~outcomes of activities under this section. At a minimum, the~~
11329 ~~audit shall address:~~
11330 ~~1. Performance of the Office of Tourism, Trade, and~~
11331 ~~Economic Development in disbursing funds appropriated under this~~
11332 ~~section.~~
11333 ~~2. Performance of the corporation in managing and enforcing~~
11334 ~~the contract with the grantee.~~
11335 ~~3. Compliance by the corporation with the provisions of~~
11336 ~~this section and the provisions of the contract.~~
11337 ~~4. Economic activity generated through funds disbursed~~
11338 ~~under the contract.~~
11339 ~~(b) Before January 1, 2010, the Office of Program Policy~~



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11340 ~~Analysis and Government Accountability shall update the report~~
11341 ~~required under this subsection. In addition to addressing the~~
11342 ~~items prescribed in paragraph (a), the updated report shall~~
11343 ~~include a recommendation on whether the Legislature should~~
11344 ~~retain the statutory authority for the corporation.~~
11345
11346 ~~A report of each audit's findings and recommendations shall be~~
11347 ~~submitted to the Governor, the President of the Senate, and the~~
11348 ~~Speaker of the House of Representatives. In completing the~~
11349 ~~performance audits required under this subsection, the Office of~~
11350 ~~Program Policy Analysis and Government Accountability shall~~
11351 ~~maximize the use of reports submitted by the grantee to the~~
11352 ~~Federal Government or to other organizations awarding research~~
11353 ~~grants to the grantee.~~
11354 Section 188. Subsection (2) of section 288.9604, Florida
11355 Statutes, is amended to read:
11356 288.9604 Creation of the authority.—
11357 (2) The Governor, subject to confirmation by the Senate,
11358 shall appoint the board of directors of the corporation, who
11359 shall be five in number. The terms of office for the directors
11360 shall be for 4 years from the date of their appointment. A
11361 vacancy occurring during a term shall be filled for the
11362 unexpired term. A director shall be eligible for reappointment.
11363 At least three of the directors of the corporation shall be
11364 bankers who have been selected by the Governor from a list of
11365 bankers who were nominated by Enterprise Florida, Inc., and one
11366 of the directors shall be an economic development specialist.
11367 ~~The chairperson of the Florida Black Business Investment Board~~
11368 ~~shall be an ex officio member of the board of the corporation.~~



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11369 Section 189. Paragraph (v) of subsection (2) of section
11370 288.9605, Florida Statutes, is amended to read:
11371 288.9605 Corporation powers.—
11372 (2) The corporation is authorized and empowered to:
11373 (v) Enter into investment agreements with Enterprise
11374 Florida, Inc., ~~the Florida Black Business Investment Board~~
11375 concerning the issuance of bonds and other forms of indebtedness
11376 and capital ~~for the purposes of ss. 288.707-288.714~~.
11377 Section 190. Subsection (1) of section 288.9606, Florida
11378 Statutes, is amended to read:
11379 288.9606 Issue of revenue bonds.—
11380 (1) When authorized by a public agency pursuant to s.
11381 163.01(7), the corporation has power in its corporate capacity,
11382 in its discretion, to issue revenue bonds or other evidences of
11383 indebtedness which a public agency has the power to issue, from
11384 time to time to finance the undertaking of any purpose of this
11385 act ~~and ss. 288.707-288.714~~, including, without limiting the
11386 generality thereof, the payment of principal and interest upon
11387 any advances for surveys and plans or preliminary loans, and has
11388 the power to issue refunding bonds for the payment or retirement
11389 of bonds previously issued. Bonds issued pursuant to this
11390 section shall bear the name “Florida Development Finance
11391 Corporation Revenue Bonds.” The security for such bonds may be
11392 based upon such revenues as are legally available. In
11393 anticipation of the sale of such revenue bonds, the corporation
11394 may issue bond anticipation notes and may renew such notes from
11395 time to time, but the maximum maturity of any such note,
11396 including renewals thereof, may not exceed 5 years from the date
11397 of issuance of the original note. Such notes shall be paid from



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11398 any revenues of the corporation available therefor and not
11399 otherwise pledged or from the proceeds of sale of the revenue
11400 bonds in anticipation of which they were issued. Any bond, note,
11401 or other form of indebtedness issued pursuant to this act shall
11402 mature no later than the end of the 30th fiscal year after the
11403 fiscal year in which the bond, note, or other form of
11404 indebtedness was issued.
11405 Section 191. Subsection (1) of section 288.9624, Florida
11406 Statutes, are amended to read:
11407 288.9624 Florida Opportunity Fund; creation; duties.—
11408 (1)(a) Enterprise Florida, Inc., shall facilitate the
11409 creation of the Florida Opportunity Fund, a private, not-for-
11410 profit corporation organized and operated under chapter 617.
11411 Enterprise Florida, Inc., shall be the fund's sole shareholder
11412 or member. The fund is not a public corporation or
11413 instrumentality of the state. The fund shall manage its business
11414 affairs and conduct business consistent with its organizational
11415 documents and the purposes set forth in this section.
11416 Notwithstanding the powers granted under chapter 617, the
11417 corporation may not amend, modify, or repeal a bylaw or article
11418 of incorporation without the express written consent of
11419 Enterprise Florida, Inc.
11420 (b) The board of directors of the Florida Opportunity Fund
11421 shall have five members, appointed by vote of the board of
11422 directors of Enterprise Florida, Inc. Board members shall serve
11423 terms as provided in the fund's organizational documents. Within
11424 90 days before an anticipated vacancy by expiration of the term
11425 of a board member, the board of directors of the fund shall
11426 submit a list of three eligible nominees, which may include the



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11427 incumbent, to the board of directors of Enterprise Florida, Inc.
11428 The board of directors of Enterprise Florida, Inc., may appoint
11429 a board member from the nominee list or may request and appoint
11430 from a new list of three nominees not included on the previous
11431 list. ~~The vice chair of Enterprise Florida, Inc., shall select~~
11432 ~~from among its sitting board of directors a five-person~~
11433 ~~appointment committee. The appointment committee shall select~~
11434 ~~five initial members of a board of directors for the fund.~~
11435 (c) The persons appointed ~~elected~~ to the ~~initial~~ board of
11436 directors ~~by the appointment committee~~ shall include persons who
11437 have expertise in the area of the selection and supervision of
11438 early stage investment managers or in the fiduciary management
11439 of investment funds and other areas of expertise as considered
11440 appropriate ~~by the appointment committee~~.
11441 ~~(d) After election of the initial board of directors,~~
11442 ~~vacancies on the board shall be filled by vote of the board of~~
11443 ~~directors of Enterprise Florida, Inc., and board members shall~~
11444 ~~serve terms as provided in the fund's organizational documents.~~
11445 (d) ~~(e)~~ Members of the board are subject to any restrictions
11446 on conflicts of interest specified in the organizational
11447 documents and may not have an interest in any venture capital
11448 investment selected by the fund under ss. 288.9621-288.9624.
11449 (e) ~~(f)~~ Members of the board shall serve without
11450 compensation, but members, the president of the board, and other
11451 board employees may be reimbursed for all reasonable, necessary,
11452 and actual expenses as determined and approved by the board
11453 pursuant to s. 112.061.
11454 (f) ~~(g)~~ The fund shall have all powers granted under its
11455 organizational documents and shall indemnify members to the



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11456 broadest extent permissible under the laws of this state.
11457 Section 192. Subsections (3), (4), (5), and (6) of section
11458 288.9625, Florida Statutes, are amended to read:
11459 288.9625 Institute for the Commercialization of Public
11460 Research.—There is established at a public university or
11461 research center in this state the Institute for the
11462 Commercialization of Public Research.
11463 (3) The articles of incorporation of the institute must be
11464 approved in a written agreement with the department ~~Enterprise~~
11465 ~~Florida, Inc~~. The agreement and the articles of incorporation
11466 shall:
11467 (a) Provide that the institute shall provide equal
11468 employment opportunities for all persons regardless of race,
11469 color, religion, gender, national origin, age, handicap, or
11470 marital status;
11471 (b) Provide that the institute is subject to the public
11472 records and meeting requirements of s. 24, Art. I of the State
11473 Constitution;
11474 (c) Provide that all officers, directors, and employees of
11475 the institute shall be governed by the code of ethics for public
11476 officers and employees as set forth in part III of chapter 112;
11477 (d) Provide that members of the board of directors of the
11478 institute are responsible for the prudent use of all public and
11479 private funds and that they will ensure that the use of funds is
11480 in accordance with all applicable laws, bylaws, and contractual
11481 requirements; and
11482 (e) Provide that the fiscal year of the institute is from
11483 July 1 to June 30.
11484 (4) The affairs of the institute shall be managed by a



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11485 board of directors who shall serve without compensation. Each
11486 director shall have only one vote. The chair of the board of
11487 directors shall be selected by a majority vote of the directors,
11488 a quorum being present. The board of directors shall consist of
11489 the following five members:
11490 (a) The executive director of the department ~~chair of~~
11491 ~~Enterprise Florida, Inc.~~, or the director's ~~chair's~~ designee.
11492 (b) The president of the university where the institute is
11493 located or the president's designee unless multiple universities
11494 jointly sponsor the institute, in which case the presidents of
11495 the sponsoring universities shall agree upon a designee.
11496 (c) Three directors appointed by the Governor to 3-year
11497 staggered terms, to which the directors may be reappointed.
11498 (5) The board of directors shall provide a copy of the
11499 institute's annual report to the Governor, the President of the
11500 Senate, the Speaker of the House of Representatives, ~~Enterprise~~
11501 ~~Florida, Inc.,~~ and the president of the university at which the
11502 institute is located.
11503 (6) The department ~~Enterprise Florida, Inc.~~, the president
11504 and the board of trustees of the university where the institute
11505 is located, the Auditor General, and the Office of Program
11506 Policy Analysis and Government Accountability may require and
11507 receive from the institute or its independent auditor any detail
11508 or supplemental data relative to the operation of the institute.
11509 Section 193. Subsections (3), (8), and (9) of section
11510 288.975, Florida Statutes, are amended to read:
11511 288.975 Military base reuse plans.—
11512 (3) No later than 6 months after the designation of a
11513 military base for closure by the Federal Government, each host



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11514 local government shall notify the department ~~secretary of the~~
11515 ~~Department of Community Affairs and the director of the Office~~
11516 ~~of Tourism, Trade, and Economic Development~~ in writing, by hand
11517 delivery or return receipt requested, as to whether it intends
11518 to use the optional provisions provided in this act. If a host
11519 local government does not opt to use the provisions of this act,
11520 land use planning and regulation pertaining to base reuse
11521 activities within those host local governments shall be subject
11522 to all applicable statutory requirements, including those
11523 contained within chapters 163 and 380.
11524 (8) At the request of a host local government, the
11525 department ~~Office of Tourism, Trade, and Economic Development~~
11526 shall coordinate a presubmission workshop concerning a military
11527 base reuse plan within the boundaries of the host jurisdiction.
11528 Agencies that shall participate in the workshop shall include
11529 any affected local governments; the Department of Environmental
11530 Protection; the department ~~Office of Tourism, Trade, and~~
11531 ~~Economic Development~~; ~~the Department of Community Affairs;~~ the
11532 Department of Transportation; the Department of Health; the
11533 Department of Children and Family Services; the Department of
11534 Juvenile Justice; the Department of Agriculture and Consumer
11535 Services; the Department of State; the Fish and Wildlife
11536 Conservation Commission; and any applicable water management
11537 districts and regional planning councils. The purposes of the
11538 workshop shall be to assist the host local government to
11539 understand issues of concern to the above listed entities
11540 pertaining to the military base site and to identify
11541 opportunities for better coordination of planning and review
11542 efforts with the information and analyses generated by the



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11543 federal environmental impact statement process and the federal
11544 community base reuse planning process.
11545 (9) If a host local government elects to use the optional
11546 provisions of this act, it shall, no later than 12 months after
11547 notifying the agencies of its intent pursuant to subsection (3)
11548 either:
11549 (a) Send a copy of the proposed military base reuse plan
11550 for review to any affected local governments; the Department of
11551 Environmental Protection; the department ~~Office of Tourism,~~
11552 ~~Trade, and Economic Development~~; ~~the Department of Community~~
11553 ~~Affairs;~~ the Department of Transportation; the Department of
11554 Health; the Department of Children and Family Services; the
11555 Department of Juvenile Justice; the Department of Agriculture
11556 and Consumer Services; the Department of State; the Fish and
11557 Wildlife Conservation Commission; and any applicable water
11558 management districts and regional planning councils, or
11559 (b) Petition the department ~~secretary of the Department of~~
11560 ~~Community Affairs~~ for an extension of the deadline for
11561 submitting a proposed reuse plan. Such an extension request must
11562 be justified by changes or delays in the closure process by the
11563 federal Department of Defense or for reasons otherwise deemed to
11564 promote the orderly and beneficial planning of the subject
11565 military base reuse. The department ~~secretary of the Department~~
11566 ~~of Community Affairs~~ may grant extensions to the required
11567 submission date of the reuse plan.
11568 Section 194. Paragraph (b) of subsection (1), paragraphs
11569 (a) and (c) of subsection (2) and subsections (3), (4), (5),
11570 (6), (7), and (9) of section 288.980, Florida Statutes, are
11571 amended to read:



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11572 288.980 Military base retention; legislative intent; grants
11573 program.—
11574 (1)
11575 (b) The Florida Defense Alliance, an organization within
11576 Enterprise Florida, is designated as the organization to ensure
11577 that Florida, its resident military bases and missions, and its
11578 military host communities are in competitive positions as the
11579 United States continues its defense realignment and downsizing.
11580 The defense alliance shall serve as an overall advisory body for
11581 ~~Enterprise Florida~~ defense-related activity of Enterprise
11582 Florida, Inc. The Florida Defense Alliance may receive funding
11583 from appropriations made for that purpose administered by the
11584 department ~~Office of Tourism, Trade, and Economic Development~~.
11585 (2)(a) The department ~~Office of Tourism, Trade, and~~
11586 ~~Economic Development~~ is authorized to award grants from any
11587 funds available to it to support activities related to the
11588 retention of military installations potentially affected by
11589 federal base closure or realignment.
11590 (c) Except for grants issued pursuant to the Florida
11591 Military Installation Reuse Planning and Marketing Grant Program
11592 as described in paragraph (3)(c), the amount of any grant
11593 provided to an applicant may not exceed $250,000. The department
11594 ~~Office of Tourism, Trade, and Economic Development~~ shall require
11595 that an applicant:
11596 1. Represent a local government with a military
11597 installation or military installations that could be adversely
11598 affected by federal base realignment or closure.
11599 2. Agree to match at least 30 percent of any grant awarded.
11600 3. Prepare a coordinated program or plan of action



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11601 delineating how the eligible project will be administered and
11602 accomplished.
11603 4. Provide documentation describing the potential for
11604 realignment or closure of a military installation located in the
11605 applicant's community and the adverse impacts such realignment
11606 or closure will have on the applicant's community.
11607 (3) The Florida Economic Reinvestment Initiative is
11608 established to respond to the need for this state and defense-
11609 dependent communities in this state to develop alternative
11610 economic diversification strategies to lessen reliance on
11611 national defense dollars in the wake of base closures and
11612 reduced federal defense expenditures and the need to formulate
11613 specific base reuse plans and identify any specific
11614 infrastructure needed to facilitate reuse. The initiative shall
11615 consist of the following two ~~three~~ distinct grant programs to be
11616 administered by the department ~~Office of Tourism, Trade, and~~
11617 ~~Economic Development~~:
11618 (a) The Florida Defense Planning Grant Program, through
11619 which funds shall be used to analyze the extent to which the
11620 state is dependent on defense dollars and defense infrastructure
11621 and prepare alternative economic development strategies. The
11622 state shall work in conjunction with defense-dependent
11623 communities in developing strategies and approaches that will
11624 help communities make the transition from a defense economy to a
11625 nondefense economy. Grant awards may not exceed $250,000 per
11626 applicant and shall be available on a competitive basis.
11627 (b) The Florida Defense Implementation Grant Program,
11628 through which funds shall be made available to defense-dependent
11629 communities to implement the diversification strategies



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11630 developed pursuant to paragraph (a). Eligible applicants include
11631 defense-dependent counties and cities, and local economic
11632 development councils located within such communities. Grant
11633 awards may not exceed $100,000 per applicant and shall be
11634 available on a competitive basis. Awards shall be matched on a
11635 one-to-one basis.
11636
11637 Applications for grants under this subsection must include a
11638 coordinated program of work or plan of action delineating how
11639 the eligible project will be administered and accomplished,
11640 which must include a plan for ensuring close cooperation between
11641 civilian and military authorities in the conduct of the funded
11642 activities and a plan for public involvement.
11643 (4) The Defense Infrastructure Grant Program is created.
11644 The department ~~director of the Office of Tourism, Trade, and~~
11645 ~~Economic Development~~ shall coordinate and implement this
11646 program, the purpose of which is to support local infrastructure
11647 projects deemed to have a positive impact on the military value
11648 of installations within the state. Funds are to be used for
11649 projects that benefit both the local community and the military
11650 installation. It is not the intent, however, to fund on-base
11651 military construction projects. Infrastructure projects to be
11652 funded under this program include, but are not limited to, those
11653 related to encroachment, transportation and access, utilities,
11654 communications, housing, environment, and security. Grant
11655 requests will be accepted only from economic development
11656 applicants serving in the official capacity of a governing board
11657 of a county, municipality, special district, or state agency
11658 that will have the authority to maintain the project upon



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11659 completion. An applicant must represent a community or county in
11660 which a military installation is located. There is no limit as
11661 to the amount of any grant awarded to an applicant. A match by
11662 the county or local community may be required. The department
11663 ~~Office of Tourism, Trade, and Economic Development~~ shall
11664 establish guidelines to implement the purpose of this
11665 subsection.
11666 (5)(a) The Defense-Related Business Adjustment Program is
11667 hereby created. The department ~~Director of the Office of~~
11668 ~~Tourism, Trade, and Economic Development~~ shall coordinate the
11669 development of the Defense-Related Business Adjustment Program.
11670 Funds shall be available to assist defense-related companies in
11671 the creation of increased commercial technology development
11672 through investments in technology. Such technology must have a
11673 direct impact on critical state needs for the purpose of
11674 generating investment-grade technologies and encouraging the
11675 partnership of the private sector and government defense-related
11676 business adjustment. The following areas shall receive
11677 precedence in consideration for funding commercial technology
11678 development: law enforcement or corrections, environmental
11679 protection, transportation, education, and health care. Travel
11680 and costs incidental thereto, and staff salaries, are not
11681 considered an "activity" for which grant funds may be awarded.
11682 (b) The department ~~Office~~ shall require that an applicant:
11683 1. Be a defense-related business that could be adversely
11684 affected by federal base realignment or closure or reduced
11685 defense expenditures.
11686 2. Agree to match at least 50 percent of any funds awarded
11687 by the United States Department of Defense in cash or in-kind



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11688 services. Such match shall be directly related to activities for
11689 which the funds are being sought.
11690 3. Prepare a coordinated program or plan delineating how
11691 the funds will be administered.
11692 4. Provide documentation describing how defense-related
11693 realignment or closure will adversely impact defense-related
11694 companies.
11695 (6) The Retention of Military Installations Program is
11696 created. The department ~~Director of the Office of Tourism,~~
11697 ~~Trade, and Economic Development~~ shall coordinate and implement
11698 this program. ~~The sum of $1.2 million is appropriated from the~~
11699 ~~General Revenue Fund for fiscal year 1999-2000 to the Office of~~
11700 ~~Tourism, Trade, and Economic Development to implement this~~
11701 ~~program for military installations located in counties with a~~
11702 ~~population greater than 824,000. The funds shall be used to~~
11703 ~~assist military installations potentially affected by federal~~
11704 ~~base closure or realignment in covering current operating costs~~
11705 ~~in an effort to retain the installation in this state. An~~
11706 ~~eligible military installation for this program shall include a~~
11707 ~~provider of simulation solutions for war-fighting~~
11708 ~~experimentation, testing, and training which employs at least~~
11709 ~~500 civilian and military employees and has been operating in~~
11710 ~~the state for a period of more than 10 years.~~
11711 (7) The department ~~director~~ may award nonfederal matching
11712 funds specifically appropriated for construction, maintenance,
11713 and analysis of a Florida defense workforce database. Such funds
11714 will be used to create a registry of worker skills that can be
11715 used to match the worker needs of companies that are relocating
11716 to this state or to assist workers in relocating to other areas



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11717 within this state where similar or related employment is
11718 available.
11719 (9) The department ~~Office of Tourism, Trade, and Economic~~
11720 ~~Development~~ shall establish guidelines to implement and carry
11721 out the purpose and intent of this section.
11722 Section 195. Paragraphs (a), (e), and (f) of subsection (2)
11723 of section 288.984, Florida Statutes, are amended to read:
11724 288.984 Florida Council on Military Base and Mission
11725 Support.—The Florida Council on Military Base and Mission
11726 Support is established. The council shall provide oversight and
11727 direction for initiatives, claims, and actions taken on behalf
11728 of the state, its agencies, and political subdivisions under
11729 this part.
11730 (2) MEMBERSHIP.—
11731 (a) The council shall be composed of nine members. The
11732 President of the Senate, the Speaker of the House of
11733 Representatives, and the Governor shall each appoint three
11734 members as follows:
11735 1. The President of the Senate shall appoint one member of
11736 the Senate, one community representative from a community-based
11737 defense support organization, and one member who is a retired
11738 military general or flag-rank officer residing in this state or
11739 an executive officer of a defense contracting firm doing
11740 significant business in this state.
11741 2. The Speaker of the House of Representatives shall
11742 appoint one member of the House of Representatives, one
11743 community representative from a community-based defense support
11744 organization, and one member who is a retired military general
11745 or flag-rank officer residing in this state or an executive



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11746 officer of a defense contracting firm doing significant business
11747 in this state.
11748 3. The Governor shall appoint the executive director of the
11749 department or the director's designee, a board member of
11750 Enterprise Florida, Inc., ~~director or designee of the Office of~~
11751 ~~Tourism, Trade, and Economic Development, the vice chairperson~~
11752 ~~or designee of Enterprise Florida, Inc.,~~ and one at-large
11753 member.
11754 (e) The department ~~Office of Tourism, Trade, and Economic~~
11755 ~~Development~~ shall provide administrative support to the council.
11756 (f) The ~~Secretary of Community Affairs or his or her~~
11757 ~~designee, the~~ Secretary of Environmental Protection or his or
11758 her designee, the Secretary of Transportation or his or her
11759 designee, the Adjutant General of the state or his or her
11760 designee, and the executive director of the Department of
11761 Veterans' Affairs or his or her designee shall attend meetings
11762 held by the council and provide assistance, information, and
11763 support as requested by the council.
11764 Section 196. Subsections (2) and (5) and paragraph (b) of
11765 subsection (9) of section 288.9913, Florida Statutes, are
11766 amended, and present subsections (3) through (10) of that
11767 section are renumbered as subsections (2) through (8),
11768 respectively, to read:
11769 288.9913 Definitions.—As used in ss. 288.991-288.9922, the
11770 term:
11771 ~~(2) "Department" means the Department of Revenue.~~
11772 ~~(5) "Office" means the Office of Tourism, Trade, and~~
11773 ~~Economic Development.~~
11774 (7)~~(9)~~ "Qualified investment" means an equity investment



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11775 in, or a long-term debt security issued by, a qualified
11776 community development entity that:
11777 (b) Is designated by the qualified community development
11778 entity as a qualified investment under this paragraph and is
11779 approved by the department ~~office~~ as a qualified investment.
11780 Section 197. Subsections (1), (2), and (3), paragraphs (a)
11781 and (b) of subsection (4), and subsection (6) of section
11782 288.9914, Florida Statutes, are amended to read:
11783 288.9914 Certification of qualified investments; investment
11784 issuance reporting.—
11785 (1) ELIGIBLE INDUSTRIES.—
11786 (a) The department ~~office~~, in consultation with Enterprise
11787 Florida, Inc., shall designate industries using the North
11788 American Industry Classification System which are eligible to
11789 receive low-income community investments. The designated
11790 industries must be those industries that have the greatest
11791 potential to create strong positive impacts on or benefits to
11792 the state, regional, and local economies.
11793 (b) A qualified community development entity may not make a
11794 qualified low-income community investment in a business unless
11795 the principal activities of the business are within an eligible
11796 industry. The department ~~office~~ may waive this limitation if the
11797 department ~~office~~ determines that the investment will have a
11798 positive impact on a community.
11799 (2) APPLICATION.—A qualified community development entity
11800 must submit an application to the department ~~Office~~ to approve a
11801 proposed investment as a qualified investment. The application
11802 must include:
11803 (a) The name, address, and tax identification number of the



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11804 qualified community development entity.
11805 (b) Proof of certification as a qualified community
11806 development entity under 26 U.S.C. s. 45D.
11807 (c) A copy of an allocation agreement executed by the
11808 entity, or its controlling entity, and the Community Development
11809 Financial Institutions Fund, which authorizes the entity to
11810 serve businesses in this state.
11811 (d) A verified statement by the chief executive officer of
11812 the entity that the allocation agreement remains in effect.
11813 (e) A description of the proposed amount, structure, and
11814 purchaser of an equity investment or long-term debt security.
11815 (f) The name and tax identification number of any person
11816 authorized to claim a tax credit earned as a result of the
11817 purchase of the proposed qualified investment.
11818 (g) A detailed explanation of the proposed use of the
11819 proceeds from a proposed qualified investment.
11820 (h) A nonrefundable application fee of $1,000, payable to
11821 the department ~~office~~.
11822 (i) A statement that the entity will invest only in the
11823 industries designated by the department ~~office~~.
11824 (j) The entity's plans for the development of relationships
11825 with community-based organizations, local community development
11826 offices and organizations, and economic development
11827 organizations. The entity must also explain steps it has taken
11828 to implement its plans to develop these relationships.
11829 (k) A statement that the entity will not invest in a
11830 qualified active low-income community business unless the
11831 business will create or retain jobs that pay an average wage of
11832 at least 115 percent of the federal poverty income guidelines



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11833 for a family of four.
11834 (3) REVIEW.—
11835 (a) The department ~~office~~ shall review applications to
11836 approve an investment as a qualified investment in the order
11837 received. The department ~~office~~ shall approve or deny an
11838 application within 30 days after receipt.
11839 (b) If the department ~~office~~ intends to deny the
11840 application, the department ~~office~~ shall inform the applicant of
11841 the basis of the proposed denial. The applicant shall have 15
11842 days after it receives the notice of the intent to deny the
11843 application to submit a revised application to the department
11844 ~~office~~. The department ~~office~~ shall issue a final order
11845 approving or denying the revised application within 30 days
11846 after receipt.
11847 (c) The department ~~office~~ may not approve a cumulative
11848 amount of qualified investments that may result in the claim of
11849 more than $97.5 million in tax credits during the existence of
11850 the program or more than $20 million in tax credits in a single
11851 state fiscal year. However, the potential for a taxpayer to
11852 carry forward an unused tax credit may not be considered in
11853 calculating the annual limit.
11854 (4) APPROVAL.—
11855 (a) The department ~~office~~ shall provide a copy of the final
11856 order approving an investment as a qualified investment to the
11857 qualified community development entity and to the Department of
11858 Revenue. The notice shall include the identity of the taxpayers
11859 who are eligible to claim the tax credits and the amount that
11860 may be claimed by each taxpayer.
11861 (b) The department ~~office~~ shall approve an application for



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11862 part of the amount of the proposed investment if the amount of
11863 tax credits available is insufficient.
11864 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
11865 qualified community development entity must provide the
11866 department ~~office~~ with evidence of the receipt of the cash in
11867 exchange for the qualified investment within 30 business days
11868 after receipt.
11869 Section 198. Subsection (2) of section 288.9916, Florida
11870 Statutes, is amended to read:
11871 288.9916 New markets tax credit.—
11872 (2) A tax credit earned under this section may not be sold
11873 or transferred, except as provided in this subsection.
11874 (a) A partner, member, or shareholder of a partnership,
11875 limited liability company, S-corporation, or other "pass-
11876 through" entity may claim the tax credit pursuant to an
11877 agreement among the partners, members, or shareholders. Any
11878 change in the allocation of a tax credit under the agreement
11879 must be reported to the department ~~office~~ and to the Department
11880 of Revenue.
11881 (b) Eligibility to claim a tax credit transfers to
11882 subsequent purchasers of a qualified investment. Such transfers
11883 must be reported to the department ~~office~~ and to the Department
11884 of Revenue along with the identity, tax identification number,
11885 and tax credit amount allocated to a taxpayer pursuant to
11886 paragraph (a). The notice of transfer also must state whether
11887 unused tax credits are being transferred and the amount of
11888 unused tax credits being transferred.
11889 Section 199. Section 288.9917, Florida Statutes, is amended
11890 to read:



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11891 288.9917 Community development entity reporting after a
11892 credit allowance date; certification of tax credit amount.—
11893 (1) A qualified community development entity that has
11894 issued a qualified investment shall submit the following to the
11895 department ~~office~~ within 30 days after each credit allowance
11896 date:
11897 (a) A list of all qualified active low-income community
11898 businesses in which a qualified low-income community investment
11899 was made since the last credit allowance date. The list shall
11900 also describe the type and amount of investment in each business
11901 and the address of the principal location of each business. The
11902 list must be verified by the chief executive officer of the
11903 community development entity.
11904 (b) Bank records, wire transfer records, or similar
11905 documents that provide evidence of the qualified low-income
11906 community investments made since the last credit allowance date.
11907 (c) A verified statement by the chief financial or
11908 accounting officer of the community development entity that no
11909 redemption or principal repayment was made with respect to the
11910 qualified investment since the previous credit allowance date.
11911 (d) Information relating to the recapture of the federal
11912 new markets tax credit since the last credit allowance date.
11913 (2) The department ~~office~~ shall certify in writing to the
11914 qualified community development entity and to the Department of
11915 Revenue the amount of the tax credit authorized for each
11916 taxpayer eligible to claim the tax credit in the tax year
11917 containing the last credit allowance date.
11918 Section 200. Section 288.9918, Florida Statutes, is amended
11919 to read:



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11920 288.9918 Annual reporting by a community development
11921 entity.—A community development entity that has issued a
11922 qualified investment shall submit an annual report to the
11923 department ~~office~~ by April 30 after the end of each year which
11924 includes a credit allowance date. The report shall include:
11925 (1) The entity's annual financial statements for the
11926 preceding tax year, audited by an independent certified public
11927 accountant.
11928 (2) The identity of the types of industries, identified by
11929 the North American Industry Classification System Code, in which
11930 qualified low-income community investments were made.
11931 (3) The names of the counties in which the qualified active
11932 low-income businesses are located which received qualified low-
11933 income community investments.
11934 (4) The number of jobs created and retained by qualified
11935 active low-income community businesses receiving qualified low-
11936 income community investments, including verification that the
11937 average wages paid meet or exceed 115 percent of the federal
11938 poverty income guidelines for a family of four.
11939 (5) A description of the relationships that the entity has
11940 established with community-based organizations and local
11941 community development offices and organizations and a summary of
11942 the outcomes resulting from those relationships.
11943 (6) Other information and documentation required by the
11944 department ~~office~~ to verify continued certification as a
11945 qualified community development entity under 26 U.S.C. s. 45D.
11946 Section 201. Section 288.9919, Florida Statutes, is amended
11947 to read:
11948 288.9919 Audits and examinations; penalties.—



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11949 (1) AUDITS.—A community development entity that issues an
11950 investment approved by the department ~~office~~ as a qualified
11951 investment shall be deemed a recipient of state financial
11952 assistance under s. 215.97, the Florida Single Audit Act.
11953 However, an entity that makes a qualified investment or receives
11954 a qualified low-income community investment is not a
11955 subrecipient for the purposes of s. 215.97.
11956 (2) EXAMINATIONS.—The department ~~office~~ may conduct
11957 examinations to verify compliance with the New Markets
11958 Development Program Act.
11959 Section 202. Section 288.9920, Florida Statutes, is amended
11960 to read:
11961 288.9920 Recapture and penalties.—
11962 (1) Notwithstanding s. 95.091, the department ~~office~~ shall
11963 direct the Department of Revenue, at any time before December
11964 31, 2022, to recapture all or a portion of a tax credit
11965 authorized pursuant to the New Markets Development Program Act
11966 if one or more of the following occur:
11967 (a) The Federal Government recaptures any portion of the
11968 federal new markets tax credit. The recapture by the Department
11969 of Revenue shall equal the recapture by the Federal Government.
11970 (b) The qualified community development entity redeems or
11971 makes a principal repayment on a qualified investment before the
11972 final allowance date. The recapture by the Department of Revenue
11973 shall equal the redemption or principal repayment divided by the
11974 purchase price and multiplied by the tax credit authorized to a
11975 taxpayer for the qualified investment.
11976 (c)1. The qualified community development entity fails to
11977 invest at least 85 percent of the purchase price in qualified



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11978 low-income community investments within 12 months after the
11979 issuance of a qualified investment; or
11980 2. The qualified community development entity fails to
11981 maintain 85 percent of the purchase price in qualified low-
11982 income community investments until the last credit allowance
11983 date for a qualified investment.
11984
11985 For the purposes of this paragraph, an investment by a qualified
11986 community development entity includes principal recovered from
11987 an investment for 12 months after its recovery or principal
11988 recovered after the sixth credit allowance date. Principal held
11989 for longer than 12 months or recovered before the sixth credit
11990 allowance date is not an investment unless it is reinvested in a
11991 qualified low-income community investment.
11992 (d) The qualified community development entity fails to
11993 provide the department ~~office~~ with information, reports, or
11994 documentation required by the New Markets Development Program
11995 Act.
11996 (e) The department ~~office~~ determines that a taxpayer
11997 received tax credits to which the taxpayer was not entitled.
11998 (2) The department ~~office~~ shall provide notice to the
11999 qualified community development entity and the Department of
12000 Revenue of a proposed recapture of a tax credit. The entity
12001 shall have 6 months following the receipt of the notice to cure
12002 a deficiency identified in the notice and avoid recapture. The
12003 department ~~office~~ shall issue a final order of recapture if the
12004 entity fails to cure a deficiency within the 6-month period. The
12005 final order of recapture shall be provided to the entity, the
12006 Department of Revenue, and a taxpayer otherwise authorized to



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12007 claim the tax credit. Only one correction is permitted for each
12008 qualified equity investment during the 7-year credit period.
12009 Recaptured funds shall be deposited into the General Revenue
12010 Fund.
12011 (3) An entity that submits fraudulent information to the
12012 department ~~office~~ is liable for the costs associated with the
12013 investigation and prosecution of the fraudulent claim plus a
12014 penalty in an amount equal to double the tax credits claimed by
12015 investors in the entity's qualified investments. This penalty is
12016 in addition to any other penalty that may be imposed by law.
12017 Section 203. Section 288.9921, Florida Statutes, is amended
12018 to read:
12019 288.9921 Rulemaking.—The Department of Economic Opportunity
12020 ~~Office~~ and the Department of Revenue may adopt rules pursuant to
12021 ss. 120.536(1) and 120.54 to administer ss. 288.991-288.9920.
12022 Section 204. Section 290.004, Florida Statutes, is amended
12023 to read:
12024 290.004 Definitions relating to Florida Enterprise Zone
12025 Act.—As used in ss. 290.001-290.016:
12026 (1) "Community investment corporation" means a black
12027 business investment corporation, a certified development
12028 corporation, a small business investment corporation, or other
12029 similar entity incorporated under Florida law that has limited
12030 its investment policy to making investments solely in minority
12031 business enterprises.
12032 (2) "Department" means the Department of Economic
12033 Opportunity.
12034 ~~(2) "Director" means the director of the Office of Tourism,~~
12035 ~~Trade, and Economic Development.~~



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12036 (3) “Governing body” means the council or other legislative
12037 body charged with governing the county or municipality.
12038 (4) “Minority business enterprise” has the same meaning as
12039 provided in s. 288.703.
12040 ~~(5) “Office” means the Office of Tourism, Trade, and~~
12041 ~~Economic Development.~~
12042 (5)~~(6)~~ “Rural enterprise zone” means an enterprise zone
12043 that is nominated by a county having a population of 75,000 or
12044 fewer, or a county having a population of 100,000 or fewer which
12045 is contiguous to a county having a population of 75,000 or
12046 fewer, or by a municipality in such a county, or by such a
12047 county and one or more municipalities. An enterprise zone
12048 designated in accordance with s. 290.0065(5)(b) ~~or s. 379.2353~~
12049 is considered to be a rural enterprise zone.
12050 (6)~~(7)~~ “Small business” has the same meaning as provided in
12051 s. 288.703.
12052 Section 205. Subsection (1) and paragraphs (a) and (b) of
12053 subsection (6) of section 290.0055, Florida Statutes, are
12054 amended to read:
12055 290.0055 Local nominating procedure.—
12056 (1) If, pursuant to s. 290.0065, an opportunity exists for
12057 designation of a new enterprise zone, any county or
12058 municipality, or a county and one or more municipalities
12059 together, may apply to the department ~~office~~ for the designation
12060 of an area as an enterprise zone after completion of the
12061 following:
12062 (a) The adoption by the governing body or bodies of a
12063 resolution which:
12064 1. Finds that an area exists in such county or



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12065 municipality, or in both the county and one or more
12066 municipalities, which chronically exhibits extreme and
12067 unacceptable levels of poverty, unemployment, physical
12068 deterioration, and economic disinvestment;
12069 2. Determines that the rehabilitation, conservation, or
12070 redevelopment, or a combination thereof, of such area is
12071 necessary in the interest of the public health, safety, and
12072 welfare of the residents of such county or municipality, or such
12073 county and one or more municipalities; and
12074 3. Determines that the revitalization of such area can
12075 occur only if the private sector can be induced to invest its
12076 own resources in productive enterprises that build or rebuild
12077 the economic viability of the area.
12078 (b) The creation of an enterprise zone development agency
12079 pursuant to s. 290.0056.
12080 (c) The creation and adoption of a strategic plan pursuant
12081 to s. 290.0057.
12082 (6)(a) The department ~~office~~ may approve a change in the
12083 boundary of any enterprise zone which was designated pursuant to
12084 s. 290.0065. A boundary change must continue to satisfy the
12085 requirements of subsections (3), (4), and (5).
12086 (b) Upon a recommendation by the enterprise zone
12087 development agency, the governing body of the jurisdiction which
12088 authorized the application for an enterprise zone may apply to
12089 the department ~~Office~~ for a change in boundary once every 3
12090 years by adopting a resolution that:
12091 1. States with particularity the reasons for the change;
12092 and
12093 2. Describes specifically and, to the extent required by



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12094 the department ~~office~~, the boundary change to be made.
12095 Section 206. Paragraph (h) of subsection (8) and
12096 subsections (11) and (12) of section 290.0056, Florida Statutes,
12097 are amended to read:
12098 290.0056 Enterprise zone development agency.—
12099 (8) The enterprise zone development agency shall have the
12100 following powers and responsibilities:
12101 (h) To work with the department and Enterprise Florida,
12102 Inc., ~~and the office~~ to ensure that the enterprise zone
12103 coordinator receives training on an annual basis.
12104 (11) Before ~~Prior to~~ December 1 of each year, the agency
12105 shall submit to the department ~~Office of Tourism, Trade, and~~
12106 ~~Economic Development~~ a complete and detailed written report
12107 setting forth:
12108 (a) Its operations and accomplishments during the fiscal
12109 year.
12110 (b) The accomplishments and progress concerning the
12111 implementation of the strategic plan or measurable goals, and
12112 any updates to the strategic plan or measurable goals.
12113 (c) The number and type of businesses assisted by the
12114 agency during the fiscal year.
12115 (d) The number of jobs created within the enterprise zone
12116 during the fiscal year.
12117 (e) The usage and revenue impact of state and local
12118 incentives granted during the calendar year.
12119 (f) Any other information required by the department
12120 ~~office~~.
12121 (12) In the event that the nominated area selected by the
12122 governing body is not designated a state enterprise zone, the



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12123 governing body may dissolve the agency after receiving
12124 notification from the department ~~office~~ that the area was not
12125 designated as an enterprise zone.
12126 Section 207. Subsections (1) and (5) of section 290.0058,
12127 Florida Statutes, are amended to read:
12128 290.0058 Determination of pervasive poverty, unemployment,
12129 and general distress.—
12130 (1) In determining whether an area suffers from pervasive
12131 poverty, unemployment, and general distress, for purposes of ss.
12132 290.0055 and 290.0065, the governing body and the department
12133 ~~office~~ shall use data from the most current decennial census,
12134 and from information published by the Bureau of the Census and
12135 the Bureau of Labor Statistics. The data shall be comparable in
12136 point or period of time and methodology employed.
12137 (5) In making the calculations required by this section,
12138 the local government and the department ~~office~~ shall round all
12139 fractional percentages of one-half percent or more up to the
12140 next highest whole percentage figure.
12141 Section 208. Subsections (2), (4), and (5), paragraph (a)
12142 of subsection (6), and subsection (7) of section 290.0065,
12143 Florida Statutes, are amended to read:
12144 290.0065 State designation of enterprise zones.—
12145 (2) If, pursuant to subsection (4), the department ~~office~~
12146 does not redesignate an enterprise zone, a governing body of a
12147 county or municipality or the governing bodies of a county and
12148 one or more municipalities jointly, pursuant to s. 290.0055, may
12149 apply for designation of an enterprise zone to take the place of
12150 the enterprise zone not redesignated and request designation of
12151 an enterprise zone. The department ~~Office, in consultation with~~



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12152 ~~Enterprise Florida, Inc.,~~ shall determine which areas nominated
12153 by such governing bodies meet the criteria outlined in s.
12154 290.0055 and are the most appropriate for designation as state
12155 enterprise zones. Each application made pursuant to s. 290.0055
12156 shall be ranked competitively based on the pervasive poverty,
12157 unemployment, and general distress of the area; the strategic
12158 plan, including local fiscal and regulatory incentives, prepared
12159 pursuant to s. 290.0057; and the prospects for new investment
12160 and economic development in the area. Pervasive poverty,
12161 unemployment, and general distress shall be weighted 35 percent;
12162 strategic plan and local fiscal and regulatory incentives shall
12163 be weighted 40 percent; and prospects for new investment and
12164 economic development in the area shall be weighted 25 percent.
12165 (4)(a) Notwithstanding s. 290.0055, the department ~~office~~
12166 may redesignate any state enterprise zone having an effective
12167 date on or before January 1, 2005, as a state enterprise zone
12168 upon completion and submittal to the office by the governing
12169 body for an enterprise zone of the following:
12170 1. An updated zone profile for the enterprise zone based on
12171 the most recent census data that complies with s. 290.0055,
12172 except that pervasive poverty criteria may be set aside for
12173 rural enterprise zones.
12174 2. A resolution passed by the governing body for that
12175 enterprise zone requesting redesignation and explaining the
12176 reasons the conditions of the zone merit redesignation.
12177 3. Measurable goals for the enterprise zone developed by
12178 the enterprise zone development agency, which may be the goals
12179 established in the enterprise zone's strategic plan.
12180



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12181 The governing body may also submit a request for a boundary
12182 change in an enterprise zone in the same application to the
12183 department ~~office~~ as long as the new area complies with the
12184 requirements of s. 290.0055, except that pervasive poverty
12185 criteria may be set aside for rural enterprise zones.
12186 (b) In consultation with Enterprise Florida, Inc., the
12187 department ~~office~~ shall, based on the enterprise zone profile
12188 and the grounds for redesignation expressed in the resolution,
12189 determine whether the enterprise zone merits redesignation. The
12190 department ~~office~~ may also examine and consider the following:
12191 1. Progress made, if any, in the enterprise zone's
12192 strategic plan.
12193 2. Use of enterprise zone incentives during the life of the
12194 enterprise zone.
12195
12196 If the department ~~office~~ determines that the enterprise zone
12197 merits redesignation, the department ~~office~~ shall notify the
12198 governing body in writing of its approval of redesignation.
12199 (c) If the enterprise zone is redesignated, the department
12200 ~~office~~ shall determine if the measurable goals submitted are
12201 reasonable. If the department ~~office~~ determines that the goals
12202 are reasonable, it ~~the office~~ shall notify the governing body in
12203 writing that the goals have been approved.
12204 (d) If the department ~~office~~ denies redesignation of an
12205 enterprise zone, it ~~the Office~~ shall notify the governing body
12206 in writing of the denial. Any county or municipality having
12207 jurisdiction over an area denied redesignation as a state
12208 enterprise zone pursuant to this subsection may not apply for
12209 designation of that area for 1 year following the date of



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12210 denial.
12211 (5) Notwithstanding s. 290.0055, an area designated as a
12212 federal empowerment zone or enterprise community pursuant to
12213 Title XIII of the Omnibus Budget Reconciliation Act of 1993, the
12214 Taxpayer Relief Act of 1997, or the 1999 Agricultural
12215 Appropriations Act shall be designated a state enterprise zone
12216 as follows:
12217 (a) An area designated as an urban empowerment zone or
12218 urban enterprise community pursuant to Title XIII of the Omnibus
12219 Budget Reconciliation Act of 1993, the Taxpayer Relief Act of
12220 1997, or the 2000 Community Renewal Tax Relief Act shall be
12221 redesignated a state enterprise zone by the department ~~office~~
12222 upon completion of the requirements set out in paragraph (d),
12223 except in the case of a county as defined in s. 125.011(1)
12224 which, notwithstanding s. 290.0055, may incorporate and include
12225 such designated urban empowerment zone or urban enterprise
12226 community areas within the boundaries of its state enterprise
12227 zones without any limitation as to size.
12228 (b) An area designated as a rural empowerment zone or rural
12229 enterprise community pursuant to Title XIII of the Omnibus
12230 Budget Reconciliation Act of 1993 or the 1999 Agricultural
12231 Appropriations Act shall be redesignated a state rural
12232 enterprise zone by the department ~~office~~ upon completion of the
12233 requirements set out in paragraph (d) and may incorporate and
12234 include such designated rural empowerment zone or rural
12235 enterprise community within the boundaries of its state
12236 enterprise zones without any limitation as to size.
12237 (c) Any county or municipality having jurisdiction over an
12238 area redesignated as a state enterprise zone pursuant to this



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12239 subsection, other than a county defined in s. 125.011(1), may
12240 not apply for designation of another area.
12241 (d) Before ~~Prior to~~ redesignating such areas as state
12242 enterprise zones, the department ~~office~~ shall ensure that the
12243 governing body having jurisdiction over the zone submits the
12244 information required under paragraph (4)(a) for redesignation to
12245 the department ~~office~~.
12246 (6)(a) The department ~~office, in consultation with~~
12247 ~~Enterprise Florida, Inc.,~~ may develop guidelines necessary for
12248 the approval of areas under this section by the executive
12249 director.
12250 (7) Upon approval by the department ~~director~~ of a
12251 resolution authorizing an area to be an enterprise zone pursuant
12252 to this section, the department ~~office~~ shall assign a unique
12253 identifying number to that resolution. The department ~~office~~
12254 shall provide the Department of Revenue and Enterprise Florida,
12255 Inc., with a copy of each resolution approved, together with its
12256 identifying number.
12257 Section 209. Subsection (1) of section 290.0066, Florida
12258 Statutes, is amended to read:
12259 290.0066 Revocation of enterprise zone designation.—
12260 (1) The department ~~director~~ may revoke the designation of
12261 an enterprise zone if the department ~~director~~ determines that
12262 the governing body or bodies:
12263 (a) Have failed to make progress in achieving the
12264 benchmarks set forth in the strategic plan or measurable goals;
12265 or
12266 (b) Have not complied substantially with the strategic plan
12267 or measurable goals.



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12268 Section 210. Section 290.00710, Florida Statutes, is
12269 amended to read:
12270 290.00710 Enterprise zone designation for the City of
12271 Lakeland.—The City of Lakeland may apply to the department
12272 ~~Office of Tourism, Trade, and Economic Development~~ for
12273 designation of one enterprise zone for an area within the City
12274 of Lakeland, which zone shall encompass an area up to 10 square
12275 miles. ~~The application must be submitted by December 31, 2005,~~
12276 ~~and must comply with the requirements of s. 290.0055.~~
12277 Notwithstanding s. 290.0065, limiting the total number of
12278 enterprise zones designated and the number of enterprise zones
12279 within a population category, the department ~~Office of Tourism,~~
12280 ~~Trade, and Economic Development~~ may designate one enterprise
12281 zone under this section. The department ~~Office of Tourism,~~
12282 ~~Trade, and Economic Development~~ shall establish the initial
12283 effective date of the enterprise zone designated pursuant to
12284 this section.
12285 Section 211. Section 290.0072, Florida Statutes, is amended
12286 to read:
12287 290.0072 Enterprise zone designation for the City of Winter
12288 Haven.—The City of Winter Haven may apply to the department
12289 ~~Office of Tourism, Trade, and Economic Development~~ for
12290 designation of one enterprise zone for an area within the City
12291 of Winter Haven, which zone shall encompass an area up to 5
12292 square miles. Notwithstanding s. 290.0065 limiting the total
12293 number of enterprise zones designated and the number of
12294 enterprise zones within a population category, the department
12295 ~~office of Tourism, Trade, and Economic Development~~ may designate
12296 one enterprise zone under this section. The department ~~Office of~~



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12297 ~~Tourism, Trade, and Economic Development~~ shall establish the
12298 initial effective date of the enterprise zone designated
12299 pursuant to this section.
12300 Section 212. Section 290.00725, Florida Statutes, is
12301 amended to read:
12302 290.00725 Enterprise zone designation for the City of
12303 Ocala.—The City of Ocala may apply to the department ~~Office of~~
12304 ~~Tourism, Trade, and Economic Development~~ for designation of one
12305 enterprise zone for an area within the western portion of the
12306 city, which zone shall encompass an area up to 5 square miles.
12307 ~~The application must be submitted by December 31, 2009, and must~~
12308 ~~comply with the requirements of s. 290.0055.~~ Notwithstanding s.
12309 290.0065 limiting the total number of enterprise zones
12310 designated and the number of enterprise zones within a
12311 population category, the department ~~Office of Tourism, Trade,~~
12312 ~~and Economic Development~~ may designate one enterprise zone under
12313 this section. The department ~~Office of Tourism, Trade, and~~
12314 ~~Economic Development~~ shall establish the initial effective date
12315 of the enterprise zone designated under this section.
12316 Section 213. Section 290.0073, Florida Statutes, is amended
12317 to read:
12318 290.0073 Enterprise zone designation for Indian River
12319 County, the City of Vero Beach, and the City of Sebastian.—
12320 Indian River County, the City of Vero Beach, and the City of
12321 Sebastian may jointly apply to the department ~~Office of Tourism,~~
12322 ~~Trade, and Economic Development~~ for designation of one
12323 enterprise zone encompassing an area not to exceed 10 square
12324 miles. ~~The application must be submitted by December 31, 2005,~~
12325 ~~and must comply with the requirements of s. 290.0055.~~



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12326 Notwithstanding the provisions of s. 290.0065 limiting the total
12327 number of enterprise zones designated and the number of
12328 enterprise zones within a population category, the department
12329 ~~Office of Tourism, Trade, and Economic Development~~ may designate
12330 one enterprise zone under this section. The department ~~Office of~~
12331 ~~Tourism, Trade, and Economic Development~~ shall establish the
12332 initial effective date of the enterprise zone designated
12333 pursuant to this section.
12334 Section 214. Section 290.0074, Florida Statutes, is amended
12335 to read:
12336 290.0074 Enterprise zone designation for Sumter County.—
12337 Sumter County may apply to the department ~~Office of Tourism,~~
12338 ~~Trade, and Economic Development~~ for designation of one
12339 enterprise zone encompassing an area not to exceed 10 square
12340 miles. The application must be submitted by December 31, 2005.
12341 Notwithstanding the provisions of s. 290.0065 limiting the total
12342 number of enterprise zones designated and the number of
12343 enterprise zones within a population category, the department
12344 ~~Office of Tourism, Trade, and Economic Development~~ may designate
12345 one enterprise zone under this section. The department ~~Office of~~
12346 ~~Tourism, Trade and Economic Development~~ shall establish the
12347 initial effective date of the enterprise zone designated
12348 pursuant to this section.
12349 Section 215. Section 290.0077, Florida Statutes, is amended
12350 to read:
12351 290.0077 Enterprise zone designation for Orange County and
12352 the municipality of Apopka.—Orange County and the municipality
12353 of Apopka may jointly apply to the department ~~Office of Tourism,~~
12354 ~~Trade, and Economic Development~~ for designation of one



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12355 enterprise zone. ~~The application must be submitted by December~~
12356 ~~31, 2005, and must comply with the requirements of s. 290.0055.~~
12357 Notwithstanding the provisions of s. 290.0065 limiting the total
12358 number of enterprise zones designated and the number of
12359 enterprise zones within a population category, the department
12360 ~~Office of Tourism, Trade, and Economic Development~~ may designate
12361 one enterprise zone under this section. The department ~~Office of~~
12362 ~~Tourism, Trade, and Economic Development~~ shall establish the
12363 initial effective date of the enterprise zone designated
12364 pursuant to this section.
12365 Section 216. Section 290.014, Florida Statutes, is amended
12366 to read:
12367 290.014 Annual reports on enterprise zones.—
12368 (1) By February 1 of each year, the Department of Revenue
12369 shall submit an annual report to the department ~~Office of~~
12370 ~~Tourism, Trade, and Economic Development~~ detailing the usage and
12371 revenue impact by county of the state incentives listed in s.
12372 290.007.
12373 (2) By March 1 of each year, the department ~~office~~ shall
12374 submit an annual report to the Governor, the Speaker of the
12375 House of Representatives, and the President of the Senate. The
12376 report shall include the information provided by the Department
12377 of Revenue pursuant to subsection (1) and the information
12378 provided by enterprise zone development agencies pursuant to s.
12379 290.0056. In addition, the report shall include an analysis of
12380 the activities and accomplishments of each enterprise zone.
12381 Section 217. Subsections (3) and (6) of section 290.042,
12382 Florida Statutes, are amended to read:
12383 290.042 Definitions relating to Florida Small Cities



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12384 Community Development Block Grant Program Act.—As used in ss.
12385 290.0401-290.049, the term:
12386 (3) "Department" means the Department of Economic
12387 Opportunity ~~Community Affairs~~.
12388 (6) "Person of low or moderate income" means any person who
12389 meets the definition established by the department ~~of Community~~
12390 ~~Affairs~~ in accordance with the guidelines established in Title I
12391 of the Housing and Community Development Act of 1974, as
12392 amended.
12393 Section 218. Section 290.043, Florida Statutes, is amended
12394 to read:
12395 290.043 Florida Small Cities Community Development Block
12396 Grant Program; administration.—There is created the Florida
12397 Small Cities Community Development Block Grant Program. The
12398 department ~~of Community Affairs~~ shall administer the program as
12399 authorized and described in Title I of the Housing and Community
12400 Development Act of 1974, as amended; Pub. L. No. 93-383, as
12401 amended by Pub. L. No. 96-399 and Pub. L. No. 97-35; 42 U.S.C.
12402 ss. 5301 et seq.
12403 Section 219. Subsection (4) of section 290.043, Florida
12404 Statutes, is amended to read:
12405 290.044 Florida Small Cities Community Development Block
12406 Grant Program Fund; administration; distribution.—
12407 (4) The department may set aside an amount of up to 5
12408 percent of the funds annually for use in any eligible local
12409 government jurisdiction for which an emergency or natural
12410 disaster has been declared by executive order. Such funds may
12411 only be provided to a local government to fund eligible
12412 emergency-related activities for which no other source of



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12413 federal, state, or local disaster funds is available. The
12414 department may provide for such set-aside by rule. In the last
12415 quarter of the state fiscal year, any funds not allocated under
12416 the emergency-related set-aside ~~shall be used to fully fund any~~
12417 ~~applications which were partially funded due to inadequate funds~~
12418 ~~in the most recently completed neighborhood revitalization~~
12419 ~~category funding cycle, and then any remaining funds~~ shall be
12420 distributed to ~~the next~~ unfunded applications from the most
12421 recent funding cycle.
12422 Section 220. Subsection (6) of section 290.046, Florida
12423 Statutes, is amended to read:
12424 290.046 Applications for grants; procedures; requirements.—
12425 (6) The local government shall establish a citizen advisory
12426 task force composed of citizens in the jurisdiction in which the
12427 proposed project is to be implemented to provide input relative
12428 to all phases of the project process. The local government must
12429 obtain consent from the department ~~of Community Affairs~~ for any
12430 other type of citizen participation plan upon a showing that
12431 such plan is better suited to secure citizen participation for
12432 that locality.
12433 Section 221. Subsection (2) of section 290.047, Florida
12434 Statutes, is amended to read:
12435 290.047 Establishment of grant ceilings and maximum
12436 administrative cost percentages; elimination of population bias;
12437 loans in default.—
12438 (2) The department shall establish grant ceilings for each
12439 program category by rule. ~~These ceilings shall bear some~~
12440 ~~relationship to an applicant's total population or its~~
12441 ~~population living below the federal poverty level. Population~~



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12442 ~~ranges may be used in establishing these ceilings. In no case,~~
12443 ~~however, may a grant ceiling be set above $750,000 or below~~
12444 ~~$300,000.~~
12445 Section 222. Section 290.048, Florida Statutes, is amended
12446 to read:
12447 290.048 General powers of department ~~of Community Affairs~~
12448 under ss. 290.0401-290.049.—The department has all the powers
12449 necessary or appropriate to carry out the purposes and
12450 provisions of the program, including the power to:
12451 (1) Make contracts and agreements with the Federal
12452 Government; other agencies of the state; any other public
12453 agency; or any other public person, association, corporation,
12454 local government, or entity in exercising its powers and
12455 performing its duties under ss. 290.0401-290.049.
12456 (2) Seek and accept funding from any public or private
12457 source.
12458 (3) Adopt and enforce rules not inconsistent with ss.
12459 290.0401-290.049 for the administration of the fund.
12460 (4) Assist in training employees of local governing
12461 authorities to help achieve and increase their capacity to
12462 administer programs pursuant to ss. 290.0401-290.049 and provide
12463 technical assistance and advice to local governing authorities
12464 involved with these programs.
12465 (5) Adopt and enforce strict requirements concerning an
12466 applicant’s written description of a service area. Each such
12467 description shall contain maps which illustrate the location of
12468 the proposed service area. All such maps must be clearly legible
12469 and must:
12470 (a) Contain a scale which is clearly marked on the map.



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12471 (b) Show the boundaries of the locality.
12472 (c) Show the boundaries of the service area where the
12473 activities will be concentrated.
12474 (d) Display the location of all proposed area activities.
12475 (e) Include the names of streets, route numbers, or easily
12476 identifiable landmarks where all service activities are located.
12477 (6) Pledge community development block grant revenues from
12478 the Federal Government in order to guarantee notes or other
12479 obligations of a public entity which are approved pursuant to s.
12480 290.0455.
12481 (7) Establish an advisory committee of no more than 13
12482 members to solicit participation in designing, administering,
12483 and evaluating the program and in linking the program with other
12484 housing and community development resources.
12485 Section 223. Paragraph (a) of subsection (2) and subsection
12486 (4) of section 290.0491, Florida Statutes, is amended to read:
12487 290.0491 Florida Empowerment Zones.—
12488 (2) DEFINITIONS.—As used in this section, the term:
12489 (a) "Department" means the Department of Economic
12490 Opportunity ~~Community Affairs~~.
12491 (4) EMPOWERMENT ZONE PROGRAM.—There is created an economic
12492 development program to be known as the Florida Empowerment Zone
12493 Program. The program shall exist for 10 years and, except as
12494 otherwise provided by law, be operated by the Department of
12495 Economic Opportunity ~~Community Affairs~~ in conjunction with the
12496 Federal Empowerment Zone Program.
12497 Section 224. Subsections (3) and (4) of section 290.053,
12498 Florida Statutes, are amended to read:
12499 290.053 Response to economic emergencies in small



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12500 communities.—
12501 (3) A local government entity shall notify the Governor,
12502 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
12503 ~~and Economic Development~~, and Enterprise Florida, Inc., when one
12504 or more of the conditions specified in subsection (2) have
12505 occurred or will occur if action is not taken to assist the
12506 local governmental entity or the affected community.
12507 (4) Upon notification that one or more of the conditions
12508 described in subsection (2) exist, the Governor or his or her
12509 designee shall contact the local governmental entity to
12510 determine what actions have been taken by the local governmental
12511 entity or the affected community to resolve the economic
12512 emergency. The Governor may ~~has the authority to~~ waive the
12513 eligibility criteria of any program or activity administered by
12514 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
12515 ~~and Economic Development,~~ or Enterprise Florida, Inc., to
12516 provide economic relief to the affected community by granting
12517 participation in such programs or activities. The Governor shall
12518 consult with the President of the Senate and the Speaker of the
12519 House of Representatives and shall take other action, as
12520 necessary, to resolve the economic emergency in the most
12521 expedient manner possible. All actions taken pursuant to this
12522 section shall be within current appropriations and shall have no
12523 annualized impact beyond normal growth.
12524 Section 225. Section 290.06561, Florida Statutes, is
12525 amended to read:
12526 290.06561 Designation of rural enterprise zone as catalyst
12527 site.—Notwithstanding s. 290.0065(1), the Department of Economic
12528 Opportunity ~~Office of Tourism, Trade, and Economic Development~~,



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12529 upon request of the host county, shall designate as a rural
12530 enterprise zone any catalyst site as defined in s.
12531 288.0656(2)(b) that was approved before ~~prior to~~ January 1,
12532 2010, and that is not located in an existing rural enterprise
12533 zone. The request from the host county must include the legal
12534 description of the catalyst site and the name and contact
12535 information for the county development authority responsible for
12536 managing the catalyst site. The designation shall provide
12537 businesses locating within the catalyst site the same
12538 eligibility for economic incentives and other benefits of a
12539 rural enterprise zone designated under s. 290.0065. The
12540 reporting criteria for a catalyst site designated as a rural
12541 enterprise zone under this section are the same as for other
12542 rural enterprise zones. Host county development authorities may
12543 enter into memoranda of agreement, as necessary, to coordinate
12544 their efforts to implement this section.
12545 Section 226. Paragraph (d) of subsection (3) of section
12546 310.0015, Florida Statutes, is amended to read:
12547 310.0015 Piloting regulation; general provisions.—
12548 (3) The rate-setting process, the issuance of licenses only
12549 in numbers deemed necessary or prudent by the board, and other
12550 aspects of the economic regulation of piloting established in
12551 this chapter are intended to protect the public from the adverse
12552 effects of unrestricted competition which would result from an
12553 unlimited number of licensed pilots being allowed to market
12554 their services on the basis of lower prices rather than safety
12555 concerns. This system of regulation benefits and protects the
12556 public interest by maximizing safety, avoiding uneconomic
12557 duplication of capital expenses and facilities, and enhancing



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12558 state regulatory oversight. The system seeks to provide pilots
12559 with reasonable revenues, taking into consideration the normal
12560 uncertainties of vessel traffic and port usage, sufficient to
12561 maintain reliable, stable piloting operations. Pilots have
12562 certain restrictions and obligations under this system,
12563 including, but not limited to, the following:
12564 (d)1. The pilot or pilots in a port shall train and
12565 compensate all member deputy pilots in that port. Failure to
12566 train or compensate such deputy pilots shall constitute a ground
12567 for disciplinary action under s. 310.101. Nothing in this
12568 subsection shall be deemed to create an agency or employment
12569 relationship between a pilot or deputy pilot and the pilot or
12570 pilots in a port.
12571 2. The pilot or pilots in a port shall establish a
12572 competency-based mentor program by which minority persons~~,~~ as
12573 defined in s. 288.703~~(3),~~ may acquire the skills for the
12574 professional preparation and education competency requirements
12575 of a licensed state pilot or certificated deputy pilot. The
12576 department shall provide the Governor, the President of the
12577 Senate, and the Speaker of the House of Representatives with a
12578 report each year on the number of minority persons~~,~~ as defined
12579 in s. 288.703~~(3),~~ who have participated in each mentor program,
12580 who are licensed state pilots or certificated deputy pilots, and
12581 who have applied for state pilot licensure or deputy pilot
12582 certification.
12583 Section 227. Subsections (1), (3), (5), (8), (9), (10), and
12584 (11) of section 311.09, Florida Statutes, are amended to read:
12585 311.09 Florida Seaport Transportation and Economic
12586 Development Council.—



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12587 (1) The Florida Seaport Transportation and Economic
12588 Development Council is created within the Department of
12589 Transportation. The council consists of the following 17
12590 members: the port director, or the port director's designee, of
12591 each of the ports of Jacksonville, Port Canaveral, Fort Pierce,
12592 Palm Beach, Port Everglades, Miami, Port Manatee, St.
12593 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
12594 West, and Fernandina; the secretary of the Department of
12595 Transportation or his or her designee; and the director of the
12596 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
12597 ~~Economic Development~~ or his or her designee~~; and the secretary~~
12598 ~~of the Department of Community Affairs or his or her designee~~.
12599 (3) The council shall prepare a 5-year Florida Seaport
12600 Mission Plan defining the goals and objectives of the council
12601 concerning the development of port facilities and an intermodal
12602 transportation system consistent with the goals of the Florida
12603 Transportation Plan developed pursuant to s. 339.155. The
12604 Florida Seaport Mission Plan shall include specific
12605 recommendations for the construction of transportation
12606 facilities connecting any port to another transportation mode
12607 and for the efficient, cost-effective development of
12608 transportation facilities or port facilities for the purpose of
12609 enhancing international trade, promoting cargo flow, increasing
12610 cruise passenger movements, increasing port revenues, and
12611 providing economic benefits to the state. The council shall
12612 update the 5-year Florida Seaport Mission Plan annually and
12613 shall submit the plan no later than February 1 of each year to
12614 the President of the Senate, ~~;~~ the Speaker of the House of
12615 Representatives, ~~;~~ the Department of Economic Opportunity, and



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12616 ~~the Office of Tourism, Trade, and Economic Development;~~ the
12617 Department of Transportation~~; and the Department of Community~~
12618 ~~Affairs~~. The council shall develop programs, based on an
12619 examination of existing programs in Florida and other states,
12620 for the training of minorities and secondary school students in
12621 job skills associated with employment opportunities in the
12622 maritime industry, and report on progress and recommendations
12623 for further action to the President of the Senate and the
12624 Speaker of the House of Representatives annually.
12625 (5) The council shall review and approve or disapprove each
12626 project eligible to be funded pursuant to the Florida Seaport
12627 Transportation and Economic Development Program. The council
12628 shall annually submit to the Secretary of Transportation and~~;~~
12629 the executive director of the Department of Economic
12630 Opportunity, or his or her designee, ~~director of the Office of~~
12631 ~~Tourism, Trade, and Economic Development; and the Secretary of~~
12632 ~~Community Affairs~~ a list of projects which have been approved by
12633 the council. The list shall specify the recommended funding
12634 level for each project; and, if staged implementation of the
12635 project is appropriate, the funding requirements for each stage
12636 shall be specified.
12637 (8) The Department of Economic Opportunity ~~Office of~~
12638 ~~Tourism, Trade, and Economic Development, in consultation with~~
12639 ~~Enterprise Florida, Inc.,~~ shall review the list of projects
12640 approved by the council to evaluate the economic benefit of the
12641 project and to determine whether the project is consistent with
12642 the Florida Seaport Mission Plan. The Department of Economic
12643 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
12644 shall review the economic benefits of each project based upon



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12645 the rules adopted pursuant to subsection (4). The Department of
12646 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
12647 ~~Development~~ shall identify those projects which it has
12648 determined do not offer an economic benefit to the state or are
12649 not consistent with the Florida Seaport Mission Plan and shall
12650 notify the council of its findings.
12651 (9) The council shall review the findings of the Department
12652 of Economic Opportunity ~~Department of Community Affairs; the~~
12653 ~~Office of Tourism, Trade, and Economic Development;~~ and the
12654 Department of Transportation. Projects found to be inconsistent
12655 pursuant to subsections (6), (7), and (8) and projects which
12656 have been determined not to offer an economic benefit to the
12657 state pursuant to subsection (8) shall not be included in the
12658 list of projects to be funded.
12659 (10) The Department of Transportation shall include in its
12660 annual legislative budget request a Florida Seaport
12661 Transportation and Economic Development grant program for
12662 expenditure of funds of not less than $8 million per year. Such
12663 budget shall include funding for projects approved by the
12664 council which have been determined by each agency to be
12665 consistent and which have been determined by the Department of
12666 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
12667 ~~Development~~ to be economically beneficial. The department shall
12668 include the specific approved seaport projects to be funded
12669 under this section during the ensuing fiscal year in the
12670 tentative work program developed pursuant to s. 339.135(4). The
12671 total amount of funding to be allocated to seaport projects
12672 under s. 311.07 during the successive 4 fiscal years shall also
12673 be included in the tentative work program developed pursuant to



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12674 s. 339.135(4). The council may submit to the department a list
12675 of approved projects that could be made production-ready within
12676 the next 2 years. The list shall be submitted by the department
12677 as part of the needs and project list prepared pursuant to s.
12678 339.135(2)(b). However, the department shall, upon written
12679 request of the Florida Seaport Transportation and Economic
12680 Development Council, submit work program amendments pursuant to
12681 s. 339.135(7) to the Governor within 10 days after the later of
12682 the date the request is received by the department or the
12683 effective date of the amendment, termination, or closure of the
12684 applicable funding agreement between the department and the
12685 affected seaport, as required to release the funds from the
12686 existing commitment. Notwithstanding s. 339.135(7)(c), any work
12687 program amendment to transfer prior year funds from one approved
12688 seaport project to another seaport project is subject to the
12689 procedures in s. 339.135(7)(d). Notwithstanding any provision of
12690 law to the contrary, the department may transfer unexpended
12691 budget between the seaport projects as identified in the
12692 approved work program amendments.
12693 (11) The council shall meet at the call of its chairperson,
12694 at the request of a majority of its membership, or at such times
12695 as may be prescribed in its bylaws. However, the council must
12696 meet at least semiannually. A majority of voting members of the
12697 council constitutes a quorum for the purpose of transacting the
12698 business of the council. All members of the council are voting
12699 members. A vote of the majority of the voting members present is
12700 sufficient for any action of the council, except that a member
12701 representing the Department of Transportation~~, the Department of~~
12702 ~~Community Affairs,~~ or the Department of Economic Opportunity



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12703 ~~Office of Tourism, Trade, and Economic Development~~ may vote to
12704 overrule any action of the council approving a project pursuant
12705 to subsection (5). The bylaws of the council may require a
12706 greater vote for a particular action.
12707 Section 228. Paragraph (b) of subsection (1) of section
12708 311.105, Florida Statutes, is amended to read:
12709 311.105 Florida Seaport Environmental Management Committee;
12710 permitting; mitigation.—
12711 (1)
12712 (b) The committee shall consist of the following members:
12713 the Secretary of Environmental Protection, or his or her
12714 designee, as an ex officio, nonvoting member; a designee from
12715 the United States Army Corps of Engineers, as an ex officio,
12716 nonvoting member; a designee from the Florida Inland Navigation
12717 District, as an ex officio, nonvoting member; the executive
12718 director of Economic Opportunity ~~Secretary of Community Affairs~~,
12719 or his or her designee, as an ex officio, nonvoting member; and
12720 five or more port directors, as voting members, appointed to the
12721 committee by the council chair, who shall also designate one
12722 such member as committee chair.
12723 Section 229. Subsection (3) of section 327.803, Florida
12724 Statutes, is amended to read:
12725 327.803 Boating Advisory Council.—
12726 (3) The purpose of the council is to make recommendations
12727 to the Fish and Wildlife Conservation Commission and the
12728 Department of Economic Opportunity ~~Community Affairs~~ regarding
12729 issues affecting the boating community, including, but not
12730 limited to, issues related to:
12731 (a) Boating and diving safety education.



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12732 (b) Boating-related facilities, including marinas and boat
12733 testing facilities.
12734 (c) Boat usage.
12735 (d) Boat access.
12736 (e) Working waterfronts.
12737 Section 230. Section 311.11, Florida Statutes, is amended
12738 to read:
12739 311.11 Seaport Employment Training Grant Program.—
12740 (1) The Department of Economic Opportunity ~~Office of~~
12741 ~~Tourism, Trade, and Economic Development~~, in cooperation with
12742 the Florida Seaport Transportation and Economic Development
12743 Council, shall establish a Seaport Employment Training Grant
12744 Program within the Department of Economic Opportunity ~~Office~~.
12745 The Department of Economic Opportunity ~~office~~ shall grant funds
12746 appropriated by the Legislature to the program for the purpose
12747 of stimulating and supporting seaport training and employment
12748 programs which will seek to match state and local training
12749 programs with identified job skills associated with employment
12750 opportunities in the port, maritime, and transportation
12751 industries, and for the purpose of providing such other
12752 training, educational, and information services as required to
12753 stimulate jobs in the described industries. Funds may be used
12754 for the purchase of equipment to be used for training purposes,
12755 hiring instructors, and any other purpose associated with the
12756 training program. The ~~office's~~ contribution of the Department of
12757 Economic Opportunity to any specific training program may not
12758 exceed 50 percent of the total cost of the program. Matching
12759 contributions may include services in kind, including, but not
12760 limited to, training instructors, equipment usage, and training



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12761 facilities.
12762 (2) The Department of Economic Opportunity ~~Office~~ shall
12763 adopt criteria to implement this section.
12764 Section 231. Paragraph (i) of subsection (1) of section
12765 311.115, Florida Statutes, are amended to read:
12766 311.115 Seaport Security Standards Advisory Council.—The
12767 Seaport Security Standards Advisory Council is created under the
12768 Office of Drug Control. The council shall serve as an advisory
12769 council as provided in s. 20.03(7).
12770 (1) The members of the council shall be appointed by the
12771 Governor and consist of the following:
12772 (i) One representative of the Department of Economic
12773 Opportunity ~~member from the Office of Tourism, Trade, and~~
12774 ~~Economic Development~~.
12775 Section 232. Subsection (2) of section 311.22, Florida
12776 Statutes, is amended to read:
12777 311.22 Additional authorization for funding certain
12778 dredging projects.—
12779 (2) The council shall adopt rules for evaluating the
12780 projects that may be funded pursuant to this section. The rules
12781 must provide criteria for evaluating the economic benefit of the
12782 project. The rules must include the creation of an
12783 administrative review process by the council which is similar to
12784 the process described in s. 311.09(5)-(12), and provide for a
12785 review by ~~the Department of Community Affairs,~~ the Department of
12786 Transportation~~,~~ and the Department of Economic Opportunity
12787 ~~Office of Tourism, Trade, and Economic Development~~ of all
12788 projects submitted for funding under this section.
12789 Section 233. Paragraph (a) of subsection (6), paragraph (b)



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12790 of subsection (9), subsection (60), and paragraph (b) of
12791 subsection (65) of section 320.08058, Florida Statutes, are
12792 amended to read:
12793 320.08058 Specialty license plates.—
12794 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
12795 PLATES.—
12796 (a) Because the United States Olympic Committee has
12797 selected this state to participate in a combined fundraising
12798 program that provides for one-half of all money raised through
12799 volunteer giving to stay in this state and be administered by
12800 Enterprise Florida, Inc., ~~the direct-support organization~~
12801 ~~established under s. 288.1229~~ to support amateur sports, and
12802 because the United States Olympic Committee and Enterprise
12803 Florida, Inc., ~~the direct-support organization~~ are nonprofit
12804 organizations dedicated to providing athletes with support and
12805 training and preparing athletes of all ages and skill levels for
12806 sports competition, and because Enterprise Florida, Inc., ~~the~~
12807 ~~direct-support organization~~ assists in the bidding for sports
12808 competitions that provide significant impact to the economy of
12809 this state, and the Legislature supports the efforts of the
12810 United States Olympic Committee and Enterprise Florida, Inc.,
12811 ~~the direct-support organization,~~ the Legislature establishes a
12812 Florida United States Olympic Committee license plate for the
12813 purpose of providing a continuous funding source to support this
12814 worthwhile effort. Florida United States Olympic Committee
12815 license plates must contain the official United States Olympic
12816 Committee logo and must bear a design and colors that are
12817 approved by the department. The word “Florida” must be centered
12818 at the top of the plate.



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12819 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—
12820 (b) The license plate annual use fees are to be annually
12821 distributed as follows:
12822 1. Fifty-five percent of the proceeds from the Florida
12823 Professional Sports Team plate must be deposited into the
12824 Professional Sports Development Trust Fund within the Department
12825 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
12826 ~~Development~~. These funds must be used solely to attract and
12827 support major sports events in this state. As used in this
12828 subparagraph, the term "major sports events" means, but is not
12829 limited to, championship or all-star contests of Major League
12830 Baseball, the National Basketball Association, the National
12831 Football League, the National Hockey League, the men's and
12832 women's National Collegiate Athletic Association Final Four
12833 basketball championship, or a horseracing or dogracing Breeders'
12834 Cup. All funds must be used to support and promote major
12835 sporting events, and the uses must be approved by the Florida
12836 Sports Foundation.
12837 2. The remaining proceeds of the Florida Professional
12838 Sports Team license plate must be allocated to Enterprise
12839 Florida, Inc ~~the Florida Sports Foundation, a direct-support~~
12840 ~~organization of the Office of Tourism, Trade, and Economic~~
12841 ~~Development~~. These funds must be deposited into the Professional
12842 Sports Development Trust Fund within the Department of Economic
12843 Opportunity ~~Office of Tourism, Trade, and Economic Development~~.
12844 These funds must be used by Enterprise Florida, Inc., ~~the~~
12845 ~~Florida Sports Foundation~~ to promote the economic development of
12846 the sports industry; to distribute licensing and royalty fees to
12847 participating professional sports teams; to promote education



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12848 programs in Florida schools that provide an awareness of the
12849 benefits of physical activity and nutrition standards; to
12850 partner with the Department of Education and the Department of
12851 Health to develop a program that recognizes schools whose
12852 students demonstrate excellent physical fitness or fitness
12853 improvement; to institute a grant program for communities
12854 bidding on minor sporting events that create an economic impact
12855 for the state; to distribute funds to Florida-based charities
12856 designated by Enterprise Florida, Inc., ~~the Florida Sports~~
12857 ~~Foundation~~ and the participating professional sports teams; and
12858 to fulfill the sports promotion responsibilities of the
12859 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
12860 ~~Economic Development~~.
12861 3. Enterprise Florida, Inc., ~~The Florida Sports Foundation~~
12862 shall provide an annual financial audit in accordance with s.
12863 215.981 of its financial accounts and records by an independent
12864 certified public accountant pursuant to the contract established
12865 by the Department of Economic Opportunity ~~Office of Tourism,~~
12866 ~~Trade, and Economic Development as specified in s. 288.1229(5)~~.
12867 The auditor shall submit the audit report to the Department of
12868 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
12869 ~~Development~~ for review and approval. If the audit report is
12870 approved, the Department of Economic Opportunity ~~office~~ shall
12871 certify the audit report to the Auditor General for review.
12872 4. Notwithstanding the provisions of subparagraphs 1. and
12873 2., proceeds from the Professional Sports Development Trust Fund
12874 may also be used for operational expenses of Enterprise Florida,
12875 Inc., ~~the Florida Sports Foundation~~ and financial support of the
12876 Sunshine State Games.



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12877 (60) FLORIDA NASCAR LICENSE PLATES.—
12878 (a) The department shall develop a Florida NASCAR license
12879 plate as provided in this section. Florida NASCAR license plates
12880 must bear the colors and design approved by the department. The
12881 word "Florida" must appear at the top of the plate, and the term
12882 "NASCAR" must appear at the bottom of the plate. The National
12883 Association for Stock Car Auto Racing, following consultation
12884 with Enterprise Florida, Inc., ~~the Florida Sports Foundation,~~
12885 may submit a sample plate for consideration by the department.
12886 (b) The license plate annual use fees shall be distributed
12887 to Enterprise Florida, Inc. ~~the Florida Sports Foundation, a~~
12888 ~~direct-support organization of the Office of Tourism, Trade, and~~
12889 ~~Economic Development.~~ The license plate annual use fees shall be
12890 annually allocated as follows:
12891 1. Up to 5 percent of the proceeds from the annual use fees
12892 may be used by Enterprise Florida, Inc., ~~the Florida Sports~~
12893 ~~Foundation~~ for the administration of the NASCAR license plate
12894 program.
12895 2. The National Association for Stock Car Auto Racing shall
12896 receive up to $60,000 in proceeds from the annual use fees to be
12897 used to pay startup costs, including costs incurred in
12898 developing and issuing the plates. Thereafter, 10 percent of the
12899 proceeds from the annual use fees shall be provided to the
12900 association for the royalty rights for the use of its marks.
12901 3. The remaining proceeds from the annual use fees shall be
12902 distributed to Enterprise Florida, Inc. ~~the Florida Sports~~
12903 ~~Foundation.~~ Enterprise Florida, Inc., ~~The Florida Sports~~
12904 ~~Foundation~~ will retain 15 percent to support its regional grant
12905 program, attracting sporting events to Florida; 20 percent to



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12906 support the marketing of motorsports-related tourism in the
12907 state; and 50 percent to be paid to the NASCAR Foundation, a s.
12908 501(c)(3) charitable organization, to support Florida-based
12909 charitable organizations.
12910 (c) Enterprise Florida, Inc., ~~The Florida Sports Foundation~~
12911 shall provide an annual financial audit in accordance with s.
12912 215.981 of its financial accounts and records by an independent
12913 certified public accountant pursuant to the contract established
12914 by the Department of Economic Opportunity ~~Office of Tourism,~~
12915 ~~Trade, and Economic Development as specified in s. 288.1229(5)~~.
12916 The auditor shall submit the audit report to the Department of
12917 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
12918 ~~Development~~ for review and approval. If the audit report is
12919 approved, the Department of Economic Opportunity ~~office~~ shall
12920 certify the audit report to the Auditor General for review.
12921 (65) FLORIDA TENNIS LICENSE PLATES.—
12922 (b) The department shall distribute the annual use fees to
12923 Enterprise Florida, Inc ~~the Florida Sports Foundation, a direct-~~
12924 ~~support organization of the Office of Tourism, Trade, and~~
12925 ~~Economic Development~~. The license plate annual use fees shall be
12926 annually allocated as follows:
12927 1. Up to 5 percent of the proceeds from the annual use fees
12928 may be used by Enterprise Florida, Inc., ~~the Florida Sports~~
12929 ~~Foundation~~ to administer the license plate program.
12930 2. The United States Tennis Association Florida Section
12931 Foundation shall receive the first $60,000 in proceeds from the
12932 annual use fees to reimburse it for startup costs,
12933 administrative costs, and other costs it incurs in the
12934 development and approval process.



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12935 3. Up to 5 percent of the proceeds from the annual use fees
12936 may be used for promoting and marketing the license plates. The
12937 remaining proceeds shall be available for grants by the United
12938 States Tennis Association Florida Section Foundation to
12939 nonprofit organizations to operate youth tennis programs and
12940 adaptive tennis programs for special populations of all ages,
12941 and for building, renovating, and maintaining public tennis
12942 courts.
12943 Section 234. Subsection (3) of section 320.63, Florida
12944 Statutes, is amended to read:
12945 320.63 Application for license; contents.—Any person
12946 desiring to be licensed pursuant to ss. 320.60-320.70 shall make
12947 application therefor to the department upon a form containing
12948 such information as the department requires. The department
12949 shall require, with such application or otherwise and from time
12950 to time, all of the following, which information may be
12951 considered by the department in determining the fitness of the
12952 applicant or licensee to engage in the business for which the
12953 applicant or licensee desires to be licensed:
12954 (3) From each manufacturer, distributor, or importer which
12955 utilizes an identical blanket basic agreement for its dealers or
12956 distributors in this state, which agreement comprises all or any
12957 part of the applicant’s or licensee’s agreements with motor
12958 vehicle dealers in this state, a copy of the written agreement
12959 and all supplements thereto, together with a list of the
12960 applicant’s or licensee’s authorized dealers or distributors and
12961 their addresses. The applicant or licensee shall further notify
12962 the department immediately of the appointment of any additional
12963 dealer or distributor. The applicant or licensee shall annually



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12964 report to the department on its efforts to add new minority
12965 dealer points, including difficulties encountered under ss.
12966 320.61-320.70. For purposes of this section "minority" shall
12967 have the same meaning as that given it in the definition of
12968 "minority person" in s. 288.703~~(3)~~. Not later than 60 days
12969 before ~~prior to~~ the date a revision or modification to a
12970 franchise agreement is offered uniformly to a licensee's motor
12971 vehicle dealers in this state, the licensee shall notify the
12972 department of such revision, modification, or addition to the
12973 franchise agreement on file with the department. In no event may
12974 a franchise agreement, or any addendum or supplement thereto, be
12975 offered to a motor vehicle dealer in this state until the
12976 applicant or licensee files an affidavit with the department
12977 acknowledging that the terms or provisions of the agreement, or
12978 any related document, are not inconsistent with, prohibited by,
12979 or contrary to the provisions contained in ss. 320.60-320.70.
12980 Any franchise agreement offered to a motor vehicle dealer in
12981 this state shall provide that all terms and conditions in such
12982 agreement inconsistent with the law and rules of this state are
12983 of no force and effect.
12984 Section 235. Subsection (5) of section 331.3051, Florida
12985 Statutes, is amended to read:
12986 331.3051 Duties of Space Florida.—Space Florida shall:
12987 (5) Consult with Enterprise Florida, Inc., ~~the Florida~~
12988 ~~Commission on Tourism~~ in developing a space tourism marketing
12989 plan. Space Florida and Enterprise Florida, Inc., ~~the Florida~~
12990 ~~Commission on Tourism~~ may enter into a mutually beneficial
12991 agreement that provides funding to Enterprise Florida, Inc., ~~the~~
12992 ~~commission~~ for its services to implement this subsection.



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12993 Section 236. Section 331.3081, Florida Statutes, is amended
12994 to read:
12995 (Substantial rewording of section. See
12996 s. 331.3081, F.S., for present text.)
12997 331.3081 Board of Directors; advisory board.—
12998 (1) Space Florida shall be governed by a 12-member
12999 independent board of directors that consists of the members
13000 appointed to the board of directors of Enterprise Florida, Inc.,
13001 by the Governor, the President of the Senate, and the Speaker of
13002 the House of Representatives pursuant to s. 288.901(5)(a)5.
13003 (2) Space Florida shall have a 15-member advisory council,
13004 appointed by the Governor from a list of nominations submitted
13005 by the board of directors. The advisory council shall be
13006 composed of Florida residents with expertise in the space
13007 industry, and each of the following areas of expertise or
13008 experience must be represented by at least one advisory council
13009 member: human space-flight programs, commercial launches into
13010 space, organized labor with experience working in the aerospace
13011 industry, aerospace-related industries, a commercial company
13012 working under Federal Government contracts to conduct space-
13013 related business, an aerospace company whose primary client is
13014 the United States Department of Defense, and an alternative
13015 energy enterprise with potential for aerospace applications. The
13016 advisory council shall elect a member to serve as the chair of
13017 the council.
13018 (3) The advisory council shall make recommendations to the
13019 board of directors of Enterprise Florida, Inc., on the operation
13020 of Space Florida, including matters pertaining to ways to
13021 improve or enhance Florida's efforts to expand its existing



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13022 space and aerospace industry, to improve management and use of
13023 Florida's state-owned real property assets related to space and
13024 aerospace, how best to retain and, if necessary, retrain
13025 Florida's highly skilled space and aerospace workforce, and how
13026 to strengthen bonds between this state, NASA, the Department of
13027 Defense, and private space and aerospace industries.
13028 (4) The term for an advisory council member is 4 years. A
13029 member may not serve more than two consecutive terms. The
13030 Governor may remove any member for cause and shall fill all
13031 vacancies that occur.
13032 (5) Advisory council members shall serve without
13033 compensation, but may be reimbursed for all reasonable,
13034 necessary, and actual expenses as determined by the board of
13035 directors of Enterprise Florida, Inc.
13036 Section 237. Subsection (1) of section 332.115, Florida
13037 Statutes, is amended to read:
13038 332.115 Joint project agreement with port district for
13039 transportation corridor between airport and port facility.—
13040 (1) An eligible agency may acquire, construct, and operate
13041 all equipment, appurtenances, and land necessary to establish,
13042 maintain, and operate, or to license others to establish,
13043 maintain, operate, or use, a transportation corridor connecting
13044 an airport operated by such eligible agency with a port
13045 facility, which corridor must be acquired, constructed, and used
13046 for the transportation of persons between the airport and the
13047 port facility, for the transportation of cargo, and for the
13048 location and operation of lines for the transmission of water,
13049 electricity, communications, information, petroleum products,
13050 products of a public utility (including new technologies of a



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13051 public utility nature), and materials. However, any such
13052 corridor may be established and operated only pursuant to a
13053 joint project agreement between an eligible agency as defined in
13054 s. 332.004 and a port district as defined in s. 315.02, and such
13055 agreement must be approved by the Department of Transportation
13056 and the Department of Economic Opportunity ~~Community Affairs~~.
13057 Before the Department of Transportation approves the joint
13058 project agreement, that department must review the public
13059 purpose and necessity for the corridor pursuant to s. 337.273(5)
13060 and must also determine that the proposed corridor is consistent
13061 with the Florida Transportation Plan. Before the Department of
13062 Economic Opportunity ~~Community Affairs~~ approves the joint
13063 project agreement, that department must determine that the
13064 proposed corridor is consistent with the applicable local
13065 government comprehensive plans. An affected local government may
13066 provide its comments regarding the consistency of the proposed
13067 corridor with its comprehensive plan to the Department of
13068 Economic Opportunity ~~Community Affairs~~.
13069 Section 238. Section 333.065, Florida Statutes, is amended
13070 to read:
13071 333.065 Guidelines regarding land use near airports.—The
13072 Department of Transportation, after consultation with the
13073 Department of Economic Opportunity ~~Community Affairs~~, local
13074 governments, and other interested persons, shall adopt by rule
13075 recommended guidelines regarding compatible land uses in the
13076 vicinity of airports. These guidelines shall utilize acceptable
13077 and established quantitative measures, such as the Air
13078 Installation Compatible Use Zone standards, the Florida
13079 Statutes, and applicable Federal Aviation Administration



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13080 documents.
13081 Section 239. Paragraph (f) of subsection (4) and paragraph
13082 (g) of subsection (7) of section 339.135, Florida Statutes, are
13083 amended to read:
13084 339.135 Work program; legislative budget request;
13085 definitions; preparation, adoption, execution, and amendment.—
13086 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—
13087 (f) The central office shall submit a preliminary copy of
13088 the tentative work program to the Executive Office of the
13089 Governor, the legislative appropriations committees, the Florida
13090 Transportation Commission, and the Department of Economic
13091 Opportunity ~~Community Affairs~~ at least 14 days prior to the
13092 convening of the regular legislative session. Prior to the
13093 statewide public hearing required by paragraph (g), the
13094 Department of Economic Opportunity ~~Community Affairs~~ shall
13095 transmit to the Florida Transportation Commission a list of
13096 those projects and project phases contained in the tentative
13097 work program which are identified as being inconsistent with
13098 approved local government comprehensive plans. For urbanized
13099 areas of metropolitan planning organizations, the list may not
13100 contain any project or project phase that is scheduled in a
13101 transportation improvement program unless such inconsistency has
13102 been previously reported to the affected metropolitan planning
13103 organization.
13104 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—
13105 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
13106 (g) and ss. 216.177(2) and 216.351, the secretary may request
13107 the Executive Office of the Governor to amend the adopted work
13108 program when an emergency exists, as defined in s. 252.34~~(3)~~,



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13109 and the emergency relates to the repair or rehabilitation of any
13110 state transportation facility. The Executive Office of the
13111 Governor may approve the amendment to the adopted work program
13112 and amend that portion of the department's approved budget if a
13113 ~~in the event that the~~ delay incident to the notification
13114 requirements in paragraph (d) would be detrimental to the
13115 interests of the state. However, the department shall
13116 immediately notify the parties specified in paragraph (d) and
13117 ~~shall~~ provide such parties written justification for the
13118 emergency action within 7 days after ~~of the~~ approval by the
13119 Executive Office of the Governor of the amendment to the adopted
13120 work program and the department's budget. ~~In no event may~~ The
13121 adopted work program may not be amended under ~~the provisions of~~
13122 this subsection without ~~the~~ certification by the comptroller of
13123 the department that there are sufficient funds available
13124 pursuant to the 36-month cash forecast and applicable statutes.
13125 Section 240. Paragraphs (f) and (g) of subsection (8) of
13126 section 339.175, Florida Statutes, are amended to read:
13127 339.175 Metropolitan planning organization.—
13128 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
13129 in cooperation with the state and affected public transportation
13130 operators, develop a transportation improvement program for the
13131 area within the jurisdiction of the M.P.O. In the development of
13132 the transportation improvement program, each M.P.O. must provide
13133 the public, affected public agencies, representatives of
13134 transportation agency employees, freight shippers, providers of
13135 freight transportation services, private providers of
13136 transportation, representatives of users of public transit, and
13137 other interested parties with a reasonable opportunity to



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comment on the proposed transportation improvement program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Economic Opportunity ~~Community Affairs~~ at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Economic Opportunity ~~Community Affairs~~ at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Economic Opportunity ~~Community Affairs~~, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Economic Opportunity ~~Community Affairs~~ shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Economic Opportunity ~~Community Affairs~~ shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose



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13167 boundaries are within the metropolitan area of the M.P.O.
13168 Section 241. Subsection (1) of section 342.201, Florida
13169 Statutes, is amended to read:
13170 342.201 Waterfronts Florida Program.—
13171 (1) There is established within the Department of
13172 Environmental Protection ~~Community Affairs~~ the Waterfronts
13173 Florida Program to provide technical assistance and support to
13174 communities in revitalizing waterfront areas in this state.
13175 Section 242. Subsection (3) of section 369.303, Florida
13176 Statutes, is amended to read:
13177 369.303 Definitions.—As used in this part:
13178 (3) "Department" means the Department of Economic
13179 Opportunity ~~Community Affairs~~.
13180 Section 243. Subsection (1) of section 369.318, Florida
13181 Statutes, is amended to read:
13182 369.318 Studies.—
13183 (1) The Department of Environmental Protection shall study
13184 the efficacy and applicability of water quality and wastewater
13185 treatment standards needed to achieve nitrogen reductions
13186 protective of surface and groundwater quality within the Wekiva
13187 Study Area and report to the Governor and the Department of
13188 Economic Opportunity ~~Community Affairs~~. The Department of
13189 Environmental Protection may adopt rules to implement the
13190 specific recommendations set forth in sections C.2. and C.4. of
13191 its report entitled "A Strategy for Water Quality Protection:
13192 Wastewater Treatment in the Wekiva Study Area," dated December
13193 2004, in order to achieve nitrogen reductions protective of
13194 surface and groundwater quality in the Wekiva Study Area and
13195 implement Recommendation 8 of the Wekiva River Basin



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13196 Coordinating Committee's final report dated March 16, 2004. The
13197 rules shall provide an opportunity for relief from such specific
13198 recommendations upon affirmative demonstration by the permittee
13199 or permit applicant, based on water quality data, physical
13200 circumstances, or other credible information, that the discharge
13201 of treated wastewater is protective of surface water and
13202 groundwater quality with respect to nitrate nitrogen as set
13203 forth in section C.1. of the referenced December 2004 report.
13204 Section 244. Subsections (5) and (7) of section 369.321,
13205 Florida Statutes, are amended to read:
13206 369.321 Comprehensive plan amendments.—Except as otherwise
13207 expressly provided, by January 1, 2006, each local government
13208 within the Wekiva Study Area shall amend its local government
13209 comprehensive plan to include the following:
13210 (5) Comprehensive plans and comprehensive plan amendments
13211 adopted by the local governments to implement this section shall
13212 be reviewed by the Department of Economic Opportunity ~~Community~~
13213 ~~Affairs~~ pursuant to s. 163.3184, and shall be exempt from the
13214 provisions of s. 163.3187(1).
13215 (7) During the period prior to the adoption of the
13216 comprehensive plan amendments required by this act, any local
13217 comprehensive plan amendment adopted by a city or county that
13218 applies to land located within the Wekiva Study Area shall
13219 protect surface and groundwater resources and be reviewed by the
13220 Department of Economic Opportunity ~~Community Affairs~~, pursuant
13221 to chapter 163 and chapter 9J-5, Florida Administrative Code,
13222 using best available data, including the information presented
13223 to the Wekiva River Basin Coordinating Committee.
13224 Section 245. Subsections (1) and (3) of section 369.322,



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13225 Florida Statutes, are amended to read:
13226 369.322 Coordination of land use and water supply within
13227 the Wekiva Study Area.—
13228 (1) In their review of local government comprehensive plan
13229 amendments for property located within the Wekiva Study Area
13230 pursuant to s. 163.3184, the Department of Economic Opportunity
13231 ~~Community Affairs~~ and the St. Johns River Water Management
13232 District shall assure that amendments that increase development
13233 potential demonstrate that adequate potable water consumptive
13234 use permit capacity is available.
13235 (3) In recognition of the need to balance resource
13236 protection, existing infrastructure and improvements planned or
13237 committed as part of approved development, consistent with
13238 existing municipal or county comprehensive plans and economic
13239 development opportunities, planned community development
13240 initiatives that assure protection of surface and groundwater
13241 resources while promoting compact, ecologically and economically
13242 sustainable growth should be encouraged. Small area studies,
13243 sector plans, or similar planning tools should support these
13244 community development initiatives. In addition, the Department
13245 of Economic Opportunity ~~Community Affairs~~ may make available
13246 best practice guides that demonstrate how to balance resource
13247 protection and economic development opportunities.
13248 Section 246. Section 369.323, Florida Statutes, is amended
13249 to read:
13250 369.323 Compliance.—Comprehensive plans and plan amendments
13251 adopted by the local governments within the Wekiva Study Area to
13252 implement this act shall be reviewed for compliance by the
13253 Department of Economic Opportunity ~~Community Affairs~~.



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13254 Section 247. Subsections (1) and (5) of section 369.324,
13255 Florida Statutes, are amended to read:
13256 369.324 Wekiva River Basin Commission.—
13257 (1) The Wekiva River Basin Commission is created to monitor
13258 and ensure the implementation of the recommendations of the
13259 Wekiva River Basin Coordinating Committee for the Wekiva Study
13260 Area. The East Central Florida Regional Planning Council shall
13261 provide staff support to the commission with funding assistance
13262 from the Department of Economic Opportunity ~~Community Affairs~~.
13263 The commission shall be comprised of a total of 19 members
13264 appointed by the Governor, 9 of whom shall be voting members and
13265 10 shall be ad hoc nonvoting members. The voting members shall
13266 include:
13267 (a) One member of each of the Boards of County
13268 Commissioners for Lake, Orange, and Seminole Counties.
13269 (b) One municipal elected official to serve as a
13270 representative of the municipalities located within the Wekiva
13271 Study Area of Lake County.
13272 (c) One municipal elected official to serve as a
13273 representative of the municipalities located within the Wekiva
13274 Study Area of Orange County.
13275 (d) One municipal elected official to serve as a
13276 representative of the municipalities located within the Wekiva
13277 Study Area of Seminole County.
13278 (e) One citizen representing an environmental or
13279 conservation organization, one citizen representing a local
13280 property owner, a land developer, or an agricultural entity, and
13281 one at-large citizen who shall serve as chair of the council.
13282 (f) The ad hoc nonvoting members shall include one



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13283 representative from each of the following entities:
13284 1. St. Johns River Management District.
13285 2. Department of Economic Opportunity ~~Community Affairs~~.
13286 3. Department of Environmental Protection.
13287 4. Department of Health.
13288 5. Department of Agriculture and Consumer Services.
13289 6. Fish and Wildlife Conservation Commission.
13290 7. Department of Transportation.
13291 8. MetroPlan Orlando.
13292 9. Orlando-Orange County Expressway Authority.
13293 10. Seminole County Expressway Authority.
13294 (5) The commission shall report annually, no later than
13295 December 31 of each year, to the Governor, the President of the
13296 Senate, the Speaker of the House of Representatives, and the
13297 Department of Economic Opportunity ~~Community Affairs~~ on
13298 implementation progress.
13299 Section 248. Paragraph (b) of subsection (3) of section
13300 373.199, Florida Statutes, is amended to read:
13301 373.199 Florida Forever Water Management District Work
13302 Plan.—
13303 (3) In developing the list, each water management district
13304 shall:
13305 (b) Work cooperatively with the applicable ecosystem
13306 management area teams and other citizen advisory groups, the
13307 Department of Environmental Protection and its district offices,
13308 the Department of Agriculture and Consumer Services, the Fish
13309 and Wildlife Conservation Commission, the Department of Economic
13310 Opportunity ~~Community Affairs~~, the Department of Transportation,
13311 other state agencies, and federal agencies, where applicable.



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13312 Section 249. Subsection (5) of section 373.4149, Florida
13313 Statutes, is amended to read:
13314 373.4149 Miami-Dade County Lake Belt Plan.—
13315 (5) The secretary of the Department of Environmental
13316 Protection, the executive director ~~secretary~~ of the Department
13317 of Economic Opportunity ~~Community Affairs~~, the secretary of the
13318 Department of Transportation, the Commissioner of Agriculture,
13319 the executive director of the Fish and Wildlife Conservation
13320 Commission, and the executive director of the South Florida
13321 Water Management District may enter into agreements with
13322 landowners, developers, businesses, industries, individuals, and
13323 governmental agencies as necessary to effectuate the Miami-Dade
13324 Lake Belt Plan and the provisions of this section.
13325 Section 250. Paragraph (a) of subsection (1) of section
13326 373.453, Florida Statutes, is amended to read:
13327 373.453 Surface water improvement and management plans and
13328 programs.—
13329 (1)(a) Each water management district, in cooperation with
13330 the department, the Department of Agriculture and Consumer
13331 Services, the Department of Economic Opportunity ~~Community~~
13332 ~~Affairs~~, the Fish and Wildlife Conservation Commission, local
13333 governments, and others, shall maintain a list that prioritizes
13334 water bodies of regional or statewide significance within the
13335 water management district. The list shall be reviewed and
13336 updated every 5 years.
13337 Section 251. Subsection (1) of section 375.021, Florida
13338 Statutes, is amended to read:
13339 375.021 Comprehensive multipurpose outdoor recreation
13340 plan.—



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13341 (1) The department is given the responsibility, authority,
13342 and power to develop and execute a comprehensive multipurpose
13343 outdoor recreation plan for this state with the cooperation of
13344 the Department of Agriculture and Consumer Services, the
13345 Department of Transportation, the Fish and Wildlife Conservation
13346 Commission, the Department of Economic Opportunity ~~Florida~~
13347 ~~Commission on Tourism~~, and the water management districts.
13348 Section 252. Section 376.60, Florida Statutes, is amended
13349 to read:
13350 376.60 Asbestos removal program inspection and notification
13351 fee.—The Department of Environmental Protection shall charge an
13352 inspection and notification fee, not to exceed $300 for a small
13353 business as defined in s. 288.703~~(1)~~, or $1,000 for any other
13354 project, for any asbestos removal project. The department may
13355 establish a fee schedule by rule. Schools, colleges,
13356 universities, residential dwellings, and those persons otherwise
13357 exempted from licensure under s. 469.002(4) are exempt from the
13358 fees. Any fee collected must be deposited in the asbestos
13359 program account in the Air Pollution Control Trust Fund to be
13360 used by the department to administer its asbestos removal
13361 program.
13362 (1) In those counties with approved local air pollution
13363 control programs, the department shall return 80 percent of the
13364 asbestos removal program inspection and notification fees
13365 collected in that county to the local government quarterly, if
13366 the county requests it.
13367 (2) The fees returned to a county under subsection (1) must
13368 be used only for asbestos-related program activities.
13369 (3) A county may not levy any additional fees for asbestos



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13370 removal activity while it receives fees under subsection (1).
13371 (4) If a county has requested reimbursement under
13372 subsection (1), the department shall reimburse the approved
13373 local air pollution control program with 80 percent of the fees
13374 collected in the county retroactive to July 1, 1994, for
13375 asbestos-related program activities.
13376 (5) If an approved local air pollution control program that
13377 is providing asbestos notification and inspection services
13378 according to 40 C.F.R. part 61, subpart M, and is collecting
13379 fees sufficient to support the requirements of 40 C.F.R. part
13380 61, subpart M, opts not to receive the state-generated asbestos
13381 notification fees, the state may discontinue collection of the
13382 state asbestos notification fees in that county.
13383 Section 253. Subsection (2) of section 376.86, Florida
13384 Statutes, is amended to read:
13385 376.86 Brownfield Areas Loan Guarantee Program.—
13386 (2) The council shall consist of the secretary of the
13387 Department of Environmental Protection or the secretary's
13388 designee, ~~the secretary of the Department of Community Affairs~~
13389 ~~or the secretary's designee,~~ the State Surgeon General or the
13390 State Surgeon General's designee, the executive director of the
13391 State Board of Administration or the executive director's
13392 designee, the executive director of the Florida Housing Finance
13393 Corporation or the executive director's designee, and the
13394 executive director of Economic Opportunity or the director's
13395 ~~Director of the Governor's Office of Tourism, Trade, and~~
13396 ~~Economic Development or the director's~~ designee. The executive
13397 director of Economic Opportunity or the director's designee
13398 shall serve as chair ~~chairperson~~ of the council ~~shall be the~~



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13399 ~~Director of the Governor's Office of Tourism, Trade, and~~
13400 ~~Economic Development~~. Staff services for activities of the
13401 council shall be provided as needed by the member agencies.
13402 Section 254. Subsection (1), paragraph (c) of subsection
13403 (2), and subsections (3) and (4) of section 377.809, Florida
13404 Statutes, are amended to read:
13405 377.809 Energy Economic Zone Pilot Program.—
13406 (1) The Department of Economic Opportunity ~~Community~~
13407 ~~Affairs~~, in consultation with the Department of Transportation,
13408 shall implement an Energy Economic Zone Pilot Program for the
13409 purpose of developing a model to help communities cultivate
13410 green economic development, encourage renewable electric energy
13411 generation, manufacture products that contribute to energy
13412 conservation and green jobs, and further implement chapter 2008-
13413 191, Laws of Florida, relative to discouraging sprawl and
13414 developing energy-efficient land use patterns and greenhouse gas
13415 reduction strategies. The Department of Agriculture and Consumer
13416 Services ~~Office of Tourism, Trade, and Economic Development and~~
13417 ~~the Florida Energy and Climate Commission~~ shall provide
13418 technical assistance to the departments in developing and
13419 administering the program.
13420 (2)
13421 (c) The Department of Economic Opportunity ~~Community~~
13422 ~~Affairs~~ shall grant at least one application if the application
13423 meets the requirements of this subsection and the community has
13424 demonstrated a prior commitment to energy conservation, carbon
13425 reduction, green building, and economic development. The
13426 Department of Economic Opportunity ~~Community Affairs and the~~
13427 ~~Office of Tourism, Trade, and Economic Development~~ shall provide



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13428 the pilot community, including businesses within the energy
13429 economic zone, with technical assistance in identifying and
13430 qualifying for eligible grants and credits in job creation,
13431 energy, and other areas.
13432 ~~(3) The Department of Community Affairs, with the~~
13433 ~~assistance of the Office of Tourism, Trade, and Economic~~
13434 ~~Development, shall submit an interim report by February 15,~~
13435 ~~2010, to the Governor, the President of the Senate, and the~~
13436 ~~Speaker of the House of Representatives regarding the status of~~
13437 ~~the pilot program. The report shall contain any recommendations~~
13438 ~~deemed appropriate by the department for statutory changes to~~
13439 ~~accomplish the goals of the pilot program community, including~~
13440 ~~whether it would be beneficial to provide financial incentives~~
13441 ~~similar to those offered to an enterprise zone.~~
13442 (3) ~~(4)~~ If the pilot project is ongoing, the Department of
13443 Economic Opportunity ~~Community Affairs, with the assistance of~~
13444 ~~the Office of Tourism, Trade, and Economic Development,~~ shall
13445 submit a report to the Governor, the President of the Senate,
13446 and the Speaker of the House of Representatives by February 15,
13447 2012, evaluating whether the pilot program has demonstrated
13448 success. The report shall contain recommendations with regard to
13449 whether the program should be expanded for use by other local
13450 governments and whether state policies should be revised to
13451 encourage the goals of the program.
13452 Section 255. Subsection (3) of section 378.411, Florida
13453 Statutes, is amended to read:
13454 378.411 Certification to receive notices of intent to mine,
13455 to review, and to inspect for compliance.—
13456 (3) In making his or her determination, the secretary shall



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13457 consult with the Department of Economic Opportunity ~~Community~~
13458 ~~Affairs~~, the appropriate regional planning council, and the
13459 appropriate water management district.
13460 Section 256. Paragraph (c) of subsection (4) of section
13461 379.2291, Florida Statutes, is amended to read:
13462 379.2291 Endangered and Threatened Species Act.—
13463 (4) INTERAGENCY COORDINATION.—
13464 (c) The commission, in consultation with the Department of
13465 Agriculture and Consumer Services, the Department of Economic
13466 Opportunity ~~Community Affairs~~, or the Department of
13467 Transportation, may establish reduced speed zones along roads,
13468 streets, and highways to protect endangered species or
13469 threatened species.
13470 Section 257. Subsection (18) of section 380.031, Florida
13471 Statutes, is amended to read:
13472 380.031 Definitions.—As used in this chapter:
13473 (18) "State land planning agency" means the Department of
13474 Economic Opportunity ~~Community Affairs~~ and may be referred to in
13475 this part as the "department."
13476 Section 258. Paragraph (d) of subsection (2), paragraph (e)
13477 of subsection (15), and subsections (24) and (27) of section
13478 380.06, Florida Statutes, are amended to read:
13479 380.06 Developments of regional impact.—
13480 (2) STATEWIDE GUIDELINES AND STANDARDS.—
13481 (d) The guidelines and standards shall be applied as
13482 follows:
13483 1. Fixed thresholds.—
13484 a. A development that is below 100 percent of all numerical
13485 thresholds in the guidelines and standards is ~~shall~~ not ~~be~~



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13486 required to undergo development-of-regional-impact review.
13487 b. A development that is at or above 120 percent of any
13488 numerical threshold shall be required to undergo development-of-
13489 regional-impact review.
13490 c. Projects certified under s. 403.973 which create at
13491 least 100 jobs and meet the criteria of the Department of
13492 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
13493 ~~Development~~ as to their impact on an area's economy, employment,
13494 and prevailing wage and skill levels that are at or below 100
13495 percent of the numerical thresholds for industrial plants,
13496 industrial parks, distribution, warehousing or wholesaling
13497 facilities, office development or multiuse projects other than
13498 residential, as described in s. 380.0651(3)(c), (d), and (h),
13499 are not required to undergo development-of-regional-impact
13500 review.
13501 2. Rebuttable presumption.—It shall be presumed that a
13502 development that is at 100 percent or between 100 and 120
13503 percent of a numerical threshold shall be required to undergo
13504 development-of-regional-impact review.
13505 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—
13506 (e)1. A local government shall not include, as a
13507 development order condition for a development of regional
13508 impact, any requirement that a developer contribute or pay for
13509 land acquisition or construction or expansion of public
13510 facilities or portions thereof unless the local government has
13511 enacted a local ordinance which requires other development not
13512 subject to this section to contribute its proportionate share of
13513 the funds, land, or public facilities necessary to accommodate
13514 any impacts having a rational nexus to the proposed development,



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13515 and the need to construct new facilities or add to the present
13516 system of public facilities must be reasonably attributable to
13517 the proposed development.
13518 2. A local government shall not approve a development of
13519 regional impact that does not make adequate provision for the
13520 public facilities needed to accommodate the impacts of the
13521 proposed development unless the local government includes in the
13522 development order a commitment by the local government to
13523 provide these facilities consistently with the development
13524 schedule approved in the development order; however, a local
13525 government's failure to meet the requirements of subparagraph 1.
13526 and this subparagraph shall not preclude the issuance of a
13527 development order where adequate provision is made by the
13528 developer for the public facilities needed to accommodate the
13529 impacts of the proposed development. Any funds or lands
13530 contributed by a developer must be expressly designated and used
13531 to accommodate impacts reasonably attributable to the proposed
13532 development.
13533 3. The Department of Economic Opportunity ~~Community Affairs~~
13534 and other state and regional agencies involved in the
13535 administration and implementation of this act shall cooperate
13536 and work with units of local government in preparing and
13537 adopting local impact fee and other contribution ordinances.
13538 (24) STATUTORY EXEMPTIONS.—
13539 (a) Any proposed hospital is exempt from ~~the provisions of~~
13540 this section.
13541 (b) Any proposed electrical transmission line or electrical
13542 power plant is exempt from ~~the provisions of~~ this section.
13543 (c) Any proposed addition to an existing sports facility



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complex is exempt from ~~the provisions of~~ this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body before ~~prior to~~ July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body before ~~prior to~~ July 1, 1973, is exempt from ~~the provisions of~~ this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year’s capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase



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13573 at least 6 months before ~~prior to~~ the initial use of the
13574 increased seating, in order to permit the appropriate local
13575 government to develop a traffic management plan for the traffic
13576 generated by the increase. Any traffic management plan shall be
13577 consistent with the local comprehensive plan, the regional
13578 policy plan, and the state comprehensive plan.
13579 (g) Any expansion in the permanent seating capacity or
13580 additional improved parking facilities of an existing sports
13581 facility is exempt from ~~the provisions of~~ this section, if the
13582 following conditions exist:
13583 1.a. The sports facility had a permanent seating capacity
13584 on January 1, 1991, of at least 41,000 spectator seats;
13585 b. The sum of such expansions in permanent seating capacity
13586 does not exceed a total of 10 percent in any 5-year period and
13587 does not exceed a cumulative total of 20 percent for any such
13588 expansions; or
13589 c. The increase in additional improved parking facilities
13590 is a one-time addition and does not exceed 3,500 parking spaces
13591 serving the sports facility; and
13592 2. The local government having jurisdiction of the sports
13593 facility includes in the development order or development permit
13594 approving such expansion under this paragraph a finding of fact
13595 that the proposed expansion is consistent with the
13596 transportation, water, sewer and stormwater drainage provisions
13597 of the approved local comprehensive plan and local land
13598 development regulations relating to those provisions.
13599
13600 Any owner or developer who intends to rely on this statutory
13601 exemption shall provide to the department a copy of the local



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13602 government application for a development permit. Within 45 days
13603 after ~~of~~ receipt of the application, the department shall render
13604 to the local government an advisory and nonbinding opinion, in
13605 writing, stating whether, in the department's opinion, the
13606 prescribed conditions exist for an exemption under this
13607 paragraph. The local government shall render the development
13608 order approving each such expansion to the department. The
13609 owner, developer, or department may appeal the local government
13610 development order pursuant to s. 380.07, within 45 days after
13611 the order is rendered. The scope of review shall be limited to
13612 the determination of whether the conditions prescribed in this
13613 paragraph exist. If any sports facility expansion undergoes
13614 development-of-regional-impact review, all previous expansions
13615 which were exempt under this paragraph shall be included in the
13616 development-of-regional-impact review.
13617 (h) Expansion to port harbors, spoil disposal sites,
13618 navigation channels, turning basins, harbor berths, and other
13619 related inwater harbor facilities of ports listed in s.
13620 403.021(9)(b), port transportation facilities and projects
13621 listed in s. 311.07(3)(b), and intermodal transportation
13622 facilities identified pursuant to s. 311.09(3) are exempt from
13623 ~~the provisions of~~ this section when such expansions, projects,
13624 or facilities are consistent with comprehensive master plans
13625 that are in compliance with ~~the provisions of~~ s. 163.3178.
13626 (i) Any proposed facility for the storage of any petroleum
13627 product or any expansion of an existing facility is exempt from
13628 ~~the provisions of~~ this section.
13629 (j) Any renovation or redevelopment within the same land
13630 parcel which does not change land use or increase density or



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13631 intensity of use.
13632 (k) Waterport and marina development, including dry storage
13633 facilities, are exempt from ~~the provisions of~~ this section.
13634 (l) Any proposed development within an urban service
13635 boundary established under s. 163.3177(14), which is not
13636 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~
13637 ~~provisions of~~ this section if the local government having
13638 jurisdiction over the area where the development is proposed has
13639 adopted the urban service boundary, has entered into a binding
13640 agreement with jurisdictions that would be impacted and with the
13641 Department of Transportation regarding the mitigation of impacts
13642 on state and regional transportation facilities, and has adopted
13643 a proportionate share methodology pursuant to s. 163.3180(16).
13644 (m) Any proposed development within a rural land
13645 stewardship area created under s. 163.3177(11)(d) is exempt from
13646 ~~the provisions of~~ this section if the local government that has
13647 adopted the rural land stewardship area has entered into a
13648 binding agreement with jurisdictions that would be impacted and
13649 the Department of Transportation regarding the mitigation of
13650 impacts on state and regional transportation facilities, and has
13651 adopted a proportionate share methodology pursuant to s.
13652 163.3180(16).
13653 (n) The establishment, relocation, or expansion of any
13654 military installation as defined in s. 163.3175, is exempt from
13655 this section.
13656 (o) Any self-storage warehousing that does not allow retail
13657 or other services is exempt from this section.
13658 (p) Any proposed nursing home or assisted living facility
13659 is exempt from this section.



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13660 (q) Any development identified in an airport master plan
13661 and adopted into the comprehensive plan pursuant to s.
13662 163.3177(6)(k) is exempt from this section.
13663 (r) Any development identified in a campus master plan and
13664 adopted pursuant to s. 1013.30 is exempt from this section.
13665 (s) Any development in a specific area plan which is
13666 prepared pursuant to s. 163.3245 and adopted into the
13667 comprehensive plan is exempt from this section.
13668 (t) Any development within a county with a research and
13669 education authority created by special act and that is also
13670 within a research and development park that is operated or
13671 managed by a research and development authority pursuant to part
13672 V of chapter 159 is exempt from this section.
13673
13674 If a use is exempt from review as a development of regional
13675 impact under paragraphs (a)-(s), but will be part of a larger
13676 project that is subject to review as a development of regional
13677 impact, the impact of the exempt use must be included in the
13678 review of the larger project, unless such exempt use involves a
13679 development of regional impact that includes a landowner,
13680 tenant, or user that has entered into a funding agreement with
13681 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
13682 ~~and Economic Development~~ under the Innovation Incentive Program
13683 and the agreement contemplates a state award of at least $50
13684 million.
13685 (27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A
13686 DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his
13687 or her rights, responsibilities, and obligations under a
13688 development order and the development order does not clearly



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13689 define his or her rights, responsibilities, and obligations, the
13690 developer or owner may request participation in resolving the
13691 dispute through the dispute resolution process outlined in s.
13692 186.509. The Department of Economic Opportunity ~~Community~~
13693 ~~Affairs~~ shall be notified by certified mail of any meeting held
13694 under the process provided for by this subsection at least 5
13695 days before the meeting.
13696 Section 259. Paragraph (a) of subsection (5) of section
13697 380.061, Florida Statutes, is amended to read:
13698 380.061 The Florida Quality Developments program.—
13699 (5)(a) Before filing an application for development
13700 designation, the developer shall contact the Department of
13701 Economic Opportunity ~~Community Affairs~~ to arrange one or more
13702 preapplication conferences with the other reviewing entities.
13703 Upon the request of the developer or any of the reviewing
13704 entities, other affected state or regional agencies shall
13705 participate in this conference. The department, in coordination
13706 with the local government with jurisdiction and the regional
13707 planning council, shall provide the developer information about
13708 the Florida Quality Developments designation process and the use
13709 of preapplication conferences to identify issues, coordinate
13710 appropriate state, regional, and local agency requirements,
13711 fully address any concerns of the local government, the regional
13712 planning council, and other reviewing agencies and the meeting
13713 of those concerns, if applicable, through development order
13714 conditions, and otherwise promote a proper, efficient, and
13715 timely review of the proposed Florida Quality Development. The
13716 department shall take the lead in coordinating the review
13717 process.



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13718 Section 260. Subsections (2) and (6) of section 380.0677,
13719 Florida Statutes, are amended to read:
13720 380.0677 Green Swamp Land Authority.—
13721 (2) MISSION.—The mission of the Green Swamp Land Authority
13722 shall be to balance the protection of the ecological values of
13723 the Green Swamp Area of Critical State Concern with the
13724 protection of private property rights and the interests of
13725 taxpayers through the acquisition of lands, or rights or
13726 interests in lands, from willing sellers within the Green Swamp
13727 Area of Critical State Concern. To that end, the authority is
13728 encouraged to coordinate with the Division of State Lands of the
13729 Department of Environmental Protection, the Florida Communities
13730 Trust Program within the Department of Environmental Protection
13731 ~~Community Affairs~~, the Southwest Florida Water Management
13732 District, and the St. Johns River Water Management District to
13733 identify, select, and acquire less-than-fee-simple interests or
13734 rights in parcels within the Green Swamp Area of Critical State
13735 Concern, as part of overall land acquisition efforts by the
13736 state and the districts. When the Department of Environmental
13737 Protection and the water management districts are planning to
13738 acquire parcels within the Green Swamp Area of Critical State
13739 Concern, they shall consider acquiring such parcels using
13740 alternatives to fee simple techniques in consultation with the
13741 land authority.
13742 (6) APPROPRIATIONS. ~~From funds appropriated to the~~
13743 ~~Department of Environmental Protection for land acquisition from~~
13744 ~~the Conservation and Recreation Lands Trust Fund for fiscal~~
13745 ~~years 1994-1995, 1995-1996, and 1996-1997, $4 million shall be~~
13746 ~~reserved each fiscal year to carry out the purposes of this~~



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13747 ~~section.~~ To the extent practicable, moneys appropriated from the
13748 Conservation and Recreation Lands Trust Fund, Save Our Rivers
13749 Trust Fund, and Florida Communities Trust Fund shall be used to
13750 acquire lands, or interests or rights in lands, on the
13751 Conservation and Recreation Lands, Save Our Rivers, or Florida
13752 Communities Trust land acquisition plans or lists, as defined in
13753 s. 259.035, or a land acquisition plan under s. 373.59 or s.
13754 380.508. However, nothing in this subsection prohibits the Green
13755 Swamp Land Authority from entering into land protection
13756 agreements with any property owner whose property is not on any
13757 of such lists. ~~From sums appropriated to the Department of~~
13758 ~~Environmental Protection from the Water Management District~~
13759 ~~Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and~~
13760 ~~1996-1997, $3 million shall be reserved each fiscal year to~~
13761 ~~carry out the purposes of this section. Such amounts as are used~~
13762 ~~from the Water Management District Lands Trust Fund shall be~~
13763 ~~credited against the allocations as provided in s. 373.59 to the~~
13764 ~~St. Johns River Water Management District or the Southwest~~
13765 ~~Florida Water Management District in proportion to the amount of~~
13766 ~~lands for which an interest was acquired, and shall not be~~
13767 ~~required by a district for debt service payments or land~~
13768 ~~management purposes. From funds appropriated to the Department~~
13769 ~~of Community Affairs for the Florida Communities Trust Program~~
13770 ~~from the Preservation 2000 Trust Fund for fiscal years 1994-1995~~
13771 ~~through 1999-2000, $3 million shall be reserved each fiscal year~~
13772 ~~to carry out the purposes of this section. Appropriations~~
13773 ~~identified pursuant to this subsection shall fund the~~
13774 ~~acquisition of lands, or the interests or rights in lands, and~~
13775 ~~related costs of acquisition. Such funds shall be available for~~



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13776 ~~expenditure after the land authority has adopted rules to begin~~
13777 ~~its program. Funds reserved pursuant to this subsection, for~~
13778 ~~each of the referenced fiscal years, shall remain available for~~
13779 ~~the purposes specified in this subsection for 24 months from the~~
13780 ~~date on which such funds become available for disbursement.~~
13781 ~~After such time has elapsed, any funds which are not legally~~
13782 ~~obligated for expenditure shall be released for the lawful~~
13783 ~~purposes for which they were otherwise appropriated.~~
13784 Section 261. Section 380.285, Florida Statutes, is amended
13785 to read:
13786 380.285 Lighthouses; study; preservation; funding.—The
13787 ~~Department of Community Affairs and the~~ Division of Historical
13788 Resources of the Department of State shall undertake a study of
13789 the lighthouses in the state. The study must determine the
13790 location, ownership, condition, and historical significance of
13791 all lighthouses in the state and ensure that all historically
13792 significant lighthouses are nominated for inclusion on the
13793 National Register of Historic Places. The study must assess the
13794 condition and restoration needs of historic lighthouses and
13795 develop plans for appropriate future public access and use. The
13796 Division of Historical Resources shall take a leadership role in
13797 implementing plans to stabilize lighthouses and associated
13798 structures and to preserve and protect them from future
13799 deterioration. When possible, the lighthouses and associated
13800 buildings should be made available to the public for educational
13801 and recreational purposes. The Department of State shall request
13802 in its annual legislative budget requests funding necessary to
13803 carry out the duties and responsibilities specified in this act.
13804 Funds for the rehabilitation of lighthouses should be allocated



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13805 through matching grants-in-aid to state and local government
13806 agencies and to nonprofit organizations. The Department of
13807 Environmental Protection may assist the Division of Historical
13808 Resources in projects to accomplish the goals and activities
13809 described in this section.
13810 Section 262. Subsection (2) of section 380.503, Florida
13811 Statutes, is amended to read:
13812 380.503 Definitions.—As used in ss. 380.501-380.515, unless
13813 the context indicates a different meaning or intent:
13814 (2) "Department" means the Department of Environmental
13815 Protection ~~Community Affairs~~.
13816 Section 263. Subsection (1) of section 380.504, Florida
13817 Statutes, is amended to read:
13818 380.504 Florida Communities Trust; creation; membership;
13819 expenses.—
13820 (1) There is created within the Department of Environmental
13821 Protection ~~the Department of Community Affairs~~ a nonregulatory
13822 state agency and instrumentality, which shall be a public body
13823 corporate and politic, known as the "Florida Communities Trust."
13824 The governing body of the trust shall consist of:
13825 (a) The ~~Secretary of Community Affairs and the~~ Secretary of
13826 Environmental Protection; and
13827 (b) Four public members whom the Governor shall appoint
13828 subject to Senate confirmation.
13829
13830 The Governor shall appoint a former elected official of a county
13831 government, a former elected official of a metropolitan
13832 municipal government, a representative of a nonprofit
13833 organization as defined in this part, and a representative of



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13834 the development industry. ~~The Secretary of Community Affairs may~~
13835 ~~designate his or her assistant secretary or the director of the~~
13836 ~~Division of Community Planning to serve in his or her absence.~~
13837 The Secretary of Environmental Protection may appoint his or her
13838 deputy secretary, the director of the Division of State Lands,
13839 or the director of the Division of Recreation and Parks to serve
13840 in his or her absence. The Secretary of Environmental Protection
13841 ~~Secretary of Community Affairs~~ shall be the chair of the
13842 governing body of the trust. The Governor shall make his or her
13843 appointments upon the expiration of any current terms or within
13844 60 days after the effective date of the resignation of any
13845 member.
13846 Section 264. Subsection (1) of section 380.5115, Florida
13847 Statutes, is amended to read:
13848 380.5115 Florida Forever Program Trust Fund of the
13849 Department of Environmental Protection ~~Community Affairs~~.—
13850 (1) There is created a Florida Forever Program Trust Fund
13851 within the department ~~of Community Affairs~~ to further the
13852 purposes of this part as specified in s. 259.105(3)(c) and (j).
13853 The trust fund shall receive funds pursuant to s. 259.105(3)(c)
13854 and (j).
13855 Section 265. Paragraph (e) of subsection (1) of section
13856 381.0054, Florida Statutes, is amended to read:
13857 381.0054 Healthy lifestyles promotion.—
13858 (1) The Department of Health shall promote healthy
13859 lifestyles to reduce the prevalence of excess weight gain and
13860 obesity in Florida by implementing appropriate physical activity
13861 and nutrition programs that are directed towards all Floridians
13862 by:



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13863 (e) Partnering with the Department of Education, school
13864 districts, and Enterprise Florida, Inc., ~~the Florida Sports~~
13865 ~~Foundation~~ to develop a program that recognizes schools whose
13866 students demonstrate excellent physical fitness or fitness
13867 improvement.
13868 Section 266. Subsection (6) of section 381.0086, Florida
13869 Statutes, is amended to read:
13870 381.0086 Rules; variances; penalties.—
13871 (6) For the purposes of filing an interstate clearance
13872 order with the Department of Economic Opportunity ~~Agency for~~
13873 ~~Workforce Innovation~~, if the housing is covered by 20 C.F.R.
13874 part 654, subpart E, no permanent structural variance referred
13875 to in subsection (2) is allowed.
13876 Section 267. Paragraph (e) of subsection (2) and paragraph
13877 (b) of subsection (5) of section 381.0303, Florida Statutes, are
13878 amended to read:
13879 381.0303 Special needs shelters.—
13880 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY
13881 ASSISTANCE.—If funds have been appropriated to support disaster
13882 coordinator positions in county health departments:
13883 (e) The Secretary of Elderly Affairs, or his or her
13884 designee, shall convene, at any time that he or she deems
13885 appropriate and necessary, a multiagency special needs shelter
13886 discharge planning team to assist local areas that are severely
13887 impacted by a natural or manmade disaster that requires the use
13888 of special needs shelters. Multiagency special needs shelter
13889 discharge planning teams shall provide assistance to local
13890 emergency management agencies with the continued operation or
13891 closure of the shelters, as well as with the discharge of



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13892 special needs clients to alternate facilities if necessary.
13893 Local emergency management agencies may request the assistance
13894 of a multiagency special needs shelter discharge planning team
13895 by alerting statewide emergency management officials of the
13896 necessity for additional assistance in their area. The Secretary
13897 of Elderly Affairs is encouraged to proactively work with other
13898 state agencies prior to any natural disasters for which warnings
13899 are provided to ensure that multiagency special needs shelter
13900 discharge planning teams are ready to assemble and deploy
13901 rapidly upon a determination by state emergency management
13902 officials that a disaster area requires additional assistance.
13903 The Secretary of Elderly Affairs may call upon any state agency
13904 or office to provide staff to assist a multiagency special needs
13905 shelter discharge planning team. Unless the secretary determines
13906 that the nature or circumstances surrounding the disaster do not
13907 warrant participation from a particular agency's staff, each
13908 multiagency special needs shelter discharge planning team shall
13909 include at least one representative from each of the following
13910 state agencies:
13911 1. Department of Elderly Affairs.
13912 2. Department of Health.
13913 3. Department of Children and Family Services.
13914 4. Department of Veterans' Affairs.
13915 5. Division of Emergency Management ~~Department of Community~~
13916 ~~Affairs~~.
13917 6. Agency for Health Care Administration.
13918 7. Agency for Persons with Disabilities.
13919 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State
13920 Surgeon General may establish a special needs shelter



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13921 interagency committee and serve as, or appoint a designee to
13922 serve as, the committee's chair. The department shall provide
13923 any necessary staff and resources to support the committee in
13924 the performance of its duties. The committee shall address and
13925 resolve problems related to special needs shelters not addressed
13926 in the state comprehensive emergency medical plan and shall
13927 consult on the planning and operation of special needs shelters.
13928 (b) The special needs shelter interagency committee shall
13929 be composed of representatives of emergency management, health,
13930 medical, and social services organizations. Membership shall
13931 include, but shall not be limited to, representatives of the
13932 Departments of Health, ~~Community Affairs,~~ Children and Family
13933 Services, Elderly Affairs, and Education; the Agency for Health
13934 Care Administration; the Division of Emergency Management; the
13935 Florida Medical Association; the Florida Osteopathic Medical
13936 Association; Associated Home Health Industries of Florida, Inc.;
13937 the Florida Nurses Association; the Florida Health Care
13938 Association; the Florida Assisted Living Affiliation; the
13939 Florida Hospital Association; the Florida Statutory Teaching
13940 Hospital Council; the Florida Association of Homes for the
13941 Aging; the Florida Emergency Preparedness Association; the
13942 American Red Cross; Florida Hospices and Palliative Care, Inc.;
13943 the Association of Community Hospitals and Health Systems; the
13944 Florida Association of Health Maintenance Organizations; the
13945 Florida League of Health Systems; the Private Care Association;
13946 the Salvation Army; the Florida Association of Aging Services
13947 Providers; the AARP; and the Florida Renal Coalition.
13948 Section 268. Subsection (3) of section 381.7354, Florida
13949 Statutes, is amended to read:



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13950 381.7354 Eligibility.—
13951 (3) In addition to the grants awarded under subsections (1)
13952 and (2), up to 20 percent of the funding for the Reducing Racial
13953 and Ethnic Health Disparities: Closing the Gap grant program
13954 shall be dedicated to projects that address improving racial and
13955 ethnic health status within specific Front Porch Florida
13956 Communities~~, as designated pursuant to s. 20.18(6)~~.
13957 Section 269. Paragraph (b) of subsection (1) and subsection
13958 (2) of section 383.14, Florida Statutes, are amended to read:
13959 383.14 Screening for metabolic disorders, other hereditary
13960 and congenital disorders, and environmental risk factors.—
13961 (1) SCREENING REQUIREMENTS.—To help ensure access to the
13962 maternal and child health care system, the Department of Health
13963 shall promote the screening of all newborns born in Florida for
13964 metabolic, hereditary, and congenital disorders known to result
13965 in significant impairment of health or intellect, as screening
13966 programs accepted by current medical practice become available
13967 and practical in the judgment of the department. The department
13968 shall also promote the identification and screening of all
13969 newborns in this state and their families for environmental risk
13970 factors such as low income, poor education, maternal and family
13971 stress, emotional instability, substance abuse, and other high-
13972 risk conditions associated with increased risk of infant
13973 mortality and morbidity to provide early intervention,
13974 remediation, and prevention services, including, but not limited
13975 to, parent support and training programs, home visitation, and
13976 case management. Identification, perinatal screening, and
13977 intervention efforts shall begin prior to and immediately
13978 following the birth of the child by the attending health care



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13979 provider. Such efforts shall be conducted in hospitals,
13980 perinatal centers, county health departments, school health
13981 programs that provide prenatal care, and birthing centers, and
13982 reported to the Office of Vital Statistics.
13983 (b) *Postnatal screening.*—A risk factor analysis using the
13984 department's designated risk assessment instrument shall also be
13985 conducted as part of the medical screening process upon the
13986 birth of a child and submitted to the department's Office of
13987 Vital Statistics for recording and other purposes provided for
13988 in this chapter. The department's screening process for risk
13989 assessment shall include a scoring mechanism and procedures that
13990 establish thresholds for notification, further assessment,
13991 referral, and eligibility for services by professionals or
13992 paraprofessionals consistent with the level of risk. Procedures
13993 for developing and using the screening instrument, notification,
13994 referral, and care coordination services, reporting
13995 requirements, management information, and maintenance of a
13996 computer-driven registry in the Office of Vital Statistics which
13997 ensures privacy safeguards must be consistent with the
13998 provisions and plans established under chapter 411, Pub. L. No.
13999 99-457, and this chapter. Procedures established for reporting
14000 information and maintaining a confidential registry must include
14001 a mechanism for a centralized information depository at the
14002 state and county levels. The department shall coordinate with
14003 existing risk assessment systems and information registries. The
14004 department must ensure, to the maximum extent possible, that the
14005 screening information registry is integrated with the
14006 department's automated data systems, including the Florida On-
14007 line Recipient Integrated Data Access (FLORIDA) system. Tests



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14008 and screenings must be performed by the State Public Health
14009 Laboratory, in coordination with Children's Medical Services, at
14010 such times and in such manner as is prescribed by the department
14011 after consultation with the Genetics and Newborn ~~Infant~~
14012 Screening Advisory Council and the Office of Early Learning
14013 ~~Agency for Workforce Innovation~~.
14014 (2) RULES.—After consultation with the Genetics and Newborn
14015 Screening Advisory Council, the department shall adopt and
14016 enforce rules requiring that every newborn in this state shall,
14017 prior to becoming 1 week of age, be subjected to a test for
14018 phenylketonuria and, at the appropriate age, be tested for such
14019 other metabolic diseases and hereditary or congenital disorders
14020 as the department may deem necessary from time to time. After
14021 consultation with the Office of Early Learning ~~Agency for~~
14022 ~~Workforce Innovation~~, the department shall also adopt and
14023 enforce rules requiring every newborn in this state to be
14024 screened for environmental risk factors that place children and
14025 their families at risk for increased morbidity, mortality, and
14026 other negative outcomes. The department shall adopt such
14027 additional rules as are found necessary for the administration
14028 of this section and s. 383.145, including rules providing
14029 definitions of terms, rules relating to the methods used and
14030 time or times for testing as accepted medical practice
14031 indicates, rules relating to charging and collecting fees for
14032 the administration of the newborn screening program authorized
14033 by this section, rules for processing requests and releasing
14034 test and screening results, and rules requiring mandatory
14035 reporting of the results of tests and screenings for these
14036 conditions to the department.



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14037 Section 270. Subsection (8) of section 393.067, Florida
14038 Statutes, is amended to read:
14039 393.067 Facility licensure.—
14040 (8) The agency, after consultation with the Division of
14041 Emergency Management ~~Department of Community Affairs~~, shall
14042 adopt rules for foster care facilities, group home facilities,
14043 and residential habilitation centers which establish minimum
14044 standards for the preparation and annual update of a
14045 comprehensive emergency management plan. At a minimum, the rules
14046 must provide for plan components that address emergency
14047 evacuation transportation; adequate sheltering arrangements;
14048 postdisaster activities, including emergency power, food, and
14049 water; postdisaster transportation; supplies; staffing;
14050 emergency equipment; individual identification of residents and
14051 transfer of records; and responding to family inquiries. The
14052 comprehensive emergency management plan for all comprehensive
14053 transitional education programs and for homes serving
14054 individuals who have complex medical conditions is subject to
14055 review and approval by the local emergency management agency.
14056 During its review, the local emergency management agency shall
14057 ensure that the agency and the Division of Emergency Management
14058 ~~Department of Community Affairs~~, at a minimum, are given the
14059 opportunity to review the plan. Also, appropriate volunteer
14060 organizations must be given the opportunity to review the plan.
14061 The local emergency management agency shall complete its review
14062 within 60 days and either approve the plan or advise the
14063 facility of necessary revisions.
14064 Section 271. Paragraph (c) of subsection (1) of section
14065 395.1055, Florida Statutes, is amended to read:



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14066 395.1055 Rules and enforcement.—
14067 (1) The agency shall adopt rules pursuant to ss. 120.536(1)
14068 and 120.54 to implement the provisions of this part, which shall
14069 include reasonable and fair minimum standards for ensuring that:
14070 (c) A comprehensive emergency management plan is prepared
14071 and updated annually. Such standards must be included in the
14072 rules adopted by the agency after consulting with the Division
14073 of Emergency Management ~~Department of Community Affairs~~. At a
14074 minimum, the rules must provide for plan components that address
14075 emergency evacuation transportation; adequate sheltering
14076 arrangements; postdisaster activities, including emergency
14077 power, food, and water; postdisaster transportation; supplies;
14078 staffing; emergency equipment; individual identification of
14079 residents and transfer of records, and responding to family
14080 inquiries. The comprehensive emergency management plan is
14081 subject to review and approval by the local emergency management
14082 agency. During its review, the local emergency management agency
14083 shall ensure that the following agencies, at a minimum, are
14084 given the opportunity to review the plan: the Department of
14085 Elderly Affairs, the Department of Health, the Agency for Health
14086 Care Administration, and the Division of Emergency Management
14087 ~~Department of Community Affairs~~. Also, appropriate volunteer
14088 organizations must be given the opportunity to review the plan.
14089 The local emergency management agency shall complete its review
14090 within 60 days and either approve the plan or advise the
14091 facility of necessary revisions.
14092 Section 272. Paragraph (a) of subsection (1) of section
14093 395.1056, Florida Statutes, is amended to read:
14094 395.1056 Plan components addressing a hospital’s response



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14095 to terrorism; public records exemption; public meetings
14096 exemption.—
14097 (1)(a) Those portions of a comprehensive emergency
14098 management plan that address the response of a public or private
14099 hospital to an act of terrorism as defined by s. 775.30 held by
14100 the agency, a state or local law enforcement agency, a county or
14101 municipal emergency management agency, the Executive Office of
14102 the Governor, the Department of Health, or the Division of
14103 Emergency Management ~~Department of Community Affairs~~ are
14104 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
14105 of the State Constitution.
14106 Section 273. Paragraph (c) of subsection (14) of section
14107 397.321, Florida Statutes, is amended to read:
14108 397.321 Duties of the department.—The department shall:
14109 (14) In cooperation with service providers, foster and
14110 actively seek additional funding to enhance resources for
14111 prevention, intervention, clinical treatment, and recovery
14112 support services, including, but not limited to, the development
14113 of partnerships with:
14114 (c) State agencies, including, but not limited to, the
14115 Department of Corrections, the Department of Education, the
14116 Department of Juvenile Justice, ~~the Department of Community~~
14117 ~~Affairs,~~ the Department of Elderly Affairs, the Department of
14118 Health, the Department of Financial Services, and the Agency for
14119 Health Care Administration.
14120 Section 274. Subsection (1) of section 397.801, Florida
14121 Statutes, is amended to read:
14122 397.801 Substance abuse impairment coordination.—
14123 (1) The Department of Children and Family Services, the



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14124 Department of Education, the Department of Corrections, ~~the~~
14125 ~~Department of Community Affairs,~~ and the Department of Law
14126 Enforcement each shall appoint a policy level staff person to
14127 serve as the agency substance abuse impairment coordinator. The
14128 responsibilities of the agency coordinator include interagency
14129 and intraagency coordination, collection and dissemination of
14130 agency-specific data relating to substance abuse impairment, and
14131 participation in the development of the state comprehensive plan
14132 for substance abuse impairment.
14133 Section 275. Paragraph (g) of subsection (2) of section
14134 400.23, Florida Statutes, is amended to read:
14135 400.23 Rules; evaluation and deficiencies; licensure
14136 status.—
14137 (2) Pursuant to the intention of the Legislature, the
14138 agency, in consultation with the Department of Health and the
14139 Department of Elderly Affairs, shall adopt and enforce rules to
14140 implement this part and part II of chapter 408, which shall
14141 include reasonable and fair criteria in relation to:
14142 (g) The preparation and annual update of a comprehensive
14143 emergency management plan. The agency shall adopt rules
14144 establishing minimum criteria for the plan after consultation
14145 with the Division of Emergency Management ~~Department of~~
14146 ~~Community Affairs~~. At a minimum, the rules must provide for plan
14147 components that address emergency evacuation transportation;
14148 adequate sheltering arrangements; postdisaster activities,
14149 including emergency power, food, and water; postdisaster
14150 transportation; supplies; staffing; emergency equipment;
14151 individual identification of residents and transfer of records;
14152 and responding to family inquiries. The comprehensive emergency



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14153 management plan is subject to review and approval by the local
14154 emergency management agency. During its review, the local
14155 emergency management agency shall ensure that the following
14156 agencies, at a minimum, are given the opportunity to review the
14157 plan: the Department of Elderly Affairs, the Department of
14158 Health, the Agency for Health Care Administration, and the
14159 Division of Emergency Management ~~Department of Community~~
14160 ~~Affairs~~. Also, appropriate volunteer organizations must be given
14161 the opportunity to review the plan. The local emergency
14162 management agency shall complete its review within 60 days and
14163 either approve the plan or advise the facility of necessary
14164 revisions.
14165 Section 276. Paragraph (a) of subsection (10) of section
14166 400.497, Florida Statutes, is amended to read:
14167 400.497 Rules establishing minimum standards.—The agency
14168 shall adopt, publish, and enforce rules to implement part II of
14169 chapter 408 and this part, including, as applicable, ss. 400.506
14170 and 400.509, which must provide reasonable and fair minimum
14171 standards relating to:
14172 (10) Preparation of a comprehensive emergency management
14173 plan pursuant to s. 400.492.
14174 (a) The Agency for Health Care Administration shall adopt
14175 rules establishing minimum criteria for the plan and plan
14176 updates, with the concurrence of the Department of Health and in
14177 consultation with the Division of Emergency Management
14178 ~~Department of Community Affairs~~.
14179 Section 277. Paragraph (f) of subsection (12) of section
14180 400.506, Florida Statutes, is amended to read:
14181 400.506 Licensure of nurse registries; requirements;



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14182 penalties.—
14183 (12) Each nurse registry shall prepare and maintain a
14184 comprehensive emergency management plan that is consistent with
14185 the criteria in this subsection and with the local special needs
14186 plan. The plan shall be updated annually. The plan shall include
14187 the means by which the nurse registry will continue to provide
14188 the same type and quantity of services to its patients who
14189 evacuate to special needs shelters which were being provided to
14190 those patients prior to evacuation. The plan shall specify how
14191 the nurse registry shall facilitate the provision of continuous
14192 care by persons referred for contract to persons who are
14193 registered pursuant to s. 252.355 during an emergency that
14194 interrupts the provision of care or services in private
14195 residences. Nurse registries may establish links to local
14196 emergency operations centers to determine a mechanism by which
14197 to approach specific areas within a disaster area in order for a
14198 provider to reach its clients. Nurse registries shall
14199 demonstrate a good faith effort to comply with the requirements
14200 of this subsection by documenting attempts of staff to follow
14201 procedures outlined in the nurse registry's comprehensive
14202 emergency management plan which support a finding that the
14203 provision of continuing care has been attempted for patients
14204 identified as needing care by the nurse registry and registered
14205 under s. 252.355 in the event of an emergency under this
14206 subsection.
14207 (f) The Agency for Health Care Administration shall adopt
14208 rules establishing minimum criteria for the comprehensive
14209 emergency management plan and plan updates required by this
14210 subsection, with the concurrence of the Department of Health and



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14211 in consultation with the Division of Emergency Management
14212 ~~Department of Community Affairs~~.
14213 Section 278. Paragraph (h) of subsection (1) of section
14214 400.605, Florida Statutes, is amended to read:
14215 400.605 Administration; forms; fees; rules; inspections;
14216 fines.—
14217 (1) The agency, in consultation with the department, may
14218 adopt rules to administer the requirements of part II of chapter
14219 408. The department, in consultation with the agency, shall by
14220 rule establish minimum standards and procedures for a hospice
14221 pursuant to this part. The rules must include:
14222 (h) Components of a comprehensive emergency management
14223 plan, developed in consultation with the Department of Health,
14224 the Department of Elderly Affairs, and the Division of Emergency
14225 Management ~~Department of Community Affairs~~.
14226 Section 279. Subsection (9) of section 400.935, Florida
14227 Statutes, is amended to read:
14228 400.935 Rules establishing minimum standards.—The agency
14229 shall adopt, publish, and enforce rules to implement this part
14230 and part II of chapter 408, which must provide reasonable and
14231 fair minimum standards relating to:
14232 (9) Preparation of the comprehensive emergency management
14233 plan under s. 400.934 and the establishment of minimum criteria
14234 for the plan, including the maintenance of patient equipment and
14235 supply lists that can accompany patients who are transported
14236 from their homes. Such rules shall be formulated in consultation
14237 with the Department of Health and the Division of Emergency
14238 Management ~~Department of Community Affairs~~.
14239 Section 280. Paragraph (g) of subsection (2) of section



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14240 400.967, Florida Statutes, is amended to read:
14241 400.967 Rules and classification of deficiencies.—
14242 (2) Pursuant to the intention of the Legislature, the
14243 agency, in consultation with the Agency for Persons with
14244 Disabilities and the Department of Elderly Affairs, shall adopt
14245 and enforce rules to administer this part and part II of chapter
14246 408, which shall include reasonable and fair criteria governing:
14247 (g) The preparation and annual update of a comprehensive
14248 emergency management plan. The agency shall adopt rules
14249 establishing minimum criteria for the plan after consultation
14250 with the Division of Emergency Management ~~Department of~~
14251 ~~Community Affairs~~. At a minimum, the rules must provide for plan
14252 components that address emergency evacuation transportation;
14253 adequate sheltering arrangements; postdisaster activities,
14254 including emergency power, food, and water; postdisaster
14255 transportation; supplies; staffing; emergency equipment;
14256 individual identification of residents and transfer of records;
14257 and responding to family inquiries. The comprehensive emergency
14258 management plan is subject to review and approval by the local
14259 emergency management agency. During its review, the local
14260 emergency management agency shall ensure that the following
14261 agencies, at a minimum, are given the opportunity to review the
14262 plan: the Department of Elderly Affairs, the Agency for Persons
14263 with Disabilities, the Agency for Health Care Administration,
14264 and the Division of Emergency Management ~~Department of Community~~
14265 ~~Affairs~~. Also, appropriate volunteer organizations must be given
14266 the opportunity to review the plan. The local emergency
14267 management agency shall complete its review within 60 days and
14268 either approve the plan or advise the facility of necessary



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14269 revisions.
14270 Section 281. Paragraph (b) of subsection (2) of section
14271 401.245, Florida Statutes, is amended to read:
14272 401.245 Emergency Medical Services Advisory Council.—
14273 (2)
14274 (b) Representation on the Emergency Medical Services
14275 Advisory Council shall include: two licensed physicians who are
14276 "medical directors" as defined in s. 401.23(15) or whose medical
14277 practice is closely related to emergency medical services; two
14278 emergency medical service administrators, one of whom is
14279 employed by a fire service; two certified paramedics, one of
14280 whom is employed by a fire service; two certified emergency
14281 medical technicians, one of whom is employed by a fire service;
14282 one emergency medical services educator; one emergency nurse;
14283 one hospital administrator; one representative of air ambulance
14284 services; one representative of a commercial ambulance operator;
14285 and two laypersons who are in no way connected with emergency
14286 medical services, one of whom is a representative of the
14287 elderly. Ex officio members of the advisory council from state
14288 agencies shall include, but shall not be limited to,
14289 representatives from the Department of Education, the Department
14290 of Management Services, the State Fire Marshal, the Department
14291 of Highway Safety and Motor Vehicles, the Department of
14292 Transportation, and the Division of Emergency Management
14293 ~~Department of Community Affairs~~.
14294 Section 282. Paragraph (b) of subsection (3) of section
14295 402.281, Florida Statutes, is amended to read:
14296 402.281 Gold Seal Quality Care program.—
14297 (3)



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14298 (b) In approving accrediting associations, the department
14299 shall consult with the Department of Education, ~~the Agency for~~
14300 ~~Workforce Innovation,~~ the Florida Head Start Directors
14301 Association, the Florida Association of Child Care Management,
14302 the Florida Family Day Care Association, the Florida Children's
14303 Forum, the Early Childhood Association of Florida, the Child
14304 Development Education Alliance, providers receiving exemptions
14305 under s. 402.316, and parents.
14306 Section 283. Subsection (6) of section 402.45, Florida
14307 Statutes, is amended to read:
14308 402.45 Community resource mother or father program.—
14309 (6) Individuals under contract to provide community
14310 resource mother or father services shall participate in
14311 preservice and ongoing training as determined by the Department
14312 of Health in consultation with the Office of Early Learning
14313 ~~Agency for Workforce Innovation~~. A community resource mother or
14314 father shall not be assigned a client caseload until all
14315 preservice training requirements are completed.
14316 Section 284. Paragraph (a) of subsection (4) of section
14317 402.56, Florida Statutes, is amended to read:
14318 402.56 Children's cabinet; organization; responsibilities;
14319 annual report.—
14320 (4) MEMBERS.—The cabinet shall consist of 14 ~~15~~ members
14321 including the Governor and the following persons:
14322 (a)1. The Secretary of Children and Family Services;
14323 2. The Secretary of Juvenile Justice;
14324 3. The director of the Agency for Persons with
14325 Disabilities;
14326 4. The director of the Division of Early Learning ~~Agency~~



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14327 ~~for Workforce Innovation~~;
14328 5. The State Surgeon General;
14329 6. The Secretary of Health Care Administration;
14330 7. The Commissioner of Education;
14331 8. The director of the Statewide Guardian Ad Litem Office;
14332 9. The director of the Office of Child Abuse Prevention;
14333 and
14334 10. Five members representing children and youth advocacy
14335 organizations, who are not service providers and who are
14336 appointed by the Governor.
14337 Section 285. Subsection (5) of section 403.0752, Florida
14338 Statutes, is amended to read:
14339 403.0752 Ecosystem management agreements.—
14340 (5) The executive director of the Department of Economic
14341 Opportunity ~~Secretary of Community Affairs~~, the Secretary of
14342 Transportation, the Commissioner of Agriculture, the Executive
14343 Director of the Fish and Wildlife Conservation Commission, and
14344 the executive directors of the water management districts are
14345 authorized to participate in the development of ecosystem
14346 management agreements with regulated entities and other
14347 governmental agencies as necessary to effectuate the provisions
14348 of this section. Local governments are encouraged to participate
14349 in ecosystem management agreements.
14350 Section 286. Paragraph (b) of subsection (3) of section
14351 403.42, Florida Statutes, is amended to read:
14352 403.42 Florida Clean Fuel Act.—
14353 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
14354 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—
14355 (b)1. The advisory board shall consist of the executive



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14356 director of the Department of Economic Opportunity ~~Secretary of~~
14357 ~~Community Affairs, or a designee from that department~~, the
14358 Secretary of Environmental Protection, or a designee from that
14359 department, the Commissioner of Education, or a designee from
14360 that department, the Secretary of Transportation, or a designee
14361 from that department, the Commissioner of Agriculture, or a
14362 designee from that ~~the~~ department ~~of Agriculture and Consumer~~
14363 ~~Services~~, the Secretary of Management Services, or a designee
14364 from that department, and a representative of each of the
14365 following, who shall be appointed by the Secretary of
14366 Environmental Protection:
14367 a. The Florida biodiesel industry.
14368 b. The Florida electric utility industry.
14369 c. The Florida natural gas industry.
14370 d. The Florida propane gas industry.
14371 e. An automobile manufacturers' association.
14372 f. A Florida Clean Cities Coalition designated by the
14373 United States Department of Energy.
14374 g. Enterprise Florida, Inc.
14375 h. EV Ready Broward.
14376 i. The Florida petroleum industry.
14377 j. The Florida League of Cities.
14378 k. The Florida Association of Counties.
14379 l. Floridians for Better Transportation.
14380 m. A motor vehicle manufacturer.
14381 n. Florida Local Environment Resource Agencies.
14382 o. Project for an Energy Efficient Florida.
14383 p. Florida Transportation Builders Association.
14384 2. The purpose of the advisory board is to serve as a



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14385 resource for the department and to provide the Governor, the
14386 Legislature, and the Secretary of Environmental Protection with
14387 private sector and other public agency perspectives on achieving
14388 the goal of increasing the use of alternative fuel vehicles in
14389 this state.
14390 3. Members shall be appointed to serve terms of 1 year
14391 each, with reappointment at the discretion of the Secretary of
14392 Environmental Protection. Vacancies shall be filled for the
14393 remainder of the unexpired term in the same manner as the
14394 original appointment.
14395 4. The board shall annually select a chairperson.
14396 5.a. The board shall meet at least once each quarter or
14397 more often at the call of the chairperson or the Secretary of
14398 Environmental Protection.
14399 b. Meetings are exempt from the notice requirements of
14400 chapter 120, and sufficient notice shall be given to afford
14401 interested persons reasonable notice under the circumstances.
14402 6. Members of the board are entitled to travel expenses
14403 while engaged in the performance of board duties.
14404 7. The board shall terminate 5 years after the effective
14405 date of this act.
14406 Section 287. Paragraph (a) of subsection (2) of section
14407 403.507, Florida Statutes, is amended to read:
14408 403.507 Preliminary statements of issues, reports, project
14409 analyses, and studies.—
14410 (2)(a) No later than 100 days after the certification
14411 application has been determined complete, the following agencies
14412 shall prepare reports as provided below and shall submit them to
14413 the department and the applicant, unless a final order denying



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14414 the determination of need has been issued under s. 403.519:
14415 1. The Department of Economic Opportunity ~~Community Affairs~~
14416 shall prepare a report containing recommendations which address
14417 the impact upon the public of the proposed electrical power
14418 plant, based on the degree to which the electrical power plant
14419 is consistent with the applicable portions of the state
14420 comprehensive plan, emergency management, and other such matters
14421 within its jurisdiction. The Department of Economic Opportunity
14422 ~~Community Affairs~~ may also comment on the consistency of the
14423 proposed electrical power plant with applicable strategic
14424 regional policy plans or local comprehensive plans and land
14425 development regulations.
14426 2. The water management district shall prepare a report as
14427 to matters within its jurisdiction, including but not limited
14428 to, the impact of the proposed electrical power plant on water
14429 resources, regional water supply planning, and district-owned
14430 lands and works.
14431 3. Each local government in whose jurisdiction the proposed
14432 electrical power plant is to be located shall prepare a report
14433 as to the consistency of the proposed electrical power plant
14434 with all applicable local ordinances, regulations, standards, or
14435 criteria that apply to the proposed electrical power plant,
14436 including any applicable local environmental regulations adopted
14437 pursuant to s. 403.182 or by other means.
14438 4. The Fish and Wildlife Conservation Commission shall
14439 prepare a report as to matters within its jurisdiction.
14440 5. Each regional planning council shall prepare a report
14441 containing recommendations that address the impact upon the
14442 public of the proposed electrical power plant, based on the



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14443 degree to which the electrical power plant is consistent with
14444 the applicable provisions of the strategic regional policy plan
14445 adopted pursuant to chapter 186 and other matters within its
14446 jurisdiction.
14447 6. The Department of Transportation shall address the
14448 impact of the proposed electrical power plant on matters within
14449 its jurisdiction.
14450 Section 288. Paragraph (a) of subsection (3) of section
14451 403.508, Florida Statutes, is amended to read:
14452 403.508 Land use and certification hearings, parties,
14453 participants.—
14454 (3)(a) Parties to the proceeding shall include:
14455 1. The applicant.
14456 2. The Public Service Commission.
14457 3. The Department of Economic Opportunity ~~Community~~
14458 ~~Affairs~~.
14459 4. The Fish and Wildlife Conservation Commission.
14460 5. The water management district.
14461 6. The department.
14462 7. The regional planning council.
14463 8. The local government.
14464 9. The Department of Transportation.
14465 Section 289. Paragraph (b) of subsection (2) of section
14466 403.524, Florida Statutes, is amended to read:
14467 403.524 Applicability; certification; exemptions.—
14468 (2) Except as provided in subsection (1), construction of a
14469 transmission line may not be undertaken without first obtaining
14470 certification under this act, but this act does not apply to:
14471 (b) Transmission lines that have been exempted by a binding



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14472 letter of interpretation issued under s. 380.06(4), or in which
14473 the Department of Economic Opportunity ~~Community Affairs~~ or its
14474 predecessor agency has determined the utility to have vested
14475 development rights within the meaning of s. 380.05(18) or s.
14476 380.06(20).
14477 Section 290. Paragraph (a) of subsection (2) of section
14478 403.526, Florida Statutes, is amended to read:
14479 403.526 Preliminary statements of issues, reports, and
14480 project analyses; studies.—
14481 (2)(a) No later than 90 days after the filing of the
14482 application, the following agencies shall prepare reports as
14483 provided below, unless a final order denying the determination
14484 of need has been issued under s. 403.537:
14485 1. The department shall prepare a report as to the impact
14486 of each proposed transmission line or corridor as it relates to
14487 matters within its jurisdiction.
14488 2. Each water management district in the jurisdiction of
14489 which a proposed transmission line or corridor is to be located
14490 shall prepare a report as to the impact on water resources and
14491 other matters within its jurisdiction.
14492 3. The Department of Economic Opportunity ~~Community Affairs~~
14493 shall prepare a report containing recommendations which address
14494 the impact upon the public of the proposed transmission line or
14495 corridor, based on the degree to which the proposed transmission
14496 line or corridor is consistent with the applicable portions of
14497 the state comprehensive plan, emergency management, and other
14498 matters within its jurisdiction. The Department of Economic
14499 Opportunity ~~Community Affairs~~ may also comment on the
14500 consistency of the proposed transmission line or corridor with



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14501 applicable strategic regional policy plans or local
14502 comprehensive plans and land development regulations.
14503 4. The Fish and Wildlife Conservation Commission shall
14504 prepare a report as to the impact of each proposed transmission
14505 line or corridor on fish and wildlife resources and other
14506 matters within its jurisdiction.
14507 5. Each local government shall prepare a report as to the
14508 impact of each proposed transmission line or corridor on matters
14509 within its jurisdiction, including the consistency of the
14510 proposed transmission line or corridor with all applicable local
14511 ordinances, regulations, standards, or criteria that apply to
14512 the proposed transmission line or corridor, including local
14513 comprehensive plans, zoning regulations, land development
14514 regulations, and any applicable local environmental regulations
14515 adopted pursuant to s. 403.182 or by other means. A change by
14516 the responsible local government or local agency in local
14517 comprehensive plans, zoning ordinances, or other regulations
14518 made after the date required for the filing of the local
14519 government’s report required by this section is not applicable
14520 to the certification of the proposed transmission line or
14521 corridor unless the certification is denied or the application
14522 is withdrawn.
14523 6. Each regional planning council shall present a report
14524 containing recommendations that address the impact upon the
14525 public of the proposed transmission line or corridor based on
14526 the degree to which the transmission line or corridor is
14527 consistent with the applicable provisions of the strategic
14528 regional policy plan adopted under chapter 186 and other impacts
14529 of each proposed transmission line or corridor on matters within



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14530 its jurisdiction.
14531 7. The Department of Transportation shall prepare a report
14532 as to the impact of the proposed transmission line or corridor
14533 on state roads, railroads, airports, aeronautics, seaports, and
14534 other matters within its jurisdiction.
14535 8. The commission shall prepare a report containing its
14536 determination under s. 403.537, and the report may include the
14537 comments from the commission with respect to any other subject
14538 within its jurisdiction.
14539 9. Any other agency, if requested by the department, shall
14540 also perform studies or prepare reports as to subjects within
14541 the jurisdiction of the agency which may potentially be affected
14542 by the proposed transmission line.
14543 Section 291. Paragraph (a) of subsection (2) of section
14544 403.527, Florida Statutes, is amended to read:
14545 403.527 Certification hearing, parties, participants.—
14546 (2)(a) Parties to the proceeding shall be:
14547 1. The applicant.
14548 2. The department.
14549 3. The commission.
14550 4. The Department of Economic Opportunity ~~Community~~
14551 ~~Affairs~~.
14552 5. The Fish and Wildlife Conservation Commission.
14553 6. The Department of Transportation.
14554 7. Each water management district in the jurisdiction of
14555 which the proposed transmission line or corridor is to be
14556 located.
14557 8. The local government.
14558 9. The regional planning council.



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14559 Section 292. Subsection (1) of section 403.757, Florida
14560 Statutes, is amended to read:
14561 403.757 Coordination with other state agencies.—
14562 (1) The department shall coordinate its activities and
14563 functions under ss. 403.75-403.769 and s. 526.01, as amended by
14564 chapter 84-338, Laws of Florida, with the Department of Economic
14565 Opportunity ~~Community Affairs~~ and other state agencies to avoid
14566 duplication in reporting and information gathering.
14567 Section 293. Paragraph (m) of subsection (5) of section
14568 403.7032, Florida Statutes, is amended to read:
14569 403.7032 Recycling.—
14570 (5) The Department of Environmental Protection shall create
14571 the Recycling Business Assistance Center by December 1, 2010. In
14572 carrying out its duties under this subsection, the department
14573 shall consult with state agency personnel appointed to serve as
14574 economic development liaisons under s. 288.021 and seek
14575 technical assistance from Enterprise Florida, Inc., to ensure
14576 the Recycling Business Assistance Center is positioned to
14577 succeed. The purpose of the center shall be to serve as the
14578 mechanism for coordination among state agencies and the private
14579 sector in order to coordinate policy and overall strategic
14580 planning for developing new markets and expanding and enhancing
14581 existing markets for recyclable materials in this state, other
14582 states, and foreign countries. The duties of the center must
14583 include, at a minimum:
14584 (m) Coordinating with the Department of Economic
14585 Opportunity ~~Agency for Workforce Innovation~~ and its partners to
14586 provide job placement and job training services to job seekers
14587 through the state's workforce services programs.



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14588 Section 294. Paragraph (a) of subsection (2) of section
14589 403.941, Florida Statutes, is amended to read:
14590 403.941 Preliminary statements of issues, reports, and
14591 studies.—
14592 (2)(a) The affected agencies shall prepare reports as
14593 provided in this paragraph and shall submit them to the
14594 department and the applicant within 60 days after the
14595 application is determined sufficient:
14596 1. The department shall prepare a report as to the impact
14597 of each proposed natural gas transmission pipeline or corridor
14598 as it relates to matters within its jurisdiction.
14599 2. Each water management district in the jurisdiction of
14600 which a proposed natural gas transmission pipeline or corridor
14601 is to be located shall prepare a report as to the impact on
14602 water resources and other matters within its jurisdiction.
14603 3. The Department of Economic Opportunity ~~Community Affairs~~
14604 shall prepare a report containing recommendations which address
14605 the impact upon the public of the proposed natural gas
14606 transmission pipeline or corridor, based on the degree to which
14607 the proposed natural gas transmission pipeline or corridor is
14608 consistent with the applicable portions of the state
14609 comprehensive plan and other matters within its jurisdiction.
14610 The Department of Economic Opportunity ~~Community Affairs~~ may
14611 also comment on the consistency of the proposed natural gas
14612 transmission pipeline or corridor with applicable strategic
14613 regional policy plans or local comprehensive plans and land
14614 development regulations.
14615 4. The Fish and Wildlife Conservation Commission shall
14616 prepare a report as to the impact of each proposed natural gas



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14617 transmission pipeline or corridor on fish and wildlife resources
14618 and other matters within its jurisdiction.
14619 5. Each local government in which the natural gas
14620 transmission pipeline or natural gas transmission pipeline
14621 corridor will be located shall prepare a report as to the impact
14622 of each proposed natural gas transmission pipeline or corridor
14623 on matters within its jurisdiction, including the consistency of
14624 the proposed natural gas transmission pipeline or corridor with
14625 all applicable local ordinances, regulations, standards, or
14626 criteria that apply to the proposed natural gas transmission
14627 pipeline or corridor, including local comprehensive plans,
14628 zoning regulations, land development regulations, and any
14629 applicable local environmental regulations adopted pursuant to
14630 s. 403.182 or by other means. No change by the responsible local
14631 government or local agency in local comprehensive plans, zoning
14632 ordinances, or other regulations made after the date required
14633 for the filing of the local government’s report required by this
14634 section shall be applicable to the certification of the proposed
14635 natural gas transmission pipeline or corridor unless the
14636 certification is denied or the application is withdrawn.
14637 6. Each regional planning council in which the natural gas
14638 transmission pipeline or natural gas transmission pipeline
14639 corridor will be located shall present a report containing
14640 recommendations that address the impact upon the public of the
14641 proposed natural gas transmission pipeline or corridor, based on
14642 the degree to which the natural gas transmission pipeline or
14643 corridor is consistent with the applicable provisions of the
14644 strategic regional policy plan adopted pursuant to chapter 186
14645 and other impacts of each proposed natural gas transmission



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14646 pipeline or corridor on matters within its jurisdiction.
14647 7. The Department of Transportation shall prepare a report
14648 on the effect of the natural gas transmission pipeline or
14649 natural gas transmission pipeline corridor on matters within its
14650 jurisdiction, including roadway crossings by the pipeline. The
14651 report shall contain at a minimum:
14652 a. A report by the applicant to the department stating that
14653 all requirements of the department's utilities accommodation
14654 guide have been or will be met in regard to the proposed
14655 pipeline or pipeline corridor; and
14656 b. A statement by the department as to the adequacy of the
14657 report to the department by the applicant.
14658 8. The Department of State, Division of Historical
14659 Resources, shall prepare a report on the impact of the natural
14660 gas transmission pipeline or natural gas transmission pipeline
14661 corridor on matters within its jurisdiction.
14662 9. The commission shall prepare a report addressing matters
14663 within its jurisdiction. The commission's report shall include
14664 its determination of need issued pursuant to s. 403.9422.
14665 Section 295. Paragraph (a) of subsection (4) of section
14666 403.9411, Florida Statutes, is amended to read:
14667 403.9411 Notice; proceedings; parties and participants.—
14668 (4)(a) Parties to the proceeding shall be:
14669 1. The applicant.
14670 2. The department.
14671 3. The commission.
14672 4. The Department of Economic Opportunity ~~Community~~
14673 ~~Affairs~~.
14674 5. The Fish and Wildlife Conservation Commission.



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14675 6. Each water management district in the jurisdiction of
14676 which the proposed natural gas transmission pipeline or corridor
14677 is to be located.
14678 7. The local government.
14679 8. The regional planning council.
14680 9. The Department of Transportation.
14681 10. The Department of State, Division of Historical
14682 Resources.
14683 Section 296. Paragraphs (c), (d), and (e) of subsection
14684 (2), paragraphs (b) and (c) of subsection (3), and subsections
14685 (4), (15), (17), and (18) of section 403.973, Florida Statutes,
14686 are amended to read:
14687 403.973 Expedited permitting; amendments to comprehensive
14688 plans.—
14689 (2) As used in this section, the term:
14690 ~~(c) "Office" means the Office of Tourism, Trade, and~~
14691 ~~Economic Development.~~
14692 (c) ~~(d)~~ "Permit applications" means state permits and
14693 licenses, and at the option of a participating local government,
14694 local development permits or orders.
14695 (d) ~~(e)~~ "Secretary" means the Secretary of Environmental
14696 Protection or his or her designee.
14697 (3)
14698 (b) On a case-by-case basis and at the request of a county
14699 or municipal government, the Department of Economic Opportunity
14700 ~~office~~ may certify as eligible for expedited review a project
14701 not meeting the minimum job creation thresholds but creating a
14702 minimum of 10 jobs. The recommendation from the governing body
14703 of the county or municipality in which the project may be



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14704 located is required in order for the Department of Economic
14705 Opportunity ~~office~~ to certify that any project is eligible for
14706 expedited review under this paragraph. When considering projects
14707 that do not meet the minimum job creation thresholds but that
14708 are recommended by the governing body in which the project may
14709 be located, the Department of Economic Opportunity ~~office~~ shall
14710 consider economic impact factors that include, but are not
14711 limited to:
14712 1. The proposed wage and skill levels relative to those
14713 existing in the area in which the project may be located;
14714 2. The project's potential to diversify and strengthen the
14715 area's economy;
14716 3. The amount of capital investment; and
14717 4. The number of jobs that will be made available for
14718 persons served by the welfare transition program.
14719 (c) At the request of a county or municipal government, the
14720 Department of Economic Opportunity ~~office~~ or a Quick Permitting
14721 County may certify projects located in counties where the ratio
14722 of new jobs per participant in the welfare transition program,
14723 as determined by Workforce Florida, Inc., is less than one or
14724 otherwise critical, as eligible for the expedited permitting
14725 process. Such projects must meet the numerical job creation
14726 criteria of this subsection, but the jobs created by the project
14727 do not have to be high-wage jobs that diversify the state's
14728 economy.
14729 (4) The regional teams shall be established through the
14730 execution of memoranda of agreement developed by the applicant
14731 and the secretary, with input solicited from the Department of
14732 Economic Opportunity ~~office~~ and the respective heads of ~~the~~



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14733 ~~Department of Community Affairs,~~ the Department of
14734 Transportation and its district offices, the Department of
14735 Agriculture and Consumer Services, the Fish and Wildlife
14736 Conservation Commission, appropriate regional planning councils,
14737 appropriate water management districts, and voluntarily
14738 participating municipalities and counties. The memoranda of
14739 agreement should also accommodate participation in this
14740 expedited process by other local governments and federal
14741 agencies as circumstances warrant.
14742 (15) The Department of Economic Opportunity ~~office~~, working
14743 with the agencies providing cooperative assistance and input
14744 regarding the memoranda of agreement, shall review sites
14745 proposed for the location of facilities eligible for the
14746 Innovation Incentive Program under s. 288.1089. Within 20 days
14747 after the request for the review by the Department of Economic
14748 Opportunity ~~office~~, the agencies shall provide to the Department
14749 of Economic Opportunity ~~office~~ a statement as to each site's
14750 necessary permits under local, state, and federal law and an
14751 identification of significant permitting issues, which if
14752 unresolved, may result in the denial of an agency permit or
14753 approval or any significant delay caused by the permitting
14754 process.
14755 (17) The Department of Economic Opportunity ~~office~~ shall be
14756 responsible for certifying a business as eligible for undergoing
14757 expedited review under this section. Enterprise Florida, Inc., a
14758 county or municipal government, or the Rural Economic
14759 Development Initiative may recommend to the Department of
14760 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
14761 ~~Development~~ that a project meeting the minimum job creation



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14762 threshold undergo expedited review.
14763 (18) The Department of Economic Opportunity ~~office~~, working
14764 with the Rural Economic Development Initiative and the agencies
14765 participating in the memoranda of agreement, shall provide
14766 technical assistance in preparing permit applications and local
14767 comprehensive plan amendments for counties having a population
14768 of fewer than 75,000 residents, or counties having fewer than
14769 125,000 residents which are contiguous to counties having fewer
14770 than 75,000 residents. Additional assistance may include, but
14771 not be limited to, guidance in land development regulations and
14772 permitting processes, working cooperatively with state,
14773 regional, and local entities to identify areas within these
14774 counties which may be suitable or adaptable for preclearance
14775 review of specified types of land uses and other activities
14776 requiring permits.
14777 Section 297. Subsection (4) of section 404.056, Florida
14778 Statutes, is amended to read:
14779 404.056 Environmental radiation standards and projects;
14780 certification of persons performing measurement or mitigation
14781 services; mandatory testing; notification on real estate
14782 documents; rules.—
14783 (4) MANDATORY TESTING.—All public and private school
14784 buildings or school sites housing students in kindergarten
14785 through grade 12; all state-owned, state-operated, state-
14786 regulated, or state-licensed 24-hour care facilities; and all
14787 state-licensed day care centers for children or minors which are
14788 located in counties designated within the Department of Business
14789 and Professional Regulation's ~~Community Affairs'~~ Florida Radon
14790 Protection Map Categories as "Intermediate" or "Elevated Radon



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14791 Potential" shall be measured to determine the level of indoor
14792 radon, using measurement procedures established by the
14793 department. Initial measurements shall be conducted in 20
14794 percent of the habitable first floor spaces within any of the
14795 regulated buildings and shall be completed and reported to the
14796 department within 1 year after the date the building is opened
14797 for occupancy or within 1 year after license approval for the
14798 entity residing in the existing building. Followup testing must
14799 be completed in 5 percent of the habitable first floor spaces
14800 within any of the regulated buildings after the building has
14801 been occupied for 5 years, and results must be reported to the
14802 department by the first day of the 6th year of occupancy. After
14803 radon measurements have been made twice, regulated buildings
14804 need not undergo further testing unless significant structural
14805 changes occur. No funds collected pursuant to s. 553.721 shall
14806 be used to carry out the provisions of this subsection.
14807 Section 298. Paragraph (d) of subsection (4) of section
14808 404.0617, Florida Statutes, is amended to read:
14809 404.0617 Siting of commercial low-level radioactive waste
14810 management facilities.—
14811 (4) The Governor and Cabinet shall consider the following
14812 when determining whether to grant a petition for a variance from
14813 local ordinances, regulations, or plans:
14814 (d) Such studies, reports, and information as the Governor
14815 and Cabinet may request of the Department of Economic
14816 Opportunity ~~Community Affairs~~ addressing whether or not the
14817 proposed facility unreasonably interferes with the achievement
14818 of the goals and objectives of any adopted state or local
14819 comprehensive plan and any other matter within its jurisdiction.



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14820 Section 299. Paragraph (a) of subsection (3) of section
14821 409.017, Florida Statutes, is amended to read:
14822 409.017 Revenue Maximization Act; legislative intent;
14823 revenue maximization program.—
14824 (3) REVENUE MAXIMIZATION PROGRAM.—
14825 (a) For purposes of this section, the term "agency" means
14826 any state agency or department that is involved in providing
14827 health, social, or human services, including, but not limited
14828 to, the Agency for Health Care Administration, ~~the Agency for~~
14829 ~~Workforce Innovation,~~ the Department of Children and Family
14830 Services, the Department of Elderly Affairs, the Department of
14831 Juvenile Justice, the Department of Education, and the State
14832 Board of Education.
14833 Section 300. Paragraph (c) of subsection (7) of section
14834 409.1451, Florida Statutes, is amended to read:
14835 409.1451 Independent living transition services.—
14836 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
14837 Secretary of Children and Family Services shall establish the
14838 Independent Living Services Advisory Council for the purpose of
14839 reviewing and making recommendations concerning the
14840 implementation and operation of the independent living
14841 transition services. This advisory council shall continue to
14842 function as specified in this subsection until the Legislature
14843 determines that the advisory council can no longer provide a
14844 valuable contribution to the department's efforts to achieve the
14845 goals of the independent living transition services.
14846 (c) Members of the advisory council shall be appointed by
14847 the secretary of the department. The membership of the advisory
14848 council must include, at a minimum, representatives from the



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14849 headquarters and district offices of the Department of Children
14850 and Family Services, community-based care lead agencies, ~~the~~
14851 ~~Agency for Workforce Innovation,~~ the Department of Education,
14852 the Agency for Health Care Administration, the State Youth
14853 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
14854 Ad Litem Office, foster parents, recipients of Road-to-
14855 Independence Program funding, and advocates for foster children.
14856 The secretary shall determine the length of the term to be
14857 served by each member appointed to the advisory council, which
14858 may not exceed 4 years.
14859 Section 301. Subsection (1), paragraph (b) of subsection
14860 (3), and subsection (8) of section 409.2576, Florida Statutes,
14861 are amended to read:
14862 409.2576 State Directory of New Hires.—
14863 (1) DIRECTORY CREATED.—The State Directory of New Hires is
14864 hereby created and shall be administered by the Department of
14865 Revenue or its agent. ~~The Department of Labor and Employment~~
14866 ~~Security will act as the agent until a date not later than~~
14867 ~~October 1, 1998.~~ All employers in the state shall furnish a
14868 report consistent with subsection (3) for each newly hired or
14869 rehired employee unless the employee is employed by a federal or
14870 state agency performing intelligence or counterintelligence
14871 functions and the head of such agency has determined that
14872 reporting pursuant to this section could endanger the safety of
14873 the employee or compromise an ongoing investigation or
14874 intelligence mission.
14875 (3) EMPLOYERS TO FURNISH REPORTS.—
14876 (b) ~~Upon termination of the contract with the Department of~~
14877 ~~Labor and Employment Security, but not later than October 1,~~



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14878 ~~1998,~~ All employers shall furnish a report to the State
14879 Directory of New Hires of the state in which the newly hired or
14880 rehired employee works. The report required in this section
14881 shall be made on a W-4 form or, at the option of the employer,
14882 an equivalent form, and can be transmitted magnetically,
14883 electronically, by first-class mail, or other methods which may
14884 be prescribed by the State Directory. Each report shall include
14885 the name, address, date of hire, and social security number of
14886 every new and rehired employee and the name, address, and
14887 federal employer identification number of the reporting
14888 employer. If available, the employer may also include the
14889 employee's date of birth in the report. Multistate employers
14890 that report new hire information electronically or magnetically
14891 may designate a single state to which it will transmit the above
14892 noted report, provided the employer has employees in that state
14893 and the employer notifies the Secretary of Health and Human
14894 Services in writing to which state the information will be
14895 provided. Agencies of the United States Government shall report
14896 directly to the National Directory of New Hires.
14897 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY. ~~Not later~~
14898 ~~than October 1, 1997,~~ The State Directory of New Hires must
14899 furnish information regarding newly hired or rehired employees
14900 to the National Directory of New Hires for matching with the
14901 records of other state case registries within 3 business days of
14902 entering such information from the employer into the State
14903 Directory of New Hires. The State Directory of New Hires shall
14904 enter into an agreement with the Department of Economic
14905 Opportunity or its tax collection service provider ~~the Florida~~
14906 ~~Department of Labor and Employment Security~~ for the quarterly



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14907 reporting to the National Directory of New Hires information on
14908 wages and unemployment compensation taken from the quarterly
14909 report to the Secretary of Labor, now required by Title III of
14910 the Social Security Act, except that no report shall be filed
14911 with respect to an employee of a state or local agency
14912 performing intelligence or counterintelligence functions, if the
14913 head of such agency has determined that filing such a report
14914 could endanger the safety of the employee or compromise an
14915 ongoing investigation or intelligence mission.
14916 Section 302. Subsections (2), (3), and (4) of section
14917 409.508, Florida Statutes, are amended to read:
14918 409.508 Low-income home energy assistance program.—
14919 (2) The Department of Economic Opportunity ~~Community~~
14920 ~~Affairs~~ is designated as the state agency to administer the Low-
14921 income Home Energy Assistance Act of 1981, 42 U.S.C. ss. 8621 et
14922 seq. The Department of Economic Opportunity ~~Community Affairs~~ is
14923 authorized to provide home energy assistance benefits to
14924 eligible households which may be in the form of cash, vouchers,
14925 certificates, or direct payments to electric or natural gas
14926 utilities or other energy suppliers and operators of low-rent,
14927 subsidized housing in behalf of eligible households. Priority
14928 shall be given to eligible households having at least one
14929 elderly or handicapped individual and to eligible households
14930 with the lowest incomes.
14931 (3) Agreements may be established between electric or
14932 natural gas utility companies, other energy suppliers, the
14933 Department of Revenue, and the Department of Economic
14934 Opportunity ~~Community Affairs~~ for the purpose of providing
14935 payments to energy suppliers in the form of a credit against



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14936 sales and use taxes due or direct payments to energy suppliers
14937 for services rendered to low-income, eligible households.
14938 (4) The Department of Economic Opportunity ~~Community~~
14939 ~~Affairs~~ shall adopt rules to carry out the provisions of this
14940 act.
14941 Section 303. Subsection (2) of section 409.509, Florida
14942 Statutes, is amended to read:
14943 409.509 Definitions; weatherization of low-income
14944 residences.—As used in this act, the term:
14945 (2) "Department" means the Department of Economic
14946 Opportunity ~~Community Affairs~~.
14947 Section 304. Subsection (2) and paragraph (f) of subsection
14948 (3) of section 410.502, Florida Statutes, is amended to read:
14949 410.502 Housing and living arrangements; special needs of
14950 the elderly; services.—The Department of Elderly Affairs shall
14951 provide services related to housing and living arrangements
14952 which meet the special needs of the elderly. Such services shall
14953 include, but not be limited to:
14954 (2) Coordinating with the Department of Economic
14955 Opportunity ~~Community Affairs~~ to gather and maintain data on
14956 living arrangements which meet the special needs of the elderly
14957 and to disseminate such information to the public. Such
14958 information shall include types of facilities, cost of care,
14959 services provided, and possible sources of help in meeting the
14960 cost of care for indigent individuals.
14961 (3) Promoting, through the Department of Elderly Affairs
14962 staff activities and area agencies on aging, the development of
14963 a variety of living arrangements through public and private
14964 auspices to meet the various needs and desires of the elderly,



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14965 including, but not limited to:
14966 (f) Retirement communities for independent communal living,
14967 to be developed in conjunction with the Department of Economic
14968 Opportunity ~~Community Affairs~~.
14969
14970 Demonstration projects must be used advisedly to test the extent
14971 to which these and other innovative housing and living
14972 arrangements do meet the basic and special needs of the elderly.
14973 Section 305. Paragraph (d) of subsection (2), subsection
14974 (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5),
14975 paragraph (e) of subsection (7), subsection (8), and paragraphs
14976 (b), (c), (d), and (e) of subsection (9) of section 411.01,
14977 Florida Statutes, are amended to read:
14978 411.01 School readiness programs; early learning
14979 coalitions.—
14980 (2) LEGISLATIVE INTENT.—
14981 (d) It is the intent of the Legislature that the
14982 administrative staff for school readiness programs be kept to
14983 the minimum necessary to administer the duties of the Office of
14984 Early Learning ~~Agency for Workforce Innovation~~ and early
14985 learning coalitions. The Office of Early Learning ~~Agency for~~
14986 ~~Workforce Innovation~~ shall adopt system support services at the
14987 state level to build a comprehensive early learning system. Each
14988 early learning coalition shall implement and maintain direct
14989 enhancement services at the local level, as approved in its
14990 school readiness plan by the Office of Early Learning ~~Agency for~~
14991 ~~Workforce Innovation~~, and ensure access to such services in all
14992 67 counties.
14993 (4) OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF EDUCATION



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14994 ~~AGENCY FOR WORKFORCE INNOVATION.—~~
14995 (a) The Office of Early Learning ~~Agency for Workforce~~
14996 ~~Innovation~~ shall administer school readiness programs at the
14997 state level and shall coordinate with the early learning
14998 coalitions in providing school readiness services on a full-day,
14999 full-year, full-choice basis to the extent possible in order to
15000 enable parents to work and be financially self-sufficient.
15001 (b) The Office of Early Learning ~~Agency for Workforce~~
15002 ~~Innovation~~ shall:
15003 1. Coordinate the birth-to-kindergarten services for
15004 children who are eligible under subsection (6) and the
15005 programmatic, administrative, and fiscal standards under this
15006 section for all public providers of school readiness programs.
15007 2. Focus on improving the educational quality of all
15008 program providers participating in publicly funded school
15009 readiness programs.
15010 3. Provide comprehensive services to the state's birth-to-5
15011 population, which shall ensure the preservation of parental
15012 choice by permitting parents to choose from a variety of child
15013 care categories, including: center-based child care; group home
15014 child care; family child care; and in-home child care. Care and
15015 curriculum by a sectarian provider may not be limited or
15016 excluded in any of these categories.
15017 (c) The Governor shall designate the Office of Early
15018 Learning ~~Agency for Workforce Innovation~~ as the lead agency for
15019 administration of the federal Child Care and Development Fund,
15020 45 C.F.R. parts 98 and 99, and the office ~~agency~~ shall comply
15021 with the lead agency responsibilities under federal law.
15022 (d) The Office of Early Learning ~~Agency for Workforce~~



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15023 ~~Innovation~~ shall:
15024 1. Be responsible for the prudent use of all public and
15025 private funds in accordance with all legal and contractual
15026 requirements.
15027 2. Provide final approval and every 2 years review early
15028 learning coalitions and school readiness plans.
15029 3. Establish a unified approach to the state's efforts
15030 toward enhancement of school readiness. In support of this
15031 effort, the Office of Early Learning ~~Agency for Workforce~~
15032 ~~Innovation~~ shall adopt specific system support services that
15033 address the state's school readiness programs. An early learning
15034 coalition shall amend its school readiness plan to conform to
15035 the specific system support services adopted by the Office of
15036 Early Learning ~~Agency for Workforce Innovation~~. System support
15037 services shall include, but are not limited to:
15038 a. Child care resource and referral services;
15039 b. Warm-Line services;
15040 c. Eligibility determinations;
15041 d. Child performance standards;
15042 e. Child screening and assessment;
15043 f. Developmentally appropriate curricula;
15044 g. Health and safety requirements;
15045 h. Statewide data system requirements; and
15046 i. Rating and improvement systems.
15047 4. Safeguard the effective use of federal, state, local,
15048 and private resources to achieve the highest possible level of
15049 school readiness for the children in this state.
15050 5. Adopt a rule establishing criteria for the expenditure
15051 of funds designated for the purpose of funding activities to



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15052 improve the quality of child care within the state in accordance
15053 with s. 658G of the federal Child Care and Development Block
15054 Grant Act.
15055 6. Provide technical assistance to early learning
15056 coalitions in a manner determined by the Office of Early
15057 Learning ~~Agency for Workforce Innovation~~ based upon information
15058 obtained by the office ~~agency~~ from various sources, including,
15059 but not limited to, public input, government reports, private
15060 interest group reports, office ~~agency~~ monitoring visits, and
15061 coalition requests for service.
15062 7. In cooperation with the ~~Department of Education and~~
15063 early learning coalitions, coordinate with the Child Care
15064 Services Program Office of the Department of Children and Family
15065 Services to minimize duplicating interagency activities, health
15066 and safety monitoring, and acquiring and composing data
15067 pertaining to child care training and credentialing.
15068 8. Develop and adopt performance standards and outcome
15069 measures for school readiness programs. The performance
15070 standards must address the age-appropriate progress of children
15071 in the development of school readiness skills. The performance
15072 standards for children from birth to 5 years of age in school
15073 readiness programs must be integrated with the performance
15074 standards adopted by the Department of Education for children in
15075 the Voluntary Prekindergarten Education Program under s.
15076 1002.67.
15077 9. Adopt a standard contract that must be used by the
15078 coalitions when contracting with school readiness providers.
15079 (e) The Office of Early Learning ~~Agency for Workforce~~
15080 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to



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15081 administer the provisions of law conferring duties upon the
15082 office ~~agency~~, including, but not limited to, rules governing
15083 the administration of system support services of school
15084 readiness programs, the collection of data, the approval of
15085 early learning coalitions and school readiness plans, the
15086 provision of a method whereby an early learning coalition may
15087 serve two or more counties, the award of incentives to early
15088 learning coalitions, child performance standards, child outcome
15089 measures, the issuance of waivers, and the implementation of the
15090 state's Child Care and Development Fund Plan as approved by the
15091 federal Administration for Children and Families.
15092 (f) The Office of Early Learning ~~Agency for Workforce~~
15093 ~~Innovation~~ shall have all powers necessary to administer this
15094 section, including, but not limited to, the power to receive and
15095 accept grants, loans, or advances of funds from any public or
15096 private agency and to receive and accept from any source
15097 contributions of money, property, labor, or any other thing of
15098 value, to be held, used, and applied for purposes of this
15099 section.
15100 (g) Except as provided by law, the Office of Early Learning
15101 ~~Agency for Workforce Innovation~~ may not impose requirements on a
15102 child care or early childhood education provider that does not
15103 deliver services under the school readiness programs or receive
15104 state or federal funds under this section.
15105 (h) The Office of Early Learning ~~Agency for Workforce~~
15106 ~~Innovation~~ shall have a budget for school readiness programs,
15107 which shall be financed through an annual appropriation made for
15108 purposes of this section in the General Appropriations Act.
15109 (i) The Office of Early Learning ~~Agency for Workforce~~



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15110 ~~Innovation~~ shall coordinate the efforts toward school readiness
15111 in this state and provide independent policy analyses, data
15112 analyses, and recommendations to the Governor, the State Board
15113 of Education, and the Legislature.
15114 (j) The Office of Early Learning ~~Agency for Workforce~~
15115 ~~Innovation~~ shall require that school readiness programs, at a
15116 minimum, enhance the age-appropriate progress of each child in
15117 attaining the performance standards adopted under subparagraph
15118 (d)8. and in the development of the following school readiness
15119 skills:
15120 1. Compliance with rules, limitations, and routines.
15121 2. Ability to perform tasks.
15122 3. Interactions with adults.
15123 4. Interactions with peers.
15124 5. Ability to cope with challenges.
15125 6. Self-help skills.
15126 7. Ability to express the child’s needs.
15127 8. Verbal communication skills.
15128 9. Problem-solving skills.
15129 10. Following of verbal directions.
15130 11. Demonstration of curiosity, persistence, and
15131 exploratory behavior.
15132 12. Interest in books and other printed materials.
15133 13. Paying attention to stories.
15134 14. Participation in art and music activities.
15135 15. Ability to identify colors, geometric shapes, letters
15136 of the alphabet, numbers, and spatial and temporal
15137 relationships.
15138



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15139 Within 30 days after enrollment in the school readiness program,
15140 the early learning coalition must ensure that the program
15141 provider obtains information regarding the child's
15142 immunizations, physical development, and other health
15143 requirements as necessary, including appropriate vision and
15144 hearing screening and examinations. For a program provider
15145 licensed by the Department of Children and Family Services, the
15146 provider's compliance with s. 402.305(9), as verified pursuant
15147 to s. 402.311, shall satisfy this requirement.
15148 (k) The Office of Early Learning ~~Agency for Workforce~~
15149 ~~Innovation~~ shall conduct studies and planning activities related
15150 to the overall improvement and effectiveness of the outcome
15151 measures adopted by the office ~~agency~~ for school readiness
15152 programs and the specific system support services to address the
15153 state's school readiness programs adopted by the Office of Early
15154 Learning ~~Agency for Workforce Innovation~~ in accordance with
15155 subparagraph (d)3.
15156 (l) The Office of Early Learning ~~Agency for Workforce~~
15157 ~~Innovation~~ shall monitor and evaluate the performance of each
15158 early learning coalition in administering the school readiness
15159 program, implementing the coalition's school readiness plan, and
15160 administering the Voluntary Prekindergarten Education Program.
15161 These monitoring and performance evaluations must include, at a
15162 minimum, onsite monitoring of each coalition's finances,
15163 management, operations, and programs.
15164 (m) The Office of Early Learning ~~Agency for Workforce~~
15165 ~~Innovation~~ shall submit an annual report of its activities
15166 conducted under this section to the Governor, the President of
15167 the Senate, the Speaker of the House of Representatives, and the



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15168 minority leaders of both houses of the Legislature. In addition,
15169 the Office of Early Learning's ~~Agency for Workforce Innovation's~~
15170 reports and recommendations shall be made available to the
15171 Florida Early Learning Advisory Council and other appropriate
15172 state agencies and entities. The annual report must provide an
15173 analysis of school readiness activities across the state,
15174 including the number of children who were served in the
15175 programs.
15176 (n) The Office of Early Learning ~~Agency for Workforce~~
15177 ~~Innovation~~ shall work with the early learning coalitions to
15178 ensure availability of training and support for parental
15179 involvement in children's early education and to provide family
15180 literacy activities and services.
15181 (5) CREATION OF EARLY LEARNING COALITIONS.—
15182 (a) *Early learning coalitions.*—
15183 1. Each early learning coalition shall maintain direct
15184 enhancement services at the local level and ensure access to
15185 such services in all 67 counties.
15186 2. The Office of Early Learning ~~Agency for Workforce~~
15187 ~~Innovation~~ shall establish the minimum number of children to be
15188 served by each early learning coalition through the coalition's
15189 school readiness program. The Office of Early Learning ~~Agency~~
15190 ~~for Workforce Innovation~~ may only approve school readiness plans
15191 in accordance with this minimum number. The minimum number must
15192 be uniform for every early learning coalition and must:
15193 a. Permit 31 or fewer coalitions to be established; and
15194 b. Require each coalition to serve at least 2,000 children
15195 based upon the average number of all children served per month
15196 through the coalition's school readiness program during the



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15197 previous 12 months.
15198 3. If an early learning coalition would serve fewer
15199 children than the minimum number established under subparagraph
15200 2., the coalition must merge with another county to form a
15201 multicounty coalition. The Office of Early Learning ~~Agency for~~
15202 ~~Workforce Innovation~~ shall adopt procedures for merging early
15203 learning coalitions, including procedures for the consolidation
15204 of merging coalitions, and for the early termination of the
15205 terms of coalition members which are necessary to accomplish the
15206 mergers. However, the Office of Early Learning ~~Agency for~~
15207 ~~Workforce Innovation~~ shall grant a waiver to an early learning
15208 coalition to serve fewer children than the minimum number
15209 established under subparagraph 2., if:
15210 a. The Office of Early Learning ~~Agency for Workforce~~
15211 ~~Innovation~~ has determined during the most recent review of the
15212 coalition's school readiness plan, or through monitoring and
15213 performance evaluations conducted under paragraph (4)(l), that
15214 the coalition has substantially implemented its plan;
15215 b. The coalition demonstrates to the Office of Early
15216 Learning ~~Agency for Workforce Innovation~~ the coalition's ability
15217 to effectively and efficiently implement the Voluntary
15218 Prekindergarten Education Program; and
15219 c. The coalition demonstrates to the Office of Early
15220 Learning ~~Agency for Workforce Innovation~~ that the coalition can
15221 perform its duties in accordance with law.
15222
15223 If an early learning coalition fails or refuses to merge as
15224 required by this subparagraph, the Office of Early Learning
15225 ~~Agency for Workforce Innovation~~ may dissolve the coalition and



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15226 temporarily contract with a qualified entity to continue school
15227 readiness and prekindergarten services in the coalition's county
15228 or multicounty region until the office ~~agency~~ reestablishes the
15229 coalition and a new school readiness plan is approved by the
15230 office ~~agency~~.
15231 4. Each early learning coalition shall be composed of at
15232 least 15 members but not more than 30 members. The Office of
15233 Early Learning ~~Agency for Workforce Innovation~~ shall adopt
15234 standards establishing within this range the minimum and maximum
15235 number of members that may be appointed to an early learning
15236 coalition and procedures for identifying which members have
15237 voting privileges under subparagraph 6. These standards must
15238 include variations for a coalition serving a multicounty region.
15239 Each early learning coalition must comply with these standards.
15240 5. The Governor shall appoint the chair and two other
15241 members of each early learning coalition, who must each meet the
15242 same qualifications as private sector business members appointed
15243 by the coalition under subparagraph 7.
15244 6. Each early learning coalition must include the following
15245 member positions; however, in a multicounty coalition, each ex
15246 officio member position may be filled by multiple nonvoting
15247 members but no more than one voting member shall be seated per
15248 member position. If an early learning coalition has more than
15249 one member representing the same entity, only one of such
15250 members may serve as a voting member:
15251 a. A Department of Children and Family Services circuit
15252 administrator or his or her designee who is authorized to make
15253 decisions on behalf of the department.
15254 b. A district superintendent of schools or his or her



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15255 designee who is authorized to make decisions on behalf of the
15256 district.
15257 c. A regional workforce board executive director or his or
15258 her designee.
15259 d. A county health department director or his or her
15260 designee.
15261 e. A children’s services council or juvenile welfare board
15262 chair or executive director, if applicable.
15263 f. An agency head of a local licensing agency as defined in
15264 s. 402.302, where applicable.
15265 g. A president of a community college or his or her
15266 designee.
15267 h. One member appointed by a board of county commissioners
15268 or the governing board of a municipality.
15269 i. A central agency administrator, where applicable.
15270 j. A Head Start director.
15271 k. A representative of private for-profit child care
15272 providers, including private for-profit family day care homes.
15273 l. A representative of faith-based child care providers.
15274 m. A representative of programs for children with
15275 disabilities under the federal Individuals with Disabilities
15276 Education Act.
15277 7. Including the members appointed by the Governor under
15278 subparagraph 5., more than one-third of the members of each
15279 early learning coalition must be private sector business members
15280 who do not have, and none of whose relatives as defined in s.
15281 112.3143 has, a substantial financial interest in the design or
15282 delivery of the Voluntary Prekindergarten Education Program
15283 created under part V of chapter 1002 or the coalition’s school



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15284 readiness program. To meet this requirement an early learning
15285 coalition must appoint additional members. The Office of Early
15286 Learning ~~Agency for Workforce Innovation~~ shall establish
15287 criteria for appointing private sector business members. These
15288 criteria must include standards for determining whether a member
15289 or relative has a substantial financial interest in the design
15290 or delivery of the Voluntary Prekindergarten Education Program
15291 or the coalition's school readiness program.
15292 8. A majority of the voting membership of an early learning
15293 coalition constitutes a quorum required to conduct the business
15294 of the coalition. An early learning coalition board may use any
15295 method of telecommunications to conduct meetings, including
15296 establishing a quorum through telecommunications, provided that
15297 the public is given proper notice of a telecommunications
15298 meeting and reasonable access to observe and, when appropriate,
15299 participate.
15300 9. A voting member of an early learning coalition may not
15301 appoint a designee to act in his or her place, except as
15302 otherwise provided in this paragraph. A voting member may send a
15303 representative to coalition meetings, but that representative
15304 does not have voting privileges. When a district administrator
15305 for the Department of Children and Family Services appoints a
15306 designee to an early learning coalition, the designee is the
15307 voting member of the coalition, and any individual attending in
15308 the designee's place, including the district administrator, does
15309 not have voting privileges.
15310 10. Each member of an early learning coalition is subject
15311 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
15312 112.3143(3)(a), each voting member is a local public officer who



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15313 must abstain from voting when a voting conflict exists.
15314 11. For purposes of tort liability, each member or employee
15315 of an early learning coalition shall be governed by s. 768.28.
15316 12. An early learning coalition serving a multicounty
15317 region must include representation from each county.
15318 13. Each early learning coalition shall establish terms for
15319 all appointed members of the coalition. The terms must be
15320 staggered and must be a uniform length that does not exceed 4
15321 years per term. Coalition chairs shall be appointed for 4 years
15322 in conjunction with their membership on the Early Learning
15323 Advisory Council under s. 20.052. Appointed members may serve a
15324 maximum of two consecutive terms. When a vacancy occurs in an
15325 appointed position, the coalition must advertise the vacancy.
15326 (c) *Program expectations.*—
15327 1. The school readiness program must meet the following
15328 expectations:
15329 a. The program must, at a minimum, enhance the age-
15330 appropriate progress of each child in attaining the performance
15331 standards and outcome measures adopted by the Office of Early
15332 Learning ~~Agency for Workforce Innovation~~.
15333 b. The program must provide extended-day and extended-year
15334 services to the maximum extent possible without compromising the
15335 quality of the program to meet the needs of parents who work.
15336 c. The program must provide a coordinated professional
15337 development system that supports the achievement and maintenance
15338 of core competencies by school readiness instructors in helping
15339 children attain the performance standards and outcome measures
15340 adopted by the Office of Early Learning ~~Agency for Workforce~~
15341 ~~Innovation~~.



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15342 d. There must be expanded access to community services and
15343 resources for families to help achieve economic self-
15344 sufficiency.
15345 e. There must be a single point of entry and unified
15346 waiting list. As used in this sub-subparagraph, the term “single
15347 point of entry” means an integrated information system that
15348 allows a parent to enroll his or her child in the school
15349 readiness program at various locations throughout a county, that
15350 may allow a parent to enroll his or her child by telephone or
15351 through an Internet website, and that uses a unified waiting
15352 list to track eligible children waiting for enrollment in the
15353 school readiness program. The Office of Early Learning ~~Agency~~
15354 ~~for Workforce Innovation~~ shall establish through technology a
15355 single statewide information system that each coalition must use
15356 for the purposes of managing the single point of entry, tracking
15357 children’s progress, coordinating services among stakeholders,
15358 determining eligibility, tracking child attendance, and
15359 streamlining administrative processes for providers and early
15360 learning coalitions.
15361 f. The Office of Early Learning ~~Agency for Workforce~~
15362 ~~Innovation~~ must consider the access of eligible children to the
15363 school readiness program, as demonstrated in part by waiting
15364 lists, before approving a proposed increase in payment rates
15365 submitted by an early learning coalition. In addition, early
15366 learning coalitions shall use school readiness funds made
15367 available due to enrollment shifts from school readiness
15368 programs to the Voluntary Prekindergarten Education Program for
15369 increasing the number of children served in school readiness
15370 programs before increasing payment rates.



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15371 g. The program must meet all state licensing guidelines,
15372 where applicable.
15373 h. The program must ensure that minimum standards for child
15374 discipline practices are age-appropriate. Such standards must
15375 provide that children not be subjected to discipline that is
15376 severe, humiliating, or frightening or discipline that is
15377 associated with food, rest, or toileting. Spanking or any other
15378 form of physical punishment is prohibited.
15379 2. Each early learning coalition must implement a
15380 comprehensive program of school readiness services in accordance
15381 with the rules adopted by the office ~~agency~~ which enhance the
15382 cognitive, social, and physical development of children to
15383 achieve the performance standards and outcome measures. At a
15384 minimum, these programs must contain the following system
15385 support service elements:
15386 a. Developmentally appropriate curriculum designed to
15387 enhance the age-appropriate progress of children in attaining
15388 the performance standards adopted by the Office of Early
15389 Learning ~~Agency for Workforce Innovation~~ under subparagraph
15390 (4)(d)8.
15391 b. A character development program to develop basic values.
15392 c. An age-appropriate screening of each child's
15393 development.
15394 d. An age-appropriate assessment administered to children
15395 when they enter a program and an age-appropriate assessment
15396 administered to children when they leave the program.
15397 e. An appropriate staff-to-children ratio, pursuant to s.
15398 402.305(4) or s. 402.302(7) or (8), as applicable, and as
15399 verified pursuant to s. 402.311.



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15400 f. A healthy and safe environment pursuant to s.
15401 401.305(5), (6), and (7), as applicable, and as verified
15402 pursuant to s. 402.311.
15403 g. A resource and referral network established under s.
15404 411.0101 to assist parents in making an informed choice and a
15405 regional Warm-Line under s. 411.01015.
15406
15407 The Office of Early Learning ~~Agency for Workforce Innovation,~~
15408 ~~the Department of Education,~~ and early learning coalitions shall
15409 coordinate with the Child Care Services Program Office of the
15410 Department of Children and Family Services to minimize
15411 duplicating interagency activities pertaining to acquiring and
15412 composing data for child care training and credentialing.
15413 (d) *Implementation.*—
15414 1. An early learning coalition may not implement the school
15415 readiness program until the coalition's school readiness plan is
15416 approved by the Office of Early Learning ~~Agency for Workforce~~
15417 ~~Innovation~~.
15418 2. Each early learning coalition shall coordinate with one
15419 another to implement a comprehensive program of school readiness
15420 services which enhances the cognitive, social, physical, and
15421 moral character of the children to achieve the performance
15422 standards and outcome measures and which helps families achieve
15423 economic self-sufficiency. Such program must contain, at a
15424 minimum, the following elements:
15425 a. Implement the school readiness program to meet the
15426 requirements of this section and the system support services,
15427 performance standards, and outcome measures adopted by the
15428 Office of Early Learning ~~Agency for Workforce Innovation~~.



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15429 b. Demonstrate how the program will ensure that each child
15430 from birth through 5 years of age in a publicly funded school
15431 readiness program receives scheduled activities and instruction
15432 designed to enhance the age-appropriate progress of the children
15433 in attaining the performance standards adopted by the department
15434 ~~agency~~ under subparagraph (4)(d)8.
15435 c. Ensure that the coalition has solicited and considered
15436 comments regarding the proposed school readiness plan from the
15437 local community.
15438
15439 Before implementing the school readiness program, the early
15440 learning coalition must submit the plan to the office ~~agency~~ for
15441 approval. The office ~~agency~~ may approve the plan, reject the
15442 plan, or approve the plan with conditions. The office ~~agency~~
15443 shall review school readiness plans at least every 2 years.
15444 3. If the Office of Early Learning ~~Agency for Workforce~~
15445 ~~Innovation~~ determines during the review of school readiness
15446 plans, or through monitoring and performance evaluations
15447 conducted under paragraph (4)(l), that an early learning
15448 coalition has not substantially implemented its plan, has not
15449 substantially met the performance standards and outcome measures
15450 adopted by the office ~~agency~~, or has not effectively
15451 administered the school readiness program or Voluntary
15452 Prekindergarten Education Program, the office ~~agency~~ may
15453 dissolve the coalition and temporarily contract with a qualified
15454 entity to continue school readiness and prekindergarten services
15455 in the coalition’s county or multicounty region until the office
15456 ~~agency~~ reestablishes the coalition and a new school readiness
15457 plan is approved in accordance with the rules adopted by the



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15458 office ~~agency~~.
15459 4. The Office of Early Learning ~~Agency for Workforce~~
15460 ~~Innovation~~ shall adopt rules establishing criteria for the
15461 approval of school readiness plans. The criteria must be
15462 consistent with the system support services, performance
15463 standards, and outcome measures adopted by the office ~~agency~~ and
15464 must require each approved plan to include the following minimum
15465 standards for the school readiness program:
15466 a. A community plan that addresses the needs of all
15467 children and providers within the coalition's county or
15468 multicounty region.
15469 b. A sliding fee scale establishing a copayment for parents
15470 based upon their ability to pay, which is the same for all
15471 program providers.
15472 c. A choice of settings and locations in licensed,
15473 registered, religious-exempt, or school-based programs to be
15474 provided to parents.
15475 d. Specific eligibility priorities for children in
15476 accordance with subsection (6).
15477 e. Performance standards and outcome measures adopted by
15478 the office ~~agency~~.
15479 f. Payment rates adopted by the early learning coalitions
15480 and approved by the office ~~agency~~. Payment rates may not have
15481 the effect of limiting parental choice or creating standards or
15482 levels of services that have not been expressly established by
15483 the Legislature, unless the creation of such standards or levels
15484 of service, which must be uniform throughout the state, has been
15485 approved by the Federal Government and result in the state being
15486 eligible to receive additional federal funds available for early



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15487 learning on a statewide basis.
15488 g. Direct enhancement services for families and children.
15489 System support and direct enhancement services shall be in
15490 addition to payments for the placement of children in school
15491 readiness programs. Direct enhancement services for families may
15492 include parent training and involvement activities and
15493 strategies to meet the needs of unique populations and local
15494 eligibility priorities. Enhancement services for children may
15495 include provider supports and professional development approved
15496 in the plan by the Office of Early Learning ~~Agency for Workforce~~
15497 ~~Innovation~~.
15498 h. The business organization of the early learning
15499 coalition, which must include the coalition's articles of
15500 incorporation and bylaws if the coalition is organized as a
15501 corporation. If the coalition is not organized as a corporation
15502 or other business entity, the plan must include the contract
15503 with a fiscal agent. An early learning coalition may contract
15504 with other coalitions to achieve efficiency in multicounty
15505 services, and these contracts may be part of the coalition's
15506 school readiness plan.
15507 i. The implementation of locally developed quality programs
15508 in accordance with the requirements adopted by the office ~~agency~~
15509 under subparagraph (4)(d)5.
15510
15511 The Office of Early Learning ~~Agency for Workforce Innovation~~ may
15512 request the Governor to apply for a waiver to allow the
15513 coalition to administer the Head Start Program to accomplish the
15514 purposes of the school readiness program.
15515 5. Persons with an early childhood teaching certificate may



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15516 provide support and supervision to other staff in the school
15517 readiness program.
15518 6. An early learning coalition may not implement its school
15519 readiness plan until it submits the plan to and receives
15520 approval from the Office of Early Learning ~~Agency for Workforce~~
15521 ~~Innovation~~. Once the plan is approved, the plan and the services
15522 provided under the plan shall be controlled by the early
15523 learning coalition. The plan shall be reviewed and revised as
15524 necessary, but at least biennially. An early learning coalition
15525 may not implement the revisions until the coalition submits the
15526 revised plan to and receives approval from the office ~~agency~~. If
15527 the office ~~agency~~ rejects a revised plan, the coalition must
15528 continue to operate under its prior approved plan.
15529 7. Section 125.901(2)(a)3. does not apply to school
15530 readiness programs. The Office of Early Learning ~~Agency for~~
15531 ~~Workforce Innovation~~ may apply to the Governor and Cabinet for a
15532 waiver of, and the Governor and Cabinet may waive, any of the
15533 provisions of ss. 411.223 and 1003.54, if the waiver is
15534 necessary for implementation of school readiness programs.
15535 8. Two or more early learning coalitions may join for
15536 purposes of planning and implementing a school readiness
15537 program.
15538 (e) *Requests for proposals; payment schedule.*—
15539 1. Each early learning coalition must comply with the
15540 procurement and expenditure procedures adopted by the Office of
15541 Early Learning ~~Agency for Workforce Innovation~~, including, but
15542 not limited to, applying the procurement and expenditure
15543 procedures required by federal law for the expenditure of
15544 federal funds.



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15545 2. Each early learning coalition shall adopt a payment
15546 schedule that encompasses all programs funded under this
15547 section. The payment schedule must take into consideration the
15548 prevailing market rate, must include the projected number of
15549 children to be served, and must be submitted for approval by the
15550 Office of Early Learning ~~Agency for Workforce Innovation~~.
15551 Informal child care arrangements shall be reimbursed at not more
15552 than 50 percent of the rate adopted for a family day care home.
15553 (f) *Evaluation and annual report.*—Each early learning
15554 coalition shall conduct an evaluation of its implementation of
15555 the school readiness program, including system support services,
15556 performance standards, and outcome measures, and shall provide
15557 an annual report and fiscal statement to the Office of Early
15558 Learning ~~Agency for Workforce Innovation~~. This report must also
15559 include an evaluation of the effectiveness of its direct
15560 enhancement services and conform to the content and format
15561 specifications adopted by the Office of Early Learning ~~Agency~~
15562 ~~for Workforce Innovation~~. The Office of Early Learning ~~Agency~~
15563 ~~for Workforce Innovation~~ must include an analysis of the early
15564 learning coalitions' reports in the office's ~~agency's~~ annual
15565 report.
15566 (7) PARENTAL CHOICE.—
15567 (e) The office of the Chief Financial Officer shall
15568 establish an electronic transfer system for the disbursement of
15569 funds in accordance with this subsection. Each early learning
15570 coalition shall fully implement the electronic funds transfer
15571 system within 2 years after approval of the coalition's school
15572 readiness plan, unless a waiver is obtained from the Office of
15573 Early Learning ~~Agency for Workforce Innovation~~.



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15574 (8) STANDARDS; OUTCOME MEASURES.—A program provider
15575 participating in the school readiness program must meet the
15576 performance standards and outcome measures adopted by the Office
15577 of Early Learning ~~Agency for Workforce Innovation~~.
15578 (9) FUNDING; SCHOOL READINESS PROGRAM.—
15579 (b)1. The Office of Early Learning ~~Agency for Workforce~~
15580 ~~Innovation~~ shall administer school readiness funds, plans, and
15581 policies and shall prepare and submit a unified budget request
15582 for the school readiness system in accordance with chapter 216.
15583 2. All instructions to early learning coalitions for
15584 administering this section shall emanate from the Office of
15585 Early Learning ~~Agency for Workforce Innovation~~ in accordance
15586 with the policies of the Legislature.
15587 (c) The Office of Early Learning ~~Agency for Workforce~~
15588 ~~Innovation~~, subject to legislative notice and review under s.
15589 216.177, shall establish a formula for the allocation of all
15590 state and federal school readiness funds provided for children
15591 participating in the school readiness program, whether served by
15592 a public or private provider, based upon equity for each county.
15593 The allocation formula must be submitted to the Governor, the
15594 chair of the Senate Ways and Means Committee or its successor,
15595 and the chair of the House of Representatives Fiscal Council or
15596 its successor no later than January 1 of each year. If the
15597 Legislature specifies changes to the allocation formula, the
15598 Office of Early Learning ~~Agency for Workforce Innovation~~ shall
15599 allocate funds as specified in the General Appropriations Act.
15600 (d) All state, federal, and required local maintenance-of-
15601 effort or matching funds provided to an early learning coalition
15602 for purposes of this section shall be used for implementation of



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15603 its approved school readiness plan, including the hiring of
15604 staff to effectively operate the coalition's school readiness
15605 program. As part of plan approval and periodic plan review, the
15606 Office of Early Learning ~~Agency for Workforce Innovation~~ shall
15607 require that administrative costs be kept to the minimum
15608 necessary for efficient and effective administration of the
15609 school readiness plan, but total administrative expenditures
15610 must not exceed 5 percent unless specifically waived by the
15611 Office of Early Learning ~~Agency for Workforce Innovation~~. The
15612 Office of Early Learning ~~Agency for Workforce Innovation~~ shall
15613 annually report to the Legislature any problems relating to
15614 administrative costs.
15615 (e) The Office of Early Learning ~~Agency for Workforce~~
15616 ~~Innovation~~ shall annually distribute, to a maximum extent
15617 practicable, all eligible funds provided under this section as
15618 block grants to the early learning coalitions in accordance with
15619 the terms and conditions specified by the office ~~agency~~.
15620 Section 306. Subsections (1) and (2), paragraph (a) of
15621 subsection (3), and subsection (4) of section 411.0101, Florida
15622 Statutes, are amended to read:
15623 411.0101 Child care and early childhood resource and
15624 referral.—
15625 (1) As a part of the school readiness programs, the Office
15626 of Early Learning ~~Agency for Workforce Innovation~~ shall
15627 establish a statewide child care resource and referral network
15628 that is unbiased and provides referrals to families for child
15629 care. Preference shall be given to using the already established
15630 early learning coalitions as the child care resource and
15631 referral agencies. If an early learning coalition cannot comply



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15632 with the requirements to offer the resource information
15633 component or does not want to offer that service, the early
15634 learning coalition shall select the resource and referral agency
15635 for its county or multicounty region based upon a request for
15636 proposal pursuant to s. 411.01(5)(e)1.
15637 (2) At least one child care resource and referral agency
15638 must be established in each early learning coalition's county or
15639 multicounty region. The Office of Early Learning ~~Agency for~~
15640 ~~Workforce Innovation~~ shall adopt rules regarding accessibility
15641 of child care resource and referral services offered through
15642 child care resource and referral agencies in each county or
15643 multicounty region which include, at a minimum, required hours
15644 of operation, methods by which parents may request services, and
15645 child care resource and referral staff training requirements.
15646 (3) Child care resource and referral agencies shall provide
15647 the following services:
15648 (a) Identification of existing public and private child
15649 care and early childhood education services, including child
15650 care services by public and private employers, and the
15651 development of a resource file of those services through the
15652 single statewide information system developed by the Office of
15653 Early Learning ~~Agency for Workforce Innovation~~ under s.
15654 411.01(5)(c)1.e. These services may include family day care,
15655 public and private child care programs, the Voluntary
15656 Prekindergarten Education Program, Head Start, the school
15657 readiness program, special education programs for
15658 prekindergarten children with disabilities, services for
15659 children with developmental disabilities, full-time and part-
15660 time programs, before-school and after-school programs, vacation



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15661 care programs, parent education, the Temporary Cash Assistance
15662 Program, and related family support services. The resource file
15663 shall include, but not be limited to:
15664 1. Type of program.
15665 2. Hours of service.
15666 3. Ages of children served.
15667 4. Number of children served.
15668 5. Significant program information.
15669 6. Fees and eligibility for services.
15670 7. Availability of transportation.
15671 (4) The Office of Early Learning ~~Agency for Workforce~~
15672 ~~Innovation~~ shall adopt any rules necessary for the
15673 implementation and administration of this section.
15674 Section 307. Subsections (2), (6), and (7) of section
15675 411.01013, Florida Statutes, are amended to read:
15676 411.01013 Prevailing market rate schedule.—
15677 (2) The Office of Early Learning ~~Agency for Workforce~~
15678 ~~Innovation~~ shall establish procedures for the adoption of a
15679 prevailing market rate schedule. The schedule must include, at a
15680 minimum, county-by-county rates:
15681 (a) At the prevailing market rate, plus the maximum rate,
15682 for child care providers that hold a Gold Seal Quality Care
15683 designation under s. 402.281.
15684 (b) At the prevailing market rate for child care providers
15685 that do not hold a Gold Seal Quality Care designation.
15686 (6) The Office of Early Learning ~~Agency for Workforce~~
15687 ~~Innovation~~ may contract with one or more qualified entities to
15688 administer this section and provide support and technical
15689 assistance for child care providers.



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15690 (7) The Office of Early Learning ~~Agency for Workforce~~
15691 ~~Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54
15692 for establishing procedures for the collection of child care
15693 providers' market rate, the calculation of a reasonable
15694 frequency distribution of the market rate, and the publication
15695 of a prevailing market rate schedule.
15696 Section 308. Subsection (1) of section 411.01014, Florida
15697 Statutes, is amended to read:
15698 411.01014 School readiness transportation services.—
15699 (1) The Office of Early Learning ~~Agency for Workforce~~
15700 ~~Innovation~~, pursuant to chapter 427, may authorize an early
15701 learning coalition to establish school readiness transportation
15702 services for children at risk of abuse or neglect participating
15703 in the school readiness program. The early learning coalitions
15704 may contract for the provision of transportation services as
15705 required by this section.
15706 Section 309. Subsections (1), (3), and (4) of section
15707 411.01015, Florida Statutes, are amended to read:
15708 411.01015 Consultation to child care centers and family day
15709 care homes regarding health, developmental, disability, and
15710 special needs issues.—
15711 (1) Contingent upon specific appropriations, the Office of
15712 Early Learning ~~Agency for Workforce Innovation~~ shall administer
15713 a statewide toll-free Warm-Line for the purpose of providing
15714 assistance and consultation to child care centers and family day
15715 care homes regarding health, developmental, disability, and
15716 special needs issues of the children they are serving,
15717 particularly children with disabilities and other special needs.
15718 (3) The Office of Early Learning ~~Agency for Workforce~~



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15719 ~~Innovation~~ shall annually inform child care centers and family
15720 day care homes of the availability of this service through the
15721 child care resource and referral network under s. 411.0101.
15722 (4) Contingent upon specific appropriations, the Office of
15723 Early Learning ~~Agency for Workforce Innovation~~ shall expand, or
15724 contract for the expansion of, the Warm-Line to maintain at
15725 least one Warm-Line site in each early learning coalition
15726 service area.
15727 Section 310. Subsections (2) and (3) of section 411.0103,
15728 Florida Statutes, are amended to read:
15729 411.0103 Teacher Education and Compensation Helps (TEACH)
15730 scholarship program.—
15731 (2) The Office of Early Learning ~~Agency for Workforce~~
15732 ~~Innovation~~ may contract for the administration of the Teacher
15733 Education and Compensation Helps (TEACH) scholarship program,
15734 which provides educational scholarships to caregivers and
15735 administrators of early childhood programs, family day care
15736 homes, and large family child care homes.
15737 (3) The office ~~agency~~ shall adopt rules under ss.
15738 120.536(1) and 120.54 as necessary to administer this section.
15739 Section 311. Subsections (1) and (3) of section 411.0104,
15740 Florida Statutes, are amended to read:
15741 411.0104 Early Head Start collaboration grants.—
15742 (1) Contingent upon specific appropriations, the Office of
15743 Early Learning ~~Agency for Workforce Innovation~~ shall establish a
15744 program to award collaboration grants to assist local agencies
15745 in securing Early Head Start programs through Early Head Start
15746 program federal grants. The collaboration grants shall provide
15747 the required matching funds for public and private nonprofit



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15748 agencies that have been approved for Early Head Start program
15749 federal grants.
15750 (3) The Office of Early Learning ~~Agency for Workforce~~
15751 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 as
15752 necessary for the award of collaboration grants to competing
15753 agencies and the administration of the collaboration grants
15754 program under this section.
15755 Section 312. Section 411.0105, Florida Statutes, is amended
15756 to read:
15757 411.0105 Early Learning Opportunities Act and Even Start
15758 Family Literacy Programs; lead agency.—For purposes of
15759 administration of the Early Learning Opportunities Act and the
15760 Even Start Family Literacy Programs, pursuant to Pub. L. No.
15761 106-554, the Office of Early Learning ~~Agency for Workforce~~
15762 ~~Innovation~~ is designated as the lead agency and must comply with
15763 lead agency responsibilities pursuant to federal law.
15764 Section 313. Section 411.0106, Florida Statutes, is amended
15765 to read:
15766 411.0106 Infants and toddlers in state-funded education and
15767 care programs; brain development activities.—Each state-funded
15768 education and care program for children from birth to 5 years of
15769 age must provide activities to foster brain development in
15770 infants and toddlers. A program must provide an environment that
15771 helps children attain the performance standards adopted by the
15772 Office of Early Learning ~~Agency for Workforce Innovation~~ under
15773 s. 411.01(4)(d)8. and must be rich in language and music and
15774 filled with objects of various colors, shapes, textures, and
15775 sizes to stimulate visual, tactile, auditory, and linguistic
15776 senses in the children and must include classical music and at



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15777 least 30 minutes of reading to the children each day. A program
15778 may be offered through an existing early childhood program such
15779 as Healthy Start, the Title I program, the school readiness
15780 program, the Head Start program, or a private child care
15781 program. A program must provide training for the infants' and
15782 toddlers' parents including direct dialogue and interaction
15783 between teachers and parents demonstrating the urgency of brain
15784 development in the first year of a child's life. Family day care
15785 centers are encouraged, but not required, to comply with this
15786 section.
15787 Section 314. Subsection (1) and paragraph (g) of subsection
15788 (3) of section 411.011, Florida Statutes, are amended to read:
15789 411.011 Records of children in school readiness programs.—
15790 (1) The individual records of children enrolled in school
15791 readiness programs provided under s. 411.01, held by an early
15792 learning coalition or the Office of Early Learning ~~Agency for~~
15793 ~~Workforce Innovation~~, are confidential and exempt from s.
15794 119.07(1) and s. 24(a), Art. I of the State Constitution. For
15795 purposes of this section, records include assessment data,
15796 health data, records of teacher observations, and personal
15797 identifying information.
15798 (3) School readiness records may be released to:
15799 (g) Parties to an interagency agreement among early
15800 learning coalitions, local governmental agencies, providers of
15801 school readiness programs, state agencies, and the Office of
15802 Early Learning ~~Agency for Workforce Innovation~~ for the purpose
15803 of implementing the school readiness program.
15804
15805 Agencies, organizations, or individuals that receive school



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15806 readiness records in order to carry out their official functions
15807 must protect the data in a manner that does not permit the
15808 personal identification of a child enrolled in a school
15809 readiness program and his or her parents by persons other than
15810 those authorized to receive the records.
15811 Section 315. Paragraph (e) of subsection (2) of section
15812 411.226, Florida Statutes, is amended to read:
15813 411.226 Learning Gateway.—
15814 (2) LEARNING GATEWAY STEERING COMMITTEE.—
15815 (e) To support and facilitate system improvements, the
15816 steering committee must consult with representatives from the
15817 Department of Education, the Department of Health, the Office of
15818 Early Learning ~~the Agency for Workforce Innovation,~~ the
15819 Department of Children and Family Services, the Agency for
15820 Health Care Administration, the Department of Juvenile Justice,
15821 and the Department of Corrections and with the director of the
15822 Learning Development and Evaluation Center of Florida
15823 Agricultural and Mechanical University.
15824 Section 316. Paragraph (d) of subsection (1), paragraph (a)
15825 of subsection (2), and paragraph (c) of subsection (3) of
15826 section 411.227, Florida Statutes, are amended to read:
15827 411.227 Components of the Learning Gateway.—The Learning
15828 Gateway system consists of the following components:
15829 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
15830 ACCESS.—
15831 (d) In collaboration with other local resources, the
15832 demonstration projects shall develop public awareness strategies
15833 to disseminate information about developmental milestones,
15834 precursors of learning problems and other developmental delays,



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15835 and the service system that is available. The information should
15836 target parents of children from birth through age 9 and should
15837 be distributed to parents, health care providers, and caregivers
15838 of children from birth through age 9. A variety of media should
15839 be used as appropriate, such as print, television, radio, and a
15840 community-based Internet website, as well as opportunities such
15841 as those presented by parent visits to physicians for well-child
15842 checkups. The Learning Gateway Steering Committee shall provide
15843 technical assistance to the local demonstration projects in
15844 developing and distributing educational materials and
15845 information.
15846 1. Public awareness strategies targeting parents of
15847 children from birth through age 5 shall be designed to provide
15848 information to public and private preschool programs, child care
15849 providers, pediatricians, parents, and local businesses and
15850 organizations. These strategies should include information on
15851 the school readiness performance standards adopted by the Office
15852 of Early Learning ~~Agency for Workforce Innovation~~.
15853 2. Public awareness strategies targeting parents of
15854 children from ages 6 through 9 must be designed to disseminate
15855 training materials and brochures to parents and public and
15856 private school personnel, and must be coordinated with the local
15857 school board and the appropriate school advisory committees in
15858 the demonstration projects. The materials should contain
15859 information on state and district proficiency levels for grades
15860 K-3.
15861 (2) SCREENING AND DEVELOPMENTAL MONITORING.—
15862 (a) In coordination with the Office of Early Learning
15863 ~~Agency for Workforce Innovation~~, the Department of Education~~,~~



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15864 and the Florida Pediatric Society, and using information learned
15865 from the local demonstration projects, the Learning Gateway
15866 Steering Committee shall establish guidelines for screening
15867 children from birth through age 9. The guidelines should
15868 incorporate recent research on the indicators most likely to
15869 predict early learning problems, mild developmental delays,
15870 child-specific precursors of school failure, and other related
15871 developmental indicators in the domains of cognition;
15872 communication; attention; perception; behavior; and social,
15873 emotional, sensory, and motor functioning.
15874 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—
15875 (c) The steering committee, in cooperation with the
15876 Department of Children and Family Services, the Department of
15877 Education, and the Office of Early Learning ~~Agency for Workforce~~
15878 ~~Innovation~~, shall identify the elements of an effective
15879 research-based curriculum for early care and education programs.
15880 Section 317. Section 414.24, Florida Statutes, is amended
15881 to read:
15882 414.24 Integrated welfare reform and child welfare
15883 services.—The department shall develop integrated service
15884 delivery strategies to better meet the needs of families subject
15885 to work activity requirements who are involved in the child
15886 welfare system or are at high risk of involvement in the child
15887 welfare system. To the extent that resources are available, the
15888 department and the Department of Economic Opportunity ~~Labor and~~
15889 ~~Employment Security~~ shall provide funds to one or more service
15890 districts to promote development of integrated, nonduplicative
15891 case management within the department, the Department of
15892 Economic Opportunity ~~Labor and Employment Security~~, other



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15893 participating government agencies, and community partners.
15894 Alternative delivery systems shall be encouraged which include
15895 well-defined, pertinent outcome measures. Other factors to be
15896 considered shall include innovation regarding training,
15897 enhancement of existing resources, and increased private sector
15898 and business sector participation.
15899 Section 318. Section 414.40, Florida Statutes, is amended
15900 to read:
15901 414.40 Stop Inmate Fraud Program established; guidelines.—
15902 (1) There is created within the Department of Financial
15903 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud
15904 Program.
15905 (2) The Department of Financial Services ~~Department of Law~~
15906 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud
15907 Program in accordance with the following guidelines:
15908 (a) The program shall establish procedures for sharing
15909 public records not exempt from the public records law among
15910 social services agencies regarding the identities of persons
15911 incarcerated in state correctional institutions, as defined in
15912 s. 944.02, or in county, municipal, or regional jails or other
15913 detention facilities of local governments under chapter 950 or
15914 chapter 951 who are wrongfully receiving public assistance
15915 benefits or entitlement benefits.
15916 (b) Pursuant to these procedures, the program shall have
15917 access to records containing correctional information not exempt
15918 from the public records law on incarcerated persons which have
15919 been generated as criminal justice information. As used in this
15920 paragraph, the term “record” is defined as provided in s.
15921 943.045(7), and the term “criminal justice information” is



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15922 defined as provided in s. 943.045(3).
15923 (c) Database searches shall be conducted of the inmate
15924 population at each correctional institution or other detention
15925 facility. A correctional institution or a detention facility
15926 shall provide the Stop Inmate Fraud Program with the information
15927 necessary to identify persons wrongfully receiving benefits in
15928 the medium requested by the Stop Inmate Fraud Program if the
15929 correctional institution or detention facility maintains the
15930 information in that medium.
15931 (d) Data obtained from correctional institutions or other
15932 detention facilities shall be compared with the client files of
15933 the Department of Children and Family Services, the Department
15934 of Economic Opportunity ~~Labor and Employment Security~~, and other
15935 state or local agencies as needed to identify persons wrongfully
15936 obtaining benefits. Data comparisons shall be accomplished
15937 during periods of low information demand by agency personnel to
15938 minimize inconvenience to the agency.
15939 (e) Results of data comparisons shall be furnished to the
15940 appropriate office for use in the county in which the data
15941 originated. The program may provide reports of the data it
15942 obtains to appropriate state, federal, and local government
15943 agencies or governmental entities, including, but not limited
15944 to:
15945 1. The Child Support Enforcement Program of the Department
15946 of Revenue, so that the data may be used as locator information
15947 on persons being sought for purposes of child support.
15948 2. The Social Security Administration, so that the data may
15949 be used to reduce federal entitlement fraud within the state.
15950 (f) Reports by the program to another agency or entity



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15951 shall be generated bimonthly, or as otherwise directed, and
15952 shall be designed to accommodate that agency's or entity's
15953 particular needs for data.
15954 (g) Only those persons with active cases, or with cases
15955 that were active during the incarceration period, shall be
15956 reported, in order that the funding agency or entity, upon
15957 verification of the data, may take whatever action is deemed
15958 appropriate.
15959 (h) For purposes of program review and analysis, each
15960 agency or entity receiving data from the program shall submit
15961 reports to the program which indicate the results of how the
15962 data was used.
15963 Section 319. Subsection (1) of section 414.295, Florida
15964 Statutes, is amended to read:
15965 414.295 Temporary cash assistance programs; public records
15966 exemption.—
15967 (1) Personal identifying information of a temporary cash
15968 assistance program participant, a participant's family, or a
15969 participant's family or household member, except for information
15970 identifying a parent who does not live in the same home as the
15971 child, held by the department, the Division of Early Learning
15972 ~~Agency for Workforce Innovation~~, Workforce Florida, Inc., the
15973 Department of Health, the Department of Revenue, the Department
15974 of Education, or a regional workforce board or local committee
15975 created pursuant to s. 445.007 is confidential and exempt from
15976 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
15977 Such confidential and exempt information may be released for
15978 purposes directly connected with:
15979 (a) The administration of the temporary assistance for



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15980 needy families plan under Title IV-A of the Social Security Act,
15981 as amended, by the department, the Division of Early Learning
15982 ~~Agency for Workforce Innovation~~, Workforce Florida, Inc., the
15983 Department of Military Affairs, the Department of Health, the
15984 Department of Revenue, the Department of Education, a regional
15985 workforce board or local committee created pursuant to s.
15986 445.007, or a school district.
15987 (b) The administration of the state's plan or program
15988 approved under Title IV-B, Title IV-D, or Title IV-E of the
15989 Social Security Act, as amended, or under Title I, Title X,
15990 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
15991 Social Security Act, as amended.
15992 (c) Any investigation, prosecution, or any criminal, civil,
15993 or administrative proceeding conducted in connection with the
15994 administration of any of the plans or programs specified in
15995 paragraph (a) or paragraph (b) by a federal, state, or local
15996 governmental entity, upon request by that entity, when such
15997 request is made pursuant to the proper exercise of that entity's
15998 duties and responsibilities.
15999 (d) The administration of any other state, federal, or
16000 federally assisted program that provides assistance or services
16001 on the basis of need, in cash or in kind, directly to a
16002 participant.
16003 (e) Any audit or similar activity, such as a review of
16004 expenditure reports or financial review, conducted in connection
16005 with the administration of any of the plans or programs
16006 specified in paragraph (a) or paragraph (b) by a governmental
16007 entity authorized by law to conduct such audit or activity.
16008 (f) The administration of the unemployment compensation



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16009 program.
16010 (g) The reporting to the appropriate agency or official of
16011 information about known or suspected instances of physical or
16012 mental injury, sexual abuse or exploitation, or negligent
16013 treatment or maltreatment of a child or elderly person receiving
16014 assistance, if circumstances indicate that the health or welfare
16015 of the child or elderly person is threatened.
16016 (h) The administration of services to elderly persons under
16017 ss. 430.601-430.606.
16018 Section 320. Subsections (1) and (3) of section 414.411,
16019 Florida Statutes, are amended to read:
16020 414.411 Public assistance fraud.—
16021 (1) The Department of Financial Services shall investigate
16022 all public assistance provided to residents of the state or
16023 provided to others by the state. In the course of such
16024 investigation the department shall examine all records,
16025 including electronic benefits transfer records and make inquiry
16026 of all persons who may have knowledge as to any irregularity
16027 incidental to the disbursement of public moneys, food
16028 assistance, or other items or benefits authorizations to
16029 recipients. All public assistance recipients, as a condition
16030 precedent to qualification for public assistance under chapter
16031 409, chapter 411, or this chapter, must first give in writing,
16032 to the Agency for Health Care Administration, the Department of
16033 Health, the Department of Economic Opportunity ~~Agency for~~
16034 ~~Workforce Innovation~~, and the Department of Children and Family
16035 Services, as appropriate, and to the Department of Financial
16036 Services, consent to make inquiry of past or present employers
16037 and records, financial or otherwise.



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16038 (3) The results of such investigation shall be reported by
16039 the Department of Financial Services to the appropriate
16040 legislative committees, the Agency for Health Care
16041 Administration, the Department of Health, the Department of
16042 Economic Opportunity ~~Agency for Workforce Innovation~~, and the
16043 Department of Children and Family Services, and to such others
16044 as the department may determine.
16045 Section 321. Subsection (2) of section 418.12, Florida
16046 Statutes, is amended to read:
16047 418.12 Duties and functions of Division of Recreation and
16048 Parks.—Among its functions, the Division of Recreation and Parks
16049 of the Department of Environmental Protection shall:
16050 (2) Provide consultation assistance to the Department of
16051 Economic Opportunity ~~Community Affairs~~ and to local governing
16052 units as to the promotion, organization, and administration of
16053 local recreation systems and as to the planning and design of
16054 local recreation areas and facilities;
16055 Section 322. Paragraph (e) of subsection (3) and subsection
16056 (4) of section 420.0003, Florida Statutes, are amended to read:
16057 420.0003 State housing strategy.—
16058 (3) POLICIES.—
16059 (e) *Housing production or rehabilitation programs.*—New
16060 programs for housing production or rehabilitation shall be
16061 developed in accordance with the following general guidelines as
16062 appropriate for the purpose of the specific program:
16063 1. State and local governments shall provide incentives to
16064 encourage the private sector to be the primary delivery vehicle
16065 for the development of affordable housing.
16066 2. State funds should be heavily leveraged to achieve the



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16067 maximum local and private commitment of funds while achieving
16068 the program objectives.
16069 3. To the maximum extent possible, state funds should be
16070 expended to provide housing units rather than to support program
16071 administration.
16072 4. State money should be used, when possible, as loans
16073 rather than grants.
16074 5. State funds should be available only to local
16075 governments that provide incentives or financial assistance for
16076 housing.
16077 6. State funds should be made available only for projects
16078 which are consistent with the local government comprehensive
16079 plan.
16080 7. State funding for housing should not be made available
16081 to local governments whose comprehensive plans have been found
16082 not in compliance with chapter 163 and who have not entered into
16083 a stipulated settlement agreement with the Department of
16084 Economic Opportunity ~~the Department of Community Affairs~~ to
16085 bring the plan into compliance.
16086 8. Mixed income projects should be encouraged, to avoid a
16087 concentration of low-income residents in one area or project.
16088 9. Distribution of state housing funds should be flexible
16089 and consider the regional and local needs, resources, and
16090 capabilities of housing producers.
16091 10. Income levels used to determine program eligibility
16092 should be adjusted for family size in determining the
16093 eligibility of specific beneficiaries.
16094 11. To the maximum extent possible, state-owned lands that
16095 are appropriate for the development of affordable housing shall



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16096 be made available for that purpose.
16097 (4) IMPLEMENTATION.—The Department of Economic Opportunity
16098 ~~The Department of Community Affairs~~ and the Florida Housing
16099 Finance Corporation in carrying out the strategy articulated
16100 herein shall have the following duties:
16101 (a) The fiscal resources of the Department of Economic
16102 Opportunity ~~the Department of Community Affairs~~ shall be
16103 directed to achieve the following programmatic objectives:
16104 1. Effective technical assistance and capacity-building
16105 programs shall be established at the state and local levels.
16106 2. The Shimberg Center for Affordable Housing at the
16107 University of Florida shall develop and maintain statewide data
16108 on housing needs and production, provide technical assistance
16109 relating to real estate development and finance, operate an
16110 information clearinghouse on housing programs, and coordinate
16111 state housing initiatives with local government and federal
16112 programs.
16113 (b) The agency strategic plan of the Department of Economic
16114 Opportunity ~~the Department of Community Affairs~~ shall include
16115 specific goals, objectives, and strategies that implement the
16116 housing policies in this section and shall include the strategic
16117 plan for housing production prepared by the corporation pursuant
16118 to s. 420.511.
16119 (c) The Shimberg Center for Affordable Housing, in
16120 consultation with the Department of Economic Opportunity ~~the~~
16121 ~~Department of Community Affairs~~ and the Florida Housing Finance
16122 Corporation, shall review and evaluate existing housing
16123 rehabilitation, production, and finance programs to determine
16124 their consistency with relevant policies in this section and



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16125 identify the needs of specific populations, including, but not
16126 limited to, elderly and handicapped persons, and shall recommend
16127 statutory modifications where appropriate. The Shimberg Center
16128 for Affordable Housing, in consultation with the Department of
16129 Economic Opportunity ~~the Department of Community Affairs~~ and the
16130 corporation, shall also evaluate the degree of coordination
16131 between state housing programs, and between state, federal, and
16132 local housing activities, and shall recommend improved program
16133 linkages. The recommendations required above and a report of any
16134 programmatic modifications made as a result of these policies
16135 shall be included in the housing report required by s. 420.6075,
16136 beginning December 31, 1991, and every 5 years thereafter.
16137 (d) The department and the corporation are anticipated to
16138 conform the administrative rules for each housing program to the
16139 policies stated in this section, provided that such changes in
16140 the rules are consistent with the statutory intent or
16141 requirements for the program. This authority applies only to
16142 programs offering loans, grants, or tax credits and only to the
16143 extent that state policies are consistent with applicable
16144 federal requirements.
16145 Section 323. Subsection (6) of section 420.0004, Florida
16146 Statutes, is amended to read:
16147 420.0004 Definitions.—As used in this part, unless the
16148 context otherwise indicates:
16149 (6) “Department” means the Department of Economic
16150 Opportunity ~~the Department of Community Affairs~~.
16151 Section 324. Section 420.0005, Florida Statutes, is amended
16152 to read:
16153 420.0005 State Housing Trust Fund; State Housing Fund.—



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16154 There is hereby established in the State Treasury a separate
16155 trust fund to be named the “State Housing Trust Fund.” There
16156 shall be deposited in the fund all moneys appropriated by the
16157 Legislature, or moneys received from any other source, for the
16158 purpose of this chapter, and all proceeds derived from the use
16159 of such moneys. The fund shall be administered by the Florida
16160 Housing Finance Corporation on behalf of the department, as
16161 specified in this chapter. Money deposited to the fund and
16162 appropriated by the Legislature must, notwithstanding the
16163 provisions of chapter 216 or s. 420.504(3), be transferred
16164 quarterly in advance, to the extent available, or, if not so
16165 available, as soon as received into the State Housing Trust
16166 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)
16167 by the Chief Financial Officer to the corporation upon
16168 certification by the executive director of the Department of
16169 Economic Opportunity ~~Secretary of Community Affairs~~ that the
16170 corporation is in compliance with the requirements of s.
16171 420.0006. The certification made by the secretary shall also
16172 include the split of funds among programs administered by the
16173 corporation and the department as specified in chapter 92-317,
16174 Laws of Florida, as amended. Moneys advanced by the Chief
16175 Financial Officer must be deposited by the corporation into a
16176 separate fund established with a qualified public depository
16177 meeting the requirements of chapter 280 to be named the “State
16178 Housing Fund” and used for the purposes of this chapter.
16179 Administrative and personnel costs incurred in implementing this
16180 chapter may be paid from the State Housing Fund, but such costs
16181 may not exceed 5 percent of the moneys deposited into such fund.
16182 To the State Housing Fund shall be credited all loan repayments,



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16183 penalties, and other fees and charges accruing to such fund
16184 under this chapter. It is the intent of this chapter that all
16185 loan repayments, penalties, and other fees and charges collected
16186 be credited in full to the program account from which the loan
16187 originated. Moneys in the State Housing Fund which are not
16188 currently needed for the purposes of this chapter shall be
16189 invested in such manner as is provided for by statute. The
16190 interest received on any such investment shall be credited to
16191 the State Housing Fund.
16192 Section 325. Paragraph (d) of subsection (1) of section
16193 420.101, Florida Statutes, is amended to read:
16194 420.101 Housing Development Corporation of Florida;
16195 creation, membership, and purposes.—
16196 (1) Twenty-five or more persons, a majority of whom shall
16197 be residents of this state, who may desire to create a housing
16198 development corporation under the provisions of this part for
16199 the purpose of promoting and developing housing and advancing
16200 the prosperity and economic welfare of the state and, to that
16201 end, to exercise the powers and privileges hereinafter provided,
16202 may be incorporated by filing in the Department of State, as
16203 hereinafter provided, articles of incorporation. The articles of
16204 incorporation shall contain:
16205 (d) The names and post office addresses of the members of
16206 the first board of directors. The first board of directors shall
16207 be elected by and from the stockholders of the corporation and
16208 shall consist of 21 members. However, five of such members shall
16209 consist of the following persons, who shall be nonvoting
16210 members: the secretary of the Department of Economic Opportunity
16211 ~~Community Affairs~~ or her or his designee; the head of the



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16212 Department of Financial Services or her or his designee with
16213 expertise in banking matters; a designee of the head of the
16214 Department of Financial Services with expertise in insurance
16215 matters; one state senator appointed by the President of the
16216 Senate; and one representative appointed by the Speaker of the
16217 House of Representatives.
16218 Section 326. Subsection (8) of section 420.111, Florida
16219 Statutes, is amended to read:
16220 420.111 Housing Development Corporation of Florida;
16221 additional powers.—In furtherance of its purposes and in
16222 addition to the powers now or hereafter conferred on business
16223 corporations by chapter 607, the corporation shall, subject to
16224 the restrictions and limitations herein contained, have the
16225 following powers:
16226 (8) To cooperate with, and avail itself of the facilities
16227 of, the United States Department of Housing and Urban
16228 Development, the Department of Economic Opportunity ~~Community~~
16229 ~~Affairs~~, and any other similar local, state, or Federal
16230 Government agency; and to cooperate with and assist, and
16231 otherwise encourage, organizations in the various communities of
16232 the state on the promotion, assistance, and development of the
16233 housing and economic welfare of such communities or of this
16234 state or any part thereof.
16235 Section 327. Section 420.36, Florida Statutes, is amended
16236 to read:
16237 420.36 Low-income Emergency Home Repair Program.—There is
16238 established within the Department of Economic Opportunity
16239 ~~Community Affairs~~ the Low-income Emergency Home Repair Program
16240 to assist low-income persons, especially the elderly and



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16241 physically disabled, in making emergency repairs which directly
16242 affect their health and safety.
16243 (1) As used in this section, the term:
16244 (a) “Grantee” means a local public or private nonprofit
16245 agency currently receiving funds from the department to conduct
16246 a weatherization assistance program in one or more counties or a
16247 public or nonprofit agency chosen as outlined in subparagraph
16248 (4)(c)4.
16249 (b) “Subgrantee” means a local public or private nonprofit
16250 agency experienced in weatherization, emergency repairs, or
16251 rehabilitation of housing.
16252 (2) A person is eligible to receive assistance if that
16253 person has an income in relation to that person’s family size
16254 which is at or below 125 percent of the poverty level as
16255 specified annually in the federal Office of Management and
16256 Budget Poverty Guidelines. Eligible persons over 60 years of age
16257 and eligible persons who are physically disabled shall be given
16258 priority in the program.
16259 (3)(a) Allowable repairs, including materials and labor,
16260 which may be charged under the program include:
16261 1. Correcting deficiencies in support beams, load-bearing
16262 walls, and floor joists.
16263 2. Repair or replacement of unsafe or nonfunctional space
16264 heating or water heating systems.
16265 3. Egress or physically disabled accessibility repairs,
16266 improvements, or assistive devices, including wheelchair ramps,
16267 steps, porches, handrails, or other health and safety measures.
16268 4. Plumbing, pump, well, and line repairs to ensure safe
16269 drinking water and sanitary sewage.



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16270 5. Electrical repairs.
16271 6. Repairs to deteriorating walls, floors, and roofs.
16272 7. Other interior and exterior repairs as necessary for the
16273 health and safety of the resident.
16274 (b) Administrative expenses may not exceed 10 percent of
16275 the total grant funds.
16276 (c) Each grantee shall be required to provide an in-kind or
16277 cash match of at least 20 percent of the funds granted. Grantees
16278 and subgrantees shall be encouraged to use community resources
16279 to provide such match, including family, church, and
16280 neighborhood volunteers and materials provided by local groups
16281 and businesses. Grantees shall coordinate with local governments
16282 through their community development block grant entitlement
16283 programs and other housing programs, local housing partnerships,
16284 and agencies under contract to a lead agency for the provisions
16285 of services under the Community Care for the Elderly Act, ss.
16286 430.201-430.207.
16287 (4)(a) Funds appropriated to the department for the program
16288 shall be deposited in the Energy Consumption Trust Fund.
16289 Administrative and personnel costs incurred by the department in
16290 implementing the provisions of this section may be paid from the
16291 fund.
16292 (b) The grantee may subgrant these funds to a subgrantee if
16293 the grantee is unable to serve all of the county or the target
16294 population. Grantee and subgrantee eligibility shall be
16295 determined by the department.
16296 (c) Funds shall be distributed to grantees and subgrantees
16297 as follows:
16298 1. For each county, a base amount of at least $3,000 shall



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be set aside from the total funds available, and such amount shall be deducted from the total amount appropriated by the Legislature.

2. The balance of the funds appropriated by the Legislature shall be divided by the total poverty population of the state, and this quotient shall be multiplied by each county's share of the poverty population. That amount plus the base of at least $3,000 shall constitute each county's share. A grantee which serves more than one county shall receive the base amount plus the poverty population share for each county to be served. Contracts with grantees may be renewed annually.

3. The funds allocated to each county shall be offered first to an existing weatherization assistance program grantee in good standing, as determined by the department, that can provide services to the target population of low-income persons, low-income elderly persons, and low-income physically disabled persons throughout the county.

4. If a weatherization assistance program grantee is not available to serve the entire county area, the funds shall be distributed through the following process:

a. An announcement of funding availability shall be provided to the county. The county may elect to administer the program.

b. If the county elects not to administer the program, the department shall establish rules to address the selection of one or more public or private not-for-profit agencies that are experienced in weatherization, rehabilitation, or emergency repair to administer the program.

5. If no eligible agency agrees to serve a county, the



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16328 funds for that county shall be distributed to grantees having
16329 the best performance record as determined by department rule. At
16330 the end of the contract year, any uncontracted or unexpended
16331 funds shall be returned to the Energy Consumption Trust Fund and
16332 reallocated under the next year's contracting cycle.
16333 (5) The department may perform all actions appropriate and
16334 necessary to carry out the purposes of this section, including,
16335 but not limited to:
16336 (a) Entering into contracts and agreements with the Federal
16337 Government, agencies of the state, local governments, or any
16338 person, association, corporation, or entity.
16339 (b) Seeking and accepting funding from any public or
16340 private source.
16341 (c) Adopting and enforcing rules consistent with this
16342 section.
16343 Section 328. Subsections (1) and (2) of section 420.424,
16344 Florida Statutes, are amended, and subsections (3) through (7)
16345 of that section are redesignated as subsections (2) through (6),
16346 to read:
16347 420.424 Definitions.—As used in ss. 420.421-420.429:
16348 (1) "Department" means the Department of Economic
16349 Opportunity ~~Community Affairs~~.
16350 ~~(2) "Secretary" means the Secretary of Community Affairs.~~
16351 Section 329. Subsection (12) of section 420.503, Florida
16352 Statutes, is amended to read:
16353 420.503 Definitions.—As used in this part, the term:
16354 (12) "Department" means the Department of Economic
16355 Opportunity ~~the Department of Community Affairs~~.
16356 Section 330. Subsections (1) and (3) of section 420.504,



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16357 Florida Statutes, are amended to read:
16358 420.504 Public corporation; creation, membership, terms,
16359 expenses.—
16360 (1) There is created within the Department of Economic
16361 Opportunity ~~the Department of Community Affairs~~ a public
16362 corporation and a public body corporate and politic, to be known
16363 as the "Florida Housing Finance Corporation." It is declared to
16364 be the intent of and constitutional construction by the
16365 Legislature that the Florida Housing Finance Corporation
16366 constitutes an entrepreneurial public corporation organized to
16367 provide and promote the public welfare by administering the
16368 governmental function of financing or refinancing housing and
16369 related facilities in Florida and that the corporation is not a
16370 department of the executive branch of state government within
16371 the scope and meaning of s. 6, Art. IV of the State
16372 Constitution, but is functionally related to the Department of
16373 Economic Opportunity ~~the Department of Community Affairs~~ in
16374 which it is placed. The executive function of state government
16375 to be performed by the executive director of the Department of
16376 Economic Opportunity ~~secretary of the department~~ in the conduct
16377 of the business of the Florida Housing Finance Corporation must
16378 be performed pursuant to a contract to monitor and set
16379 performance standards for the implementation of the business
16380 plan for the provision of housing approved for the corporation
16381 as provided in s. 420.0006. This contract shall include the
16382 performance standards for the provision of affordable housing in
16383 Florida established in the business plan described in s.
16384 420.511.
16385 (3) The corporation is a separate budget entity and is not



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16386 subject to control, supervision, or direction by the Department
16387 of Economic Opportunity ~~the Department of Community Affairs~~ in
16388 any manner, including, but not limited to, personnel,
16389 purchasing, transactions involving real or personal property,
16390 and budgetary matters. The corporation shall consist of a board
16391 of directors composed of the executive director of the
16392 Department of Economic Opportunity ~~Secretary of Community~~
16393 ~~Affairs~~ as an ex officio and voting member, or a senior-level
16394 agency employee designated by the director, and eight members
16395 appointed by the Governor subject to confirmation by the Senate
16396 from the following:
16397 (a) One citizen actively engaged in the residential home
16398 building industry.
16399 (b) One citizen actively engaged in the banking or mortgage
16400 banking industry.
16401 (c) One citizen who is a representative of those areas of
16402 labor engaged in home building.
16403 (d) One citizen with experience in housing development who
16404 is an advocate for low-income persons.
16405 (e) One citizen actively engaged in the commercial building
16406 industry.
16407 (f) One citizen who is a former local government elected
16408 official.
16409 (g) Two citizens of the state who are not principally
16410 employed as members or representatives of any of the groups
16411 specified in paragraphs (a)-(f).
16412 Section 331. Section 420.506, Florida Statutes, is amended
16413 to read:
16414 420.506 Executive director; agents and employees; inspector



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16415 general.—
16416 (1) The appointment and removal of an executive director
16417 shall be by the executive director of the Department of Economic
16418 Opportunity ~~Secretary of Community Affairs~~, with the advice and
16419 consent of the corporation's board of directors. The executive
16420 director shall employ legal and technical experts and such other
16421 agents and employees, permanent and temporary, as the
16422 corporation may require, and shall communicate with and provide
16423 information to the Legislature with respect to the corporation's
16424 activities. The board is authorized, notwithstanding the
16425 provisions of s. 216.262, to develop and implement rules
16426 regarding the employment of employees of the corporation and
16427 service providers, including legal counsel. The board of
16428 directors of the corporation is entitled to establish travel
16429 procedures and guidelines for employees of the corporation. The
16430 executive director's office and the corporation's files and
16431 records must be located in Leon County.
16432 (2) The appointment and removal of an inspector general
16433 shall be by the executive director, with the advice and consent
16434 of the corporation's board of directors. The corporation's
16435 inspector general shall perform for the corporation the
16436 functions set forth in s. 20.055. The inspector general shall
16437 administratively report to the executive director. The inspector
16438 general shall meet the minimum qualifications as set forth in s.
16439 20.055(4). The corporation may establish additional
16440 qualifications deemed necessary by the board of directors to
16441 meet the unique needs of the corporation. The inspector general
16442 shall be responsible for coordinating the responsibilities set
16443 forth in s. 420.0006.



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16444 Section 332. Paragraph (e) of subsection (12) of section
16445 420.5095, Florida Statutes, is amended to read:
16446 420.5095 Community Workforce Housing Innovation Pilot
16447 Program.—
16448 (12) All eligible applications shall:
16449 (e) Demonstrate how the applicant will use the regulatory
16450 incentives and financial strategies outlined in subsection (8)
16451 from the local jurisdiction in which the proposed project is to
16452 be located. The corporation may consult with the Department of
16453 Economic Opportunity ~~the Department of Community Affairs~~ in
16454 evaluating the use of regulatory incentives by applicants.
16455 Section 333. Subsections (6) through (10) of section
16456 420.602, Florida Statutes, are amended, and a new subsection (7)
16457 is added to that section, to read:
16458 420.602 Definitions.—As used in this part, the following
16459 terms shall have the following meanings, unless the context
16460 otherwise requires:
16461 (6) "Department" means the Department of Economic
16462 Opportunity ~~the Department of Community Affairs~~.
16463 (7) "Director" means the executive director of the
16464 Department of Economic Opportunity.
16465 (8) ~~(7)~~ "Fund" means the Florida Affordable Housing Trust
16466 Fund as created in this part.
16467 (9) ~~(8)~~ "Low-income persons" means one or more natural
16468 persons or a family, the total annual adjusted gross household
16469 income of which does not exceed 80 percent of the median annual
16470 adjusted gross income for households within the state, or 80
16471 percent of the median annual adjusted gross income for
16472 households within the metropolitan statistical area (MSA) or, if



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16473 not within an MSA, within the county in which the person or
16474 family resides, whichever is greater.
16475 (10) ~~(9)~~ "Moderate-income persons" means one or more natural
16476 persons or a family, the total annual adjusted gross household
16477 income of which is less than 120 percent of the median annual
16478 adjusted gross income for households within the state, or 120
16479 percent of the median annual adjusted gross income for
16480 households within the metropolitan statistical area (MSA) or, if
16481 not within an MSA, within the county in which the household is
16482 located, whichever is greater.
16483 ~~(10) "Secretary" means the Secretary of Community Affairs.~~
16484 Section 334. Subsections (3) and (4) of section 420.606,
16485 Florida Statutes, are amended to read:
16486 420.606 Training and technical assistance program.—
16487 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The
16488 Department of Economic Opportunity ~~Community Affairs~~ shall be
16489 responsible for securing the necessary expertise to provide
16490 training and technical assistance to staff of local governments,
16491 to staff of state agencies, as appropriate, and to community-
16492 based organizations, and to persons forming such organizations,
16493 which are formed for the purpose of developing new housing and
16494 rehabilitating existing housing which is affordable for very-
16495 low-income persons, low-income persons, and moderate-income
16496 persons.
16497 (a) The training component of the program shall be designed
16498 to build the housing development capacity of community-based
16499 organizations and local governments as a permanent resource for
16500 the benefit of communities in this state.
16501 1. The scope of training shall include, but not be limited



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16502 to, real estate development skills related to affordable
16503 housing, including the construction process and property
16504 management and disposition, the development of public-private
16505 partnerships to reduce housing costs, model housing projects,
16506 and management and board responsibilities of community-based
16507 organizations.
16508 2. Training activities may include, but are not limited to,
16509 materials for self-instruction, workshops, seminars,
16510 internships, coursework, and special programs developed in
16511 conjunction with state universities and community colleges.
16512 (b) The technical assistance component of the program shall
16513 be designed to assist applicants for state-administered programs
16514 in developing applications and in expediting project
16515 implementation. Technical assistance activities for the staffs
16516 of community-based organizations and local governments who are
16517 directly involved in the production of affordable housing may
16518 include, but are not limited to, workshops for program
16519 applicants, onsite visits, guidance in achieving project
16520 completion, and a newsletter to community-based organizations
16521 and local governments.
16522 (4) POWERS.—The Department of Economic Opportunity
16523 ~~Community Affairs~~ may do all things necessary or appropriate to
16524 carry out the purposes of this section, including exercising the
16525 power to:
16526 (a) Enter into contracts and agreements with the Federal
16527 Government or with other agencies of the state, with local
16528 governments, or with any other person, association, corporation,
16529 or entity;
16530 (b) Seek and accept funding from any public or private



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16531 source; and
16532 (c) Adopt and enforce rules consistent with this section.
16533 Section 335. Subsection (5) of section 420.609, Florida
16534 Statutes, is amended to read:
16535 420.609 Affordable Housing Study Commission.—Because the
16536 Legislature firmly supports affordable housing in Florida for
16537 all economic classes:
16538 (5) The commission shall review, evaluate, and make
16539 recommendations regarding existing and proposed housing programs
16540 and initiatives. The commission shall provide these and any
16541 other housing recommendations to the director of the department
16542 ~~secretary of the Department of Community Affairs~~ and the
16543 executive director of the corporation.
16544 Section 336. Subsection (2) of section 420.622, Florida
16545 Statutes, is amended to read:
16546 420.622 State Office on Homelessness; Council on
16547 Homelessness.—
16548 (2) The Council on Homelessness is created to consist of a
16549 17-member council of public and private agency representatives
16550 who shall develop policy and advise the State Office on
16551 Homelessness. The council members shall be: the Secretary of
16552 Children and Family Services, or his or her designee; the
16553 executive director of the Department of Economic Opportunity
16554 ~~Secretary of Community Affairs~~, or his or her designee, to
16555 advise the council on issues related to rural development; the
16556 State Surgeon General, or his or her designee; the Executive
16557 Director of Veterans' Affairs, or his or her designee; the
16558 Secretary of Corrections, or his or her designee; the Secretary
16559 of Health Care Administration, or his or her designee; the



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16560 Commissioner of Education, or his or her designee; the Director
16561 of Workforce Florida, Inc., or his or her designee; one
16562 representative of the Florida Association of Counties; one
16563 representative from the Florida League of Cities; one
16564 representative of the Florida Supportive Housing Coalition; the
16565 Executive Director of the Florida Housing Finance Corporation,
16566 or his or her designee; one representative of the Florida
16567 Coalition for the Homeless; and four members appointed by the
16568 Governor. The council members shall be volunteer, nonpaid
16569 persons and shall be reimbursed for travel expenses only. The
16570 appointed members of the council shall be appointed to staggered
16571 2-year terms, and the council shall meet at least four times per
16572 year. The importance of minority, gender, and geographic
16573 representation must be considered when appointing members to the
16574 council.
16575 Section 337. Subsections (2) through (9) of section
16576 420.631, Florida Statutes, are amended to read:
16577 420.631 Definitions relating to Urban Homesteading Act.—As
16578 used in ss. 420.630-420.635:
16579 ~~(2) "Department" means the Department of Community Affairs.~~
16580 (2)~~(3)~~ "Homestead agreement" means a written contract
16581 between a local government or its designee and a qualified buyer
16582 which contains the terms under which the qualified buyer may
16583 acquire a single-family housing property.
16584 (3)~~(4)~~ "Local government" means any county or incorporated
16585 municipality within this state.
16586 (4)~~(5)~~ "Designee" means a housing authority appointed by a
16587 local government, or a nonprofit community organization
16588 appointed by a local government, to administer the urban



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16589 homesteading program for single-family housing under ss.
16590 420.630-420.635.
16591 (5) ~~(6)~~ "Nonprofit community organization" means an
16592 organization that is exempt from taxation under s. 501(c)(3) of
16593 the Internal Revenue Code.
16594 (6) ~~(7)~~ "Office" means the Office of Urban Opportunity
16595 within the Department of Economic Opportunity ~~Community Affairs~~.
16596 (7) ~~(8)~~ "Qualified buyer" means a person who meets the
16597 criteria under s. 420.633.
16598 (8) ~~(9)~~ "Qualified loan rate" means an interest rate that
16599 does not exceed the interest rate charged for home improvement
16600 loans by the Federal Housing Administration under Title I of the
16601 National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss.
16602 1702, 1703, 1705, and 1706b et seq.
16603 Section 338. Section 420.635, Florida Statutes, is amended
16604 to read:
16605 420.635 Loans to qualified buyers.—Contingent upon an
16606 appropriation, the Department of Economic Opportunity, in
16607 consultation with the Office of Urban Opportunity, shall provide
16608 loans to qualified buyers who are required to pay the pro rata
16609 portion of the bonded debt on single-family housing pursuant to
16610 s. 420.634. Loans provided under this section shall be made at a
16611 rate of interest which does not exceed the qualified loan rate.
16612 A buyer must maintain the qualifications specified in s. 420.633
16613 for the full term of the loan. The loan agreement may contain
16614 additional terms and conditions as determined by the department.
16615 Section 339. Section 421.001, Florida Statutes, is amended
16616 to read:
16617 421.001 State role in housing and urban development.—The



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16618 role of state government required by part I of chapter 421
16619 (Housing Authorities Law), chapter 422 (Housing Cooperation
16620 Law), and chapter 423 (Tax Exemption of Housing Authorities) is
16621 the responsibility of the Department of Economic Opportunity
16622 ~~Community Affairs~~; and the department is the agency of state
16623 government responsible for the state's role in housing and urban
16624 development.
16625 Section 340. Section 422.001, Florida Statutes, is amended
16626 to read:
16627 422.001 State role in housing and urban development.—The
16628 role of state government required by part I of chapter 421
16629 (Housing Authorities Law), chapter 422 (Housing Cooperation
16630 Law), and chapter 423 (Tax Exemption of Housing Authorities) is
16631 the responsibility of the Department of Economic Opportunity
16632 ~~Community Affairs~~; and the department is the agency of state
16633 government responsible for the state's role in housing and urban
16634 development.
16635 Section 341. Section 423.001, Florida Statutes, is amended
16636 to read:
16637 423.001 State role in housing and urban development.—The
16638 role of state government required by part I of chapter 421
16639 (Housing Authorities Law), chapter 422 (Housing Cooperation
16640 Law), and chapter 423 (Tax Exemption of Housing Authorities) is
16641 the responsibility of the Department of Economic Opportunity
16642 ~~Community Affairs~~; and the department is the agency of state
16643 government responsible for the state's role in housing and urban
16644 development.
16645 Section 342. Paragraph (g) of subsection (1) of section
16646 427.012, Florida Statutes, is amended to read:



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16647 427.012 The Commission for the Transportation
16648 Disadvantaged.—There is created the Commission for the
16649 Transportation Disadvantaged in the Department of
16650 Transportation.
16651 (1) The commission shall consist of seven members, all of
16652 whom shall be appointed by the Governor, in accordance with the
16653 requirements of s. 20.052.
16654 (g) The Secretary of Transportation, the Secretary of
16655 Children and Family Services, the executive director of Economic
16656 Opportunity ~~director of Workforce Innovation~~, the executive
16657 director of the Department of Veterans' Affairs, the Secretary
16658 of Elderly Affairs, the Secretary of Health Care Administration,
16659 the director of the Agency for Persons with Disabilities, and a
16660 county manager or administrator who is appointed by the
16661 Governor, or a senior management level representative of each,
16662 shall serve as ex officio, nonvoting advisors to the commission.
16663 Section 343. Paragraph (b) of subsection (1) of section
16664 429.41, Florida Statutes, is amended to read:
16665 429.41 Rules establishing standards.—
16666 (1) It is the intent of the Legislature that rules
16667 published and enforced pursuant to this section shall include
16668 criteria by which a reasonable and consistent quality of
16669 resident care and quality of life may be ensured and the results
16670 of such resident care may be demonstrated. Such rules shall also
16671 ensure a safe and sanitary environment that is residential and
16672 noninstitutional in design or nature. It is further intended
16673 that reasonable efforts be made to accommodate the needs and
16674 preferences of residents to enhance the quality of life in a
16675 facility. The agency, in consultation with the department, may



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16676 adopt rules to administer the requirements of part II of chapter
16677 408. In order to provide safe and sanitary facilities and the
16678 highest quality of resident care accommodating the needs and
16679 preferences of residents, the department, in consultation with
16680 the agency, the Department of Children and Family Services, and
16681 the Department of Health, shall adopt rules, policies, and
16682 procedures to administer this part, which must include
16683 reasonable and fair minimum standards in relation to:
16684 (b) The preparation and annual update of a comprehensive
16685 emergency management plan. Such standards must be included in
16686 the rules adopted by the department after consultation with the
16687 Division of Emergency Management ~~Department of Community~~
16688 ~~Affairs~~. At a minimum, the rules must provide for plan
16689 components that address emergency evacuation transportation;
16690 adequate sheltering arrangements; postdisaster activities,
16691 including provision of emergency power, food, and water;
16692 postdisaster transportation; supplies; staffing; emergency
16693 equipment; individual identification of residents and transfer
16694 of records; communication with families; and responses to family
16695 inquiries. The comprehensive emergency management plan is
16696 subject to review and approval by the local emergency management
16697 agency. During its review, the local emergency management agency
16698 shall ensure that the following agencies, at a minimum, are
16699 given the opportunity to review the plan: the Department of
16700 Elderly Affairs, the Department of Health, the Agency for Health
16701 Care Administration, and the Division of Emergency Management
16702 ~~Department of Community Affairs~~. Also, appropriate volunteer
16703 organizations must be given the opportunity to review the plan.
16704 The local emergency management agency shall complete its review



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16705 within 60 days and either approve the plan or advise the
16706 facility of necessary revisions.
16707 Section 344. Paragraph (b) of subsection (2) of section
16708 429.907, Florida Statutes, is amended to read:
16709 429.907 License requirement; fee; exemption; display.—
16710 (2)
16711 (b) If ~~In the event~~ a licensed center becomes wholly or
16712 substantially unusable due to a disaster ~~as defined in s.~~
16713 ~~252.34(1)~~ or due to an emergency as those terms are defined in
16714 s. 252.34~~(3)~~:
16715 1. The licensee may continue to operate under its current
16716 license in ~~a premise or~~ premises separate from that authorized
16717 under the license if the licensee has:
16718 a. Specified the location of the ~~premise or~~ premises in its
16719 comprehensive emergency management plan submitted to and
16720 approved by the applicable county emergency management
16721 authority; and
16722 b. Notified the agency and the county emergency management
16723 authority within 24 hours of operating in the separate ~~premise~~
16724 ~~or~~ premises.
16725 2. The licensee shall operate the separate ~~premise or~~
16726 premises only while the licensed center's original location is
16727 substantially unusable and for up to ~~no longer than~~ 180 days.
16728 The agency may extend use of the alternate ~~premise or~~ premises
16729 beyond the initial 180 days. The agency may also review the
16730 operation of the disaster ~~premise or~~ premises quarterly.
16731 Section 345. Paragraph (g) of subsection (1) of section
16732 429.929, Florida Statutes, is amended to read:
16733 429.929 Rules establishing standards.—



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16734 (1) The agency, in consultation with the department, may
16735 adopt rules to administer the requirements of part II of chapter
16736 408. The Department of Elderly Affairs, in conjunction with the
16737 agency, shall adopt rules to implement the provisions of this
16738 part. The rules must include reasonable and fair standards. Any
16739 conflict between these standards and those that may be set forth
16740 in local, county, or municipal ordinances shall be resolved in
16741 favor of those having statewide effect. Such standards must
16742 relate to:
16743 (g) Components of a comprehensive emergency management
16744 plan, developed in consultation with the Department of Health,
16745 the Agency for Health Care Administration, and the Division of
16746 Emergency Management ~~Department of Community Affairs~~.
16747 Section 346. Subsection (2) of section 440.12, Florida
16748 Statutes, is amended to read:
16749 440.12 Time for commencement and limits on weekly rate of
16750 compensation.—
16751 (2) Compensation for disability resulting from injuries
16752 which occur after December 31, 1974, shall not be less than $20
16753 per week. However, if the employee's wages at the time of injury
16754 are less than $20 per week, he or she shall receive his or her
16755 full weekly wages. If the employee's wages at the time of the
16756 injury exceed $20 per week, compensation shall not exceed an
16757 amount per week which is:
16758 (a) Equal to 100 percent of the statewide average weekly
16759 wage, determined as hereinafter provided for the year in which
16760 the injury occurred; however, the increase to 100 percent from
16761 66 2/3 percent of the statewide average weekly wage shall apply
16762 only to injuries occurring on or after August 1, 1979; and



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16763 (b) Adjusted to the nearest dollar.
16764
16765 For the purpose of this subsection, the “statewide average
16766 weekly wage” means the average weekly wage paid by employers
16767 subject to the Florida Unemployment Compensation Law as reported
16768 to the Department of Economic Opportunity ~~Agency for Workforce~~
16769 ~~Innovation~~ for the four calendar quarters ending each June 30,
16770 which average weekly wage shall be determined by the Department
16771 of Economic Opportunity ~~Agency for Workforce Innovation~~ on or
16772 before November 30 of each year and shall be used in determining
16773 the maximum weekly compensation rate with respect to injuries
16774 occurring in the calendar year immediately following. The
16775 statewide average weekly wage determined by the Department of
16776 Economic Opportunity ~~Agency for Workforce Innovation~~ shall be
16777 reported annually to the Legislature.
16778 Section 347. Paragraph (c) of subsection (9) of section
16779 440.15, Florida Statutes, is amended to read:
16780 440.15 Compensation for disability.—Compensation for
16781 disability shall be paid to the employee, subject to the limits
16782 provided in s. 440.12(2), as follows:
16783 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
16784 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—
16785 (c) Disability compensation benefits payable for any week,
16786 including those benefits provided by paragraph (1)(f), may not
16787 be reduced pursuant to this subsection until the Social Security
16788 Administration determines the amount otherwise payable to the
16789 employee under 42 U.S.C. ss. 402 and 423 and the employee has
16790 begun receiving such social security benefit payments. The
16791 employee shall, upon demand by the department, the employer, or



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16792 the carrier, authorize the Social Security Administration to
16793 release disability information relating to her or him and
16794 authorize the Department of Economic Opportunity ~~Agency for~~
16795 ~~Workforce Innovation~~ to release unemployment compensation
16796 information relating to her or him, in accordance with rules to
16797 be adopted by the department prescribing the procedure and
16798 manner for requesting the authorization and for compliance by
16799 the employee. The department or the employer or carrier may not
16800 make any payment of benefits for total disability or those
16801 additional benefits provided by paragraph (1)(f) for any period
16802 during which the employee willfully fails or refuses to
16803 authorize the release of information in the manner and within
16804 the time prescribed by such rules. The authority for release of
16805 disability information granted by an employee under this
16806 paragraph is effective for a period not to exceed 12 months and
16807 such authority may be renewed, as the department prescribes by
16808 rule.
16809 Section 348. Paragraph (b) of subsection (2) of section
16810 440.45, Florida Statutes, is amended to read:
16811 440.45 Office of the Judges of Compensation Claims.—
16812 (2)
16813 (b) Except as provided in paragraph (c), the Governor shall
16814 appoint a judge of compensation claims from a list of three
16815 persons nominated by a statewide nominating commission. The
16816 statewide nominating commission shall be composed of the
16817 following:
16818 1. Five members, at least one of whom must be a member of a
16819 minority group as defined in s. 288.703~~(3)~~, one of each who
16820 resides in each of the territorial jurisdictions of the district



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16821 courts of appeal, appointed by the Board of Governors of The
16822 Florida Bar from among The Florida Bar members who are engaged
16823 in the practice of law. On July 1, 1999, the term of office of
16824 each person appointed by the Board of Governors of The Florida
16825 Bar to the commission expires. The Board of Governors shall
16826 appoint members who reside in the odd-numbered district court of
16827 appeal jurisdictions to 4-year terms each, beginning July 1,
16828 1999, and members who reside in the even-numbered district court
16829 of appeal jurisdictions to 2-year terms each, beginning July 1,
16830 1999. Thereafter, each member shall be appointed for a 4-year
16831 term;
16832 2. Five electors, at least one of whom must be a member of
16833 a minority group as defined in s. 288.703~~(3)~~, one of each who
16834 resides in each of the territorial jurisdictions of the district
16835 courts of appeal, appointed by the Governor. On July 1, 1999,
16836 the term of office of each person appointed by the Governor to
16837 the commission expires. The Governor shall appoint members who
16838 reside in the odd-numbered district court of appeal
16839 jurisdictions to 2-year terms each, beginning July 1, 1999, and
16840 members who reside in the even-numbered district court of appeal
16841 jurisdictions to 4-year terms each, beginning July 1, 1999.
16842 Thereafter, each member shall be appointed for a 4-year term;
16843 and
16844 3. Five electors, at least one of whom must be a member of
16845 a minority group as defined in s. 288.703~~(3)~~, one of each who
16846 resides in the territorial jurisdictions of the district courts
16847 of appeal, selected and appointed by a majority vote of the
16848 other 10 members of the commission. On October 1, 1999, the term
16849 of office of each person appointed to the commission by its



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16850 other members expires. A majority of the other members of the
16851 commission shall appoint members who reside in the odd-numbered
16852 district court of appeal jurisdictions to 2-year terms each,
16853 beginning October 1, 1999, and members who reside in the even-
16854 numbered district court of appeal jurisdictions to 4-year terms
16855 each, beginning October 1, 1999. Thereafter, each member shall
16856 be appointed for a 4-year term.
16857
16858 A vacancy occurring on the commission shall be filled by the
16859 original appointing authority for the unexpired balance of the
16860 term. No attorney who appears before any judge of compensation
16861 claims more than four times a year is eligible to serve on the
16862 statewide nominating commission. The meetings and determinations
16863 of the nominating commission as to the judges of compensation
16864 claims shall be open to the public.
16865 Section 349. Subsection (1), paragraph (a) of subsection
16866 (3), and subsection (6) of section 473.3065, Florida Statutes,
16867 are amended to read:
16868 473.3065 Certified Public Accountant Education Minority
16869 Assistance Program; advisory council.—
16870 (1) The Certified Public Accountant Education Minority
16871 Assistance Program for Florida residents is hereby established
16872 in the division for the purpose of providing scholarships to
16873 minority persons~~,~~ as defined in s. 288.703~~(3),~~ who are students
16874 enrolled in their fifth year of an accounting education program
16875 at an institution in this state approved by the board by rule. A
16876 Certified Public Accountant Education Minority Assistance
16877 Advisory Council shall assist the board in administering the
16878 program.



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16879 (3) The board shall adopt rules as necessary for
16880 administration of the program, including rules relating to the
16881 following:
16882 (a) Eligibility criteria for receipt of a scholarship,
16883 which, at a minimum, shall include the following factors:
16884 1. Financial need.
16885 2. Ethnic, gender, or racial minority status pursuant to s.
16886 288.703(4) ~~(3)~~.
16887 3. Scholastic ability and performance.
16888 (6) There is hereby created the Certified Public Accountant
16889 Education Minority Assistance Advisory Council to assist the
16890 board in administering the program. The council shall be diverse
16891 and representative of the gender, ethnic, and racial categories
16892 set forth in s. 288.703(4) ~~(3)~~.
16893 (a) The council shall consist of five licensed Florida-
16894 certified public accountants selected by the board, of whom one
16895 shall be a board member who serves as chair of the council, one
16896 shall be a representative of the National Association of Black
16897 Accountants, one shall be a representative of the Cuban American
16898 CPA Association, and two shall be selected at large. At least
16899 one member of the council must be a woman.
16900 (b) The board shall determine the terms for initial
16901 appointments and appointments thereafter.
16902 (c) Any vacancy on the council shall be filled in the
16903 manner provided for the selection of the initial member. Any
16904 member appointed to fill a vacancy of an unexpired term shall be
16905 appointed for the remainder of that term.
16906 (d) Three consecutive absences or absences constituting 50
16907 percent or more of the council's meetings within any 12-month



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16908 period shall cause the council membership of the member in
16909 question to become void, and the position shall be considered
16910 vacant.
16911 (e) The members of the council shall serve without
16912 compensation, and any necessary and actual expenses incurred by
16913 a member while engaged in the business of the council shall be
16914 borne by such member or by the organization or agency such
16915 member represents. However, the council member who is a member
16916 of the board shall be compensated in accordance with ~~the~~
16917 ~~provisions of~~ ss. 455.207(4) and 112.061.
16918 Section 350. Subsections (4) and (7) of section 440.381,
16919 Florida Statutes, are amended to read:
16920 440.381 Application for coverage; reporting payroll;
16921 payroll audit procedures; penalties.—
16922 (4) Each employer must submit a copy of the quarterly
16923 earnings ~~earning~~ report required by chapter 443 at the end of
16924 each quarter to the carrier and submit self-audits supported by
16925 the quarterly earnings reports required by chapter 443 and the
16926 rules adopted by the Department of Economic Opportunity ~~Agency~~
16927 ~~for Workforce Innovation~~ or by the state agency providing
16928 unemployment tax collection services under contract with the
16929 Department of Economic Opportunity ~~Agency for Workforce~~
16930 ~~Innovation~~ through an interagency agreement pursuant to s.
16931 443.1316. The reports must include a sworn statement by an
16932 officer or principal of the employer attesting to the accuracy
16933 of the information contained in the report.
16934 (7) If an employee suffering a compensable injury was not
16935 reported as earning wages on the last quarterly earnings report
16936 filed with the Department of Economic Opportunity ~~Agency for~~



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16937 ~~Workforce Innovation~~ or the state agency providing unemployment
16938 tax collection services under contract with the Department of
16939 Economic Opportunity ~~Agency for Workforce Innovation~~ through an
16940 interagency agreement pursuant to s. 443.1316 before the
16941 accident, the employer shall indemnify the carrier for all
16942 workers' compensation benefits paid to or on behalf of the
16943 employee unless the employer establishes that the employee was
16944 hired after the filing of the quarterly report, in which case
16945 the employer and employee shall attest to the fact that the
16946 employee was employed by the employer at the time of the injury.
16947 Failure of the employer to indemnify the insurer within 21 days
16948 after demand by the insurer is grounds for the insurer to
16949 immediately cancel coverage. Any action for indemnification
16950 brought by the carrier is cognizable in the circuit court having
16951 jurisdiction where the employer or carrier resides or transacts
16952 business. The insurer is entitled to a reasonable attorney's fee
16953 if it recovers any portion of the benefits paid in the action.
16954 Section 351. Subsections (1), (4), and (5) of section
16955 443.012, Florida Statutes, are amended to read:
16956 443.012 Unemployment Appeals Commission.—
16957 (1) There is created within the Division of Workforce
16958 Services of the Department of Economic Opportunity ~~Agency for~~
16959 ~~Workforce Innovation~~ an Unemployment Appeals Commission. The
16960 commission is composed of a chair and two other members
16961 appointed by the Governor, subject to confirmation by the
16962 Senate. Only one appointee may be a representative of employers,
16963 as demonstrated by his or her previous vocation, employment, or
16964 affiliation; and only one appointee may be a representative of
16965 employees, as demonstrated by his or her previous vocation,



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16966 employment, or affiliation.
16967 (a) The chair shall devote his or her entire time to
16968 commission duties and is responsible for the administrative
16969 functions of the commission.
16970 (b) The chair has authority to appoint a general counsel
16971 and other personnel to carry out the duties and responsibilities
16972 of the commission.
16973 (c) The chair must have the qualifications required by law
16974 for a judge of the circuit court and may not engage in any other
16975 business vocation or employment. Notwithstanding any other law,
16976 the chair shall be paid a salary equal to that paid under state
16977 law to a judge of the circuit court.
16978 (d) The remaining members shall be paid a stipend of $100
16979 for each day they are engaged in the work of the commission. The
16980 chair and other members are entitled to be reimbursed for travel
16981 expenses, as provided in s. 112.061.
16982 (e) The total salary and travel expenses of each member of
16983 the commission shall be paid from the Employment Security
16984 Administration Trust Fund.
16985 (4) The property, personnel, and appropriations relating to
16986 the specified authority, powers, duties, and responsibilities of
16987 the commission shall be provided to the commission by the
16988 Department of Economic Opportunity ~~Agency for Workforce~~
16989 ~~Innovation~~.
16990 (5) The commission is not subject to control, supervision,
16991 or direction by the Department of Economic Opportunity ~~Agency~~
16992 ~~for Workforce Innovation~~ in performing its powers or duties
16993 under this chapter.
16994 Section 352. Subsections (9), (41), (43), and (45) of



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16995 section 443.036, Florida Statutes, are amended to read:
16996 443.036 Definitions.—As used in this chapter, the term:
16997 (9) “Benefit year” means, for an individual, the 1-year
16998 period beginning with the first day of the first week for which
16999 the individual first files a valid claim for benefits and,
17000 thereafter, the 1-year period beginning with the first day of
17001 the first week for which the individual next files a valid claim
17002 for benefits after the termination of his or her last preceding
17003 benefit year. Each claim for benefits made in accordance with s.
17004 443.151(2) is a valid claim under this subsection if the
17005 individual was paid wages for insured work in accordance with s.
17006 443.091(1)(g) and is unemployed as defined in subsection (43) at
17007 the time of filing the claim. However, the Department of
17008 Economic Opportunity ~~Agency for Workforce Innovation~~ may adopt
17009 rules providing for the establishment of a uniform benefit year
17010 for all workers in one or more groups or classes of service or
17011 within a particular industry if the department ~~agency~~
17012 determines, after notice to the industry and to the workers in
17013 the industry and an opportunity to be heard in the matter, that
17014 those groups or classes of workers in a particular industry
17015 periodically experience unemployment resulting from layoffs or
17016 shutdowns for limited periods of time.
17017 (41) “Tax collection service provider” or “service
17018 provider” means the state agency providing unemployment tax
17019 collection services under contract with the Department of
17020 Economic Opportunity ~~Agency for Workforce Innovation~~ through an
17021 interagency agreement pursuant to s. 443.1316.
17022 (43) “Unemployment” means:
17023 (a) An individual is “totally unemployed” in any week



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17024 during which he or she does not perform any services and for
17025 which earned income is not payable to him or her. An individual
17026 is "partially unemployed" in any week of less than full-time
17027 work if the earned income payable to him or her for that week is
17028 less than his or her weekly benefit amount. The Department of
17029 Economic Opportunity ~~Agency for Workforce Innovation~~ may adopt
17030 rules prescribing distinctions in the procedures for unemployed
17031 individuals based on total unemployment, part-time unemployment,
17032 partial unemployment of individuals attached to their regular
17033 jobs, and other forms of short-time work.
17034 (b) An individual's week of unemployment commences only
17035 after his or her registration with the Department of Economic
17036 Opportunity ~~Agency for Workforce Innovation~~ as required in s.
17037 443.091, except as the agency may otherwise prescribe by rule.
17038 (45) "Week" means a period of 7 consecutive days as defined
17039 in the rules of the Department of Economic Opportunity ~~Agency~~
17040 ~~for Workforce Innovation~~. The department ~~Agency for Workforce~~
17041 ~~Innovation~~ may by rule prescribe that a week is deemed to be
17042 "in," "within," or "during" the benefit year that contains the
17043 greater part of the week.
17044 Section 353. Subsections (2) and (3) of section 443.041,
17045 Florida Statutes, are amended to read:
17046 443.041 Waiver of rights; fees; privileged communications.—
17047 (2) FEES.—
17048 (a) Except as otherwise provided in this chapter, an
17049 individual claiming benefits may not be charged fees of any kind
17050 in any proceeding under this chapter by the commission or the
17051 Department of Economic Opportunity ~~Agency for Workforce~~
17052 ~~Innovation~~, or their representatives, or by any court or any



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17053 officer of the court. An individual claiming benefits in any
17054 proceeding before the commission or the department ~~Agency for~~
17055 ~~Workforce Innovation~~, or representatives of either, or a court
17056 may be represented by counsel or an authorized representative,
17057 but the counsel or representative may not charge or receive for
17058 those services more than an amount approved by the commission,
17059 the department ~~Agency for Workforce Innovation~~, or the court.
17060 (b) An attorney at law representing a claimant for benefits
17061 in any district court of appeal of this state or in the Supreme
17062 Court of Florida is entitled to counsel fees payable by the
17063 department ~~Agency for Workforce Innovation~~ as set by the court
17064 if the petition for review or appeal is initiated by the
17065 claimant and results in a decision awarding more benefits than
17066 provided in the decision from which appeal was taken. The amount
17067 of the fee may not exceed 50 percent of the total amount of
17068 regular benefits permitted under s. 443.111(5)(a) during the
17069 benefit year.
17070 (c) The department ~~Agency for Workforce Innovation~~ shall
17071 pay attorneys' fees awarded under this section from the
17072 Employment Security Administration Trust Fund as part of the
17073 costs of administration of this chapter and may pay these fees
17074 directly to the attorney for the claimant in a lump sum. The
17075 department ~~Agency for Workforce Innovation~~ or the commission may
17076 not pay any other fees or costs in connection with an appeal.
17077 (d) Any person, firm, or corporation who or which seeks or
17078 receives any remuneration or gratuity for any services rendered
17079 on behalf of a claimant, except as allowed by this section and
17080 in an amount approved by the department ~~Agency for Workforce~~
17081 ~~Innovation~~, the commission, or a court, commits a misdemeanor of



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17082 the second degree, punishable as provided in s. 775.082 or s.
17083 775.083.
17084 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,
17085 communications, or any other matters, either oral or written,
17086 between an employer and an employee or between the Department of
17087 Economic Opportunity ~~Agency for Workforce Innovation~~ or its tax
17088 collection service provider and any of their agents,
17089 representatives, or employees which are written, sent,
17090 delivered, or made in connection with this chapter, are
17091 privileged and may not be the subject matter or basis for any
17092 suit for slander or libel in any court of the state.
17093 Section 354. Subsection (3) of section 443.051, Florida
17094 Statutes, is amended to read:
17095 443.051 Benefits not alienable; exception, child support
17096 intercept.—
17097 (3) EXCEPTION, SUPPORT INTERCEPT.—
17098 (a) The Department of Revenue shall, at least biweekly,
17099 provide the Department of Economic Opportunity ~~Agency for~~
17100 ~~Workforce Innovation~~ with a magnetic tape or other electronic
17101 data file disclosing the individuals who owe support obligations
17102 and the amount of any legally required deductions.
17103 (b) For support obligations established on or after July 1,
17104 2006, and for support obligations established before July 1,
17105 2006, when the support order does not address the withholding of
17106 unemployment compensation, the department ~~Agency for Workforce~~
17107 ~~Innovation~~ shall deduct and withhold 40 percent of the
17108 unemployment compensation otherwise payable to an individual
17109 disclosed under paragraph (a). If delinquencies, arrearages, or
17110 retroactive support are owed and repayment has not been ordered,



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17111 the unpaid amounts are included in the support obligation and
17112 are subject to withholding. If the amount deducted exceeds the
17113 support obligation, the Department of Revenue shall promptly
17114 refund the amount of the excess deduction to the obligor. For
17115 support obligations in effect before July 1, 2006, if the
17116 support order addresses the withholding of unemployment
17117 compensation, the department ~~Agency for Workforce Innovation~~
17118 shall deduct and withhold the amount ordered by the court or
17119 administrative agency that issued the support order as disclosed
17120 by the Department of Revenue.
17121 (c) The department ~~Agency for Workforce Innovation~~ shall
17122 pay any amount deducted and withheld under paragraph (b) to the
17123 Department of Revenue.
17124 (d) Any amount deducted and withheld under this subsection
17125 shall for all purposes be treated as if it were paid to the
17126 individual as unemployment compensation and paid by the
17127 individual to the Department of Revenue for support obligations.
17128 (e) The Department of Revenue shall reimburse the
17129 department ~~Agency for Workforce Innovation~~ for the
17130 administrative costs incurred by the department ~~agency~~ under
17131 this subsection which are attributable to support obligations
17132 being enforced by the department.
17133 Section 355. Subsections (3) and (4), paragraph (b) of
17134 subsection (5), and subsections (6) and (8) of section 443.071,
17135 Florida Statutes, are amended to read:
17136 443.071 Penalties.—
17137 (3) Any employing unit or any officer or agent of any
17138 employing unit or any other person who fails to furnish any
17139 reports required under this chapter or to produce or permit the



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17140 inspection of or copying of records as required under this
17141 chapter, who fails or refuses, within 6 months after written
17142 demand by the Department of Economic Opportunity ~~Agency for~~
17143 ~~Workforce Innovation~~ or its tax collection service provider, to
17144 keep and maintain the payroll records required by this chapter
17145 or by rule of the department ~~Agency for Workforce Innovation~~ or
17146 the state agency providing tax collection services, or who
17147 willfully fails or refuses to make any contribution,
17148 reimbursement, or other payment required from an employer under
17149 this chapter commits a misdemeanor of the second degree,
17150 punishable as provided in s. 775.082 or s. 775.083.
17151 (4) Any person who establishes a fictitious employing unit
17152 by submitting to the Department of Economic Opportunity ~~Agency~~
17153 ~~for Workforce Innovation~~ or its tax collection service provider
17154 fraudulent employing unit records or tax or wage reports by the
17155 introduction of fraudulent records into a computer system, the
17156 intentional or deliberate alteration or destruction of
17157 computerized information or files, or the theft of financial
17158 instruments, data, and other assets, for the purpose of enabling
17159 herself or himself or any other person to receive benefits under
17160 this chapter to which such person is not entitled, commits a
17161 felony of the third degree, punishable as provided in s.
17162 775.082, s. 775.083, or s. 775.084.
17163 (5) In any prosecution or action under this section, the
17164 entry into evidence of the signature of a person on a document,
17165 letter, or other writing constitutes prima facie evidence of the
17166 person’s identity if the following conditions exist:
17167 (b) The signature of the person is witnessed by an agent or
17168 employee of the Department of Economic Opportunity ~~Agency for~~



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17169 ~~Workforce Innovation~~ or its tax collection service provider at
17170 the time the document, letter, or other writing is filed.
17171 (6) The entry into evidence of an application for
17172 unemployment benefits initiated by the use of the Internet
17173 claims program or the interactive voice response system
17174 telephone claims program of the Department of Economic
17175 Opportunity ~~Agency for Workforce Innovation~~ constitutes prima
17176 facie evidence of the establishment of a personal benefit
17177 account by or for an individual if the following information is
17178 provided: the applicant's name, residence address, date of
17179 birth, social security number, and present or former place of
17180 work.
17181 (8) All records relating to investigations of unemployment
17182 compensation fraud in the custody of the Department of Economic
17183 Opportunity ~~Agency for Workforce Innovation~~ or its tax
17184 collection service provider are available for examination by the
17185 Department of Law Enforcement, the state attorneys, or the
17186 Office of the Statewide Prosecutor in the prosecution of
17187 offenses under s. 817.568 or in proceedings brought under this
17188 chapter.
17189 Section 356. Subsections (1) and (4) of section 443.091,
17190 Florida Statutes, are amended to read:
17191 443.091 Benefit eligibility conditions.—
17192 (1) An unemployed individual is eligible to receive
17193 benefits for any week only if the Department of Economic
17194 Opportunity ~~Agency for Workforce Innovation~~ finds that:
17195 (a) She or he has made a claim for benefits for that week
17196 in accordance with the rules adopted by the department ~~Agency~~
17197 ~~for Workforce Innovation~~.



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17198 (b) She or he has registered with the department ~~agency~~ for
17199 work and subsequently reports to the one-stop career center as
17200 directed by the regional workforce board for reemployment
17201 services. This requirement does not apply to persons who are:
17202 1. Non-Florida residents;
17203 2. On a temporary layoff~~, as defined in s. 443.036(42)~~;
17204 3. Union members who customarily obtain employment through
17205 a union hiring hall; or
17206 4. Claiming benefits under an approved short-time
17207 compensation plan as provided in s. 443.1116.
17208 (c) To make continued claims for benefits, she or he is
17209 reporting to the department ~~agency~~ in accordance with its rules.
17210 These rules may not conflict with s. 443.111(1)(b), including
17211 the requirement that each claimant continue to report regardless
17212 of any pending appeal relating to her or his eligibility or
17213 disqualification for benefits.
17214 (d) She or he is able to work and is available for work. In
17215 order to assess eligibility for a claimed week of unemployment,
17216 the department ~~agency~~ shall develop criteria to determine a
17217 claimant's ability to work and availability for work. However:
17218 1. Notwithstanding any other provision of this paragraph or
17219 paragraphs (b) and (e), an otherwise eligible individual may not
17220 be denied benefits for any week because she or he is in training
17221 with the approval of the department ~~agency~~, or by reason of s.
17222 443.101(2) relating to failure to apply for, or refusal to
17223 accept, suitable work. Training may be approved by the
17224 department ~~agency~~ in accordance with criteria prescribed by
17225 rule. A claimant's eligibility during approved training is
17226 contingent upon satisfying eligibility conditions prescribed by



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17227 rule.
17228 2. Notwithstanding any other provision of this chapter, an
17229 otherwise eligible individual who is in training approved under
17230 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
17231 determined ineligible or disqualified for benefits due to her or
17232 his enrollment in such training or because of leaving work that
17233 is not suitable employment to enter such training. As used in
17234 this subparagraph, the term “suitable employment” means work of
17235 a substantially equal or higher skill level than the worker’s
17236 past adversely affected employment, as defined for purposes of
17237 the Trade Act of 1974, as amended, the wages for which are at
17238 least 80 percent of the worker’s average weekly wage as
17239 determined for purposes of the Trade Act of 1974, as amended.
17240 3. Notwithstanding any other provision of this section, an
17241 otherwise eligible individual may not be denied benefits for any
17242 week because she or he is before any state or federal court
17243 pursuant to a lawfully issued summons to appear for jury duty.
17244 (e) She or he participates in reemployment services, such
17245 as job search assistance services, whenever the individual has
17246 been determined, by a profiling system established by the rules
17247 of the department ~~agency rule~~, to be likely to exhaust regular
17248 benefits and to be in need of reemployment services.
17249 (f) She or he has been unemployed for a waiting period of 1
17250 week. A week may not be counted as a week of unemployment under
17251 this subsection:
17252 1. Unless it occurs within the benefit year that includes
17253 the week for which she or he claims payment of benefits.
17254 2. If benefits have been paid for that week.
17255 3. Unless the individual was eligible for benefits for that



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17256 week as provided in this section and s. 443.101, except for the
17257 requirements of this subsection and of s. 443.101(5).
17258 (g) She or he has been paid wages for insured work equal to
17259 1.5 times her or his high quarter wages during her or his base
17260 period, except that an unemployed individual is not eligible to
17261 receive benefits if the base period wages are less than $3,400.
17262 (h) She or he submitted to the department ~~agency~~ a valid
17263 social security number assigned to her or him. The department
17264 ~~agency~~ may verify the social security number with the United
17265 States Social Security Administration and may deny benefits if
17266 the department ~~agency~~ is unable to verify the individual's
17267 social security number, the social security number is invalid,
17268 or the social security number is not assigned to the individual.
17269 (4) In the event of national emergency, in the course of
17270 which the Federal Emergency Unemployment Payment Plan is, at the
17271 request of the Governor, invoked for all or any part of the
17272 state, the emergency plan shall supersede the procedures
17273 prescribed by this chapter, and by rules adopted under this
17274 chapter, and the department ~~Agency for Workforce Innovation~~
17275 shall act as the Florida agency for the United States Department
17276 of Labor in the administration of the plan.
17277 Section 357. Subsections (1), (2), (4), (6), (7), and (9)
17278 of section 443.101, Florida Statutes, are amended to read:
17279 443.101 Disqualification for benefits.—An individual shall
17280 be disqualified for benefits:
17281 (1)(a) For the week in which he or she has voluntarily left
17282 work without good cause attributable to his or her employing
17283 unit or in which the individual has been discharged by the
17284 employing unit for misconduct connected with his or her work,



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17285 based on a finding by the Department of Economic Opportunity
17286 ~~Agency for Workforce Innovation~~. As used in this paragraph, the
17287 term “work” means any work, whether full-time, part-time, or
17288 temporary.
17289 1. Disqualification for voluntarily quitting continues for
17290 the full period of unemployment next ensuing after the
17291 individual has left his or her full-time, part-time, or
17292 temporary work voluntarily without good cause and until the
17293 individual has earned income equal to or in excess of 17 times
17294 his or her weekly benefit amount. As used in this subsection,
17295 the term “good cause” includes only that cause attributable to
17296 the employing unit or which consists of the individual’s illness
17297 or disability requiring separation from his or her work. Any
17298 other disqualification may not be imposed. An individual is not
17299 disqualified under this subsection for voluntarily leaving
17300 temporary work to return immediately when called to work by the
17301 permanent employing unit that temporarily terminated his or her
17302 work within the previous 6 calendar months. An individual is not
17303 disqualified under this subsection for voluntarily leaving work
17304 to relocate as a result of his or her military-connected
17305 spouse’s permanent change of station orders, activation orders,
17306 or unit deployment orders.
17307 2. Disqualification for being discharged for misconduct
17308 connected with his or her work continues for the full period of
17309 unemployment next ensuing after having been discharged and until
17310 the individual is reemployed and has earned income of at least
17311 17 times his or her weekly benefit amount and for not more than
17312 52 weeks that immediately follow that week, as determined by the
17313 department ~~agency~~ in each case according to the circumstances in



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17314 each case or the seriousness of the misconduct, under the
17315 department's ~~agency's~~ rules adopted for determinations of
17316 disqualification for benefits for misconduct.
17317 3. If an individual has provided notification to the
17318 employing unit of his or her intent to voluntarily leave work
17319 and the employing unit discharges the individual for reasons
17320 other than misconduct before the date the voluntary quit was to
17321 take effect, the individual, if otherwise entitled, shall
17322 receive benefits from the date of the employer's discharge until
17323 the effective date of his or her voluntary quit.
17324 4. If an individual is notified by the employing unit of
17325 the employer's intent to discharge the individual for reasons
17326 other than misconduct and the individual quits without good
17327 cause, as defined in this section, before the date the discharge
17328 was to take effect, the claimant is ineligible for benefits
17329 pursuant to s. 443.091(1)(d) for failing to be available for
17330 work for the week or weeks of unemployment occurring before the
17331 effective date of the discharge.
17332 (b) For any week with respect to which the department
17333 ~~Agency for Workforce Innovation~~ finds that his or her
17334 unemployment is due to a suspension for misconduct connected
17335 with the individual's work.
17336 (c) For any week with respect to which the department
17337 ~~Agency for Workforce Innovation~~ finds that his or her
17338 unemployment is due to a leave of absence, if the leave was
17339 voluntarily initiated by the individual.
17340 (d) For any week with respect to which the department
17341 ~~Agency for Workforce Innovation~~ finds that his or her
17342 unemployment is due to a discharge for misconduct connected with



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the individual's work, consisting of drug use, as evidenced by a positive, confirmed drug test.

(2) If the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ finds that the individual has failed without good cause to apply for available suitable work when directed by the department ~~agency~~ or the one-stop career center, to accept suitable work when offered to him or her, or to return to the individual's customary self-employment when directed by the department ~~agency~~, the disqualification continues for the full period of unemployment next ensuing after he or she failed without good cause to apply for available suitable work, to accept suitable work, or to return to his or her customary self-employment, under this subsection, and until the individual has earned income at least 17 times his or her weekly benefit amount. The department ~~Agency for Workforce Innovation~~ shall by rule adopt criteria for determining the "suitability of work," as used in this section. The department ~~Agency for Workforce Innovation~~ in developing these rules shall consider the duration of a claimant's unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work is a job that pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing.

(a) In determining whether or not any work is suitable for an individual, the department ~~Agency for Workforce Innovation~~ shall consider the degree of risk involved to his or her health, safety, and morals; his or her physical fitness and prior training; the individual's experience and prior earnings; his or



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her length of unemployment and prospects for securing local work in his or her customary occupation; and the distance of the available work from his or her residence.

(b) Notwithstanding any other provisions of this chapter, work is not deemed suitable and benefits may not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

2. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

3. If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If the department ~~Agency for Workforce Innovation~~ finds that an individual was rejected for offered employment as the direct result of a positive, confirmed drug test required as a condition of employment, the individual is disqualified for refusing to accept an offer of suitable work.

(4) For any week with respect to which the department ~~Agency for Workforce Innovation~~ finds that his or her total or partial unemployment is due to a labor dispute in active progress which exists at the factory, establishment, or other premises at which he or she is or was last employed; except that this subsection does not apply if it is shown to the satisfaction of the department ~~Agency for Workforce Innovation~~ that:

(a)1. He or she is not participating in, financing, or



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17401 directly interested in the labor dispute that is in active
17402 progress; however, the payment of regular union dues may not be
17403 construed as financing a labor dispute within the meaning of
17404 this section; and
17405 2. He or she does not belong to a grade or class of workers
17406 of which immediately before the commencement of the labor
17407 dispute there were members employed at the premises at which the
17408 labor dispute occurs any of whom are participating in,
17409 financing, or directly interested in the dispute; if in any case
17410 separate branches of work are commonly conducted as separate
17411 businesses in separate premises, or are conducted in separate
17412 departments of the same premises, each department, for the
17413 purpose of this subsection, is deemed to be a separate factory,
17414 establishment, or other premise.
17415 (b) His or her total or partial unemployment results from a
17416 lockout by his or her employer. As used in this section, the
17417 term “lockout” means a situation in which employees have not
17418 gone on strike, nor have employees notified the employer of a
17419 date certain for a strike, but in which employees have been
17420 denied entry to the factory, establishment, or other premises of
17421 employment by the employer. However, benefits are not payable
17422 under this paragraph if the lockout action was taken in response
17423 to threats, actions, or other indications of impending damage to
17424 property and equipment or possible physical violence by
17425 employees or in response to actual damage or violence or a
17426 substantial reduction in production instigated or perpetrated by
17427 employees.
17428 (6) For a period not to exceed 1 year from the date of the
17429 discovery by the Department of Economic Opportunity ~~Agency for~~



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17430 ~~Workforce Innovation~~ of the making of any false or fraudulent
17431 representation for the purpose of obtaining benefits contrary to
17432 this chapter, constituting a violation under s. 443.071. This
17433 disqualification may be appealed in the same manner as any other
17434 disqualification imposed under this section. A conviction by any
17435 court of competent jurisdiction in this state of the offense
17436 prohibited or punished by s. 443.071 is conclusive upon the
17437 appeals referee and the commission of the making of the false or
17438 fraudulent representation for which disqualification is imposed
17439 under this section.
17440 (7) If the Department of Economic Opportunity ~~Agency for~~
17441 ~~Workforce Innovation~~ finds that the individual is an alien,
17442 unless the alien is an individual who has been lawfully admitted
17443 for permanent residence or otherwise is permanently residing in
17444 the United States under color of law, including an alien who is
17445 lawfully present in the United States as a result of the
17446 application of s. 203(a)(7) or s. 212(d)(5) of the Immigration
17447 and Nationality Act, if any modifications to s. 3304(a)(14) of
17448 the Federal Unemployment Tax Act, as provided by Pub. L. No. 94-
17449 566, which specify other conditions or other effective dates
17450 than those stated under federal law for the denial of benefits
17451 based on services performed by aliens, and which modifications
17452 are required to be implemented under state law as a condition
17453 for full tax credit against the tax imposed by the Federal
17454 Unemployment Tax Act, are deemed applicable under this section,
17455 if:
17456 (a) Any data or information required of individuals
17457 applying for benefits to determine whether benefits are not
17458 payable to them because of their alien status is uniformly



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17459 required from all applicants for benefits; and
17460 (b) In the case of an individual whose application for
17461 benefits would otherwise be approved, a determination that
17462 benefits to such individual are not payable because of his or
17463 her alien status may not be made except by a preponderance of
17464 the evidence.
17465
17466 If the department ~~Agency for Workforce Innovation~~ finds that the
17467 individual has refused without good cause an offer of
17468 resettlement or relocation, which offer provides for suitable
17469 employment for the individual notwithstanding the distance of
17470 relocation, resettlement, or employment from the current
17471 location of the individual in this state, this disqualification
17472 continues for the week in which the failure occurred and for not
17473 more than 17 weeks immediately after that week, or a reduction
17474 by not more than 5 weeks from the duration of benefits, as
17475 determined by the department ~~Agency for Workforce Innovation~~ in
17476 each case.
17477 (9) If the individual was terminated from his or her work
17478 for violation of any criminal law punishable by imprisonment, or
17479 for any dishonest act, in connection with his or her work, as
17480 follows:
17481 (a) If the Department of Economic Opportunity ~~Agency for~~
17482 ~~Workforce Innovation~~ or the Unemployment Appeals Commission
17483 finds that the individual was terminated from his or her work
17484 for violation of any criminal law punishable by imprisonment in
17485 connection with his or her work, and the individual was found
17486 guilty of the offense, made an admission of guilt in a court of
17487 law, or entered a plea of no contest, the individual is not



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17488 entitled to unemployment benefits for up to 52 weeks, under
17489 rules adopted by the department ~~Agency for Workforce Innovation~~,
17490 and until he or she has earned income of at least 17 times his
17491 or her weekly benefit amount. If, before an adjudication of
17492 guilt, an admission of guilt, or a plea of no contest, the
17493 employer shows the department ~~Agency for Workforce Innovation~~
17494 that the arrest was due to a crime against the employer or the
17495 employer's business and, after considering all the evidence, the
17496 department ~~Agency for Workforce Innovation~~ finds misconduct in
17497 connection with the individual's work, the individual is not
17498 entitled to unemployment benefits.
17499 (b) If the department ~~Agency for Workforce Innovation~~ or
17500 the Unemployment Appeals Commission finds that the individual
17501 was terminated from work for any dishonest act in connection
17502 with his or her work, the individual is not entitled to
17503 unemployment benefits for up to 52 weeks, under rules adopted by
17504 the department ~~Agency for Workforce Innovation~~, and until he or
17505 she has earned income of at least 17 times his or her weekly
17506 benefit amount. In addition, if the employer terminates an
17507 individual as a result of a dishonest act in connection with his
17508 or her work and the department ~~Agency for Workforce Innovation~~
17509 finds misconduct in connection with his or her work, the
17510 individual is not entitled to unemployment benefits.
17511
17512 With respect to an individual disqualified for benefits, the
17513 account of the terminating employer, if the employer is in the
17514 base period, is noncharged at the time the disqualification is
17515 imposed.
17516 Section 358. Subsection (1) of section 443.111, Florida



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17517 Statutes, is amended to read:
17518 443.111 Payment of benefits.—
17519 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
17520 in accordance with rules adopted by the Department of Economic
17521 Opportunity ~~Agency for Workforce Innovation~~, subject to the
17522 following requirements:
17523 (a) Benefits are payable by mail or electronically. The
17524 department ~~Notwithstanding s. 409.942(4), the agency~~ may develop
17525 a system for the payment of benefits by electronic funds
17526 transfer, including, but not limited to, debit cards, electronic
17527 payment cards, or any other means of electronic payment that the
17528 department ~~agency~~ deems to be commercially viable or cost-
17529 effective. Commodities or services related to the development of
17530 such a system shall be procured by competitive solicitation,
17531 unless they are purchased from a state term contract pursuant to
17532 s. 287.056. The department ~~agency~~ shall adopt rules necessary to
17533 administer this paragraph ~~the system~~.
17534 (b) Each claimant must report in the manner prescribed by
17535 the department ~~Agency for Workforce Innovation~~ to certify for
17536 benefits that are paid and must continue to report at least
17537 biweekly to receive unemployment benefits and to attest to the
17538 fact that she or he is able and available for work, has not
17539 refused suitable work, is seeking work, and, if she or he has
17540 worked, to report earnings from that work. Each claimant must
17541 continue to report regardless of any appeal or pending appeal
17542 relating to her or his eligibility or disqualification for
17543 benefits.
17544 Section 359. Subsections (1), (4), and (5) of section
17545 443.1113, Florida Statutes, are amended to read:



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17546 443.1113 Unemployment Compensation Claims and Benefits
17547 Information System.—
17548 (1) To the extent that funds are appropriated for each
17549 phase of the Unemployment Compensation Claims and Benefits
17550 Information System by the Legislature, the Department of
17551 Economic Opportunity ~~Agency for Workforce Innovation~~ shall
17552 replace and enhance the functionality provided in the following
17553 systems with an integrated Internet-based system that is known
17554 as the "Unemployment Compensation Claims and Benefits
17555 Information System":
17556 (a) Claims and benefit mainframe system.
17557 (b) Florida unemployment Internet direct.
17558 (c) Florida continued claim Internet directory.
17559 (d) Call center interactive voice response system.
17560 (e) Benefit overpayment screening system.
17561 (f) Internet and Intranet appeals system.
17562 (4) The project to implement the Unemployment Compensation
17563 Claims and Benefits Information System shall be comprised of the
17564 following phases and corresponding implementation timeframes:
17565 (a) No later than the end of fiscal year 2009-2010
17566 completion of the business re-engineering analysis and
17567 documentation of both the detailed system requirements and the
17568 overall system architecture.
17569 (b) The Unemployment Claims and Benefits Internet portal
17570 that replaces the Florida Unemployment Internet Direct and the
17571 Florida Continued Claims Internet Directory systems, the Call
17572 Center Interactive Voice Response System, the Benefit
17573 Overpayment Screening System, the Internet and Intranet Appeals
17574 System, and the Claims and Benefits Mainframe System shall be



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17575 deployed to full operational status no later than the end of
17576 fiscal year 2012-2013.
17577 ~~(b) The new Unemployment Claims and Benefits Internet~~
17578 ~~portal that replaces the Florida Unemployment Internet Direct~~
17579 ~~and the Florida Continued Claims Internet Directory systems and~~
17580 ~~shall be deployed to full production operational status no later~~
17581 ~~than the end of fiscal year 2010-2011.~~
17582 ~~(c) The new Call Center Interactive Voice Response System~~
17583 ~~and the Benefit Overpayment Screening System shall be deployed~~
17584 ~~to full production operational status no later than the end of~~
17585 ~~fiscal year 2011-2012.~~
17586 ~~(d) The new Internet and Intranet Appeals System and the~~
17587 ~~Claims and Benefits Mainframe System shall be deployed to full~~
17588 ~~operational status no later than the end of fiscal year 2012-~~
17589 ~~2013.~~
17590 (5) The Department of Economic Opportunity ~~Agency for~~
17591 ~~Workforce Innovation~~ shall implement the following project
17592 governance structure until such time as the project is
17593 completed, suspended, or terminated:
17594 (a) The project sponsor for the Unemployment Compensation
17595 Claims and Benefits Information System project is the department
17596 ~~executive director of the Agency for Workforce Innovation~~.
17597 (b) The project shall be governed by an executive steering
17598 committee composed of the following voting members or their
17599 designees:
17600 1. The executive director of the department ~~Agency for~~
17601 ~~Workforce Innovation~~.
17602 2. The executive director of the Department of Revenue.
17603 3. The director of the Division of Workforce Services



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17604 within the department ~~Office of Unemployment Compensation within~~
17605 ~~the Agency for Workforce Innovation~~.
17606 4. The program director of the General Tax Administration
17607 Program Office within the Department of Revenue.
17608 5. The chief information officer of the department ~~Agency~~
17609 ~~for Workforce Innovation~~.
17610 (c) The executive steering committee has the overall
17611 responsibility for ensuring that the project meets its primary
17612 objectives and is specifically responsible for:
17613 1. Providing management direction and support to the
17614 project management team.
17615 2. Assessing the project's alignment with the strategic
17616 goals of the department ~~Agency for Workforce Innovation~~ for
17617 administering the unemployment compensation program.
17618 3. Reviewing and approving or disapproving any changes to
17619 the project's scope, schedule, and costs.
17620 4. Reviewing, approving or disapproving, and determining
17621 whether to proceed with any major project deliverables.
17622 5. Recommending suspension or termination of the project to
17623 the Governor, the President of the Senate, and the Speaker of
17624 the House of Representatives if it determines that the primary
17625 objectives cannot be achieved.
17626 (d) The project management team shall work under the
17627 direction of the executive steering committee and shall be
17628 minimally comprised of senior managers and stakeholders from the
17629 department ~~Agency for Workforce Innovation~~ and the Department of
17630 Revenue. The project management team is responsible for:
17631 1. Providing daily planning, management, and oversight of
17632 the project.



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17633 2. Submitting an operational work plan and providing
17634 quarterly updates to that plan to the executive steering
17635 committee. The plan must specify project milestones,
17636 deliverables, and expenditures.
17637 3. Submitting written monthly project status reports to the
17638 executive steering committee which include:
17639 a. Planned versus actual project costs;
17640 b. An assessment of the status of major milestones and
17641 deliverables;
17642 c. Identification of any issues requiring resolution, the
17643 proposed resolution for these issues, and information regarding
17644 the status of the resolution;
17645 d. Identification of risks that must be managed; and
17646 e. Identification of and recommendations regarding
17647 necessary changes in the project's scope, schedule, or costs.
17648 All recommendations must be reviewed by project stakeholders
17649 before submission to the executive steering committee in order
17650 to ensure that the recommendations meet required acceptance
17651 criteria.
17652 Section 360. Paragraph (d) of subsection (1), subsection
17653 (2), paragraphs (a) and (c) of subsection (3), and subsection
17654 (6) of section 443.1115, Florida Statutes, are amended to read:
17655 443.1115 Extended benefits.—
17656 (1) DEFINITIONS.—As used in this section, the term:
17657 (d) "Rate of insured unemployment" means the percentage
17658 derived by dividing the average weekly number of individuals
17659 filing claims for regular compensation in this state, excluding
17660 extended-benefit claimants for weeks of unemployment with
17661 respect to the most recent 13-consecutive-week period, as



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17662 determined by the Department of Economic Opportunity ~~Agency for~~
17663 ~~Workforce Innovation~~ on the basis of its reports to the United
17664 States Secretary of Labor, by the average monthly employment
17665 covered under this chapter for the first four of the most recent
17666 six completed calendar quarters ending before the end of that
17667 13-week period.
17668 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,
17669 EXTENDED BENEFITS.—Except when the result is inconsistent with
17670 the other provisions of this section and as provided in the
17671 rules of the Department of Economic Opportunity ~~Agency for~~
17672 ~~Workforce Innovation~~, the provisions of this chapter applying to
17673 claims for, or the payment of, regular benefits apply to claims
17674 for, and the payment of, extended benefits. These extended
17675 benefits are charged to the employment records of employers to
17676 the extent that the share of those extended benefits paid from
17677 this state's Unemployment Compensation Trust Fund is not
17678 eligible to be reimbursed from federal sources.
17679 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—
17680 (a) An individual is eligible to receive extended benefits
17681 for any week of unemployment in her or his eligibility period
17682 only if the Department of Economic Opportunity ~~Agency for~~
17683 ~~Workforce Innovation~~ finds that, for that week:
17684 1. She or he is an exhaustee as defined in subsection (1).
17685 2. She or he satisfies the requirements of this chapter for
17686 the receipt of regular benefits applicable to individuals
17687 claiming extended benefits, including not being subject to
17688 disqualification from the receipt of benefits. An individual
17689 disqualified from receiving regular benefits may not receive
17690 extended benefits after the disqualification period terminates



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17691 if he or she was disqualified for voluntarily leaving work,
17692 being discharged from work for misconduct, or refusing suitable
17693 work. However, if the disqualification period for regular
17694 benefits terminates because the individual received the required
17695 amount of remuneration for services rendered as a common-law
17696 employee, she or he may receive extended benefits.
17697 3. The individual was paid wages for insured work for the
17698 applicable benefit year equal to 1.5 times the high quarter
17699 earnings during the base period.
17700 (c)1. An individual is disqualified from receiving extended
17701 benefits if the department ~~Agency for Workforce Innovation~~ finds
17702 that, during any week of unemployment in her or his eligibility
17703 period:
17704 a. She or he failed to apply for suitable work or, if
17705 offered, failed to accept suitable work, unless the individual
17706 can furnish to the department ~~agency~~ satisfactory evidence that
17707 her or his prospects for obtaining work in her or his customary
17708 occupation within a reasonably short period are good. If this
17709 evidence is deemed satisfactory for this purpose, the
17710 determination of whether any work is suitable for the individual
17711 shall be made in accordance with the definition of suitable work
17712 in s. 443.101(2). This disqualification begins with the week the
17713 failure occurred and continues until she or he is employed for
17714 at least 4 weeks and receives earned income of at least 17 times
17715 her or his weekly benefit amount.
17716 b. She or he failed to furnish tangible evidence that she
17717 or he actively engaged in a systematic and sustained effort to
17718 find work. This disqualification begins with the week the
17719 failure occurred and continues until she or he is employed for



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17720 at least 4 weeks and receives earned income of at least 4 times
17721 her or his weekly benefit amount.
17722 2. Except as otherwise provided in sub-subparagraph 1.a.,
17723 as used in this paragraph, the term “suitable work” means any
17724 work within the individual’s capabilities to perform, if:
17725 a. The gross average weekly remuneration payable for the
17726 work exceeds the sum of the individual’s weekly benefit amount
17727 plus the amount, if any, of supplemental unemployment benefits,
17728 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of
17729 1954, as amended, payable to the individual for that week;
17730 b. The wages payable for the work equal the higher of the
17731 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards
17732 Act of 1938, without regard to any exemption, or the state or
17733 local minimum wage; and
17734 c. The work otherwise meets the definition of suitable work
17735 in s. 443.101(2) to the extent that the criteria for suitability
17736 are not inconsistent with this paragraph.
17737 (6) COMPUTATIONS.—The Department of Economic Opportunity
17738 ~~Agency for Workforce Innovation~~ shall perform the computations
17739 required under paragraph (1)(d) in accordance with regulations
17740 of the United States Secretary of Labor.
17741 Section 361. Subsection (2) and paragraphs (a) and (b) of
17742 subsection (5) of section 443.1116, Florida Statutes, are
17743 amended to read:
17744 443.1116 Short-time compensation.—
17745 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
17746 wishing to participate in the short-time compensation program
17747 must submit a signed, written, short-time plan to the Department
17748 of Economic Opportunity ~~director of the Agency for Workforce~~



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17749 ~~Innovation~~ for approval. The director or his or her designee
17750 shall approve the plan if:
17751 (a) The plan applies to and identifies each specific
17752 affected unit;
17753 (b) The individuals in the affected unit are identified by
17754 name and social security number;
17755 (c) The normal weekly hours of work for individuals in the
17756 affected unit are reduced by at least 10 percent and by not more
17757 than 40 percent;
17758 (d) The plan includes a certified statement by the employer
17759 that the aggregate reduction in work hours is in lieu of
17760 temporary layoffs that would affect at least 10 percent of the
17761 employees in the affected unit and that would have resulted in
17762 an equivalent reduction in work hours;
17763 (e) The plan applies to at least 10 percent of the
17764 employees in the affected unit;
17765 (f) The plan is approved in writing by the collective
17766 bargaining agent for each collective bargaining agreement
17767 covering any individual in the affected unit;
17768 (g) The plan does not serve as a subsidy to seasonal
17769 employers during the off-season or as a subsidy to employers who
17770 traditionally use part-time employees; and
17771 (h) The plan certifies the manner in which the employer
17772 will treat fringe benefits of the individuals in the affected
17773 unit if the hours of the individuals are reduced to less than
17774 their normal weekly hours of work. As used in this paragraph,
17775 the term “fringe benefits” includes, but is not limited to,
17776 health insurance, retirement benefits under defined benefit
17777 pension plans as defined in subsection 35 of s. 1002 of the



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17778 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid
17779 vacation and holidays, and sick leave.
17780 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
17781 BENEFITS.—
17782 (a) Except as provided in this subsection, an individual is
17783 eligible to receive short-time compensation benefits for any
17784 week only if she or he complies with this chapter and the
17785 Department of Economic Opportunity ~~Agency for Workforce~~
17786 ~~Innovation~~ finds that:
17787 1. The individual is employed as a member of an affected
17788 unit in an approved plan that was approved before the week and
17789 is in effect for the week;
17790 2. The individual is able to work and is available for
17791 additional hours of work or for full-time work with the short-
17792 time employer; and
17793 3. The normal weekly hours of work of the individual are
17794 reduced by at least 10 percent but not by more than 40 percent,
17795 with a corresponding reduction in wages.
17796 (b) The department ~~Agency for Workforce Innovation~~ may not
17797 deny short-time compensation benefits to an individual who is
17798 otherwise eligible for these benefits for any week by reason of
17799 the application of any provision of this chapter relating to
17800 availability for work, active search for work, or refusal to
17801 apply for or accept work from other than the short-time
17802 compensation employer of that individual.
17803 Section 362. Subsection (3) of section 443.1215, Florida
17804 Statutes, is amended to read:
17805 443.1215 Employers.—
17806 (3) An employing unit that fails to keep the records of



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17807 employment required by this chapter and by the rules of the
17808 Department of Economic Opportunity ~~Agency for Workforce~~
17809 ~~Innovation~~ and the state agency providing unemployment tax
17810 collection services is presumed to be an employer liable for the
17811 payment of contributions under this chapter, regardless of the
17812 number of individuals employed by the employing unit. However,
17813 the tax collection service provider shall make written demand
17814 that the employing unit keep and maintain required payroll
17815 records. The demand must be made at least 6 months before
17816 assessing contributions against an employing unit determined to
17817 be an employer that is subject to this chapter solely by reason
17818 of this subsection.
17819 Section 363. Paragraphs (a) and (d) of subsection (1),
17820 subsection (12), and paragraph (p) of subsection (13) of section
17821 443.1216, Florida Statutes, are amended to read:
17822 443.1216 Employment.—Employment, as defined in s. 443.036,
17823 is subject to this chapter under the following conditions:
17824 (1)(a) The employment subject to this chapter includes a
17825 service performed, including a service performed in interstate
17826 commerce, by:
17827 1. An officer of a corporation.
17828 2. An individual who, under the usual common-law rules
17829 applicable in determining the employer-employee relationship, is
17830 an employee. However, whenever a client, as defined in s.
17831 443.036(18), which would otherwise be designated as an employing
17832 unit has contracted with an employee leasing company to supply
17833 it with workers, those workers are considered employees of the
17834 employee leasing company. An employee leasing company may lease
17835 corporate officers of the client to the client and other workers



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17836 to the client, except as prohibited by regulations of the
17837 Internal Revenue Service. Employees of an employee leasing
17838 company must be reported under the employee leasing company's
17839 tax identification number and contribution rate for work
17840 performed for the employee leasing company.
17841 a. In addition to any other report required to be filed by
17842 law, an employee leasing company shall submit a report to the
17843 Labor Market Statistics Center within the Department of Economic
17844 Opportunity ~~Agency for Workforce Innovation~~ which includes each
17845 client establishment and each establishment of the employee
17846 leasing company, or as otherwise directed by the department
17847 ~~agency~~. The report must include the following information for
17848 each establishment:
17849 (I) The trade or establishment name;
17850 (II) The former unemployment compensation account number,
17851 if available;
17852 (III) The former federal employer's identification number
17853 (FEIN), if available;
17854 (IV) The industry code recognized and published by the
17855 United States Office of Management and Budget, if available;
17856 (V) A description of the client's primary business activity
17857 in order to verify or assign an industry code;
17858 (VI) The address of the physical location;
17859 (VII) The number of full-time and part-time employees who
17860 worked during, or received pay that was subject to unemployment
17861 compensation taxes for, the pay period including the 12th of the
17862 month for each month of the quarter;
17863 (VIII) The total wages subject to unemployment compensation
17864 taxes paid during the calendar quarter;



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17865 (IX) An internal identification code to uniquely identify
17866 each establishment of each client;
17867 (X) The month and year that the client entered into the
17868 contract for services; and
17869 (XI) The month and year that the client terminated the
17870 contract for services.
17871 b. The report shall be submitted electronically or in a
17872 manner otherwise prescribed by the Department of Economic
17873 Opportunity ~~Agency for Workforce Innovation~~ in the format
17874 specified by the Bureau of Labor Statistics of the United States
17875 Department of Labor for its Multiple Worksite Report for
17876 Professional Employer Organizations. The report must be provided
17877 quarterly to the Labor Market Statistics Center within the
17878 department ~~Agency for Workforce Innovation~~, or as otherwise
17879 directed by the department ~~agency~~, and must be filed by the last
17880 day of the month immediately following the end of the calendar
17881 quarter. The information required in sub-sub-subparagraphs a.(X)
17882 and (XI) need be provided only in the quarter in which the
17883 contract to which it relates was entered into or terminated. The
17884 sum of the employment data and the sum of the wage data in this
17885 report must match the employment and wages reported in the
17886 unemployment compensation quarterly tax and wage report. A
17887 report is not required for any calendar quarter preceding the
17888 third calendar quarter of 2010.
17889 c. The department ~~Agency for Workforce Innovation~~ shall
17890 adopt rules as necessary to administer this subparagraph, and
17891 may administer, collect, enforce, and waive the penalty imposed
17892 by s. 443.141(1)(b) for the report required by this
17893 subparagraph.



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17894 d. For the purposes of this subparagraph, the term
17895 “establishment” means any location where business is conducted
17896 or where services or industrial operations are performed.
17897 3. An individual other than an individual who is an
17898 employee under subparagraph 1. or subparagraph 2., who performs
17899 services for remuneration for any person:
17900 a. As an agent-driver or commission-driver engaged in
17901 distributing meat products, vegetable products, fruit products,
17902 bakery products, beverages other than milk, or laundry or
17903 drycleaning services for his or her principal.
17904 b. As a traveling or city salesperson engaged on a full-
17905 time basis in the solicitation on behalf of, and the
17906 transmission to, his or her principal of orders from
17907 wholesalers, retailers, contractors, or operators of hotels,
17908 restaurants, or other similar establishments for merchandise for
17909 resale or supplies for use in their business operations. This
17910 sub-subparagraph does not apply to an agent-driver or a
17911 commission-driver and does not apply to sideline sales
17912 activities performed on behalf of a person other than the
17913 salesperson’s principal.
17914 4. The services described in subparagraph 3. are employment
17915 subject to this chapter only if:
17916 a. The contract of service contemplates that substantially
17917 all of the services are to be performed personally by the
17918 individual;
17919 b. The individual does not have a substantial investment in
17920 facilities used in connection with the services, other than
17921 facilities used for transportation; and
17922 c. The services are not in the nature of a single



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17923 transaction that is not part of a continuing relationship with
17924 the person for whom the services are performed.
17925 (d) If two or more related corporations concurrently employ
17926 the same individual and compensate the individual through a
17927 common paymaster, each related corporation is considered to have
17928 paid wages to the individual only in the amounts actually
17929 disbursed by that corporation to the individual and is not
17930 considered to have paid the wages actually disbursed to the
17931 individual by another of the related corporations. The
17932 department ~~Agency for Workforce Innovation~~ and the state agency
17933 providing unemployment tax collection services may adopt rules
17934 necessary to administer this paragraph.
17935 1. As used in this paragraph, the term "common paymaster"
17936 means a member of a group of related corporations that disburses
17937 wages to concurrent employees on behalf of the related
17938 corporations and that is responsible for keeping payroll records
17939 for those concurrent employees. A common paymaster is not
17940 required to disburse wages to all the employees of the related
17941 corporations; however, this subparagraph does not apply to wages
17942 of concurrent employees which are not disbursed through a common
17943 paymaster. A common paymaster must pay concurrently employed
17944 individuals under this subparagraph by one combined paycheck.
17945 2. As used in this paragraph, the term "concurrent
17946 employment" means the existence of simultaneous employment
17947 relationships between an individual and related corporations.
17948 Those relationships require the performance of services by the
17949 employee for the benefit of the related corporations, including
17950 the common paymaster, in exchange for wages that, if deductible
17951 for the purposes of federal income tax, are deductible by the



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17952 related corporations.
17953 3. Corporations are considered related corporations for an
17954 entire calendar quarter if they satisfy any one of the following
17955 tests at any time during the calendar quarter:
17956 a. The corporations are members of a "controlled group of
17957 corporations" as defined in s. 1563 of the Internal Revenue Code
17958 of 1986 or would be members if s. 1563(a)(4) and (b) did not
17959 apply.
17960 b. In the case of a corporation that does not issue stock,
17961 at least 50 percent of the members of the board of directors or
17962 other governing body of one corporation are members of the board
17963 of directors or other governing body of the other corporation or
17964 the holders of at least 50 percent of the voting power to select
17965 those members are concurrently the holders of at least 50
17966 percent of the voting power to select those members of the other
17967 corporation.
17968 c. At least 50 percent of the officers of one corporation
17969 are concurrently officers of the other corporation.
17970 d. At least 30 percent of the employees of one corporation
17971 are concurrently employees of the other corporation.
17972 4. The common paymaster must report to the tax collection
17973 service provider, as part of the unemployment compensation
17974 quarterly tax and wage report, the state unemployment
17975 compensation account number and name of each related corporation
17976 for which concurrent employees are being reported. Failure to
17977 timely report this information shall result in the related
17978 corporations being denied common paymaster status for that
17979 calendar quarter.
17980 5. The common paymaster also has the primary responsibility



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17981 for remitting contributions due under this chapter for the wages
17982 it disburses as the common paymaster. The common paymaster must
17983 compute these contributions as though it were the sole employer
17984 of the concurrently employed individuals. If a common paymaster
17985 fails to timely remit these contributions or reports, in whole
17986 or in part, the common paymaster remains liable for the full
17987 amount of the unpaid portion of these contributions. In
17988 addition, each of the other related corporations using the
17989 common paymaster is jointly and severally liable for its
17990 appropriate share of these contributions. Each related
17991 corporation's share equals the greater of:
17992 a. The liability of the common paymaster under this
17993 chapter, after taking into account any contributions made.
17994 b. The liability under this chapter which, notwithstanding
17995 this section, would have existed for the wages from the other
17996 related corporations, reduced by an allocable portion of any
17997 contributions previously paid by the common paymaster for those
17998 wages.
17999 (12) The employment subject to this chapter includes
18000 services covered by a reciprocal arrangement under s. 443.221
18001 between the Department of Economic Opportunity ~~Agency for~~
18002 ~~Workforce Innovation~~ or its tax collection service provider and
18003 the agency charged with the administration of another state
18004 unemployment compensation law or a federal unemployment
18005 compensation law, under which all services performed by an
18006 individual for an employing unit are deemed to be performed
18007 entirely within this state, if the department ~~Agency for~~
18008 ~~Workforce Innovation~~ or its tax collection service provider
18009 approved an election of the employing unit in which all of the



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18010 services performed by the individual during the period covered
18011 by the election are deemed to be insured work.
18012 (13) The following are exempt from coverage under this
18013 chapter:
18014 (p) Service covered by an arrangement between the
18015 Department of Economic Opportunity ~~Agency for Workforce~~
18016 ~~Innovation~~, or its tax collection service provider, and the
18017 agency charged with the administration of another state or
18018 federal unemployment compensation law under which all services
18019 performed by an individual for an employing unit during the
18020 period covered by the employing unit's duly approved election is
18021 deemed to be performed entirely within the other agency's state
18022 or under the federal law.
18023 Section 364. Subsection (1) of section 443.1217, Florida
18024 Statutes, is amended to read:
18025 443.1217 Wages.—
18026 (1) The wages subject to this chapter include all
18027 remuneration for employment, including commissions, bonuses,
18028 back pay awards, and the cash value of all remuneration paid in
18029 any medium other than cash. The reasonable cash value of
18030 remuneration in any medium other than cash must be estimated and
18031 determined in accordance with rules adopted by the Department of
18032 Economic Opportunity ~~Agency for Workforce Innovation~~ or the
18033 state agency providing tax collection services. The wages
18034 subject to this chapter include tips or gratuities received
18035 while performing services that constitute employment and are
18036 included in a written statement furnished to the employer under
18037 s. 6053(a) of the Internal Revenue Code of 1954. As used in this
18038 section only, the term "employment" includes services



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18039 constituting employment under any employment security law of
18040 another state or of the Federal Government.
18041 Section 365. Subsection (1) and paragraphs (a), (g), and
18042 (i) of subsection (3) of section 443.131, Florida Statutes, are
18043 amended to read:
18044 443.131 Contributions.—
18045 (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are
18046 payable by each employer for each calendar quarter he or she is
18047 subject to this chapter for wages paid during each calendar
18048 quarter for employment. Contributions are due and payable by
18049 each employer to the tax collection service provider, in
18050 accordance with the rules adopted by the Department of Economic
18051 Opportunity ~~Agency for Workforce Innovation~~ or the state agency
18052 providing tax collection services. This subsection does not
18053 prohibit the tax collection service provider from allowing, at
18054 the request of the employer, employers of employees performing
18055 domestic services, as defined in s. 443.1216(6), to pay
18056 contributions or report wages at intervals other than quarterly
18057 when the nonquarterly payment or reporting assists the service
18058 provider and when nonquarterly payment and reporting is
18059 authorized under federal law. Employers of employees performing
18060 domestic services may report wages and pay contributions
18061 annually, with a due date of January 1 and a delinquency date of
18062 February 1. To qualify for this election, the employer must
18063 employ only employees performing domestic services, be eligible
18064 for a variation from the standard rate computed under subsection
18065 (3), apply to this program no later than December 1 of the
18066 preceding calendar year, and agree to provide the department
18067 ~~Agency for Workforce Innovation~~ or its tax collection service



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18068 provider with any special reports that are requested, including
18069 copies of all federal employment tax forms. An employer who
18070 fails to timely furnish any wage information required by the
18071 department ~~Agency for Workforce Innovation~~ or its tax collection
18072 service provider loses the privilege to participate in this
18073 program, effective the calendar quarter immediately after the
18074 calendar quarter the failure occurred. The employer may reapply
18075 for annual reporting when a complete calendar year elapses after
18076 the employer's disqualification if the employer timely furnished
18077 any requested wage information during the period in which annual
18078 reporting was denied. An employer may not deduct contributions,
18079 interests, penalties, fines, or fees required under this chapter
18080 from any part of the wages of his or her employees. A fractional
18081 part of a cent less than one-half cent shall be disregarded from
18082 the payment of contributions, but a fractional part of at least
18083 one-half cent shall be increased to 1 cent.
18084 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
18085 EXPERIENCE.—
18086 (a) *Employment records.*—The regular and short-time
18087 compensation benefits paid to an eligible individual shall be
18088 charged to the employment record of each employer who paid the
18089 individual wages of at least $100 during the individual's base
18090 period in proportion to the total wages paid by all employers
18091 who paid the individual wages during the individual's base
18092 period. Benefits may not be charged to the employment record of
18093 an employer who furnishes part-time work to an individual who,
18094 because of loss of employment with one or more other employers,
18095 is eligible for partial benefits while being furnished part-time
18096 work by the employer on substantially the same basis and in



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18097 substantially the same amount as the individual's employment
18098 during his or her base period, regardless of whether this part-
18099 time work is simultaneous or successive to the individual's lost
18100 employment. Further, as provided in s. 443.151(3), benefits may
18101 not be charged to the employment record of an employer who
18102 furnishes the Department of Economic Opportunity ~~Agency for~~
18103 ~~Workforce Innovation~~ with notice, as prescribed in ~~agency~~ rules
18104 of the department, that any of the following apply:
18105 1. If an individual leaves his or her work without good
18106 cause attributable to the employer or is discharged by the
18107 employer for misconduct connected with his or her work, benefits
18108 subsequently paid to the individual based on wages paid by the
18109 employer before the separation may not be charged to the
18110 employment record of the employer.
18111 2. If an individual is discharged by the employer for
18112 unsatisfactory performance during an initial employment
18113 probationary period, benefits subsequently paid to the
18114 individual based on wages paid during the probationary period by
18115 the employer before the separation may not be charged to the
18116 employer's employment record. As used in this subparagraph, the
18117 term "initial employment probationary period" means an
18118 established probationary plan that applies to all employees or a
18119 specific group of employees and that does not exceed 90 calendar
18120 days following the first day a new employee begins work. The
18121 employee must be informed of the probationary period within the
18122 first 7 days of work. The employer must demonstrate by
18123 conclusive evidence that the individual was separated because of
18124 unsatisfactory work performance and not because of lack of work
18125 due to temporary, seasonal, casual, or other similar employment



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18126 that is not of a regular, permanent, and year-round nature.
18127 3. Benefits subsequently paid to an individual after his or
18128 her refusal without good cause to accept suitable work from an
18129 employer may not be charged to the employment record of the
18130 employer if any part of those benefits are based on wages paid
18131 by the employer before the individual's refusal to accept
18132 suitable work. As used in this subparagraph, the term "good
18133 cause" does not include distance to employment caused by a
18134 change of residence by the individual. The department ~~Agency for~~
18135 ~~Workforce Innovation~~ shall adopt rules prescribing for the
18136 payment of all benefits whether this subparagraph applies
18137 regardless of whether a disqualification under s. 443.101
18138 applies to the claim.
18139 4. If an individual is separated from work as a direct
18140 result of a natural disaster declared under the Robert T.
18141 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
18142 ss. 5121 et seq., benefits subsequently paid to the individual
18143 based on wages paid by the employer before the separation may
18144 not be charged to the employment record of the employer.
18145 (g) *Transfer of unemployment experience upon transfer or*
18146 *acquisition of a business.*—Notwithstanding any other provision
18147 of law, upon transfer or acquisition of a business, the
18148 following conditions apply to the assignment of rates and to
18149 transfers of unemployment experience:
18150 1.a. If an employer transfers its trade or business, or a
18151 portion thereof, to another employer and, at the time of the
18152 transfer, there is any common ownership, management, or control
18153 of the two employers, the unemployment experience attributable
18154 to the transferred trade or business shall be transferred to the



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18155 employer to whom the business is so transferred. The rates of
18156 both employers shall be recalculated and made effective as of
18157 the beginning of the calendar quarter immediately following the
18158 date of the transfer of the trade or business unless the
18159 transfer occurred on the first day of a calendar quarter, in
18160 which case the rate shall be recalculated as of that date.
18161 b. If, following a transfer of experience under sub-
18162 subparagraph a., the department ~~Agency for Workforce Innovation~~
18163 or the tax collection service provider determines that a
18164 substantial purpose of the transfer of trade or business was to
18165 obtain a reduced liability for contributions, the experience
18166 rating account of the employers involved shall be combined into
18167 a single account and a single rate assigned to the account.
18168 2. Whenever a person who is not an employer under this
18169 chapter at the time it acquires the trade or business of an
18170 employer, the unemployment experience of the acquired business
18171 shall not be transferred to the person if the department ~~Agency~~
18172 ~~for Workforce Innovation~~ or the tax collection service provider
18173 finds that such person acquired the business solely or primarily
18174 for the purpose of obtaining a lower rate of contributions.
18175 Instead, such person shall be assigned the new employer rate
18176 under paragraph (2)(a). In determining whether the business was
18177 acquired solely or primarily for the purpose of obtaining a
18178 lower rate of contributions, the tax collection service provider
18179 shall consider, but not be limited to, the following factors:
18180 a. Whether the person continued the business enterprise of
18181 the acquired business;
18182 b. How long such business enterprise was continued; or
18183 c. Whether a substantial number of new employees was hired



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18184 for performance of duties unrelated to the business activity
18185 conducted before the acquisition.
18186 3. If a person knowingly violates or attempts to violate
18187 subparagraph 1. or subparagraph 2. or any other provision of
18188 this chapter related to determining the assignment of a
18189 contribution rate, or if a person knowingly advises another
18190 person to violate the law, the person shall be subject to the
18191 following penalties:
18192 a. If the person is an employer, the employer shall be
18193 assigned the highest rate assignable under this chapter for the
18194 rate year during which such violation or attempted violation
18195 occurred and for the 3 rate years immediately following this
18196 rate year. However, if the person's business is already at the
18197 highest rate for any year, or if the amount of increase in the
18198 person's rate would be less than 2 percent for such year, then a
18199 penalty rate of contribution of 2 percent of taxable wages shall
18200 be imposed for such year and the following 3 rate years.
18201 b. If the person is not an employer, such person shall be
18202 subject to a civil money penalty of not more than $5,000. The
18203 procedures for the assessment of a penalty shall be in
18204 accordance with the procedures set forth in s. 443.141(2), and
18205 the provisions of s. 443.141(3) shall apply to the collection of
18206 the penalty. Any such penalty shall be deposited in the penalty
18207 and interest account established under s. 443.211(2).
18208 4. For purposes of this paragraph, the term:
18209 a. "Knowingly" means having actual knowledge of or acting
18210 with deliberate ignorance or reckless disregard for the
18211 prohibition involved.
18212 b. "Violates or attempts to violate" includes, but is not



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18213 limited to, intent to evade, misrepresent, or willfully
18214 nondisclose.
18215 5. In addition to the penalty imposed by subparagraph 3.,
18216 any person who violates this paragraph commits a felony of the
18217 third degree, punishable as provided in s. 775.082, s. 775.083,
18218 or s. 775.084.
18219 6. The department ~~Agency for Workforce Innovation~~ and the
18220 tax collection service provider shall establish procedures to
18221 identify the transfer or acquisition of a business for the
18222 purposes of this paragraph and shall adopt any rules necessary
18223 to administer this paragraph.
18224 7. For purposes of this paragraph:
18225 a. "Person" has the meaning given to the term by s.
18226 7701(a)(1) of the Internal Revenue Code of 1986.
18227 b. "Trade or business" shall include the employer's
18228 workforce.
18229 8. This paragraph shall be interpreted and applied in such
18230 a manner as to meet the minimum requirements contained in any
18231 guidance or regulations issued by the United States Department
18232 of Labor.
18233 (i) *Notice of determinations of contribution rates;*
18234 *redeterminations.*—The state agency providing tax collection
18235 services:
18236 1. Shall promptly notify each employer of his or her
18237 contribution rate as determined for any calendar year under this
18238 section. The determination is conclusive and binding on the
18239 employer unless within 20 days after mailing the notice of
18240 determination to the employer's last known address, or, in the
18241 absence of mailing, within 20 days after delivery of the notice,



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18242 the employer files an application for review and redetermination
18243 setting forth the grounds for review. An employer may not, in
18244 any proceeding involving his or her contribution rate or
18245 liability for contributions, contest the chargeability to his or
18246 her employment record of any benefits paid in accordance with a
18247 determination, redetermination, or decision under s. 443.151,
18248 except on the ground that the benefits charged were not based on
18249 services performed in employment for him or her and then only if
18250 the employer was not a party to the determination,
18251 redetermination, or decision, or to any other proceeding under
18252 this chapter, in which the character of those services was
18253 determined.
18254 2. Shall, upon discovery of an error in computation,
18255 reconsider any prior determination or redetermination of a
18256 contribution rate after the 20-day period has expired and issue
18257 a revised notice of contribution rate as redetermined. A
18258 redetermination is subject to review, and is conclusive and
18259 binding if review is not sought, in the same manner as review of
18260 a determination under subparagraph 1. A reconsideration may not
18261 be made after March 31 of the calendar year immediately after
18262 the calendar year for which the contribution rate is applicable,
18263 and interest may not accrue on any additional contributions
18264 found to be due until 30 days after the employer is mailed
18265 notice of his or her revised contribution rate.
18266 3. May adopt rules providing for periodic notification to
18267 employers of benefits paid and charged to their employment
18268 records or of the status of those employment records. A
18269 notification, unless an application for redetermination is filed
18270 in the manner and within the time limits prescribed by the



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18271 Department of Economic Opportunity ~~Agency for Workforce~~
18272 ~~Innovation~~, is conclusive and binding on the employer under this
18273 chapter. The redetermination, and the ~~Agency for Workforce~~
18274 ~~Innovation's~~ finding of fact of the department in connection
18275 with the redetermination, may be introduced in any subsequent
18276 administrative or judicial proceeding involving the
18277 determination of the contribution rate of an employer for any
18278 calendar year. A redetermination becomes final in the same
18279 manner provided in this subsection for findings of fact made by
18280 the department ~~Agency for Workforce Innovation~~ in proceedings to
18281 redetermine the contribution rate of an employer. Pending a
18282 redetermination or an administrative or judicial proceeding, the
18283 employer must file reports and pay contributions in accordance
18284 with this section.
18285 Section 366. Paragraph (d) of subsection (2) and paragraph
18286 (d) of subsection (3) of section 443.1312, Florida Statutes, are
18287 amended to read:
18288 443.1312 Reimbursements; nonprofit organizations.—Benefits
18289 paid to employees of nonprofit organizations shall be financed
18290 in accordance with this section.
18291 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
18292 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
18293 subject to this chapter under s. 443.1215(1)(c) or s.
18294 443.121(3)(a) must pay contributions under s. 443.131 unless it
18295 elects, in accordance with this subsection, to reimburse the
18296 Unemployment Compensation Trust Fund for all of the regular
18297 benefits, short-time compensation benefits, and one-half of the
18298 extended benefits paid, which are attributable to service in the
18299 employ of the nonprofit organization, to individuals for weeks



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18300 of unemployment which begin during the effective period of the
18301 election.
18302 (d) In accordance with rules adopted by the Department of
18303 Economic Opportunity ~~Agency for Workforce Innovation~~ or the
18304 state agency providing unemployment tax collection services, the
18305 tax collection service provider shall notify each nonprofit
18306 organization of any determination of the organization's status
18307 as an employer, the effective date of any election the
18308 organization makes, and the effective date of any termination of
18309 the election. Each determination is subject to reconsideration,
18310 appeal, and review under s. 443.141(2)(c).
18311 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of
18312 contributions must be paid in accordance with this subsection.
18313 (d) The amount due, as specified in any bill from the tax
18314 collection service provider, is conclusive, and the nonprofit
18315 organization is liable for payment of that amount unless, within
18316 20 days after the bill is mailed to the organization's last
18317 known address or otherwise delivered to the organization, the
18318 organization files an application for redetermination by the
18319 Department of Economic Opportunity ~~Agency for Workforce~~
18320 ~~Innovation~~, setting forth the grounds for the application. The
18321 department ~~Agency for Workforce Innovation~~ shall promptly review
18322 and reconsider the amount due, as specified in the bill, and
18323 shall issue a redetermination in each case in which an
18324 application for redetermination is filed. The redetermination is
18325 conclusive and the nonprofit organization is liable for payment
18326 of the amount due, as specified in the redetermination, unless,
18327 within 20 days after the redetermination is mailed to the
18328 organization's last known address or otherwise delivered to the



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18329 organization, the organization files a protest, setting forth
18330 the grounds for the appeal. Proceedings on the protest shall be
18331 conducted in accordance with s. 443.141(2).
18332 Section 367. Paragraph (b) of subsection (1) of section
18333 443.1313, Florida Statutes, is amended to read:
18334 443.1313 Public employers; reimbursements; election to pay
18335 contributions.—Benefits paid to employees of a public employer,
18336 as defined in s. 443.036, based on service described in s.
18337 443.1216(2) shall be financed in accordance with this section.
18338 (1) PAYMENT OF REIMBURSEMENTS.—
18339 (b) If a state agency is more than 120 days delinquent on
18340 reimbursements due to the Unemployment Compensation Trust Fund,
18341 the tax collection service provider shall certify to the Chief
18342 Financial Officer the amount due and the Chief Financial Officer
18343 shall transfer the amount due to the Unemployment Compensation
18344 Trust Fund from the funds of the agency which legally may be
18345 used for that purpose. If a public employer other than a state
18346 agency is more than 120 days delinquent on reimbursements due to
18347 the Unemployment Compensation Trust Fund, upon request by the
18348 tax collection service provider after a hearing, the Department
18349 of Revenue or the Department of Financial Services, as
18350 applicable, shall deduct the amount owed by the public employer
18351 from any funds to be distributed by the applicable department to
18352 the public employer for further distribution to the trust fund
18353 in accordance with this chapter. If an employer for whom the
18354 municipal or county tax collector collects taxes fails to make
18355 the reimbursements to the Unemployment Compensation Trust Fund
18356 required by this chapter, the tax collector after a hearing, at
18357 the request of the tax collection service provider and upon



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18358 receipt of a certificate showing the amount owed by the
18359 employer, shall deduct the certified amount from any taxes
18360 collected for the employer and remit that amount to the tax
18361 collection service provider for further distribution to the
18362 trust fund in accordance with this chapter. This paragraph does
18363 not apply to amounts owed by a political subdivision of the
18364 state for benefits erroneously paid in which the claimant must
18365 repay to the Department of Economic Opportunity ~~Agency for~~
18366 ~~Workforce Innovation~~ under s. 443.151(6)(a) or (b) any sum as
18367 benefits received.
18368 Section 368. Paragraphs (b) and (c) of subsection (4) and
18369 subsection (7) of section 443.1315, Florida Statutes, are
18370 amended to read:
18371 443.1315 Treatment of Indian tribes.—
18372 (4)
18373 (b)1. Services performed for an Indian tribe or tribal unit
18374 that fails to make required reimbursements, including
18375 assessments of interest and penalty, after all collection
18376 activities deemed necessary by the tax collection service
18377 provider, subject to approval by the Department of Economic
18378 Opportunity ~~Agency for Workforce Innovation~~, are exhausted may
18379 not be treated as employment for purposes of paragraph (1)(b).
18380 2. The tax collection service provider may determine that
18381 any Indian tribe that loses coverage under subparagraph 1. may
18382 have services performed for the tribe subsequently included as
18383 employment for purposes of paragraph (1)(b) if all
18384 contributions, reimbursements, penalties, and interest are paid.
18385 (c) The department ~~Agency for Workforce Innovation~~ or its
18386 tax collection service provider shall immediately notify the



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18387 United States Internal Revenue Service and the United States
18388 Department of Labor when an Indian tribe fails to make
18389 reimbursements required under this section, including
18390 assessments of interest and penalty, within 90 days after a
18391 final notice of delinquency.
18392 (7) The Department of Economic Opportunity ~~Agency for~~
18393 ~~Workforce Innovation~~ and the state agency providing unemployment
18394 tax collection services shall adopt rules necessary to
18395 administer this section.
18396 Section 369. Section 443.1316, Florida Statutes, is amended
18397 to read:
18398 443.1316 Unemployment tax collection services; interagency
18399 agreement.—
18400 (1) The Department of Economic Opportunity ~~Agency for~~
18401 ~~Workforce Innovation~~ shall contract with the Department of
18402 Revenue, through an interagency agreement, to perform the duties
18403 of the tax collection service provider and provide other
18404 unemployment tax collection services under this chapter. Under
18405 the interagency agreement, the tax collection service provider
18406 may only implement:
18407 (a) The provisions of this chapter conferring duties upon
18408 the tax collection service provider.
18409 (b) The provisions of law conferring duties upon the
18410 department ~~Agency for Workforce Innovation~~ which are
18411 specifically delegated to the tax collection service provider in
18412 the interagency agreement.
18413 (2)(a) The Department of Revenue is considered to be
18414 administering a revenue law of this state when the department
18415 implements this chapter, or otherwise provides unemployment tax



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18416 collection services, under contract with the department ~~Agency~~
18417 ~~for Workforce Innovation~~ through the interagency agreement.
18418 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
18419 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
18420 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
18421 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
18422 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
18423 213.757 apply to the collection of unemployment contributions
18424 and reimbursements by the Department of Revenue unless
18425 prohibited by federal law.
18426 Section 370. Section 443.1317, Florida Statutes, is amended
18427 to read:
18428 443.1317 Rulemaking authority; enforcement of rules.—
18429 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY ~~AGENCY FOR WORKFORCE~~
18430 ~~INNOVATION~~.—
18431 (a) Except as otherwise provided in s. 443.012, the
18432 Department of Economic Opportunity ~~Agency for Workforce~~
18433 ~~Innovation~~ has ultimate authority over the administration of the
18434 Unemployment Compensation Program.
18435 (b) The department ~~Agency for Workforce Innovation~~ may
18436 adopt rules under ss. 120.536(1) and 120.54 to administer the
18437 provisions of this chapter conferring duties upon either the
18438 department ~~agency~~ or its tax collection service provider.
18439 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
18440 providing unemployment tax collection services under contract
18441 with the Department of Economic Opportunity ~~Agency for Workforce~~
18442 ~~Innovation~~ through an interagency agreement pursuant to s.
18443 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
18444 subject to approval by the department ~~Agency for Workforce~~



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18445 ~~Innovation~~, to administer the provisions of law described in s.
18446 443.1316(1)(a) and (b) which are within this chapter. These
18447 rules must not conflict with the rules adopted by the department
18448 ~~Agency for Workforce Innovation~~ or with the interagency
18449 agreement.
18450 (3) ENFORCEMENT OF RULES.—The Department of Economic
18451 Opportunity ~~Agency for Workforce Innovation~~ may enforce any rule
18452 adopted by the state agency providing unemployment tax
18453 collection services to administer this chapter. The tax
18454 collection service provider may enforce any rule adopted by the
18455 department ~~Agency for Workforce Innovation~~ to administer the
18456 provisions of law described in s. 443.1316(1)(a) and (b).
18457 Section 371. Paragraphs (b), (c), and (f) of subsection
18458 (1), subsection (2), paragraphs (f) and (g) of subsection (3),
18459 and paragraph (c) of subsection (4) of section 443.141, Florida
18460 Statutes, are amended to read:
18461 443.141 Collection of contributions and reimbursements.—
18462 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
18463 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—
18464 (b) *Penalty for delinquent, erroneous, incomplete, or*
18465 *insufficient reports.*—
18466 1. An employing unit that fails to file any report required
18467 by the Department of Economic Opportunity ~~Agency for Workforce~~
18468 ~~Innovation~~ or its tax collection service provider, in accordance
18469 with rules for administering this chapter, shall pay to the
18470 service provider for each delinquent report the sum of $25 for
18471 each 30 days or fraction thereof that the employing unit is
18472 delinquent, unless the agency or its service provider, whichever
18473 required the report, finds that the employing unit has good



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18474 reason for failing to file the report. The department ~~agency~~ or
18475 its service provider may assess penalties only through the date
18476 of the issuance of the final assessment notice. However,
18477 additional penalties accrue if the delinquent report is
18478 subsequently filed.
18479 2.a. An employing unit that files an erroneous, incomplete,
18480 or insufficient report with the department ~~Agency for Workforce~~
18481 ~~Innovation~~ or its tax collection service provider shall pay a
18482 penalty. The amount of the penalty is $50 or 10 percent of any
18483 tax due, whichever is greater, but no more than $300 per report.
18484 The penalty shall be added to any tax, penalty, or interest
18485 otherwise due.
18486 b. The department ~~agency~~ or its tax collection service
18487 provider shall waive the penalty if the employing unit files an
18488 accurate, complete, and sufficient report within 30 days after a
18489 penalty notice is issued to the employing unit. The penalty may
18490 not be waived pursuant to this subparagraph more than one time
18491 during a 12-month period.
18492 c. As used in this subsection, the term "erroneous,
18493 incomplete, or insufficient report" means a report so lacking in
18494 information, completeness, or arrangement that the report cannot
18495 be readily understood, verified, or reviewed. Such reports
18496 include, but are not limited to, reports having missing wage or
18497 employee information, missing or incorrect social security
18498 numbers, or illegible entries; reports submitted in a format
18499 that is not approved by the department ~~agency~~ or its tax
18500 collection service provider; and reports showing gross wages
18501 that do not equal the total of the wages of each employee.
18502 However, the term does not include a report that merely contains



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18503 inaccurate data that was supplied to the employer by the
18504 employee, if the employer was unaware of the inaccuracy.
18505 3. Penalties imposed pursuant to this paragraph shall be
18506 deposited in the Special Employment Security Administration
18507 Trust Fund.
18508 4. The penalty and interest for a delinquent, erroneous,
18509 incomplete, or insufficient report may be waived if the penalty
18510 or interest is inequitable. The provisions of s. 213.24(1) apply
18511 to any penalty or interest that is imposed under this section.
18512 (c) *Application of partial payments.*—If a delinquency
18513 exists in the employment record of an employer not in
18514 bankruptcy, a partial payment less than the total delinquency
18515 amount shall be applied to the employment record as the payor
18516 directs. In the absence of specific direction, the partial
18517 payment shall be applied to the payor's employment record as
18518 prescribed in the rules of the department ~~Agency for Workforce~~
18519 ~~Innovation~~ or the state agency providing tax collection
18520 services.
18521 (f) *Adoption of rules.*—The department ~~Agency for Workforce~~
18522 ~~Innovation~~ and the state agency providing unemployment tax
18523 collection services may adopt rules to administer this
18524 subsection.
18525 (2) REPORTS, CONTRIBUTIONS, APPEALS.—
18526 (a) *Failure to make reports and pay contributions.*—If an
18527 employing unit determined by the tax collection service provider
18528 to be an employer subject to this chapter fails to make and file
18529 any report as and when required by this chapter or by any rule
18530 of the Department of Economic Opportunity ~~Agency for Workforce~~
18531 ~~Innovation~~ or the state agency providing tax collection



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18532 services, for the purpose of determining the amount of
18533 contributions due by the employer under this chapter, or if any
18534 filed report is found by the service provider to be incorrect or
18535 insufficient, and the employer, after being notified in writing
18536 by the service provider to file the report, or a corrected or
18537 sufficient report, as applicable, fails to file the report
18538 within 15 days after the date of the mailing of the notice, the
18539 tax collection service provider may:
18540 1. Determine the amount of contributions due from the
18541 employer based on the information readily available to it, which
18542 determination is deemed to be prima facie correct;
18543 2. Assess the employer the amount of contributions
18544 determined to be due; and
18545 3. Immediately notify the employer by mail of the
18546 determination and assessment including penalties as provided in
18547 this chapter, if any, added and assessed, and demand payment
18548 together with interest on the amount of contributions from the
18549 date that amount was due and payable.
18550 (b) *Hearings.*—The determination and assessment are final 15
18551 days after the date the assessment is mailed unless the employer
18552 files with the tax collection service provider within the 15
18553 days a written protest and petition for hearing specifying the
18554 objections thereto. The tax collection service provider shall
18555 promptly review each petition and may reconsider its
18556 determination and assessment in order to resolve the
18557 petitioner's objections. The tax collection service provider
18558 shall forward each petition remaining unresolved to the
18559 department ~~Agency for Workforce Innovation~~ for a hearing on the
18560 objections. Upon receipt of a petition, the department ~~Agency~~



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18561 ~~for Workforce Innovation~~ shall schedule a hearing and notify the
18562 petitioner of the time and place of the hearing. The department
18563 ~~Agency for Workforce Innovation~~ may appoint special deputies to
18564 conduct hearings and to submit their findings together with a
18565 transcript of the proceedings before them and their
18566 recommendations to the department ~~agency~~ for its final order.
18567 Special deputies are subject to the prohibition against ex parte
18568 communications in s. 120.66. At any hearing conducted by the
18569 department ~~Agency for Workforce Innovation~~ or its special
18570 deputy, evidence may be offered to support the determination and
18571 assessment or to prove it is incorrect. In order to prevail,
18572 however, the petitioner must either prove that the determination
18573 and assessment are incorrect or file full and complete corrected
18574 reports. Evidence may also be submitted at the hearing to rebut
18575 the determination by the tax collection service provider that
18576 the petitioner is an employer under this chapter. Upon evidence
18577 taken before it or upon the transcript submitted to it with the
18578 findings and recommendation of its special deputy, the
18579 department ~~Agency for Workforce Innovation~~ shall either set
18580 aside the tax collection service provider’s determination that
18581 the petitioner is an employer under this chapter or reaffirm the
18582 determination. The amounts assessed under the final order,
18583 together with interest and penalties, must be paid within 15
18584 days after notice of the final order is mailed to the employer,
18585 unless judicial review is instituted in a case of status
18586 determination. Amounts due when the status of the employer is in
18587 dispute are payable within 15 days after the entry of an order
18588 by the court affirming the determination. However, any
18589 determination that an employing unit is not an employer under



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18590 this chapter does not affect the benefit rights of any
18591 individual as determined by an appeals referee or the commission
18592 unless:
18593 1. The individual is made a party to the proceedings before
18594 the special deputy; or
18595 2. The decision of the appeals referee or the commission
18596 has not become final or the employing unit and the department
18597 ~~Agency for Workforce Innovation~~ were not made parties to the
18598 proceedings before the appeals referee or the commission.
18599 (c) *Appeals.*—The department ~~Agency for Workforce Innovation~~
18600 and the state agency providing unemployment tax collection
18601 services shall adopt rules prescribing the procedures for an
18602 employing unit determined to be an employer to file an appeal
18603 and be afforded an opportunity for a hearing on the
18604 determination. Pending a hearing, the employing unit must file
18605 reports and pay contributions in accordance with s. 443.131.
18606 (3) COLLECTION PROCEEDINGS.—
18607 (f) *Reproductions.*—In any proceedings in any court under
18608 this chapter, reproductions of the original records of the
18609 Department of Economic Opportunity ~~Agency for Workforce~~
18610 ~~Innovation~~, its tax collection service provider, the former
18611 Agency for Workforce Innovation, the former Department of Labor
18612 and Employment Security, or the commission, including, but not
18613 limited to, photocopies or microfilm, are primary evidence in
18614 lieu of the original records or of the documents that were
18615 transcribed into those records.
18616 (g) *Jeopardy assessment and warrant.*—If the tax collection
18617 service provider reasonably believes that the collection of
18618 contributions or reimbursements from an employer will be



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18619 jeopardized by delay, the service provider may assess the
18620 contributions or reimbursements immediately, together with
18621 interest or penalties when due, regardless of whether the
18622 contributions or reimbursements accrued are due, and may
18623 immediately issue a notice of lien and jeopardy warrant upon
18624 which proceedings may be conducted as provided in this section
18625 for notice of lien and warrant of the service provider. Within
18626 15 days after mailing the notice of lien by registered mail, the
18627 employer may protest the issuance of the lien in the same manner
18628 provided in paragraph (2)(a). The protest does not operate as a
18629 supersedeas or stay of enforcement unless the employer files
18630 with the sheriff seeking to enforce the warrant a good and
18631 sufficient surety bond in twice the amount demanded by the
18632 notice of lien or warrant. The bond must be conditioned upon
18633 payment of the amount subsequently found to be due from the
18634 employer to the tax collection service provider in the final
18635 order of the Department of Economic Opportunity ~~Agency for~~
18636 ~~Workforce Innovation~~ upon protest of assessment. The jeopardy
18637 warrant and notice of lien are satisfied in the manner provided
18638 in this section upon payment of the amount finally determined to
18639 be due from the employer. If enforcement of the jeopardy warrant
18640 is not superseded as provided in this section, the employer is
18641 entitled to a refund from the fund of all amounts paid as
18642 contributions or reimbursements in excess of the amount finally
18643 determined to be due by the employer upon application being made
18644 as provided in this chapter.
18645 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
18646 CONTRIBUTIONS AND REIMBURSEMENTS.—
18647 (c) Any agent or employee designated by the Department of



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18648 Economic Opportunity ~~Agency for Workforce Innovation~~ or its tax
18649 collection service provider may administer an oath to any person
18650 for any return or report required by this chapter or by the
18651 rules of the department ~~Agency for Workforce Innovation~~ or the
18652 state agency providing unemployment tax collection services, and
18653 an oath made before the department ~~agency~~ or its service
18654 provider or any authorized agent or employee has the same effect
18655 as an oath made before any judicial officer or notary public of
18656 the state.
18657 Section 372. Section 443.151, Florida Statutes, is amended
18658 to read:
18659 443.151 Procedure concerning claims.—
18660 (1) POSTING OF INFORMATION.—
18661 (a) Each employer must post and maintain in places readily
18662 accessible to individuals in her or his employ printed
18663 statements concerning benefit rights, claims for benefits, and
18664 other matters relating to the administration of this chapter as
18665 the Department of Economic Opportunity ~~Agency for Workforce~~
18666 ~~Innovation~~ may by rule prescribe. Each employer must supply to
18667 individuals copies of printed statements or other materials
18668 relating to claims for benefits as directed by the ~~agency's~~
18669 rules of the department. The department ~~Agency for Workforce~~
18670 ~~Innovation~~ shall supply these printed statements and other
18671 materials to each employer without cost to the employer.
18672 (b)1. The department ~~Agency for Workforce Innovation~~ shall
18673 advise each individual filing a new claim for unemployment
18674 compensation, at the time of filing the claim, that:
18675 a. Unemployment compensation is subject to federal income
18676 tax.



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18677 b. Requirements exist pertaining to estimated tax payments.
18678 c. The individual may elect to have federal income tax
18679 deducted and withheld from the individual's payment of
18680 unemployment compensation at the amount specified in the federal
18681 Internal Revenue Code.
18682 d. The individual is not permitted to change a previously
18683 elected withholding status more than twice per calendar year.
18684 2. Amounts deducted and withheld from unemployment
18685 compensation must remain in the Unemployment Compensation Trust
18686 Fund until transferred to the federal taxing authority as
18687 payment of income tax.
18688 3. The department ~~Agency for Workforce Innovation~~ shall
18689 follow all procedures specified by the United States Department
18690 of Labor and the federal Internal Revenue Service pertaining to
18691 the deducting and withholding of income tax.
18692 4. If more than one authorized request for deduction and
18693 withholding is made, amounts must be deducted and withheld in
18694 accordance with the following priorities:
18695 a. Unemployment overpayments have first priority;
18696 b. Child support payments have second priority; and
18697 c. Withholding under this subsection has third priority.
18698 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
18699 CLAIMANTS AND EMPLOYERS.—
18700 (a) *In general.*—Claims for benefits must be made in
18701 accordance with the rules adopted by the Department of Economic
18702 Opportunity ~~Agency for Workforce Innovation~~. The department
18703 ~~agency~~ must notify claimants and employers regarding monetary
18704 and nonmonetary determinations of eligibility. Investigations of
18705 issues raised in connection with a claimant which may affect a



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18706 claimant's eligibility for benefits or charges to an employer's
18707 employment record shall be conducted by the department ~~agency~~
18708 through written, telephonic, or electronic means as prescribed
18709 by rule.
18710 (b) *Process.*—When the Unemployment Compensation Claims and
18711 Benefits Information System described in s. 443.1113 is fully
18712 operational, the process for filing claims must incorporate the
18713 process for registering for work with the workforce information
18714 systems established pursuant to s. 445.011. A claim for benefits
18715 may not be processed until the work registration requirement is
18716 satisfied. The department ~~Agency for Workforce Innovation~~ may
18717 adopt rules as necessary to administer the work registration
18718 requirement set forth in this paragraph.
18719 (3) DETERMINATION OF ELIGIBILITY.—
18720 (a) *Notices of claim.*—The Department of Economic
18721 Opportunity ~~Agency for Workforce Innovation~~ shall promptly
18722 provide a notice of claim to the claimant's most recent
18723 employing unit and all employers whose employment records are
18724 liable for benefits under the monetary determination. The
18725 employer must respond to the notice of claim within 20 days
18726 after the mailing date of the notice, or in lieu of mailing,
18727 within 20 days after the delivery of the notice. If a
18728 contributing employer fails to timely respond to the notice of
18729 claim, the employer's account may not be relieved of benefit
18730 charges as provided in s. 443.131(3)(a), notwithstanding
18731 paragraph (5)(b). The department ~~agency~~ may adopt rules as
18732 necessary to implement the processes described in this paragraph
18733 relating to notices of claim.
18734 (b) *Monetary determinations.*—In addition to the notice of



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18735 claim, the department ~~agency~~ shall also promptly provide an
18736 initial monetary determination to the claimant and each base
18737 period employer whose account is subject to being charged for
18738 its respective share of benefits on the claim. The monetary
18739 determination must include a statement of whether and in what
18740 amount the claimant is entitled to benefits, and, in the event
18741 of a denial, must state the reasons for the denial. A monetary
18742 determination for the first week of a benefit year must also
18743 include a statement of whether the claimant was paid the wages
18744 required under s. 443.091(1)(g) and, if so, the first day of the
18745 benefit year, the claimant's weekly benefit amount, and the
18746 maximum total amount of benefits payable to the claimant for a
18747 benefit year. The monetary determination is final unless within
18748 20 days after the mailing of the notices to the parties' last
18749 known addresses, or in lieu of mailing, within 20 days after the
18750 delivery of the notices, an appeal or written request for
18751 reconsideration is filed by the claimant or other party entitled
18752 to notice. The department ~~agency~~ may adopt rules as necessary to
18753 implement the processes described in this paragraph relating to
18754 notices of monetary determinations and the appeals or
18755 reconsideration requests filed in response to such notices.
18756 (c) *Nonmonetary determinations.*—If the department ~~agency~~
18757 receives information that may result in a denial of benefits,
18758 the department ~~agency~~ must complete an investigation of the
18759 claim required by subsection (2) and provide notice of a
18760 nonmonetary determination to the claimant and the employer from
18761 whom the claimant's reason for separation affects his or her
18762 entitlement to benefits. The determination must state the reason
18763 for the determination and whether the unemployment tax account



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18764 of the contributing employer is charged for benefits paid on the
18765 claim. The nonmonetary determination is final unless within 20
18766 days after the mailing of the notices to the parties' last known
18767 addresses, or in lieu of mailing, within 20 days after the
18768 delivery of the notices, an appeal or written request for
18769 reconsideration is filed by the claimant or other party entitled
18770 to notice. The department ~~agency~~ may adopt rules as necessary to
18771 implement the processes described in this paragraph relating to
18772 notices of nonmonetary determination and the appeals or
18773 reconsideration requests filed in response to such notices, and
18774 may adopt rules prescribing the manner and procedure by which
18775 employers within the base period of a claimant become entitled
18776 to notice of nonmonetary determination.
18777 (d) *Determinations in labor dispute cases.*—Whenever any
18778 claim involves a labor dispute described in s. 443.101(4), the
18779 department ~~Agency for Workforce Innovation~~ shall promptly assign
18780 the claim to a special examiner who shall make a determination
18781 on the issues involving unemployment due to the labor dispute.
18782 The special examiner shall make the determination after an
18783 investigation, as necessary. The claimant or another party
18784 entitled to notice of the determination may appeal a
18785 determination under subsection (4).
18786 (e) *Redeterminations.*—
18787 1. The department ~~Agency for Workforce Innovation~~ may
18788 reconsider a determination if it finds an error or if new
18789 evidence or information pertinent to the determination is
18790 discovered after a prior determination or redetermination. A
18791 redetermination may not be made more than 1 year after the last
18792 day of the benefit year unless the disqualification for making a



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18793 false or fraudulent representation under s. 443.101(6) is
18794 applicable, in which case the redetermination may be made within
18795 2 years after the false or fraudulent representation. The
18796 department ~~agency~~ must promptly give notice of redetermination
18797 to the claimant and to any employers entitled to notice in the
18798 manner prescribed in this section for the notice of an initial
18799 determination.
18800 2. If the amount of benefits is increased by the
18801 redetermination, an appeal of the redetermination based solely
18802 on the increase may be filed as provided in subsection (4). If
18803 the amount of benefits is decreased by the redetermination, the
18804 redetermination may be appealed by the claimant if a subsequent
18805 claim for benefits is affected in amount or duration by the
18806 redetermination. If the final decision on the determination or
18807 redetermination to be reconsidered was made by an appeals
18808 referee, the commission, or a court, the department ~~Agency for~~
18809 ~~Workforce Innovation~~ may apply for a revised decision from the
18810 body or court that made the final decision.
18811 3. If an appeal of an original determination is pending
18812 when a redetermination is issued, the appeal unless withdrawn is
18813 treated as an appeal from the redetermination.
18814 (4) APPEALS.—
18815 (a) *Appeals referees.*—The Department of Economic
18816 Opportunity ~~Agency for Workforce Innovation~~ shall appoint one or
18817 more impartial salaried appeals referees in accordance with s.
18818 443.171(3) to hear and decide appealed claims. A person may not
18819 participate on behalf of the department ~~Agency for Workforce~~
18820 ~~Innovation~~ as an appeals referee in any case in which she or he
18821 is an interested party. The department ~~Agency for Workforce~~



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18822 ~~Innovation~~ may designate alternates to serve in the absence or
18823 disqualification of any appeals referee on a temporary basis.
18824 These alternates must have the same qualifications required of
18825 appeals referees. The department ~~Agency for Workforce Innovation~~
18826 shall provide the commission and the appeals referees with
18827 proper facilities and assistance for the execution of their
18828 functions.
18829 (b) *Filing and hearing.*—
18830 1. The claimant or any other party entitled to notice of a
18831 determination may appeal an adverse determination to an appeals
18832 referee within 20 days after the date of mailing of the notice
18833 to her or his last known address or, if the notice is not
18834 mailed, within 20 days after the date of delivery of the notice.
18835 2. Unless the appeal is untimely or withdrawn or review is
18836 initiated by the commission, the appeals referee, after mailing
18837 all parties and attorneys of record a notice of hearing at least
18838 10 days before the date of hearing, notwithstanding the 14-day
18839 notice requirement in s. 120.569(2)(b), may only affirm, modify,
18840 or reverse the determination. An appeal may not be withdrawn
18841 without the permission of the appeals referee.
18842 3. However, when an appeal appears to have been filed after
18843 the permissible time limit, the Office of Appeals may issue an
18844 order to show cause to the appellant, requiring the appellant to
18845 show why the appeal should not be dismissed as untimely. If the
18846 appellant does not, within 15 days after the mailing date of the
18847 order to show cause, provide written evidence of timely filing
18848 or good cause for failure to appeal timely, the appeal shall be
18849 dismissed.
18850 4. When an appeal involves a question of whether services



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18851 were performed by a claimant in employment or for an employer,
18852 the referee must give special notice of the question and of the
18853 pendency of the appeal to the employing unit and to the
18854 department ~~Agency for Workforce Innovation~~, both of which become
18855 parties to the proceeding.
18856 5. The parties must be notified promptly of the referee's
18857 decision. The referee's decision is final unless further review
18858 is initiated under paragraph (c) within 20 days after the date
18859 of mailing notice of the decision to the party's last known
18860 address or, in lieu of mailing, within 20 days after the
18861 delivery of the notice.
18862 (c) *Review by commission.*—The commission may, on its own
18863 motion, within the time limit in paragraph (b), initiate a
18864 review of the decision of an appeals referee. The commission may
18865 also allow the department ~~Agency for Workforce Innovation~~ or any
18866 adversely affected party entitled to notice of the decision to
18867 appeal the decision by filing an application within the time
18868 limit in paragraph (b). An adversely affected party has the
18869 right to appeal the decision if the department's ~~Agency for~~
18870 ~~Workforce Innovation's~~ determination is not affirmed by the
18871 appeals referee. The commission may affirm, modify, or reverse
18872 the findings and conclusions of the appeals referee based on
18873 evidence previously submitted in the case or based on additional
18874 evidence taken at the direction of the commission. The
18875 commission may assume jurisdiction of or transfer to another
18876 appeals referee the proceedings on any claim pending before an
18877 appeals referee. Any proceeding in which the commission assumes
18878 jurisdiction before completion must be heard by the commission
18879 in accordance with the requirement of this subsection for



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18880 proceedings before an appeals referee. When the commission
18881 denies an application to hear an appeal of an appeals referee's
18882 decision, the decision of the appeals referee is the decision of
18883 the commission for purposes of this paragraph and is subject to
18884 judicial review within the same time and manner as decisions of
18885 the commission, except that the time for initiating review runs
18886 from the date of notice of the commission's order denying the
18887 application to hear an appeal.
18888 (d) *Procedure.*—The manner that appealed claims are
18889 presented must comply with the commission's rules. Witnesses
18890 subpoenaed under this section are allowed fees at the rate
18891 established by s. 92.142, and fees of witnesses subpoenaed on
18892 behalf of the department ~~Agency for Workforce Innovation~~ or any
18893 claimant are deemed part of the expense of administering this
18894 chapter.
18895 (e) *Judicial review.*—Orders of the commission entered under
18896 paragraph (c) are subject to review only by notice of appeal in
18897 the district court of appeal in the appellate district in which
18898 the issues involved were decided by an appeals referee.
18899 Notwithstanding chapter 120, the commission is a party
18900 respondent to every such proceeding. The department ~~Agency for~~
18901 ~~Workforce Innovation~~ may initiate judicial review of orders in
18902 the same manner and to the same extent as any other party.
18903 (5) PAYMENT OF BENEFITS.—
18904 (a) The Department of Economic Opportunity ~~Agency for~~
18905 ~~Workforce Innovation~~ shall promptly pay benefits in accordance
18906 with a determination or redetermination regardless of any appeal
18907 or pending appeal. Before payment of benefits to the claimant,
18908 however, each employer who is liable for reimbursements in lieu



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18909 of contributions for payment of the benefits must be notified,
18910 at the address on file with the department ~~Agency for Workforce~~
18911 ~~Innovation~~ or its tax collection service provider, of the
18912 initial determination of the claim and must be given 10 days to
18913 respond.
18914 (b) The department ~~Agency for Workforce Innovation~~ shall
18915 promptly pay benefits, regardless of whether a determination is
18916 under appeal if the determination allowing benefits is affirmed
18917 in any amount by an appeals referee or is affirmed by the
18918 commission, or if a decision of an appeals referee allowing
18919 benefits is affirmed in any amount by the commission. In these
18920 instances, a court may not issue an injunction, supersedeas,
18921 stay, or other writ or process suspending payment of benefits. A
18922 contributing employer that responded to the notice of claim
18923 within the time limit provided in subsection (3) may not,
18924 however, be charged with benefits paid under an erroneous
18925 determination if the decision is ultimately reversed. Benefits
18926 are not paid for any subsequent weeks of unemployment involved
18927 in a reversal.
18928 (c) The provisions of paragraph (b) relating to charging an
18929 employer liable for contributions do not apply to reimbursing
18930 employers.
18931 (6) RECOVERY AND RECOUPMENT.—
18932 (a) Any person who, by reason of her or his fraud, receives
18933 benefits under this chapter to which she or he is not entitled
18934 is liable for repaying those benefits to the Department of
18935 Economic Opportunity ~~Agency for Workforce Innovation~~ on behalf
18936 of the trust fund or, in the ~~agency's~~ discretion of the
18937 department, to have those benefits deducted from future benefits



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18938 payable to her or him under this chapter. To enforce this
18939 paragraph, the department ~~agency~~ must find the existence of
18940 fraud through a redetermination or decision under this section
18941 within 2 years after the fraud was committed. Any recovery or
18942 recoupment of benefits must be effected within 5 years after the
18943 redetermination or decision.
18944 (b) Any person who, by reason other than her or his fraud,
18945 receives benefits under this chapter to which, under a
18946 redetermination or decision pursuant to this section, she or he
18947 is not entitled, is liable for repaying those benefits to the
18948 department ~~Agency for Workforce Innovation~~ on behalf of the
18949 trust fund or, in the ~~agency's~~ discretion of the department, to
18950 have those benefits deducted from any future benefits payable to
18951 her or him under this chapter. Any recovery or recoupment of
18952 benefits must be effected within 3 years after the
18953 redetermination or decision.
18954 (c) Any person who, by reason other than fraud, receives
18955 benefits under this chapter to which she or he is not entitled
18956 as a result of an employer's failure to respond to a claim
18957 within the timeframe provided in subsection (3) is not liable
18958 for repaying those benefits to the department ~~Agency for~~
18959 ~~Workforce Innovation~~ on behalf of the trust fund or to have
18960 those benefits deducted from any future benefits payable to her
18961 or him under this chapter.
18962 (d) Recoupment from future benefits is not permitted if the
18963 benefits are received by any person without fault on the
18964 person's part and recoupment would defeat the purpose of this
18965 chapter or would be inequitable and against good conscience.
18966 (e) The department ~~Agency for Workforce Innovation~~ shall



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18967 collect the repayment of benefits without interest by the
18968 deduction of benefits through a redetermination or by a civil
18969 action.
18970 (f) Notwithstanding any other provision of this chapter,
18971 any person who is determined by this state, a cooperating state
18972 agency, the United States Secretary of Labor, or a court to have
18973 received any payments under the Trade Act of 1974, as amended,
18974 to which the person was not entitled shall have those payments
18975 deducted from any regular benefits, as defined in s.
18976 443.1115(1)(e), payable to her or him under this chapter. Each
18977 such deduction may not exceed 50 percent of the amount otherwise
18978 payable. The payments deducted shall be remitted to the agency
18979 that issued the payments under the Trade Act of 1974, as
18980 amended, for return to the United States Treasury. Except for
18981 overpayments determined by a court, a deduction may not be made
18982 under this paragraph until a determination by the state agency
18983 or the United States Secretary of Labor is final.
18984 (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any
18985 administrative proceeding conducted under this chapter, an
18986 employer or a claimant has the right, at his or her own expense,
18987 to be represented by counsel or by an authorized representative.
18988 Notwithstanding s. 120.62(2), the authorized representative need
18989 not be a qualified representative.
18990 (8) BILINGUAL REQUIREMENTS.—
18991 (a) The Department of Economic Opportunity ~~Agency for~~
18992 ~~Workforce Innovation~~ shall provide printed bilingual
18993 instructional and educational materials in the appropriate
18994 language in those counties in which 5 percent or more of the
18995 households in the county are classified as a single-language



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18996 minority.
18997 (b) The department ~~Agency for Workforce Innovation~~ shall
18998 ensure that one-stop career centers and appeals offices located
18999 in counties subject to the requirements of paragraph (c)
19000 prominently post notices in the appropriate languages and that
19001 translators are available in those centers and offices.
19002 (c) As used in this subsection, the term "single-language
19003 minority" means households that speak the same non-English
19004 language and that do not contain an adult fluent in English. The
19005 department ~~Agency for Workforce Innovation~~ shall develop
19006 estimates of the percentages of single-language minority
19007 households for each county by using data from the United States
19008 Bureau of the Census.
19009 Section 373. Subsection (1), paragraphs (a) and (c) of
19010 subsection (3), and subsection (4) of section 443.163, Florida
19011 Statutes, are amended to read:
19012 443.163 Electronic reporting and remitting of contributions
19013 and reimbursements.—
19014 (1) An employer may file any report and remit any
19015 contributions or reimbursements required under this chapter by
19016 electronic means. The Department of Economic Opportunity ~~Agency~~
19017 ~~for Workforce Innovation~~ or the state agency providing
19018 unemployment tax collection services shall adopt rules
19019 prescribing the format and instructions necessary for
19020 electronically filing reports and remitting contributions and
19021 reimbursements to ensure a full collection of contributions and
19022 reimbursements due. The acceptable method of transfer, the
19023 method, form, and content of the electronic means, and the
19024 method, if any, by which the employer will be provided with an



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19025 acknowledgment shall be prescribed by the department ~~Agency for~~
19026 ~~Workforce Innovation~~ or its tax collection service provider.
19027 However, any employer who employed 10 or more employees in any
19028 quarter during the preceding state fiscal year must file the
19029 Employers Quarterly Reports (UCT-6) for the current calendar
19030 year and remit the contributions and reimbursements due by
19031 electronic means approved by the tax collection service
19032 provider. A person who prepared and reported for 100 or more
19033 employers in any quarter during the preceding state fiscal year
19034 must file the Employers Quarterly Reports (UCT-6) for each
19035 calendar quarter in the current calendar year, beginning with
19036 reports due for the second calendar quarter of 2003, by
19037 electronic means approved by the tax collection service
19038 provider.
19039 (3) The tax collection service provider may waive the
19040 requirement to file an Employers Quarterly Report (UCT-6) by
19041 electronic means for employers that are unable to comply despite
19042 good faith efforts or due to circumstances beyond the employer's
19043 reasonable control.
19044 (a) As prescribed by the Department of Economic Opportunity
19045 ~~Agency for Workforce Innovation~~ or its tax collection service
19046 provider, grounds for approving the waiver include, but are not
19047 limited to, circumstances in which the employer does not:
19048 1. Currently file information or data electronically with
19049 any business or government agency; or
19050 2. Have a compatible computer that meets or exceeds the
19051 standards prescribed by the department ~~Agency for Workforce~~
19052 ~~Innovation~~ or its tax collection service provider.
19053 (c) The department ~~Agency for Workforce Innovation~~ or the



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19054 state agency providing unemployment tax collection services may
19055 establish by rule the length of time a waiver is valid and may
19056 determine whether subsequent waivers will be authorized, based
19057 on this subsection.
19058 (4) As used in this section, the term “electronic means”
19059 includes, but is not limited to, electronic data interchange;
19060 electronic funds transfer; and use of the Internet, telephone,
19061 or other technology specified by the Department of Economic
19062 Opportunity ~~Agency for Workforce Innovation~~ or its tax
19063 collection service provider.
19064 Section 374. Section 443.171, Florida Statutes, is amended
19065 to read:
19066 443.171 Department of Economic Opportunity ~~Agency for~~
19067 ~~Workforce Innovation~~ and commission; powers and duties; records
19068 and reports; proceedings; state-federal cooperation.—
19069 (1) POWERS AND DUTIES.—The Department of Economic
19070 Opportunity ~~Agency for Workforce Innovation~~ shall administer
19071 this chapter. The department ~~agency~~ may employ those persons,
19072 make expenditures, require reports, conduct investigations, and
19073 take other action necessary or suitable to administer this
19074 chapter. The department ~~Agency for Workforce Innovation~~ shall
19075 annually submit information to Workforce Florida, Inc., covering
19076 the administration and operation of this chapter during the
19077 preceding calendar year for inclusion in the strategic plan
19078 under s. 445.006 and may make recommendations for amendment to
19079 this chapter.
19080 (2) PUBLICATION OF ACTS AND RULES.—The Department of
19081 Economic Opportunity ~~Agency for Workforce Innovation~~ shall cause
19082 to be printed and distributed to the public, or otherwise



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19083 distributed to the public through the Internet or similar
19084 electronic means, the text of this chapter and of the rules for
19085 administering this chapter adopted by the department ~~agency~~ or
19086 the state agency providing unemployment tax collection services
19087 and any other matter relevant and suitable. The department
19088 ~~Agency for Workforce Innovation~~ shall furnish this information
19089 to any person upon request. However, any pamphlet, rules,
19090 circulars, or reports required by this chapter may not contain
19091 any matter except the actual data necessary to complete them or
19092 the actual language of the rule, together with the proper
19093 notices.
19094 (3) PERSONNEL.—Subject to chapter 110 and the other
19095 provisions of this chapter, the Department of Economic
19096 Opportunity ~~Agency for Workforce Innovation~~ may appoint, set the
19097 compensation of, and prescribe the duties and powers of
19098 employees, accountants, attorneys, experts, and other persons as
19099 necessary for the performance of the ~~agency's~~ duties of the
19100 department under this chapter. The department ~~Agency for~~
19101 ~~Workforce Innovation~~ may delegate to any person its power and
19102 authority under this chapter as necessary for the effective
19103 administration of this chapter and may bond any person handling
19104 moneys or signing checks under this chapter. The cost of these
19105 bonds must be paid from the Employment Security Administration
19106 Trust Fund.
19107 (4) EMPLOYMENT STABILIZATION.—The Department of Economic
19108 Opportunity ~~Agency for Workforce Innovation~~, under the direction
19109 of Workforce Florida, Inc., shall take all appropriate steps to
19110 reduce and prevent unemployment; to encourage and assist in the
19111 adoption of practical methods of career training, retraining,



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19112 and career guidance; to investigate, recommend, advise, and
19113 assist in the establishment and operation, by municipalities,
19114 counties, school districts, and the state, of reserves for
19115 public works to be used in times of business depression and
19116 unemployment; to promote the reemployment of the unemployed
19117 workers throughout the state in every other way that may be
19118 feasible; to refer any claimant entitled to extended benefits to
19119 suitable work which meets the criteria of this chapter; and, to
19120 these ends, to carry on and publish the results of
19121 investigations and research studies.
19122 (5) RECORDS AND REPORTS.—Each employing unit shall keep
19123 true and accurate work records, containing the information
19124 required by the Department of Economic Opportunity ~~Agency for~~
19125 ~~Workforce Innovation~~ or its tax collection service provider.
19126 These records must be open to inspection and are subject to
19127 being copied by the department ~~Agency for Workforce Innovation~~
19128 or its tax collection service provider at any reasonable time
19129 and as often as necessary. The department ~~Agency for Workforce~~
19130 ~~Innovation~~ or its tax collection service provider may require
19131 from any employing unit any sworn or unsworn reports, for
19132 persons employed by the employing unit, necessary for the
19133 effective administration of this chapter. However, a state or
19134 local governmental agency performing intelligence or
19135 counterintelligence functions need not report an employee if the
19136 head of that agency determines that reporting the employee could
19137 endanger the safety of the employee or compromise an ongoing
19138 investigation or intelligence mission. Information revealing the
19139 employing unit’s or individual’s identity obtained from the
19140 employing unit or from any individual through the administration



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19141 of this chapter, is, except to the extent necessary for the
19142 proper presentation of a claim or upon written authorization of
19143 the claimant who has a workers' compensation claim pending,
19144 confidential and exempt from s. 119.07(1). This confidential
19145 information is available only to public employees in the
19146 performance of their public duties. Any claimant, or the
19147 claimant's legal representative, at a hearing before an appeals
19148 referee or the commission must be supplied with information from
19149 these records to the extent necessary for the proper
19150 presentation of her or his claim. Any employee or member of the
19151 commission, any employee of the department ~~Agency for Workforce~~
19152 ~~Innovation~~ or its tax collection service provider, or any other
19153 person receiving confidential information who violates this
19154 subsection commits a misdemeanor of the second degree,
19155 punishable as provided in s. 775.082 or s. 775.083. However, the
19156 department ~~Agency for Workforce Innovation~~ or its tax collection
19157 service provider may furnish to any employer copies of any
19158 report previously submitted by that employer, upon the request
19159 of the employer. The department ~~Agency for Workforce Innovation~~
19160 or its tax collection service provider may charge a reasonable
19161 fee for copies of reports, which may not exceed the actual
19162 reasonable cost of the preparation of the copies as prescribed
19163 by rules adopted by the department ~~Agency for Workforce~~
19164 ~~Innovation~~ or the state agency providing tax collection
19165 services. Fees received by the department ~~Agency for Workforce~~
19166 ~~Innovation~~ or its tax collection service provider for copies
19167 furnished under this subsection must be deposited in the
19168 Employment Security Administration Trust Fund.
19169 (6) OATHS AND WITNESSES.—In the discharge of the duties



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19170 imposed by this chapter, the Department of Economic Opportunity
19171 ~~Agency for Workforce Innovation~~, its tax collection service
19172 provider, the members of the commission, and any authorized
19173 representative of any of these entities may administer oaths and
19174 affirmations, take depositions, certify to official acts, and
19175 issue subpoenas to compel the attendance of witnesses and the
19176 production of books, papers, correspondence, memoranda, and
19177 other records deemed necessary as evidence in connection with
19178 the administration of this chapter.
19179 (7) SUBPOENAS.—If a person refuses to obey a subpoena
19180 issued to that person, any court of this state within the
19181 jurisdiction of which the inquiry is carried on, or within the
19182 jurisdiction of which the person is found, resides, or transacts
19183 business, upon application by the Department of Economic
19184 Opportunity ~~Agency for Workforce Innovation~~, its tax collection
19185 service provider, the commission, or any authorized
19186 representative of any of these entities has jurisdiction to
19187 order the person to appear before the entity to produce evidence
19188 or give testimony on the matter under investigation or in
19189 question. Failure to obey the order of the court may be punished
19190 by the court as contempt. Any person who fails or refuses
19191 without just cause to appear or testify; to answer any lawful
19192 inquiry; or to produce books, papers, correspondence, memoranda,
19193 and other records within her or his control as commanded in a
19194 subpoena of the department ~~Agency for Workforce Innovation~~, its
19195 tax collection service provider, the commission, or any
19196 authorized representative of any of these entities commits a
19197 misdemeanor of the second degree, punishable as provided in s.
19198 775.082 or s. 775.083. Each day that a violation continues is a



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19199 separate offense.
19200 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not
19201 excused from appearing or testifying, or from producing books,
19202 papers, correspondence, memoranda, or other records, before the
19203 Department of Economic Opportunity ~~Agency for Workforce~~
19204 ~~Innovation~~, its tax collection service provider, the commission,
19205 or any authorized representative of any of these entities or as
19206 commanded in a subpoena of any of these entities in any
19207 proceeding before the department ~~Agency for Workforce~~
19208 ~~Innovation~~, the commission, an appeals referee, or a special
19209 deputy on the ground that the testimony or evidence, documentary
19210 or otherwise, required of the person may incriminate her or him
19211 or subject her or him to a penalty or forfeiture. That person
19212 may not be prosecuted or subjected to any penalty or forfeiture
19213 for or on account of any transaction, matter, or thing
19214 concerning which she or he is compelled, after having claimed
19215 her or his privilege against self-incrimination, to testify or
19216 produce evidence, documentary or otherwise, except that the
19217 person testifying is not exempt from prosecution and punishment
19218 for perjury committed while testifying.
19219 (9) STATE-FEDERAL COOPERATION.—
19220 (a)1. In the administration of this chapter, the Department
19221 of Economic Opportunity ~~Agency for Workforce Innovation~~ and its
19222 tax collection service provider shall cooperate with the United
19223 States Department of Labor to the fullest extent consistent with
19224 this chapter and shall take those actions, through the adoption
19225 of appropriate rules, administrative methods, and standards,
19226 necessary to secure for this state all advantages available
19227 under the provisions of federal law relating to unemployment



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19228 compensation.
19229 2. In the administration of the provisions in s. 443.1115,
19230 which are enacted to conform with the Federal-State Extended
19231 Unemployment Compensation Act of 1970, the department ~~Agency for~~
19232 ~~Workforce Innovation~~ shall take those actions necessary to
19233 ensure that those provisions are interpreted and applied to meet
19234 the requirements of the federal act as interpreted by the United
19235 States Department of Labor and to secure for this state the full
19236 reimbursement of the federal share of extended benefits paid
19237 under this chapter which is reimbursable under the federal act.
19238 3. The department ~~Agency for Workforce Innovation~~ and its
19239 tax collection service provider shall comply with the
19240 regulations of the United States Department of Labor relating to
19241 the receipt or expenditure by this state of funds granted under
19242 federal law; shall submit the reports in the form and containing
19243 the information the United States Department of Labor requires;
19244 and shall comply with directions of the United States Department
19245 of Labor necessary to assure the correctness and verification of
19246 these reports.
19247 (b) The department ~~Agency for Workforce Innovation~~ and its
19248 tax collection service provider may cooperate with every agency
19249 of the United States charged with administration of any
19250 unemployment insurance law.
19251 (c) The department ~~Agency for Workforce Innovation~~ and its
19252 tax collection service provider shall cooperate with the
19253 agencies of other states, and shall make every proper effort
19254 within their means, to oppose and prevent any further action
19255 leading to the complete or substantial federalization of state
19256 unemployment compensation funds or state employment security



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19257 programs. The department ~~Agency for Workforce Innovation~~ and its
19258 tax collection service provider may make, and may cooperate with
19259 other appropriate agencies in making, studies as to the
19260 practicability and probable cost of possible new state-
19261 administered social security programs and the relative
19262 desirability of state, rather than federal, action in that field
19263 of study.
19264 Section 375. Subsections (1) and (2) of section 443.1715,
19265 Florida Statutes, are amended to read:
19266 443.1715 Disclosure of information; confidentiality.—
19267 (1) RECORDS AND REPORTS.—Information revealing an employing
19268 unit's or individual's identity obtained from the employing unit
19269 or any individual under the administration of this chapter, and
19270 any determination revealing that information, except to the
19271 extent necessary for the proper presentation of a claim or upon
19272 written authorization of the claimant who has a workers'
19273 compensation claim pending or is receiving compensation
19274 benefits, is confidential and exempt from s. 119.07(1) and s.
19275 24(a), Art. I of the State Constitution. This confidential
19276 information may be released only to public employees in the
19277 performance of their public duties. Except as otherwise provided
19278 by law, public employees receiving this confidential information
19279 must maintain the confidentiality of the information. Any
19280 claimant, or the claimant's legal representative, at a hearing
19281 before an appeals referee or the commission is entitled to
19282 information from these records to the extent necessary for the
19283 proper presentation of her or his claim. A person receiving
19284 confidential information who violates this subsection commits a
19285 misdemeanor of the second degree, punishable as provided in s.



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19286 775.082 or s. 775.083. The Department of Economic Opportunity
19287 ~~Agency for Workforce Innovation~~ or its tax collection service
19288 provider may, however, furnish to any employer copies of any
19289 report submitted by that employer upon the request of the
19290 employer and may furnish to any claimant copies of any report
19291 submitted by that claimant upon the request of the claimant. The
19292 department ~~Agency for Workforce Innovation~~ or its tax collection
19293 service provider may charge a reasonable fee for copies of these
19294 reports as prescribed by rule, which may not exceed the actual
19295 reasonable cost of the preparation of the copies. Fees received
19296 for copies under this subsection must be deposited in the
19297 Employment Security Administration Trust Fund.
19298 (2) DISCLOSURE OF INFORMATION.—
19299 (a) Subject to restrictions the Department of Economic
19300 Opportunity ~~Agency for Workforce Innovation~~ or the state agency
19301 providing unemployment tax collection services adopts by rule,
19302 information declared confidential under this section is
19303 available to any agency of this or any other state, or any
19304 federal agency, charged with the administration of any
19305 unemployment compensation law or the maintenance of the one-stop
19306 delivery system, or the Bureau of Internal Revenue of the United
19307 States Department of the Treasury, ~~the Governor's Office of~~
19308 ~~Tourism, Trade, and Economic Development,~~ or the Florida
19309 Department of Revenue. Information obtained in connection with
19310 the administration of the one-stop delivery system may be made
19311 available to persons or agencies for purposes appropriate to the
19312 operation of a public employment service or a job-preparatory or
19313 career education or training program. The department ~~Agency for~~
19314 ~~Workforce Innovation~~ shall, on a quarterly basis, furnish the



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19315 National Directory of New Hires with information concerning the
19316 wages and unemployment benefits paid to individuals, by the
19317 dates, in the format, and containing the information specified
19318 in the regulations of the United States Secretary of Health and
19319 Human Services. Upon request, the department ~~Agency for~~
19320 ~~Workforce Innovation~~ shall furnish any agency of the United
19321 States charged with the administration of public works or
19322 assistance through public employment, and may furnish to any
19323 state agency similarly charged, the name, address, ordinary
19324 occupation, and employment status of each recipient of benefits
19325 and the recipient's rights to further benefits under this
19326 chapter. Except as otherwise provided by law, the receiving
19327 agency must retain the confidentiality of this information as
19328 provided in this section. The tax collection service provider
19329 may request the Comptroller of the Currency of the United States
19330 to examine the correctness of any return or report of any
19331 national banking association rendered under this chapter and may
19332 in connection with that request transmit any report or return
19333 for examination to the Comptroller of the Currency of the United
19334 States as provided in s. 3305(c) of the federal Internal Revenue
19335 Code.
19336 (b) The employer or the employer's workers' compensation
19337 carrier against whom a claim for benefits under chapter 440 has
19338 been made, or a representative of either, may request from the
19339 department ~~Agency for Workforce Innovation~~ records of wages of
19340 the employee reported to the department ~~agency~~ by any employer
19341 for the quarter that includes the date of the accident that is
19342 the subject of such claim and for subsequent quarters.
19343 1. The request must be made with the authorization or



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19344 consent of the employee or any employer who paid wages to the
19345 employee after the date of the accident.
19346 2. The employer or carrier shall make the request on a form
19347 prescribed by rule for such purpose by the agency. Such form
19348 shall contain a certification by the requesting party that it is
19349 a party entitled to the information requested.
19350 3. The department ~~agency~~ shall provide the most current
19351 information readily available within 15 days after receiving the
19352 request.
19353 Section 376. Section 443.181, Florida Statutes, is amended
19354 to read:
19355 443.181 Public employment service.—
19356 (1) The one-stop delivery system established under s.
19357 445.009 is this state's public employment service as part of the
19358 national system of public employment offices under 29 U.S.C. s.
19359 49. The Department of Economic Opportunity ~~Agency for Workforce~~
19360 ~~Innovation~~, under policy direction from Workforce Florida, Inc.,
19361 shall cooperate with any official or agency of the United States
19362 having power or duties under 29 U.S.C. ss. 49-49l-1 and shall
19363 perform those duties necessary to secure to this state the funds
19364 provided under federal law for the promotion and maintenance of
19365 the state's public employment service. In accordance with 29
19366 U.S.C. s. 49c, this state accepts 29 U.S.C. ss. 49-49l-1. The
19367 department ~~Agency for Workforce Innovation~~ is designated the
19368 state agency responsible for cooperating with the United States
19369 Secretary of Labor under 29 U.S.C. s. 49c. The department ~~Agency~~
19370 ~~for Workforce Innovation~~ shall appoint sufficient employees to
19371 administer this section. The department ~~Agency for Workforce~~
19372 ~~Innovation~~ may cooperate with or enter into agreements with the



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19373 Railroad Retirement Board for the establishment, maintenance,
19374 and use of one-stop career centers.
19375 (2) All funds received by this state under 29 U.S.C. ss.
19376 49-49l-1 must be paid into the Employment Security
19377 Administration Trust Fund, and these funds are available to the
19378 Department of Economic Opportunity ~~Agency for Workforce~~
19379 ~~Innovation~~ for expenditure as provided by this chapter or by
19380 federal law. For the purpose of establishing and maintaining
19381 one-stop career centers, the department ~~Agency for Workforce~~
19382 ~~Innovation~~ may enter into agreements with the Railroad
19383 Retirement Board or any other agency of the United States
19384 charged with the administration of an unemployment compensation
19385 law, with any political subdivision of this state, or with any
19386 private, nonprofit organization. As a part of any such
19387 agreement, the department ~~Agency for Workforce Innovation~~ may
19388 accept moneys, services, or quarters as a contribution to the
19389 Employment Security Administration Trust Fund.
19390 Section 377. Subsections (1), (2), (3), and (4) of section
19391 443.191, Florida Statutes, are amended to read:
19392 443.191 Unemployment Compensation Trust Fund; establishment
19393 and control.—
19394 (1) There is established, as a separate trust fund apart
19395 from all other public funds of this state, an Unemployment
19396 Compensation Trust Fund, which shall be administered by the
19397 Department of Economic Opportunity ~~Agency for Workforce~~
19398 ~~Innovation~~ exclusively for the purposes of this chapter. The
19399 fund shall consist of:
19400 (a) All contributions and reimbursements collected under
19401 this chapter;



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19402 (b) Interest earned on any moneys in the fund;
19403 (c) Any property or securities acquired through the use of
19404 moneys belonging to the fund;
19405 (d) All earnings of these properties or securities;
19406 (e) All money credited to this state's account in the
19407 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
19408 1103; and
19409 (f) Advances on the amount in the federal Unemployment
19410 Compensation Trust Fund credited to the state under 42 U.S.C. s.
19411 1321, as requested by the Governor or the Governor's designee.
19412
19413 Except as otherwise provided in s. 443.1313(4), all moneys in
19414 the fund shall be mingled and undivided.
19415 (2) The Chief Financial Officer is the ex officio treasurer
19416 and custodian of the fund and shall administer the fund in
19417 accordance with the directions of the Department of Economic
19418 Opportunity ~~Agency for Workforce Innovation~~. All payments from
19419 the fund must be approved by the department ~~Agency for Workforce~~
19420 ~~Innovation~~ or by an authorized agent. The Chief Financial
19421 Officer shall maintain within the fund three separate accounts:
19422 (a) A clearing account;
19423 (b) An Unemployment Compensation Trust Fund account; and
19424 (c) A benefit account.
19425
19426 All moneys payable to the fund, including moneys received from
19427 the United States as reimbursement for extended benefits paid by
19428 the Department of Economic Opportunity ~~Agency for Workforce~~
19429 ~~Innovation~~, must be forwarded to the Chief Financial Officer,
19430 who shall immediately deposit them in the clearing account.



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19431 Refunds payable under s. 443.141 may be paid from the clearing
19432 account. After clearance, all other moneys in the clearing
19433 account must be immediately deposited with the Secretary of the
19434 Treasury of the United States to the credit of this state's
19435 account in the federal Unemployment Compensation Trust Fund
19436 notwithstanding any state law relating to the deposit,
19437 administration, release, or disbursement of moneys in the
19438 possession or custody of this state. The benefit account
19439 consists of all moneys requisitioned from this state's account
19440 in the federal Unemployment Compensation Trust Fund. Except as
19441 otherwise provided by law, moneys in the clearing and benefit
19442 accounts may be deposited by the Chief Financial Officer, under
19443 the direction of the Department of Economic Opportunity ~~Agency~~
19444 ~~for Workforce Innovation~~, in any bank or public depository in
19445 which general funds of the state are deposited, but a public
19446 deposit insurance charge or premium may not be paid out of the
19447 fund. If any warrant issued against the clearing account or the
19448 benefit account is not presented for payment within 1 year after
19449 issuance, the Chief Financial Officer must cancel the warrant
19450 and credit without restriction the amount of the warrant to the
19451 account upon which it is drawn. When the payee or person
19452 entitled to a canceled warrant requests payment of the warrant,
19453 the Chief Financial Officer, upon direction of the Department of
19454 Economic Opportunity ~~Agency for Workforce Innovation~~, must issue
19455 a new warrant, payable from the account against which the
19456 canceled warrant was drawn.
19457 (3) Moneys may only be requisitioned from the state's
19458 account in the federal Unemployment Compensation Trust Fund
19459 solely for the payment of benefits and extended benefits and for



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19460 payment in accordance with rules prescribed by the Department of
19461 Economic Opportunity ~~Agency for Workforce Innovation~~, or for the
19462 repayment of advances made pursuant to 42 U.S.C. s. 1321, as
19463 authorized by the Governor or the Governor's designee, except
19464 that money credited to this state's account under 42 U.S.C. s.
19465 1103 may only be used exclusively as provided in subsection (5).
19466 The Department of Economic Opportunity ~~Agency for Workforce~~
19467 ~~Innovation~~, through the Chief Financial Officer, shall
19468 requisition from the federal Unemployment Compensation Trust
19469 Fund amounts, not exceeding the amounts credited to this state's
19470 account in the fund, as necessary for the payment of benefits
19471 and extended benefits for a reasonable future period. Upon
19472 receipt of these amounts, the Chief Financial Officer shall
19473 deposit the moneys in the benefit account in the State Treasury
19474 and warrants for the payment of benefits and extended benefits
19475 shall be drawn upon the order of the Department of Economic
19476 Opportunity ~~Agency for Workforce Innovation~~ against the account.
19477 All warrants for benefits and extended benefits are payable
19478 directly to the ultimate beneficiary. Expenditures of these
19479 moneys in the benefit account and refunds from the clearing
19480 account are not subject to any law requiring specific
19481 appropriations or other formal release by state officers of
19482 money in their custody. All warrants issued for the payment of
19483 benefits and refunds must bear the signature of the Chief
19484 Financial Officer. Any balance of moneys requisitioned from this
19485 state's account in the federal Unemployment Compensation Trust
19486 Fund which remains unclaimed or unpaid in the benefit account
19487 after the period for which the moneys were requisitioned shall
19488 be deducted from estimates for, and may be used for the payment



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19489 of, benefits and extended benefits during succeeding periods,
19490 or, in the discretion of the Department of Economic Opportunity
19491 ~~Agency for Workforce Innovation~~, shall be redeposited with the
19492 Secretary of the Treasury of the United States, to the credit of
19493 this state's account in the federal Unemployment Compensation
19494 Trust Fund, as provided in subsection (2).
19495 (4) Subsections (1), (2), and (3), to the extent they
19496 relate to the federal Unemployment Compensation Trust Fund,
19497 apply only while the fund continues to exist and while the
19498 Secretary of the Treasury of the United States continues to
19499 maintain for this state a separate account of all funds
19500 deposited by this state for the payment of benefits, together
19501 with this state's proportionate share of the earnings of the
19502 federal Unemployment Compensation Trust Fund, from which no
19503 other state is permitted to make withdrawals. If the federal
19504 Unemployment Compensation Trust Fund ceases to exist, or the
19505 separate account is no longer maintained, all moneys,
19506 properties, or securities belonging to this state's account in
19507 the federal Unemployment Compensation Trust Fund must be
19508 transferred to the treasurer of the Unemployment Compensation
19509 Trust Fund, who must hold, invest, transfer, sell, deposit, and
19510 release those moneys, properties, or securities in a manner
19511 approved by the Department of Economic Opportunity ~~Agency for~~
19512 ~~Workforce Innovation~~ in accordance with this chapter. These
19513 moneys must, however, be invested in the following readily
19514 marketable classes of securities: bonds or other interest-
19515 bearing obligations of the United States or of the state.
19516 Further, the investment must at all times be made in a manner
19517 that allows all the assets of the fund to always be readily



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19518 convertible into cash when needed for the payment of benefits.
19519 The treasurer may only dispose of securities or other properties
19520 belonging to the Unemployment Compensation Trust Fund under the
19521 direction of the Department of Economic Opportunity ~~Agency for~~
19522 ~~Workforce Innovation~~.
19523 Section 378. Section 443.211, Florida Statutes, is amended
19524 to read:
19525 443.211 Employment Security Administration Trust Fund;
19526 appropriation; reimbursement.—
19527 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is
19528 created in the State Treasury the "Employment Security
19529 Administration Trust Fund." All moneys deposited into this fund
19530 remain continuously available to the Department of Economic
19531 Opportunity ~~Agency for Workforce Innovation~~ for expenditure in
19532 accordance with this chapter and do not revert at any time and
19533 may not be transferred to any other fund. All moneys in this
19534 fund which are received from the Federal Government or any
19535 federal agency or which are appropriated by this state under ss.
19536 443.171 and 443.181, except money received under s.
19537 443.191(5)(c), must be expended solely for the purposes and in
19538 the amounts found necessary by the authorized cooperating
19539 federal agencies for the proper and efficient administration of
19540 this chapter. The fund consists of: all moneys appropriated by
19541 this state; all moneys received from the United States or any
19542 federal agency; all moneys received from any other source for
19543 the administration of this chapter; any funds collected for
19544 enhanced, specialized, or value-added labor market information
19545 services; any moneys received from any agency of the United
19546 States or any other state as compensation for services or



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19547 facilities supplied to that agency; any amounts received from
19548 any surety bond or insurance policy or from other sources for
19549 losses sustained by the Employment Security Administration Trust
19550 Fund or by reason of damage to equipment or supplies purchased
19551 from moneys in the fund; and any proceeds from the sale or
19552 disposition of such equipment or supplies. All money
19553 requisitioned and deposited in this fund under s. 443.191(5)(c)
19554 remains part of the Unemployment Compensation Trust Fund and
19555 must be used only in accordance with s. 443.191(5). All moneys
19556 in this fund must be deposited, administered, and disbursed in
19557 the same manner and under the same conditions and requirements
19558 as provided by law for other trust funds in the State Treasury.
19559 These moneys must be secured by the depositary in which they are
19560 held to the same extent and in the same manner as required by
19561 the general depositary law of the state, and collateral pledged
19562 must be maintained in a separate custody account. All payments
19563 from the Employment Security Administration Trust Fund must be
19564 approved by the Department of Economic Opportunity ~~Agency for~~
19565 ~~Workforce Innovation~~ or by an authorized agent and must be made
19566 by the Chief Financial Officer. Any balances in this fund do not
19567 revert at any time and must remain continuously available to the
19568 Department of Economic Opportunity ~~Agency for Workforce~~
19569 ~~Innovation~~ for expenditure consistent with this chapter.
19570 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—
19571 There is created in the State Treasury the "Special Employment
19572 Security Administration Trust Fund," into which shall be
19573 deposited or transferred all interest on contributions and
19574 reimbursements, penalties, and fines or fees collected under
19575 this chapter. Interest on contributions and reimbursements,



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19576 penalties, and fines or fees deposited during any calendar
19577 quarter in the clearing account in the Unemployment Compensation
19578 Trust Fund shall, as soon as practicable after the close of that
19579 calendar quarter and upon certification of the Department of
19580 Economic Opportunity ~~Agency for Workforce Innovation~~, be
19581 transferred to the Special Employment Security Administration
19582 Trust Fund. The amount certified by the Department of Economic
19583 Opportunity ~~Agency for Workforce Innovation~~ as required under
19584 this chapter to pay refunds of interest on contributions and
19585 reimbursements, penalties, and fines or fees collected and
19586 erroneously deposited into the clearing account in the
19587 Unemployment Compensation Trust Fund shall, however, be withheld
19588 from this transfer. The interest and penalties certified for
19589 transfer are deemed as being erroneously deposited in the
19590 clearing account, and their transfer to the Special Employment
19591 Security Administration Trust Fund is deemed to be a refund of
19592 the erroneous deposits. All moneys in this fund shall be
19593 deposited, administered, and disbursed in the same manner and
19594 under the same requirements as provided by law for other trust
19595 funds in the State Treasury. These moneys may not be expended or
19596 be available for expenditure in any manner that would permit
19597 their substitution for, or permit a corresponding reduction in,
19598 federal funds that would, in the absence of these moneys, be
19599 available to finance expenditures for the administration of this
19600 chapter. This section does not prevent these moneys from being
19601 used as a revolving fund to cover lawful expenditures for which
19602 federal funds are requested but not yet received, subject to the
19603 charging of the expenditures against the funds when received.
19604 The moneys in this fund, with the approval of the Executive



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19605 Office of the Governor, shall be used by the Department of
19606 Economic Opportunity ~~Agency for Workforce Innovation~~ for paying
19607 administrative costs that are not chargeable against funds
19608 obtained from federal sources. All moneys in the Special
19609 Employment Security Administration Trust Fund shall be
19610 continuously available to the Department of Economic Opportunity
19611 ~~Agency for Workforce Innovation~~ for expenditure in accordance
19612 with this chapter and do not revert at any time. All payments
19613 from the Special Employment Security Administration Trust Fund
19614 must be approved by the Department of Economic Opportunity
19615 ~~Agency for Workforce Innovation~~ or by an authorized agent and
19616 shall be made by the Chief Financial Officer. The moneys in this
19617 fund are available to replace, as contemplated by subsection
19618 (3), expenditures from the Employment Security Administration
19619 Trust Fund which the United States Secretary of Labor, or other
19620 authorized federal agency or authority, finds are lost or
19621 improperly expended because of any action or contingency. The
19622 Chief Financial Officer is liable on her or his official bond
19623 for the faithful performance of her or his duties in connection
19624 with the Special Employment Security Administration Trust Fund.
19625 (3) REIMBURSEMENT OF FUND.—If any moneys received from the
19626 United States Secretary of Labor under 42 U.S.C. ss. 501-504,
19627 any unencumbered balances in the Employment Security
19628 Administration Trust Fund, any moneys granted to this state
19629 under the Wagner-Peyser Act, or any moneys made available by
19630 this state or its political subdivisions and matched by the
19631 moneys granted to this state under the Wagner-Peyser Act, are
19632 after reasonable notice and opportunity for hearing, found by
19633 the United States Secretary of Labor, because of any action or



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19634 contingency, to be lost or expended for purposes other than, or
19635 in amounts in excess of, those allowed by the United States
19636 Secretary of Labor for the administration of this chapter, these
19637 moneys shall be replaced by moneys appropriated for that purpose
19638 from the General Revenue Fund to the Employment Security
19639 Administration Trust Fund for expenditure as provided in
19640 subsection (1). Upon receipt of notice of such a finding by the
19641 United States Secretary of Labor, the Department of Economic
19642 Opportunity ~~Agency for Workforce Innovation~~ shall promptly
19643 report the amount required for replacement to the Governor. The
19644 Governor shall, at the earliest opportunity, submit to the
19645 Legislature a request for the appropriation of the replacement
19646 funds.
19647 (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its
19648 duties under s. 443.181, the Department of Economic Opportunity
19649 ~~Agency for Workforce Innovation~~ is responsible for the deposit,
19650 requisition, expenditure, approval of payment, reimbursement,
19651 and reporting in regard to the trust funds established by this
19652 section.
19653 Section 379. Section 443.221, Florida Statutes, is amended
19654 to read:
19655 443.221 Reciprocal arrangements.—
19656 (1)(a) The Department of Economic Opportunity ~~Agency for~~
19657 ~~Workforce Innovation~~ or its tax collection service provider may
19658 enter into reciprocal arrangements with other states or with the
19659 Federal Government, or both, for considering services performed
19660 by an individual for a single employing unit for which services
19661 are performed by the individual in more than one state as
19662 services performed entirely within any one of the states:



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19663 1. In which any part of the individual's service is
19664 performed;
19665 2. In which the individual has her or his residence; or
19666 3. In which the employing unit maintains a place of
19667 business.
19668 (b) For services to be considered as performed within a
19669 state under a reciprocal agreement, the employing unit must have
19670 an election in effect for those services, which is approved by
19671 the agency charged with the administration of such state's
19672 unemployment compensation law, under which all the services
19673 performed by the individual for the employing unit are deemed to
19674 be performed entirely within that state.
19675 (c) The department ~~Agency for Workforce Innovation~~ shall
19676 participate in any arrangements for the payment of compensation
19677 on the basis of combining an individual's wages and employment
19678 covered under this chapter with her or his wages and employment
19679 covered under the unemployment compensation laws of other
19680 states, which are approved by the United States Secretary of
19681 Labor, in consultation with the state unemployment compensation
19682 agencies, as reasonably calculated to assure the prompt and full
19683 payment of compensation in those situations and which include
19684 provisions for:
19685 1. Applying the base period of a single state law to a
19686 claim involving the combining of an individual's wages and
19687 employment covered under two or more state unemployment
19688 compensation laws; and
19689 2. Avoiding the duplicate use of wages and employment
19690 because of the combination.
19691 (d) Contributions or reimbursements due under this chapter



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19692 with respect to wages for insured work are, for the purposes of
19693 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
19694 to the fund as of the date payment was made as contributions or
19695 reimbursements therefor under another state or federal
19696 unemployment compensation law, but an arrangement may not be
19697 entered into unless it contains provisions for reimbursement to
19698 the fund of the contributions or reimbursements and the actual
19699 earnings thereon as the department ~~Agency for Workforce~~
19700 ~~Innovation~~ or its tax collection service provider finds are fair
19701 and reasonable as to all affected interests.
19702 (2) The Department of Economic Opportunity ~~Agency for~~
19703 ~~Workforce Innovation~~ or its tax collection service provider may
19704 make to other state or federal agencies and receive from these
19705 other state or federal agencies reimbursements from or to the
19706 fund, in accordance with arrangements entered into under
19707 subsection (1).
19708 (3) The Department of Economic Opportunity ~~Agency for~~
19709 ~~Workforce Innovation~~ or its tax collection service provider may
19710 enter into reciprocal arrangements with other states or the
19711 Federal Government, or both, for exchanging services,
19712 determining and enforcing payment obligations, and making
19713 available facilities and information. The department ~~Agency for~~
19714 ~~Workforce Innovation~~ or its tax collection service provider may
19715 conduct investigations, secure and transmit information, make
19716 available services and facilities, and exercise other powers
19717 provided under this chapter to facilitate the administration of
19718 any unemployment compensation or public employment service law
19719 and, in a similar manner, accept and use information, services,
19720 and facilities made available to this state by the agency



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19721 charged with the administration of any other unemployment
19722 compensation or public employment service law.
19723 (4) To the extent permissible under federal law, the
19724 Department of Economic Opportunity ~~Agency for Workforce~~
19725 ~~Innovation~~ may enter into or cooperate in arrangements whereby
19726 facilities and services provided under this chapter and
19727 facilities and services provided under the unemployment
19728 compensation law of any foreign government may be used for the
19729 taking of claims and the payment of benefits under the
19730 employment security law of the state or under a similar law of
19731 that government.
19732 Section 380. Subsection (1) of section 445.002, Florida
19733 Statutes, is amended to read:
19734 445.002 Definitions.—As used in this chapter, the term:
19735 (1) "Department ~~Agency~~" means the Department of Economic
19736 Opportunity ~~Agency for Workforce Innovation~~.
19737 Section 381. Paragraph (b) of subsection (3) of section
19738 445.003, Florida Statutes, is amended to read:
19739 445.003 Implementation of the federal Workforce Investment
19740 Act of 1998.—
19741 (3) FUNDING.—
19742 (b) The administrative entity for Title I, Workforce
19743 Investment Act of 1998 funds, and Rapid Response activities,
19744 shall be the Department of Economic Opportunity ~~Agency for~~
19745 ~~Workforce Innovation~~, which shall provide direction to regional
19746 workforce boards regarding Title I programs and Rapid Response
19747 activities pursuant to the direction of Workforce Florida, Inc.
19748 Section 382. Subsection (1), paragraph (a) of subsection
19749 (3), and paragraphs (b), (c), (d), (e), and (g) of subsection



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19750 (5) of section 445.004, Florida Statutes, are amended to read:
19751 445.004 Workforce Florida, Inc.; creation; purpose;
19752 membership; duties and powers.—
19753 (1) There is created a not-for-profit corporation, to be
19754 known as "Workforce Florida, Inc.," which shall be registered,
19755 incorporated, organized, and operated in compliance with chapter
19756 617, and which shall not be a unit or entity of state government
19757 and shall be exempt from chapters 120 and 287. Workforce
19758 Florida, Inc., shall apply the procurement and expenditure
19759 procedures required by federal law for the expenditure of
19760 federal funds. Workforce Florida, Inc., shall be
19761 administratively housed within the Department of Economic
19762 Opportunity ~~Agency for Workforce Innovation~~; however, Workforce
19763 Florida, Inc., shall not be subject to control, supervision, or
19764 direction by the department ~~Agency for Workforce Innovation~~ in
19765 any manner. The Legislature determines, however, that public
19766 policy dictates that Workforce Florida, Inc., operate in the
19767 most open and accessible manner consistent with its public
19768 purpose. To this end, the Legislature specifically declares that
19769 Workforce Florida, Inc., its board, councils, and any advisory
19770 committees or similar groups created by Workforce Florida, Inc.,
19771 are subject to the provisions of chapter 119 relating to public
19772 records, and those provisions of chapter 286 relating to public
19773 meetings.
19774 (3)(a) Workforce Florida, Inc., shall be governed by a
19775 board of directors, the number of directors to be determined by
19776 the Governor, whose membership and appointment must be
19777 consistent with Pub. L. No. 105-220, Title I, s. 111(b)~~, and~~
19778 ~~contain one member representing the licensed nonpublic~~



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19779 ~~postsecondary educational institutions authorized as individual~~
19780 ~~training account providers, one member from the staffing service~~
19781 ~~industry, at least one member who is a current or former~~
19782 ~~recipient of welfare transition services as defined in s.~~
19783 ~~445.002(3) or workforce services as provided in s. 445.009(1),~~
19784 ~~and five representatives of organized labor who shall be~~
19785 ~~appointed by the Governor~~. Members described in Pub. L. No. 105-
19786 220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members.
19787 The importance of minority, gender, and geographic
19788 representation shall be considered when making appointments to
19789 the board. The Governor, when in attendance, shall preside at
19790 all meetings of the board of directors.
19791 (5) Workforce Florida, Inc., shall have all the powers and
19792 authority, not explicitly prohibited by statute, necessary or
19793 convenient to carry out and effectuate the purposes as
19794 determined by statute, Pub. L. No. 105-220, and the Governor, as
19795 well as its functions, duties, and responsibilities, including,
19796 but not limited to, the following:
19797 (b) Providing oversight and policy direction to ensure that
19798 the following programs are administered by the department ~~Agency~~
19799 ~~for Workforce Innovation~~ in compliance with approved plans and
19800 under contract with Workforce Florida, Inc.:
19801 1. Programs authorized under Title I of the Workforce
19802 Investment Act of 1998, Pub. L. No. 105-220, with the exception
19803 of programs funded directly by the United States Department of
19804 Labor under Title I, s. 167.
19805 2. Programs authorized under the Wagner-Peyser Act of 1933,
19806 as amended, 29 U.S.C. ss. 49 et seq.
19807 3. Activities authorized under Title II of the Trade Act of



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19808 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
19809 Adjustment Assistance Program.
19810 4. Activities authorized under 38 U.S.C., chapter 41,
19811 including job counseling, training, and placement for veterans.
19812 5. Employment and training activities carried out under
19813 funds awarded to this state by the United States Department of
19814 Housing and Urban Development.
19815 6. Welfare transition services funded by the Temporary
19816 Assistance for Needy Families Program, created under the
19817 Personal Responsibility and Work Opportunity Reconciliation Act
19818 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
19819 of the Social Security Act, as amended.
19820 7. Displaced homemaker programs, provided under s. 446.50.
19821 8. The Florida Bonding Program, provided under Pub. L. No.
19822 97-300, s. 164(a)(1).
19823 9. The Food Assistance Employment and Training Program,
19824 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
19825 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
19826 and the Hunger Prevention Act, Pub. L. No. 100-435.
19827 10. The Quick-Response Training Program, provided under ss.
19828 288.046-288.047. Matching funds and in-kind contributions that
19829 are provided by clients of the Quick-Response Training Program
19830 shall count toward the requirements of s. 288.904
19831 ~~288.90151(5)(d)~~, pertaining to the return on investment from
19832 activities of Enterprise Florida, Inc.
19833 11. The Work Opportunity Tax Credit, provided under the Tax
19834 and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and
19835 the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.
19836 12. Offender placement services, provided under ss.



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19837 944.707-944.708.
19838 (c) The department ~~agency~~ may adopt rules necessary to
19839 administer the provisions of this chapter which relate to
19840 implementing and administering the programs listed in paragraph
19841 (b) as well as rules related to eligible training providers and
19842 auditing and monitoring subrecipients of the workforce system
19843 grant funds.
19844 (d) Contracting with public and private entities as
19845 necessary to further the directives of this section. All
19846 contracts executed by Workforce Florida, Inc., must include
19847 specific performance expectations and deliverables. All
19848 Workforce Florida, Inc., contracts, including those solicited,
19849 managed, or paid by the department ~~Agency for Workforce~~
19850 ~~Innovation~~ pursuant to s. 20.60(5)(c) ~~20.50(2)~~ are exempt from
19851 s. 112.061, but shall be governed by subsection (1).
19852 (e) Notifying the Governor, the President of the Senate,
19853 and the Speaker of the House of Representatives of noncompliance
19854 by the department ~~Agency for Workforce Innovation~~ or other
19855 agencies or obstruction of the board's efforts by such agencies.
19856 Upon such notification, the Executive Office of the Governor
19857 shall assist agencies to bring them into compliance with board
19858 objectives.
19859 (g) Establish a dispute resolution process for all
19860 memoranda of understanding or other contracts or agreements
19861 entered into between the department ~~agency~~ and regional
19862 workforce boards.
19863 Section 383. Subsection (1) of section 445.007, Florida
19864 Statutes, is amended to read:
19865 445.007 Regional workforce boards.—



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19866 (1) One regional workforce board shall be appointed in each
19867 designated service delivery area and shall serve as the local
19868 workforce investment board pursuant to Pub. L. No. 105-220. The
19869 membership of the board shall be consistent with Pub. L. No.
19870 105-220, Title I, s. 117(b)~~, and contain one representative from~~
19871 ~~a nonpublic postsecondary educational institution that is an~~
19872 ~~authorized individual training account provider within the~~
19873 ~~region and confers certificates and diplomas, one representative~~
19874 ~~from a nonpublic postsecondary educational institution that is~~
19875 ~~an authorized individual training account provider within the~~
19876 ~~region and confers degrees, and three representatives of~~
19877 ~~organized labor~~. The board shall include one nonvoting
19878 representative from a military installation if a military
19879 installation is located within the region and the appropriate
19880 military command or organization authorizes such representation.
19881 It is the intent of the Legislature that membership of a
19882 regional workforce board include persons who are current or
19883 former recipients of welfare transition assistance as defined in
19884 s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in
19885 s. 445.009(1) or that such persons be included as ex officio
19886 members of the board or of committees organized by the board.
19887 The importance of minority and gender representation shall be
19888 considered when making appointments to the board. The board, its
19889 committees, subcommittees, and subdivisions, and other units of
19890 the workforce system, including units that may consist in whole
19891 or in part of local governmental units, may use any method of
19892 telecommunications to conduct meetings, including establishing a
19893 quorum through telecommunications, provided that the public is
19894 given proper notice of the telecommunications meeting and



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19895 reasonable access to observe and, when appropriate, participate.
19896 Regional workforce boards are subject to chapters 119 and 286
19897 and s. 24, Art. I of the State Constitution. If the regional
19898 workforce board enters into a contract with an organization or
19899 individual represented on the board of directors, the contract
19900 must be approved by a two-thirds vote of the ~~entire~~ board, a
19901 quorum having been established, and the board member who could
19902 benefit financially from the transaction must abstain from
19903 voting on the contract. A board member must disclose any such
19904 conflict in a manner that is consistent with the procedures
19905 outlined in s. 112.3143.
19906 Section 384. Subsections (3) and (9) of section 445.009,
19907 Florida Statutes, are amended to read:
19908 445.009 One-stop delivery system.—
19909 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards
19910 shall enter into a memorandum of understanding with the
19911 Department of Economic Opportunity ~~Agency for Workforce~~
19912 ~~Innovation~~ for the delivery of employment services authorized by
19913 the federal Wagner-Peyser Act. This memorandum of understanding
19914 must be performance based.
19915 (a) Unless otherwise required by federal law, at least 90
19916 percent of the Wagner-Peyser funding must go into direct
19917 customer service costs.
19918 (b) Employment services must be provided through the one-
19919 stop delivery system, under the guidance of one-stop delivery
19920 system operators. One-stop delivery system operators shall have
19921 overall authority for directing the staff of the workforce
19922 system. Personnel matters shall remain under the ultimate
19923 authority of the department ~~Agency for Workforce Innovation~~.



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19924 However, the one-stop delivery system operator shall submit to
19925 the department ~~agency~~ information concerning the job performance
19926 of ~~agency~~ employees of the department who deliver employment
19927 services. The department ~~agency~~ shall consider any such
19928 information submitted by the one-stop delivery system operator
19929 in conducting performance appraisals of the employees.
19930 (c) The department ~~agency~~ shall retain fiscal
19931 responsibility and accountability for the administration of
19932 funds allocated to the state under the Wagner-Peyser Act. An
19933 ~~agency~~ employee of the department who is providing services
19934 authorized under the Wagner-Peyser Act shall be paid using
19935 Wagner-Peyser Act funds.
19936 (9)(a) Workforce Florida, Inc., working with the department
19937 ~~Agency for Workforce Innovation~~, shall coordinate among the
19938 agencies a plan for a One-Stop Electronic Network made up of
19939 one-stop delivery system centers and other partner agencies that
19940 are operated by authorized public or private for-profit or not-
19941 for-profit agents. The plan shall identify resources within
19942 existing revenues to establish and support this electronic
19943 network for service delivery that includes Government Services
19944 Direct. If necessary, the plan shall identify additional funding
19945 needed to achieve the provisions of this subsection.
19946 (b) The network shall assure that a uniform method is used
19947 to determine eligibility for and management of services provided
19948 by agencies that conduct workforce development activities. The
19949 Department of Management Services shall develop strategies to
19950 allow access to the databases and information management systems
19951 of the following systems in order to link information in those
19952 databases with the one-stop delivery system:



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19953 1. The Unemployment Compensation Program under chapter 443
19954 ~~of the Agency for Workforce Innovation~~.
19955 2. The public employment service described in s. 443.181.
19956 3. The FLORIDA System and the components related to
19957 temporary cash assistance, food assistance, and Medicaid
19958 eligibility.
19959 4. The Student Financial Assistance System of the
19960 Department of Education.
19961 5. Enrollment in the public postsecondary education system.
19962 6. Other information systems determined appropriate by
19963 Workforce Florida, Inc.
19964 Section 385. Subsection (5) of section 445.016, Florida
19965 Statutes, is amended to read:
19966 445.016 Untried Worker Placement and Employment Incentive
19967 Act.—
19968 (5) Incentives must be paid according to the incentive
19969 schedule developed by Workforce Florida, Inc., the Department of
19970 Economic Opportunity ~~Agency for Workforce Development~~, and the
19971 Department of Children and Family Services which costs the state
19972 less per placement than the state's 12-month expenditure on a
19973 welfare recipient.
19974 Section 386. Subsection (1) of section 445.024, Florida
19975 Statutes, is amended to read:
19976 445.024 Work requirements.—
19977 (1) WORK ACTIVITIES.—The Department of Economic Opportunity
19978 ~~Agency for Workforce Innovation~~ may develop activities under
19979 each of the following categories of work activities. The
19980 following categories of work activities, based on federal law
19981 and regulations, may be used individually or in combination to



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19982 satisfy the work requirements for a participant in the temporary
19983 cash assistance program:
19984 (a) Unsubsidized employment.
19985 (b) Subsidized private sector employment.
19986 (c) Subsidized public sector employment.
19987 (d) On-the-job training.
19988 (e) Community service programs.
19989 (f) Work experience.
19990 (g) Job search and job readiness assistance.
19991 (h) Vocational educational training.
19992 (i) Job skills training directly related to employment.
19993 (j) Education directly related to employment.
19994 (k) Satisfactory attendance at a secondary school or in a
19995 course of study leading to a graduate equivalency diploma.
19996 (l) Providing child care services.
19997 Section 387. Subsection (1) of section 445.0325, Florida
19998 Statutes, is amended to read:
19999 445.0325 Welfare Transition Trust Fund.—
20000 (1) The Welfare Transition Trust Fund is created in the
20001 State Treasury, to be administered by the Department of Economic
20002 Opportunity ~~Agency for Workforce Innovation~~. Funds shall be
20003 credited to the trust fund to be used for the purposes of the
20004 welfare transition program set forth in ss. 445.017-445.032.
20005 Section 388. Section 445.038, Florida Statutes, is amended
20006 to read:
20007 445.038 Digital media; job training.—Workforce Florida,
20008 Inc., through the Department of Economic Opportunity ~~Agency for~~
20009 ~~Workforce Innovation~~, may use funds dedicated for Incumbent
20010 Worker Training for the digital media industry. Training may be



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20011 provided by public or private training providers for broadband
20012 digital media jobs listed on the targeted occupations list
20013 developed by the Workforce Estimating Conference or Workforce
20014 Florida, Inc. Programs that operate outside the normal semester
20015 time periods and coordinate the use of industry and public
20016 resources should be given priority status for funding.
20017 Section 389. Subsection (2), paragraph (b) of subsection
20018 (4), and subsection (6) of section 445.045, Florida Statutes,
20019 are amended to read:
20020 445.045 Development of an Internet-based system for
20021 information technology industry promotion and workforce
20022 recruitment.—
20023 (2) Workforce Florida, Inc., shall coordinate with the
20024 Agency for Enterprise Information Technology and the Department
20025 of Economic Opportunity ~~Agency for Workforce Innovation~~ to
20026 ensure links, where feasible and appropriate, to existing job
20027 information websites maintained by the state and state agencies
20028 and to ensure that information technology positions offered by
20029 the state and state agencies are posted on the information
20030 technology website.
20031 (4)
20032 (b) Workforce Florida, Inc., may enter into an agreement
20033 with the Agency for Enterprise Information Technology, the
20034 Department of Economic Opportunity ~~Agency for Workforce~~
20035 ~~Innovation~~, or any other public agency with the requisite
20036 information technology expertise for the provision of design,
20037 operating, or other technological services necessary to develop
20038 and maintain the website.
20039 (6) In fulfilling its responsibilities under this section,



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20040 Workforce Florida, Inc., may enlist the assistance of and act
20041 through the Department of Economic Opportunity ~~Agency for~~
20042 ~~Workforce Innovation~~. The department ~~agency~~ is authorized and
20043 directed to provide the services that Workforce Florida, Inc.,
20044 and the department ~~agency~~ consider necessary to implement this
20045 section.
20046 Section 390. Subsection (1), paragraph (b) of subsection
20047 (4), and subsection (5) of section 445.048, Florida Statutes,
20048 are amended to read:
20049 445.048 Passport to Economic Progress program.—
20050 (1) AUTHORIZATION.—Notwithstanding any law to the contrary,
20051 Workforce Florida, Inc., in conjunction with the Department of
20052 Children and Family Services and the Department of Economic
20053 Opportunity ~~Agency for Workforce Innovation~~, shall implement a
20054 Passport to Economic Progress program consistent with the
20055 provisions of this section. Workforce Florida, Inc., may
20056 designate regional workforce boards to participate in the
20057 program. Expenses for the program may come from appropriated
20058 revenues or from funds otherwise available to a regional
20059 workforce board which may be legally used for such purposes.
20060 Workforce Florida, Inc., must consult with the applicable
20061 regional workforce boards and the applicable local offices of
20062 the Department of Children and Family Services which serve the
20063 program areas and must encourage community input into the
20064 implementation process.
20065 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—
20066 (b) Workforce Florida, Inc., in cooperation with the
20067 Department of Children and Family Services and the Department of
20068 Economic Opportunity ~~Agency for Workforce Innovation~~, shall



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20069 offer performance-based incentive bonuses as a component of the
20070 Passport to Economic Progress program. The bonuses do not
20071 represent a program entitlement and shall be contingent on
20072 achieving specific benchmarks prescribed in the self-sufficiency
20073 plan. If the funds appropriated for this purpose are
20074 insufficient to provide this financial incentive, the board of
20075 directors of Workforce Florida, Inc., may reduce or suspend the
20076 bonuses in order not to exceed the appropriation or may direct
20077 the regional boards to use resources otherwise given to the
20078 regional workforce to pay such bonuses if such payments comply
20079 with applicable state and federal laws.
20080 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,
20081 Inc., in conjunction with the Department of Children and Family
20082 Services, the Department of Economic Opportunity ~~Agency for~~
20083 ~~Workforce Innovation~~, and the regional workforce boards, shall
20084 conduct a comprehensive evaluation of the effectiveness of the
20085 program operated under this section. Evaluations and
20086 recommendations for the program shall be submitted by Workforce
20087 Florida, Inc., as part of its annual report to the Legislature.
20088 Section 391. Subsection (2) of section 445.049, Florida
20089 Statutes, is amended to read:
20090 445.049 Digital Divide Council.—
20091 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is
20092 created in the Department of Education. The council shall
20093 consist of:
20094 (a) A representative from the information technology
20095 industry in this state appointed by the Governor.
20096 (b) The executive director of the Department of Economic
20097 Opportunity, or his or her designee ~~The director of the Office~~



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20098 ~~of Tourism, Trade, and Economic Development in the Executive~~
20099 ~~Office of the Governor~~.
20100 (c) The president of Workforce Florida, Inc.
20101 ~~(d) The director of the Agency for Workforce Innovation.~~
20102 (d) ~~(e)~~ The chair of itflorida.com, Inc.
20103 (e) ~~(f)~~ The Commissioner of Education.
20104 (f) ~~(g)~~ A representative of the information technology
20105 industry in this state appointed by the Speaker of the House of
20106 Representatives.
20107 (g) ~~(h)~~ A representative of the information technology
20108 industry in this state appointed by the President of the Senate.
20109 (h) ~~(i)~~ Two members of the House of Representatives, who
20110 shall be ex officio, nonvoting members of the council, appointed
20111 by the Speaker of the House of Representatives, one of whom
20112 shall be a member of the Republican Caucus and the other of whom
20113 shall be a member of the Democratic Caucus.
20114 (i) ~~(j)~~ Two members of the Senate, who shall be ex officio,
20115 nonvoting members of the council, appointed by the President of
20116 the Senate, one of whom shall be a member of the Republican
20117 Caucus and the other of whom shall be a member of the Democratic
20118 Caucus.
20119 Section 392. Subsection (13) of section 445.051, Florida
20120 Statutes, is amended to read:
20121 445.051 Individual development accounts.—
20122 (13) Pursuant to policy direction by Workforce Florida,
20123 Inc., the Department of Economic Opportunity ~~Agency for~~
20124 ~~Workforce Innovation~~ shall adopt such rules as are necessary to
20125 implement this act.
20126 Section 393. Section 445.056, Florida Statutes, is amended



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20127 to read:
20128 445.056 Citizen Soldier Matching Grant Program.—The
20129 Department of Economic Opportunity ~~Agency for Workforce~~
20130 ~~Innovation~~ shall implement the ~~establish a~~ matching grant
20131 program established by the former Agency for Workforce
20132 Innovation to award matching grants to private sector employers
20133 in this state which ~~that~~ provide wages to employees serving in
20134 the United States Armed Forces Reserves or the Florida National
20135 Guard while those employees are on federal active duty. A grant
20136 may not be provided for federal active duty served before
20137 January 1, 2005. Each grant shall be awarded to reimburse the
20138 employer for not more than one-half of the monthly wages paid to
20139 an employee who is a resident of this state for the actual
20140 period of federal active duty. The monthly grant per employee
20141 may not exceed one-half of the difference between the amount of
20142 monthly wages paid by the employer to the employee at the level
20143 paid before the date the employee was called to federal active
20144 duty and the amount of the employee's active duty base pay,
20145 housing and variable allowances, and subsistence allowance. The
20146 Department of Economic Opportunity shall implement the plan
20147 administered by the former Agency for Workforce Innovation. ~~The~~
20148 ~~agency shall develop a plan by no later than October 1, 2005,~~
20149 ~~subject to the notice, review, and objection procedures of s.~~
20150 ~~216.177, to administer the application and payment procedures~~
20151 ~~for the matching grant program. The Agency for Workforce~~
20152 ~~Innovation shall not award any matching grants prior to the~~
20153 ~~approval of the plan.~~
20154 Section 394. Section 450.261, Florida Statutes, is amended
20155 to read:



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20156 450.261 Interstate Migrant Labor Commission; Florida
20157 membership.—In selecting the Florida membership of the
20158 Interstate Migrant Labor Commission, the Governor may designate
20159 the secretary of the Department of Economic Opportunity
20160 ~~Community Affairs~~ as his or her representative. The two
20161 legislative members shall be chosen from among the members of
20162 the Legislative Commission on Migrant Labor, and at least one of
20163 the two members appointed by the Governor shall be chosen from
20164 among the members of the advisory committee to that commission.
20165 Section 395. Section 446.41, Florida Statutes, is amended
20166 to read:
20167 446.41 Legislative intent with respect to rural workforce
20168 training and development; establishment of Rural Workforce
20169 Services Program.—In order that the state may achieve its full
20170 economic and social potential, consideration must be given to
20171 rural workforce training and development to enable its rural
20172 citizens as well as urban citizens to develop their maximum
20173 capacities and participate productively in our society. It is,
20174 therefore, the policy of the state to make available those
20175 services needed to assist individuals and communities in rural
20176 areas to improve their quality of life. It is with a great sense
20177 of urgency that a Rural Workforce Services Program is
20178 established within the Department of Economic Opportunity ~~Agency~~
20179 ~~for Workforce Innovation~~, under the direction of Workforce
20180 Florida, Inc., to provide equal access to all manpower training
20181 programs available to rural as well as urban areas.
20182 Section 396. Section 446.50, Florida Statutes, is amended
20183 to read:
20184 446.50 Displaced homemakers; multiservice programs; report



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20185 to the Legislature; Displaced Homemaker Trust Fund created.—
20186 (1) INTENT.—It is the intent of the Legislature to require
20187 the Department of Economic Opportunity ~~Agency for Workforce~~
20188 ~~Innovation~~ to enter into contracts with, and make grants to,
20189 public and nonprofit private entities for purposes of
20190 establishing multipurpose service programs to provide necessary
20191 training, counseling, and services for displaced homemakers so
20192 that they may enjoy the independence and economic security vital
20193 to a productive life.
20194 (2) DEFINITIONS.—For the purposes of this section, the
20195 term~~:~~
20196 ~~(a)~~ "displaced homemaker" means an individual who:
20197 (a)~~1.~~ Is 35 years of age or older;
20198 (b)~~2.~~ Has worked in the home, providing unpaid household
20199 services for family members;
20200 (c)~~3.~~ Is not adequately employed, as defined by rule of the
20201 agency;
20202 (d)~~4.~~ Has had, or would have, difficulty in securing
20203 adequate employment; and
20204 (e)~~5.~~ Has been dependent on the income of another family
20205 member but is no longer supported by such income, or has been
20206 dependent on federal assistance.
20207 ~~(b) "Agency" means the Agency for Workforce Innovation.~~
20208 (3) ~~AGENCY~~ POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
20209 OPPORTUNITY.—
20210 (a) The Department of Economic Opportunity ~~agency~~, under
20211 plans established by Workforce Florida, Inc., shall establish,
20212 or contract for the establishment of, programs for displaced
20213 homemakers which shall include:



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1. Job counseling, by professionals and peers, specifically designed for a person entering the job market after a number of years as a homemaker.

2. Job training and placement services, including:

a. Training programs for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and developed by working with public and private employers.

b. Assistance in locating available employment for displaced homemakers, some of whom could be employed in existing job training and placement programs.

c. Utilization of the services of the state employment service in locating employment opportunities.

3. Financial management services providing information and assistance with respect to insurance, including, but not limited to, life, health, home, and automobile insurance, and taxes, estate and probate problems, mortgages, loans, and other related financial matters.

4. Educational services, including high school equivalency degree and such other courses as the department ~~agency~~ determines would be of interest and benefit to displaced homemakers.

5. Outreach and information services with respect to federal and state employment, education, health, and unemployment assistance programs that ~~which~~ the department ~~agency~~ determines would be of interest and benefit to displaced homemakers.

(b)1. The department ~~agency~~ shall enter into contracts with, and make grants to, public and nonprofit private entities



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for purposes of establishing multipurpose service programs for displaced homemakers under this section. Such grants and contracts shall be awarded pursuant to chapter 287 and based on criteria established in the state plan developed pursuant to this section. The department ~~agency~~ shall designate catchment areas that ~~which~~ together, shall compose ~~comprise~~ the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, the department ~~agency~~ shall contract with, and make grants to, entities that ~~which~~ will serve entire catchment areas so that displaced homemaker service programs are available statewide. These catchment areas shall be coterminous with the state's workforce development regions. The department ~~agency~~ may give priority to existing displaced homemaker programs when evaluating bid responses to the ~~agency's~~ request for proposals.

2. In order to receive funds under this section, and unless specifically prohibited by law from doing so, an entity that provides displaced homemaker service programs must receive at least 25 percent of its funding from one or more local, municipal, or county sources or nonprofit private sources. In-kind contributions may be evaluated by the department ~~agency~~ and counted as part of the required local funding.

3. The department ~~agency~~ shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to the department ~~agency~~. Such data shall include, but shall not be limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with



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20272 specific services and program administration, total program
20273 revenues by source and other appropriate financial data, and
20274 client followup information at specified intervals after the
20275 placement of a displaced homemaker in a job.
20276 (c) The department ~~agency~~ shall consult and cooperate with
20277 the Commissioner of Education, the United States Commissioner of
20278 the Social Security Administration, and such other persons in
20279 the executive branch of the state government as the department
20280 ~~agency~~ considers appropriate to facilitate the coordination of
20281 multipurpose service programs established under this section
20282 with existing programs of a similar nature.
20283 (d) Supervisory, technical, and administrative positions
20284 relating to programs established under this section shall, to
20285 the maximum extent practicable, be filled by displaced
20286 homemakers.
20287 (e) The department ~~agency~~ shall adopt rules establishing
20288 minimum standards necessary for entities that provide displaced
20289 homemaker service programs to receive funds ~~from the agency~~ and
20290 any other rules necessary to administer this section.
20291 (4) STATE PLAN.—
20292 (a) The Department of Economic Opportunity ~~Agency for~~
20293 ~~Workforce Innovation~~ shall develop a 3-year state plan for the
20294 displaced homemaker program which shall be updated annually. The
20295 plan must address, at a minimum, the need for programs
20296 specifically designed to serve displaced homemakers, any
20297 necessary service components for such programs in addition to
20298 those enumerated in this section, goals of the displaced
20299 homemaker program with an analysis of the extent to which those
20300 goals are being met, and recommendations for ways to address any



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20301 unmet program goals. Any request for funds for program expansion
20302 must be based on the state plan.
20303 (b) Each annual update must address any changes in the
20304 components of the 3-year state plan and a report that ~~which~~ must
20305 include, but need not be limited to, the following:
20306 1. The scope of the incidence of displaced homemakers;
20307 2. A compilation and report, by program, of data submitted
20308 to the department ~~agency~~ pursuant to subparagraph 3. by funded
20309 displaced homemaker service programs;
20310 3. An identification and description of the programs in the
20311 state which ~~that~~ receive funding from the department ~~agency~~,
20312 including funding information; and
20313 4. An assessment of the effectiveness of each displaced
20314 homemaker service program based on outcome criteria established
20315 by rule of the department ~~agency~~.
20316 (c) The 3-year state plan must be submitted to the
20317 President of the Senate, the Speaker of the House of
20318 Representatives, and the Governor on or before January 1, 2001,
20319 and annual updates of the plan must be submitted by January 1 of
20320 each subsequent year.
20321 (5) DISPLACED HOMEMAKER TRUST FUND.—
20322 (a) There is established within the State Treasury a
20323 Displaced Homemaker Trust Fund to be used by the Department of
20324 Economic Opportunity ~~agency~~ for its administration of the
20325 displaced homemaker program and to fund displaced homemaker
20326 service programs according to criteria established under this
20327 section.
20328 (b) The trust fund shall receive funds generated from an
20329 additional fee on marriage license applications and dissolution



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20330 of marriage filings as specified in ss. 741.01(3) and 28.101,
20331 respectively, and may receive funds from any other public or
20332 private source.
20333 (c) Funds that are not expended by the department ~~agency~~ at
20334 the end of the budget cycle or through a supplemental budget
20335 approved by the department ~~agency~~ shall revert to the trust
20336 fund.
20337 Section 397. Section 446.52, Florida Statutes, is amended
20338 to read:
20339 446.52 Confidentiality of information.—Information about
20340 displaced homemakers who receive services under ss. 446.50 and
20341 446.51 which is received through files, reports, inspections, or
20342 otherwise, by the Department of Economic Opportunity ~~division~~ or
20343 by its authorized employees ~~of the division~~, by persons who
20344 volunteer services, or by persons who provide services to
20345 displaced homemakers under ss. 446.50 and 446.51 through
20346 contracts with the department ~~division~~ is confidential and
20347 exempt from the provisions of s. 119.07(1). Such information may
20348 not be disclosed publicly in such a manner as to identify a
20349 displaced homemaker, unless such person or the person's legal
20350 guardian provides written consent.
20351 Section 398. Paragraph (a) of subsection (3) of section
20352 448.109, Florida Statutes, is amended to read:
20353 448.109 Notification of the state minimum wage.—
20354 (3)(a) Each year the Department of Economic Opportunity
20355 ~~Agency for Workforce Innovation~~ shall, on or before December 1,
20356 create and make available to employers a poster in English and
20357 in Spanish which reads substantially as follows:
20358



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20359 NOTICE TO EMPLOYEES
20360
20361 The Florida minimum wage is $...(amount)... per hour,
20362 with a minimum wage of at least $...(amount)... per
20363 hour for tipped employees, in addition to tips, for
20364 January 1, ...(year)..., through December 31,
20365 ...(year)....
20366
20367 The rate of the minimum wage is recalculated yearly on
20368 September 30, based on the Consumer Price Index. Every
20369 year on January 1 the new Florida minimum wage takes
20370 effect.
20371
20372 An employer may not retaliate against an employee for
20373 exercising his or her right to receive the minimum
20374 wage. Rights protected by the State Constitution
20375 include the right to:
20376 1. File a complaint about an employer's alleged
20377 noncompliance with lawful minimum wage requirements.
20378 2. Inform any person about an employer's alleged
20379 noncompliance with lawful minimum wage requirements.
20380 3. Inform any person of his or her potential
20381 rights under Section 24, Article X of the State
20382 Constitution and to assist him or her in asserting
20383 such rights.
20384
20385 An employee who has not received the lawful minimum
20386 wage after notifying his or her employer and giving
20387 the employer 15 days to resolve any claims for unpaid



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20388 wages may bring a civil action in a court of law
20389 against an employer to recover back wages plus damages
20390 and attorney's fees.
20391
20392 An employer found liable for intentionally violating
20393 minimum wage requirements is subject to a fine of
20394 $1,000 per violation, payable to the state.
20395
20396 The Attorney General or other official designated by
20397 the Legislature may bring a civil action to enforce
20398 the minimum wage.
20399
20400 For details see Section 24, Article X of the State
20401 Constitution.
20402 Section 399. Subsections (2), (4), and (11) of section
20403 448.110, Florida Statutes, are amended to read:
20404 448.110 State minimum wage; annual wage adjustment;
20405 enforcement.—
20406 (2) The purpose of this section is to provide measures
20407 appropriate for the implementation of s. 24, Art. X of the State
20408 Constitution, in accordance with authority granted to the
20409 Legislature pursuant to s. 24(f), Art. X of the State
20410 Constitution. To implement s. 24, Art. X of the State
20411 Constitution, the Department of Economic Opportunity is
20412 designated as the state Agency for Workforce Innovation.
20413 (4)(a) Beginning September 30, 2005, and annually on
20414 September 30 thereafter, the Department of Economic Opportunity
20415 ~~Agency for Workforce Innovation~~ shall calculate an adjusted
20416 state minimum wage rate by increasing the state minimum wage by



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20417 the rate of inflation for the 12 months prior to September 1. In
20418 calculating the adjusted state minimum wage, the Department of
20419 Economic Opportunity ~~agency~~ shall use the Consumer Price Index
20420 for Urban Wage Earners and Clerical Workers, not seasonally
20421 adjusted, for the South Region or a successor index as
20422 calculated by the United States Department of Labor. Each
20423 adjusted state minimum wage rate shall take effect on the
20424 following January 1, with the initial adjusted minimum wage rate
20425 to take effect on January 1, 2006.
20426 (b) The ~~Agency for Workforce Innovation and the~~ Department
20427 of Revenue and the Department of Economic Opportunity shall
20428 annually publish the amount of the adjusted state minimum wage
20429 and the effective date. Publication shall occur by posting the
20430 adjusted state minimum wage rate and the effective date on the
20431 Internet home pages of the Department of Economic Opportunity
20432 ~~agency~~ and the Department of Revenue by October 15 of each year.
20433 In addition, to the extent funded in the General Appropriations
20434 Act, the Department of Economic Opportunity ~~agency~~ shall provide
20435 written notice of the adjusted rate and the effective date of
20436 the adjusted state minimum wage to all employers registered in
20437 the most current unemployment compensation database. Such notice
20438 shall be mailed by November 15 of each year using the addresses
20439 included in the database. Employers are responsible for
20440 maintaining current address information in the unemployment
20441 compensation database. The Department of Economic Opportunity is
20442 ~~agency shall~~ not ~~be~~ responsible for failure to provide notice
20443 due to incorrect or incomplete address information in the
20444 database. The Department of Economic Opportunity ~~agency~~ shall
20445 provide the Department of Revenue with the adjusted state



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20446 minimum wage rate information and effective date in a timely
20447 manner.
20448 (11) Except for calculating the adjusted state minimum wage
20449 and publishing the initial state minimum wage and any annual
20450 adjustments thereto, the authority of the Department of Economic
20451 Opportunity ~~Agency for Workforce Innovation~~ in implementing s.
20452 24, Art. X of the State Constitution, pursuant to this section,
20453 shall be limited to that authority expressly granted by the
20454 Legislature.
20455 Section 400. Section 450.161, Florida Statutes, is amended
20456 to read:
20457 450.161 Chapter not to affect career education of children;
20458 other exceptions.—Nothing in this chapter shall prevent minors
20459 of any age from receiving career education furnished by the
20460 United States, this state, or any county or other political
20461 subdivision of this state and duly approved by the Department of
20462 Education or other duly constituted authority, nor any
20463 apprentice indentured under a plan approved by the Department of
20464 Economic Opportunity ~~Division of Jobs and Benefits~~, or prevent
20465 the employment of any minor 14 years of age or older when such
20466 employment is authorized as an integral part of, or supplement
20467 to, such a course in career education and is authorized by
20468 regulations of the district school board of the district in
20469 which such minor is employed, provided the employment is in
20470 compliance with the provisions of ss. 450.021(4) and 450.061.
20471 Exemptions for the employment of student learners 16 to 18 years
20472 of age are provided in s. 450.061. Such an exemption shall apply
20473 when:
20474 (1) The student learner is enrolled in a youth vocational



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20475 training program under a recognized state or local educational
20476 authority.
20477 (2) Such student learner is employed under a written
20478 agreement that ~~which~~ provides:
20479 (a) That the work of the student learner in the occupation
20480 declared particularly hazardous shall be incidental to the
20481 training.
20482 (b) That such work shall be intermittent and for short
20483 periods of time and under the direct and close supervision of a
20484 qualified and experienced person.
20485 (c) That safety instructions shall be given by the school
20486 and correlated by the employer with on-the-job training.
20487 (d) That a schedule of organized and progressive work
20488 processes to be performed on the job shall have been prepared.
20489
20490 Each such written agreement shall contain the name of the
20491 student learner and shall be signed by the employer, the school
20492 coordinator and principal, and the parent or legal guardian.
20493 Copies of each agreement shall be kept on file by both the
20494 school and the employer. This exemption for the employment of
20495 student learners may be revoked in any individual situation when
20496 it is found that reasonable precautions have not been observed
20497 for the safety of minors employed thereunder. A high school
20498 graduate may be employed in an occupation in which he or she has
20499 completed training as a student learner, as provided in this
20500 section, even though he or she is not yet 18 years of age.
20501 Section 401. Paragraph (j) of subsection (1) of section
20502 450.191, Florida Statutes, is amended to read:
20503 450.191 Executive Office of the Governor; powers and



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20504 duties.—
20505 (1) The Executive Office of the Governor is authorized and
20506 directed to:
20507 (j) Cooperate with the Department of Economic Opportunity
20508 ~~Agency for Workforce Innovation~~ in the recruitment and referral
20509 of migrant laborers and other persons for the planting,
20510 cultivation, and harvesting of agricultural crops in Florida.
20511 Section 402. Paragraph (e) of subsection (2) of section
20512 450.31, Florida Statutes, is amended to read:
20513 450.31 Issuance, revocation, and suspension of, and refusal
20514 to issue or renew, certificate of registration.—
20515 (2) The department may revoke, suspend, or refuse to issue
20516 or renew any certificate of registration when it is shown that
20517 the farm labor contractor has:
20518 (e) Failed to pay unemployment compensation taxes as
20519 determined by the Department of Economic Opportunity ~~Agency for~~
20520 ~~Workforce Innovation~~; or
20521 Section 403. Subsection (3) of section 468.529, Florida
20522 Statutes, is amended to read:
20523 468.529 Licensee's insurance; employment tax; benefit
20524 plans.—
20525 (3) A licensed employee leasing company shall within 30
20526 days after initiation or termination notify its workers'
20527 compensation insurance carrier, the Division of Workers'
20528 Compensation of the Department of Financial Services, and the
20529 state agency providing unemployment tax collection services
20530 under contract with the Department of Economic Opportunity
20531 ~~Agency for Workforce Innovation~~ through an interagency agreement
20532 pursuant to s. 443.1316 of both the initiation or the



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20533 termination of the company's relationship with any client
20534 company.
20535 Section 404. Subsection (21) of section 489.103, Florida
20536 Statutes, is amended to read:
20537 489.103 Exemptions.—This part does not apply to:
20538 (21) The sale, delivery, assembly, or tie-down of lawn
20539 storage buildings and storage buildings not exceeding 400 square
20540 feet and bearing the insignia of approval from the department ~~of~~
20541 ~~Community Affairs~~ showing compliance with the Florida Building
20542 Code.
20543 Section 405. Subsection (3) of section 489.109, Florida
20544 Statutes, is amended to read:
20545 489.109 Fees.—
20546 (3) In addition to the fees provided in subsection (1) for
20547 application and renewal for certification and registration, all
20548 certificateholders and registrants must pay a fee of $4 to the
20549 department at the time of application or renewal. The funds must
20550 be transferred at the end of each licensing period to the
20551 department ~~of Community Affairs~~ to fund projects relating to the
20552 building construction industry or continuing education programs
20553 offered to persons engaged in the building construction industry
20554 in Florida, to be selected by the Florida Building Commission.
20555 The board shall, at the time the funds are transferred, advise
20556 the department ~~of Community Affairs~~ on the most needed areas of
20557 research or continuing education based on significant changes in
20558 the industry's practices or on changes in the state building
20559 code or on the most common types of consumer complaints or on
20560 problems costing the state or local governmental entities
20561 substantial waste. The board's advice is not binding on the



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20562 department ~~of Community Affairs~~. The department ~~of Community~~
20563 ~~Affairs~~ shall ensure the distribution of research reports and
20564 the availability of continuing education programs to all
20565 segments of the building construction industry to which they
20566 relate. The department ~~of Community Affairs~~ shall report to the
20567 board in October of each year, summarizing the allocation of the
20568 funds by institution and summarizing the new projects funded and
20569 the status of previously funded projects.
20570 Section 406. Subsection (3) of section 489.509, Florida
20571 Statutes, is amended to read:
20572 489.509 Fees.—
20573 (3) Four dollars of each fee under subsection (1) paid to
20574 the department at the time of application or renewal shall be
20575 transferred at the end of each licensing period to the
20576 department ~~of Community Affairs~~ to fund projects relating to the
20577 building construction industry or continuing education programs
20578 offered to persons engaged in the building construction industry
20579 in Florida. The board shall, at the time the funds are
20580 transferred, advise the department ~~of Community Affairs~~ on the
20581 most needed areas of research or continuing education based on
20582 significant changes in the industry's practices or on the most
20583 common types of consumer complaints or on problems costing the
20584 state or local governmental entities substantial waste. The
20585 board's advice is not binding on the department ~~of Community~~
20586 ~~Affairs~~. The department ~~of Community Affairs~~ shall ensure the
20587 distribution of research reports and the availability of
20588 continuing education programs to all segments of the building
20589 construction industry to which they relate. The department ~~of~~
20590 ~~Community Affairs~~ shall report to the board in October of each



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20591 year, summarizing the allocation of the funds by institution and
20592 summarizing the new projects funded and the status of previously
20593 funded projects.
20594 Section 407. Subsection (2) of section 497.271, Florida
20595 Statutes, is amended to read:
20596 497.271 Standards for construction and significant
20597 alteration or renovation of mausoleums and columbaria.—
20598 (2) The licensing authority shall adopt, by no later than
20599 July 1, 1999, rules establishing minimum standards for all newly
20600 constructed and significantly altered or renovated mausoleums
20601 and columbaria; however, in the case of significant alterations
20602 or renovations to existing structures, the rules shall apply
20603 only, when physically feasible, to the newly altered or
20604 renovated portion of such structures, except as specified in
20605 subsection (4). In developing and adopting such rules, the
20606 licensing authority may define different classes of structures
20607 or construction standards, and may provide for different rules
20608 to apply to each of said classes, if the designation of classes
20609 and the application of different rules is in the public interest
20610 and is supported by findings by the licensing authority based on
20611 evidence of industry practices, economic and physical
20612 feasibility, location, or intended uses; provided, that the
20613 rules shall provide minimum standards applicable to all
20614 construction. For example, and without limiting the generality
20615 of the foregoing, the licensing authority may determine that a
20616 small single-story ground level mausoleum does not require the
20617 same level of construction standards that a large multistory
20618 mausoleum might require; or that a mausoleum located in a low-
20619 lying area subject to frequent flooding or hurricane threats



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20620 might require different standards than one located on high
20621 ground in an area not subject to frequent severe weather
20622 threats. The licensing authority shall develop the rules in
20623 cooperation with, and with technical assistance from, the
20624 Florida Building Commission ~~of the Department of Community~~
20625 ~~Affairs~~, to ensure that the rules are in the proper form and
20626 content to be included as part of the Florida Building Code
20627 under part IV of chapter 553. If the Florida Building Commission
20628 advises that some of the standards proposed by the licensing
20629 authority are not appropriate for inclusion in such building
20630 codes, the licensing authority may choose to include those
20631 standards in a distinct chapter of its rules entitled "Non-
20632 Building-Code Standards for Mausoleums" or "Additional Standards
20633 for Mausoleums," or other terminology to that effect. If the
20634 licensing authority elects to divide the standards into two or
20635 more chapters, all such rules shall be binding on licensees and
20636 others subject to the jurisdiction of the licensing authority,
20637 but only the chapter containing provisions appropriate for
20638 building codes shall be transmitted to the Florida Building
20639 Commission pursuant to subsection (3). Such rules may be in the
20640 form of standards for design and construction; methods,
20641 materials, and specifications for construction; or other
20642 mechanisms. Such rules shall encompass, at a minimum, the
20643 following standards:
20644 (a) No structure may be built or significantly altered for
20645 use for interment, entombment, or inurnment purposes unless
20646 constructed of such material and workmanship as will ensure its
20647 durability and permanence, as well as the safety, convenience,
20648 comfort, and health of the community in which it is located, as



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20649 dictated and determined at the time by modern mausoleum
20650 construction and engineering science.
20651 (b) Such structure must be so arranged that the exterior of
20652 any vault, niche, or crypt may be readily examined at any time
20653 by any person authorized by law to do so.
20654 (c) Such structure must contain adequate provision for
20655 drainage and ventilation. Private or family mausoleums with all
20656 crypts bordering an exterior wall must contain pressure relief
20657 ventilation from the crypts to the outside of the mausoleum
20658 through the exterior wall or roof.
20659 (d) Such structure must be of fire-resistant construction.
20660 Notwithstanding the requirements of s. 553.895 and chapter 633,
20661 any mausoleum or columbarium constructed of noncombustible
20662 materials, as defined in the Standard Building Code, shall not
20663 require a sprinkler system.
20664 (e) Such structure must be resistant to hurricane and other
20665 storm damage to the highest degree provided under applicable
20666 building codes for buildings of that class.
20667 (f) Suitable provisions must be made for securely and
20668 permanently sealing each crypt with durable materials after the
20669 interment or entombment of human remains, so that no effluvia or
20670 odors may escape therefrom except as provided by design and
20671 sanitary engineering standards. Panels for permanent seals must
20672 be solid and constructed of materials of sufficient weight,
20673 permanence, density, imperviousness, and strength as to ensure
20674 their durability and continued functioning. Permanent crypt
20675 sealing panels must be securely installed and set in with high
20676 quality fire-resistant, resilient, and durable materials after
20677 the interment or entombment of human remains. The outer or



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20678 exposed covering of each crypt must be of a durable, permanent,
20679 fire-resistant material; however, plastic, fiberglass, and wood
20680 are not acceptable materials for such outer or exposed
20681 coverings.
20682 (g) Interior and exterior fastenings for hangers, clips,
20683 doors, and other objects must be of copper, copper-base alloy,
20684 aluminum, or stainless steel of adequate gauges, or other
20685 materials established by rule which provide equivalent or better
20686 strength and durability, and must be properly installed.
20687 Section 408. Paragraph (a) of subsection (1) of section
20688 526.144, Florida Statutes, is amended to read:
20689 526.144 Florida Disaster Motor Fuel Supplier Program.—
20690 (1)(a) There is created the Florida Disaster Motor Fuel
20691 Supplier Program within the Division of Emergency Management
20692 ~~Department of Community Affairs~~.
20693 Section 409. Paragraph (i) of subsection (4) of section
20694 551.104, Florida Statutes, is amended to read:
20695 551.104 License to conduct slot machine gaming.—
20696 (4) As a condition of licensure and to maintain continued
20697 authority for the conduct of slot machine gaming, the slot
20698 machine licensee shall:
20699 (i) Create and file with the division a written policy for:
20700 1. Creating opportunities to purchase from vendors in this
20701 state, including minority vendors.
20702 2. Creating opportunities for employment of residents of
20703 this state, including minority residents.
20704 3. Ensuring opportunities for construction services from
20705 minority contractors.
20706 4. Ensuring that opportunities for employment are offered



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20707 on an equal, nondiscriminatory basis.
20708 5. Training for employees on responsible gaming and working
20709 with a compulsive or addictive gambling prevention program to
20710 further its purposes as provided for in s. 551.118.
20711 6. The implementation of a drug-testing program that
20712 includes, but is not limited to, requiring each employee to sign
20713 an agreement that he or she understands that the slot machine
20714 facility is a drug-free workplace.
20715
20716 The slot machine licensee shall use the Internet-based job-
20717 listing system of the Department of Economic Opportunity ~~Agency~~
20718 ~~for Workforce Innovation~~ in advertising employment
20719 opportunities. Beginning in June 2007, each slot machine
20720 licensee shall provide an annual report to the division
20721 containing information indicating compliance with this paragraph
20722 in regard to minority persons.
20723 Section 410. Subsection (7) of section 553.36, Florida
20724 Statutes, is amended to read:
20725 553.36 Definitions.—The definitions contained in this
20726 section govern the construction of this part unless the context
20727 otherwise requires.
20728 (7) "Department" means the Department of Business and
20729 Professional Regulation ~~Community Affairs~~.
20730 Section 411. Section 553.382, Florida Statutes, is amended
20731 to read:
20732 553.382 Placement of certain housing.—Notwithstanding any
20733 other law or ordinance to the contrary, in order to expand the
20734 availability of affordable housing in this state, any
20735 residential manufactured building that is certified under this



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20736 chapter by the department ~~of Community Affairs~~ may be placed on
20737 a mobile home lot in a mobile home park, recreational vehicle
20738 park, or mobile home condominium, cooperative, or subdivision.
20739 Any such housing unit placed on a mobile home lot is a mobile
20740 home for purposes of chapter 723 and, therefore, all rights,
20741 obligations, and duties under chapter 723 apply, including the
20742 specifics of the prospectus. However, a housing unit subject to
20743 this section may not be placed on a mobile home lot without the
20744 prior written approval of the park owner. Each housing unit
20745 subject to this section shall be taxed as a mobile home under s.
20746 320.08(11) and is subject to payments to the Florida Mobile Home
20747 Relocation Fund under s. 723.06116.
20748 Section 412. Subsection (2) of section 553.512, Florida
20749 Statutes, is amended to read:
20750 553.512 Modifications and waivers; advisory council.—
20751 (2) The Accessibility Advisory Council shall consist of the
20752 following seven members, who shall be knowledgeable in the area
20753 of accessibility for persons with disabilities. The Secretary of
20754 Business and Professional Regulation ~~Community Affairs~~ shall
20755 appoint the following: a representative from the Advocacy Center
20756 for Persons with Disabilities, Inc.; a representative from the
20757 Division of Blind Services; a representative from the Division
20758 of Vocational Rehabilitation; a representative from a statewide
20759 organization representing the physically handicapped; a
20760 representative from the hearing impaired; a representative from
20761 the President, Florida Council of Handicapped Organizations; and
20762 a representative of the Paralyzed Veterans of America. The terms
20763 for the first three council members appointed subsequent to
20764 October 1, 1991, shall be for 4 years, the terms for the next



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20765 two council members appointed shall be for 3 years, and the
20766 terms for the next two members shall be for 2 years. Thereafter,
20767 all council member appointments shall be for terms of 4 years.
20768 No council member shall serve more than two 4-year terms
20769 subsequent to October 1, 1991. Any member of the council may be
20770 replaced by the secretary upon three unexcused absences. Upon
20771 application made in the form provided, an individual waiver or
20772 modification may be granted by the commission so long as such
20773 modification or waiver is not in conflict with more stringent
20774 standards provided in another chapter.
20775 Section 413. Section 553.71, Florida Statutes, is amended
20776 to read:
20777 553.71 Definitions.—As used in this part, the term:
20778 (1) "Commission" means the Florida Building Commission
20779 created by this part.
20780 (2) "Department" means the Department of Business and
20781 Professional Regulation ~~Community Affairs~~.
20782 (9) ~~(3)~~ "State enforcement agency" means the agency of state
20783 government with authority to make inspections of buildings and
20784 to enforce the codes, as required by this part, which establish
20785 standards for design, construction, erection, alteration,
20786 repair, modification, or demolition of public or private
20787 buildings, structures, or facilities.
20788 (3) ~~(4)~~ "Housing code" means any code or rule intending
20789 postconstruction regulation of structures which would include,
20790 but not be limited to: standards of maintenance, condition of
20791 facilities, condition of systems and components, living
20792 conditions, occupancy, use, and room sizes.
20793 (5) "Local enforcement agency" means an agency of local



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20794 government, a local school board, a community college board of
20795 trustees, or a university board of trustees in the State
20796 University System with jurisdiction to make inspections of
20797 buildings and to enforce the codes which establish standards for
20798 design, construction, erection, alteration, repair,
20799 modification, or demolition of public or private buildings,
20800 structures, or facilities.
20801 (7) ~~(6)~~ "Secretary" means the Secretary of Business and
20802 Professional Regulation ~~Community Affairs~~.
20803 (11) ~~(7)~~ "Threshold building" means any building which is
20804 greater than three stories or 50 feet in height, or which has an
20805 assembly occupancy classification as defined in the Florida
20806 Building Code which exceeds 5,000 square feet in area and an
20807 occupant content of greater than 500 persons.
20808 (4) ~~(8)~~ "Load management control device" means any device
20809 installed by any electric utility or its contractors which
20810 temporarily interrupts electric service to major appliances,
20811 motors, or other electrical systems contained within the
20812 buildings or on the premises of consumers for the purpose of
20813 reducing the utility's system demand as needed in order to
20814 prevent curtailment of electric service in whole or in part to
20815 consumers and thereby maintain the quality of service to
20816 consumers, provided the device is in compliance with a program
20817 approved by the Florida Public Service Commission.
20818 (8) ~~(9)~~ "Special inspector" means a licensed architect or
20819 registered engineer who is certified under chapter 471 or
20820 chapter 481 to conduct inspections of threshold buildings.
20821 (6) ~~(10)~~ "Prototype building" means a building constructed
20822 in accordance with architectural or engineering plans intended



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20823 for replication on various sites and which will be updated to
20824 comply with the Florida Building Code and applicable laws
20825 relating to firesafety, health and sanitation, casualty safety,
20826 and requirements for persons with disabilities which are in
20827 effect at the time a construction contract is to be awarded.
20828 (10) ~~(11)~~ "Temporary" includes, but is not limited to,
20829 buildings identified by, but not designated as permanent
20830 structures on, an approved development order.
20831 Section 414. Section 553.721, Florida Statutes, is amended
20832 to read:
20833 553.721 Surcharge.—In order for the Department of Business
20834 and Professional Regulation ~~Community Affairs~~ to administer and
20835 carry out the purposes of this part and related activities,
20836 there is hereby created a surcharge, to be assessed at the rate
20837 of 1.5 percent of the permit fees associated with enforcement of
20838 the Florida Building Code as defined by the uniform account
20839 criteria and specifically the uniform account code for building
20840 permits adopted for local government financial reporting
20841 pursuant to s. 218.32. The minimum amount collected on any
20842 permit issued shall be $2. The unit of government responsible
20843 for collecting a permit fee pursuant to s. 125.56(4) or s.
20844 166.201 shall collect such surcharge and electronically remit
20845 the funds collected to the department on a quarterly calendar
20846 basis beginning not later than December 31, 2010, for the
20847 preceding quarter, and continuing each third month thereafter,
20848 and such unit of government shall retain 10 percent of the
20849 surcharge collected to fund the participation of building
20850 departments in the national and state building code adoption
20851 processes and to provide education related to enforcement of the



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20852 Florida Building Code. All funds remitted to the department
20853 pursuant to this section shall be deposited in the Professional
20854 Regulation Trust Fund ~~Operating Trust Fund~~. Funds collected from
20855 such surcharge shall be used exclusively for the duties of the
20856 Florida Building Commission and the Department of Business and
20857 Professional Regulation ~~Community Affairs~~ under this chapter and
20858 shall not be used to fund research on techniques for mitigation
20859 of radon in existing buildings. Funds used by the department as
20860 well as funds to be transferred to the Department of Health
20861 shall be as prescribed in the annual General Appropriations Act.
20862 The department shall adopt rules governing the collection and
20863 remittance of surcharges in accordance with chapter 120.
20864 Section 415. Subsection (1) of section 553.74, Florida
20865 Statutes, is amended to read:
20866 553.74 Florida Building Commission.—
20867 (1) The Florida Building Commission is created and ~~shall be~~
20868 located within the Department of Business and Professional
20869 Regulation ~~Community Affairs~~ for administrative purposes.
20870 Members shall be appointed by the Governor subject to
20871 confirmation by the Senate. The commission shall be composed of
20872 25 members, consisting of the following:
20873 (a) One architect registered to practice in this state and
20874 actively engaged in the profession. The American Institute of
20875 Architects, Florida Section, is encouraged to recommend a list
20876 of candidates for consideration.
20877 (b) One structural engineer registered to practice in this
20878 state and actively engaged in the profession. The Florida
20879 Engineering Society is encouraged to recommend a list of
20880 candidates for consideration.



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20881 (c) One air-conditioning or mechanical contractor certified
20882 to do business in this state and actively engaged in the
20883 profession. The Florida Air Conditioning Contractors
20884 Association, the Florida Refrigeration and Air Conditioning
20885 Contractors Association, and the Mechanical Contractors
20886 Association of Florida are encouraged to recommend a list of
20887 candidates for consideration.
20888 (d) One electrical contractor certified to do business in
20889 this state and actively engaged in the profession. The Florida
20890 Electrical Contractors Association and the National Electrical
20891 Contractors Association, Florida Chapter, are encouraged to
20892 recommend a list of candidates for consideration.
20893 (e) One member from fire protection engineering or
20894 technology who is actively engaged in the profession. The
20895 Florida Chapter of the Society of Fire Protection Engineers and
20896 the Florida Fire Marshals and Inspectors Association are
20897 encouraged to recommend a list of candidates for consideration.
20898 (f) One general contractor certified to do business in this
20899 state and actively engaged in the profession. The Associated
20900 Builders and Contractors of Florida, the Florida Associated
20901 General Contractors Council, and the Union Contractors
20902 Association are encouraged to recommend a list of candidates for
20903 consideration.
20904 (g) One plumbing contractor licensed to do business in this
20905 state and actively engaged in the profession. The Florida
20906 Association of Plumbing, Heating, and Cooling Contractors is
20907 encouraged to recommend a list of candidates for consideration.
20908 (h) One roofing or sheet metal contractor certified to do
20909 business in this state and actively engaged in the profession.



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20910 The Florida Roofing, Sheet Metal, and Air Conditioning
20911 Contractors Association and the Sheet Metal and Air Conditioning
20912 Contractors National Association are encouraged to recommend a
20913 list of candidates for consideration.
20914 (i) One residential contractor licensed to do business in
20915 this state and actively engaged in the profession. The Florida
20916 Home Builders Association is encouraged to recommend a list of
20917 candidates for consideration.
20918 (j) Three members who are municipal or district codes
20919 enforcement officials, one of whom is also a fire official. The
20920 Building Officials Association of Florida and the Florida Fire
20921 Marshals and Inspectors Association are encouraged to recommend
20922 a list of candidates for consideration.
20923 (k) One member who represents the Department of Financial
20924 Services.
20925 (l) One member who is a county codes enforcement official.
20926 The Building Officials Association of Florida is encouraged to
20927 recommend a list of candidates for consideration.
20928 (m) One member of a Florida-based organization of persons
20929 with disabilities or a nationally chartered organization of
20930 persons with disabilities with chapters in this state.
20931 (n) One member of the manufactured buildings industry who
20932 is licensed to do business in this state and is actively engaged
20933 in the industry. The Florida Manufactured Housing Association is
20934 encouraged to recommend a list of candidates for consideration.
20935 (o) One mechanical or electrical engineer registered to
20936 practice in this state and actively engaged in the profession.
20937 The Florida Engineering Society is encouraged to recommend a
20938 list of candidates for consideration.



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20939 (p) One member who is a representative of a municipality or
20940 a charter county. The Florida League of Cities and the Florida
20941 Association of Counties are encouraged to recommend a list of
20942 candidates for consideration.
20943 (q) One member of the building products manufacturing
20944 industry who is authorized to do business in this state and is
20945 actively engaged in the industry. The Florida Building Material
20946 Association, the Florida Concrete and Products Association, and
20947 the Fenestration Manufacturers Association are encouraged to
20948 recommend a list of candidates for consideration.
20949 (r) One member who is a representative of the building
20950 owners and managers industry who is actively engaged in
20951 commercial building ownership or management. The Building Owners
20952 and Managers Association is encouraged to recommend a list of
20953 candidates for consideration.
20954 (s) One member who is a representative of the insurance
20955 industry. The Florida Insurance Council is encouraged to
20956 recommend a list of candidates for consideration.
20957 (t) One member who is a representative of public education.
20958 (u) One member who is a swimming pool contractor licensed
20959 to do business in this state and actively engaged in the
20960 profession. The Florida Swimming Pool Association and the United
20961 Pool and Spa Association are encouraged to recommend a list of
20962 candidates for consideration.
20963 (v) One member who is a representative of the green
20964 building industry and who is a third-party commission agent, a
20965 Florida board member of the United States Green Building Council
20966 or Green Building Initiative, or a LEED-accredited professional.
20967 (w) One member who shall be the chair.



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20969 Any person serving on the commission under paragraph (c) or
20970 paragraph (h) on October 1, 2003, and who has served less than
20971 two full terms is eligible for reappointment to the commission
20972 regardless of whether he or she meets the new qualification.
20973 Section 416. Subsections (2) and (5) of section 553.841,
20974 Florida Statutes, are amended to read:
20975 553.841 Building code compliance and mitigation program.—
20976 (2) The Department of Business and Professional Regulation
20977 ~~Community Affairs~~ shall administer a program, designated as the
20978 Florida Building Code Compliance and Mitigation Program, to
20979 develop, coordinate, and maintain education and outreach to
20980 persons required to comply with the Florida Building Code and
20981 ensure consistent education, training, and communication of the
20982 code's requirements, including, but not limited to, methods for
20983 mitigation of storm-related damage. The program shall also
20984 operate a clearinghouse through which design, construction, and
20985 building code enforcement licensees, suppliers, and consumers in
20986 this state may find others in order to exchange information
20987 relating to mitigation and facilitate repairs in the aftermath
20988 of a natural disaster.
20989 (5) Each biennium, upon receipt of funds by the Department
20990 of Business and Professional Regulation ~~Community Affairs~~ from
20991 the Construction Industry Licensing Board and the Electrical
20992 Contractors' Licensing Board provided under ss. 489.109(3) and
20993 489.509(3), the department shall determine the amount of funds
20994 available for the Florida Building Code Compliance and
20995 Mitigation Program.
20996 Section 417. Subsections (2) and (3) of section 553.896,



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20997 Florida Statutes, are amended to read:
20998 553.896 Mitigation grant program guideline.—
20999 (2) Beginning with grant funds approved after July 1, 2005,
21000 the construction of new or retrofitted window or door coverings
21001 that is funded by a hazard-mitigation grant program or shelter-
21002 retrofit program must conform to design drawings that are
21003 signed, sealed, and inspected by a structural engineer who is
21004 registered in this state. Before the Division of Emergency
21005 Management ~~Department of Community Affairs~~ forwards payment to a
21006 recipient of the grant, an inspection report and attestation or
21007 a copy of the signed and sealed plans shall be provided to the
21008 department.
21009 (3) If the construction is funded by a hazard mitigation
21010 grant or shelter retrofit program, the Division of Emergency
21011 Management ~~Department of Community Affairs~~ shall advise the
21012 county, municipality, or other entity applying for the grant
21013 that the cost or price of the project is not the sole criterion
21014 for selecting a vendor.
21015 Section 418. Section 553.901, Florida Statutes, is amended
21016 to read:
21017 553.901 Purpose of thermal efficiency code.—The Department
21018 of Business and Professional Regulation ~~Community Affairs~~ shall
21019 prepare a thermal efficiency code to provide for a statewide
21020 uniform standard for energy efficiency in the thermal design and
21021 operation of all buildings statewide, consistent with energy
21022 conservation goals, and to best provide for public safety,
21023 health, and general welfare. The Florida Building Commission
21024 shall adopt the Florida Energy Efficiency Code for Building
21025 Construction within the Florida Building Code, and shall modify,



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21026 revise, update, and maintain the code to implement the
21027 provisions of this thermal efficiency code and amendments
21028 thereto, in accordance with the procedures of chapter 120. The
21029 department shall, at least triennially, determine the most cost-
21030 effective energy-saving equipment and techniques available and
21031 report its determinations to the commission, which shall update
21032 the code to incorporate such equipment and techniques. The
21033 proposed changes shall be made available for public review and
21034 comment no later than 6 months prior to code implementation. The
21035 term “cost-effective,” for the purposes of this part, shall be
21036 construed to mean cost-effective to the consumer.
21037 Section 419. Section 553.9085, Florida Statutes, is amended
21038 to read:
21039 553.9085 Energy performance disclosure for residential
21040 buildings.—The energy performance level resulting from
21041 compliance with the provisions of this part, for each new
21042 residential building, shall be disclosed at the request of the
21043 prospective purchaser. In conjunction with the normal
21044 responsibilities and duties of this part, the local building
21045 official shall require that a complete and accurate energy
21046 performance level display card be completed and certified by the
21047 builder as accurate and correct before final approval of the
21048 building for occupancy. The energy performance level display
21049 card shall be included as an addendum to each sales contract.
21050 The display card shall be uniform statewide and developed by the
21051 Department of Business and Professional Regulation ~~Community~~
21052 ~~Affairs~~. At a minimum, the display card shall list information
21053 indicating the energy performance level of the dwelling unit
21054 resulting from compliance with the code, shall be signed by the



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21055 builder, and shall list general information about the energy
21056 performance level and the code.
21057 Section 420. Section 553.954, Florida Statutes, is amended
21058 to read:
21059 553.954 Adoption of standards.—The Department of Business
21060 and Professional Regulation ~~Community Affairs~~ shall adopt,
21061 modify, revise, update, and maintain the Florida Energy
21062 Conservation Standards to implement the provisions of this part
21063 and amendments thereto in accordance with the procedures of
21064 chapter 120.
21065 Section 421. Subsection (6) of section 553.955, Florida
21066 Statutes, is amended to read:
21067 553.955 Definitions.—For purposes of this part:
21068 (6) "Department" means the Department of Business and
21069 Professional Regulation ~~Community Affairs~~.
21070 Section 422. Subsection (1) of section 553.973, Florida
21071 Statutes, is amended to read:
21072 553.973 Enforcement and penalties.—
21073 (1) The Department of Business and Professional Regulation
21074 ~~Community Affairs~~ shall investigate any complaints received
21075 concerning violations of this part and shall report the results
21076 of its investigation to the Attorney General or state attorney.
21077 The Attorney General or state attorney may institute proceedings
21078 to enjoin any person found to be violating the provisions of
21079 this part.
21080 Section 423. Section 553.992, Florida Statutes, is amended
21081 to read:
21082 553.992 Adoption of rating system.—The Department of
21083 Business and Professional Regulation ~~Community Affairs~~ shall



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21084 adopt, update, and maintain a statewide uniform building energy-
21085 efficiency rating system to implement the provisions of this
21086 part and amendments thereto in accordance with the procedures of
21087 chapter 120 and shall, upon the request of any builder,
21088 designer, rater, or owner of a building, issue nonbinding
21089 interpretations, clarifications, and opinions concerning the
21090 application and use of the building energy rating system under
21091 rules that the department adopts in accordance with chapter 120.
21092 Section 424. Subsection (4) of section 553.995, Florida
21093 Statutes, is amended to read:
21094 553.995 Energy-efficiency ratings for buildings.—
21095 (4) The department shall develop a training and
21096 certification program to certify raters. In addition to the
21097 department, ratings may be conducted by any local government or
21098 private entity, provided that the appropriate persons have
21099 completed the necessary training and have been certified by the
21100 department. The Department of Management Services shall rate
21101 state-owned or state-leased buildings, provided that the
21102 appropriate persons have completed the necessary training and
21103 have been certified by the Department of Business and
21104 Professional Regulation ~~Community Affairs~~. A state agency which
21105 has building construction regulation authority may rate its own
21106 buildings and those it is responsible for, if the appropriate
21107 persons have completed the necessary training and have been
21108 certified by the Department of Business and Professional
21109 Regulation ~~Community Affairs~~. The Department of Business and
21110 Professional Regulation ~~Community Affairs~~ may charge a fee not
21111 to exceed the costs for the training and certification of
21112 raters. The department shall by rule set the appropriate charges



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21113 for raters to charge for energy ratings, not to exceed the
21114 actual costs.
21115 Section 425. Subsection (10) of section 570.71, Florida
21116 Statutes, is amended to read:
21117 570.71 Conservation easements and agreements.—
21118 (10) The department, in consultation with the Department of
21119 Environmental Protection, the water management districts, the
21120 Department of Economic Opportunity ~~Community Affairs~~, and the
21121 Florida Fish and Wildlife Conservation Commission, shall adopt
21122 rules that establish an application process, a process and
21123 criteria for setting priorities for use of funds consistent with
21124 the purposes specified in subsection (1) and giving preference
21125 to ranch and timber lands managed using sustainable practices,
21126 an appraisal process, and a process for title review and
21127 compliance and approval of the rules by the Board of Trustees of
21128 the Internal Improvement Trust Fund.
21129 Section 426. Section 570.96, Florida Statutes, is amended
21130 to read:
21131 570.96 Agritourism.—The Department of Agriculture and
21132 Consumer Services may provide marketing advice, technical
21133 expertise, promotional support, and product development related
21134 to agritourism to assist the following in their agritourism
21135 initiatives: Enterprise Florida, Inc. ~~the Florida Commission on~~
21136 ~~Tourism~~; convention and visitor bureaus; tourist development
21137 councils; economic development organizations; and local
21138 governments. In carrying out this responsibility, the department
21139 shall focus its agritourism efforts on rural and urban
21140 communities.
21141 Section 427. Subsection (1) of section 597.006, Florida



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21142 Statutes, is amended to read:
21143 597.006 Aquaculture Interagency Coordinating Council.—
21144 (1) CREATION.—The Legislature finds and declares that there
21145 is a need for interagency coordination with regard to
21146 aquaculture by the following agencies: the Department of
21147 Agriculture and Consumer Services; the Department of Economic
21148 Opportunity; ~~the Office of Tourism, Trade, and Economic~~
21149 ~~Development; the Department of Community Affairs;~~ the Department
21150 of Environmental Protection; ~~the Department of Labor and~~
21151 ~~Employment Security;~~ the Fish and Wildlife Conservation
21152 Commission; the statewide consortium of universities under the
21153 Florida Institute of Oceanography; Florida Agricultural and
21154 Mechanical University; the Institute of Food and Agricultural
21155 Sciences at the University of Florida; and the Florida Sea Grant
21156 Program. It is therefore the intent of the Legislature to hereby
21157 create an Aquaculture Interagency Coordinating Council to act as
21158 an advisory body as defined in s. 20.03(9).
21159 Section 428. Subsection (2) of section 604.006, Florida
21160 Statutes, is amended to read:
21161 604.006 Mapping and monitoring of agricultural lands.—
21162 (2) The Department of Economic Opportunity ~~Community~~
21163 ~~Affairs~~ shall develop a program for mapping and monitoring the
21164 agricultural lands in the state. The department has the power to
21165 adopt rules necessary to carry out the purposes of this section,
21166 and it may contract with other agencies for the provision of
21167 necessary mapping and information services.
21168 Section 429. Paragraphs (d) and (e) of subsection (2),
21169 paragraph (a) of subsection (4), and subsection (5) of section
21170 624.5105, Florida Statutes, are amended to read:



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21171 624.5105 Community contribution tax credit; authorization;
21172 limitations; eligibility and application requirements;
21173 administration; definitions; expiration.—
21174 (2) ELIGIBILITY REQUIREMENTS.—
21175 (d) The project shall be located in an area designated as
21176 an enterprise zone or a Front Porch Community ~~pursuant to s.~~
21177 ~~20.18(6)~~. Any project designed to construct or rehabilitate
21178 housing for low-income or very-low-income households as defined
21179 in s. 420.9071(19) and (28) is exempt from the area requirement
21180 of this paragraph.
21181 (e)1. If, during the first 10 business days of the state
21182 fiscal year, eligible tax credit applications for projects that
21183 provide homeownership opportunities for low-income or very-low-
21184 income households as defined in s. 420.9071(19) and (28) are
21185 received for less than the annual tax credits available for
21186 those projects, the Department of Economic Opportunity, ~~Office~~
21187 ~~of Tourism, Trade, and Economic Development~~ shall grant tax
21188 credits for those applications and shall grant remaining tax
21189 credits on a first-come, first-served basis for any subsequent
21190 eligible applications received before the end of the state
21191 fiscal year. If, during the first 10 business days of the state
21192 fiscal year, eligible tax credit applications for projects that
21193 provide homeownership opportunities for low-income or very-low-
21194 income households as defined in s. 420.9071(19) and (28) are
21195 received for more than the annual tax credits available for
21196 those projects, the Department of Economic Opportunity, ~~office~~
21197 shall grant the tax credits for those applications as follows:
21198 a. If tax credit applications submitted for approved
21199 projects of an eligible sponsor do not exceed $200,000 in total,



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21200 the credits shall be granted in full if the tax credit
21201 applications are approved.
21202 b. If tax credit applications submitted for approved
21203 projects of an eligible sponsor exceed $200,000 in total, the
21204 amount of tax credits granted under sub-subparagraph a. shall be
21205 subtracted from the amount of available tax credits, and the
21206 remaining credits shall be granted to each approved tax credit
21207 application on a pro rata basis.
21208 2. If, during the first 10 business days of the state
21209 fiscal year, eligible tax credit applications for projects other
21210 than those that provide homeownership opportunities for low-
21211 income or very-low-income households as defined in s.
21212 420.9071(19) and (28) are received for less than the annual tax
21213 credits available for those projects, the Department of Economic
21214 Opportunity, ~~office~~ shall grant tax credits for those
21215 applications and shall grant remaining tax credits on a first-
21216 come, first-served basis for any subsequent eligible
21217 applications received before the end of the state fiscal year.
21218 If, during the first 10 business days of the state fiscal year,
21219 eligible tax credit applications for projects other than those
21220 that provide homeownership opportunities for low-income or very-
21221 low-income households as defined in s. 420.9071(19) and (28) are
21222 received for more than the annual tax credits available for
21223 those projects, the Department of Economic Opportunity, ~~office~~
21224 shall grant the tax credits for those applications on a pro rata
21225 basis.
21226 (4) ADMINISTRATION.—
21227 (a)1. The Department of Economic Opportunity may ~~Office of~~
21228 ~~Tourism, Trade, and Economic Development is authorized to~~ adopt



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21229 ~~all~~ rules ~~necessary~~ to administer this section, including rules
21230 for the approval or disapproval of proposals by insurers.
21231 2. The decision of the director shall be in writing, and,
21232 if approved, the proposal shall state the maximum credit
21233 allowable to the insurer. A copy of the decision shall be
21234 transmitted to the executive director of the Department of
21235 Revenue, who shall apply such credit to the tax liability of the
21236 insurer.
21237 3. The Department of Economic Opportunity ~~office~~ shall
21238 monitor all projects periodically, in a manner consistent with
21239 available resources to ensure that resources are utilized in
21240 accordance with this section; however, each project shall be
21241 reviewed no less frequently than once every 2 years.
21242 4. The Department of Economic Opportunity ~~Office of~~
21243 ~~Tourism, Trade, and Economic Development~~ shall, in consultation
21244 with ~~the Department of Community Affairs,~~ the Florida Housing
21245 Finance Corporation~~,~~ and the statewide and regional housing and
21246 financial intermediaries, market the availability of the
21247 community contribution tax credit program to community-based
21248 organizations.
21249 (5) DEFINITIONS.—As used in ~~For the purpose of~~ this
21250 section, the term:
21251 (a) "Community contribution" means the grant by an insurer
21252 of any of the following items:
21253 1. Cash or other liquid assets.
21254 2. Real property.
21255 3. Goods or inventory.
21256 4. Other physical resources which are identified by the
21257 department.



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21258 (b) “Director” means the director of the Department of
21259 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
21260 ~~Development~~.
21261 (c) “Local government” means any county or incorporated
21262 municipality in the state.
21263 ~~(d) “Office” means the Office of Tourism, Trade, and~~
21264 ~~Economic Development.~~
21265 (d) ~~(e)~~ “Project” means an activity as defined in s.
21266 220.03(1)(t).
21267 Section 430. Section 625.3255, Florida Statutes, is amended
21268 to read:
21269 625.3255 Capital participation instrument.—An insurer may
21270 invest in any capital participation instrument or evidence of
21271 indebtedness issued by the Enterprise Florida, Inc., ~~Florida~~
21272 ~~Black Business Investment Board~~ pursuant to the Florida Small
21273 and Minority Business Assistance Act.
21274 Section 431. Paragraph (b) of subsection (2) of section
21275 627.0628, Florida Statutes, is amended to read:
21276 627.0628 Florida Commission on Hurricane Loss Projection
21277 Methodology; public records exemption; public meetings
21278 exemption.—
21279 (2) COMMISSION CREATED.—
21280 (b) The commission shall consist of the following 11
21281 members:
21282 1. The insurance consumer advocate.
21283 2. The senior employee of the State Board of Administration
21284 responsible for operations of the Florida Hurricane Catastrophe
21285 Fund.
21286 3. The Executive Director of the Citizens Property



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21287 Insurance Corporation.
21288 4. The Director of the Division of Emergency Management ~~of~~
21289 ~~the Department of Community Affairs~~.
21290 5. The actuary member of the Florida Hurricane Catastrophe
21291 Fund Advisory Council.
21292 6. An employee of the office who is an actuary responsible
21293 for property insurance rate filings and who is appointed by the
21294 director of the office.
21295 7. Five members appointed by the Chief Financial Officer,
21296 as follows:
21297 a. An actuary who is employed full time by a property and
21298 casualty insurer that ~~which~~ was responsible for at least 1
21299 percent of the aggregate statewide direct written premium for
21300 homeowner's insurance in the calendar year preceding the
21301 member's appointment to the commission.
21302 b. An expert in insurance finance who is a full-time member
21303 of the faculty of the State University System and who has a
21304 background in actuarial science.
21305 c. An expert in statistics who is a full-time member of the
21306 faculty of the State University System and who has a background
21307 in insurance.
21308 d. An expert in computer system design who is a full-time
21309 member of the faculty of the State University System.
21310 e. An expert in meteorology who is a full-time member of
21311 the faculty of the State University System and who specializes
21312 in hurricanes.
21313 Section 432. Paragraph (b) of subsection (1) of section
21314 627.0629, Florida Statutes, is amended to read:
21315 627.0629 Residential property insurance; rate filings.—



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21316 (1)
21317 (b) ~~By February 1, 2011, the Office of Insurance~~
21318 ~~Regulation, in consultation with the Department of Financial~~
21319 ~~Services and the Department of Community Affairs, shall develop~~
21320 ~~and make publicly available a proposed method for insurers to~~
21321 ~~establish discounts, credits, or other rate differentials for~~
21322 ~~hurricane mitigation measures which directly correlate to the~~
21323 ~~numerical rating assigned to a structure pursuant to the uniform~~
21324 ~~home grading scale adopted by the Financial Services Commission~~
21325 ~~pursuant to s. 215.55865, including any proposed changes to the~~
21326 ~~uniform home grading scale.~~ By October 1, 2011, the commission
21327 shall adopt rules requiring insurers to make rate filings for
21328 residential property insurance which revise insurers' discounts,
21329 credits, or other rate differentials for hurricane mitigation
21330 measures so that such rate differentials correlate directly to
21331 the uniform home grading scale. The rules may include such
21332 changes to the uniform home grading scale as the commission
21333 determines are necessary, and may specify the minimum required
21334 discounts, credits, or other rate differentials. Such rate
21335 differentials must be consistent with generally accepted
21336 actuarial principles and wind-loss mitigation studies. The rules
21337 shall allow a period of at least 2 years after the effective
21338 date of the revised mitigation discounts, credits, or other rate
21339 differentials for a property owner to obtain an inspection or
21340 otherwise qualify for the revised credit, during which time the
21341 insurer shall continue to apply the mitigation credit that was
21342 applied immediately prior to the effective date of the revised
21343 credit. Discounts, credits, and other rate differentials
21344 established for rate filings under this paragraph shall



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21345 supersede, after adoption, the discounts, credits, and other
21346 rate differentials included in rate filings under paragraph (a).
21347 Section 433. Subsection (7) of section 627.3511, Florida
21348 Statutes, is amended to read:
21349 627.3511 Depopulation of Citizens Property Insurance
21350 Corporation.—
21351 (7) A minority business, which is at least 51 percent owned
21352 by minority persons as described in s. 288.703~~(3)~~, desiring to
21353 operate or become licensed as a property and casualty insurer
21354 may exempt up to $50 of the escrow requirements of the take-out
21355 bonus, as described in this section. Such minority business,
21356 which has applied for a certificate of authority to engage in
21357 business as a property and casualty insurer, may simultaneously
21358 file the business' proposed take-out plan, as described in this
21359 section, with the corporation.
21360 Section 434. Subsection (1) of section 641.217, Florida
21361 Statutes, is amended to read:
21362 641.217 Minority recruitment and retention plans required.—
21363 (1) Any entity contracting with the Agency for Health Care
21364 Administration to provide health care services to Medicaid
21365 recipients or state employees on a prepaid or fixed-sum basis
21366 must submit to the Agency for Health Care Administration the
21367 entity's plan for recruitment and retention of health care
21368 practitioners who are minority persons ~~minorities~~ as defined in
21369 s. 288.703~~(3)~~. The plan must demonstrate an ability to recruit
21370 and retain minority persons ~~minorities~~ which shall include, but
21371 is not limited to, the following efforts:
21372 (a) Establishing and maintaining contacts with various
21373 organizations representing the interests and concerns of



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21374 minority constituencies to seek advice and assistance.
21375 (b) Identifying and recruiting at colleges and universities
21376 which primarily serve minority students.
21377 (c) Reviewing and analyzing the organization's workforce as
21378 to minority representation.
21379 (d) Other factors identified by the Agency for Health Care
21380 Administration by rule.
21381 Section 435. Paragraph (b) of subsection (4) of section
21382 657.042, Florida Statutes, is amended to read:
21383 657.042 Investment powers and limitations.—A credit union
21384 may invest its funds subject to the following definitions,
21385 restrictions, and limitations:
21386 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
21387 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
21388 the credit union may be invested in any of the following:
21389 (b) Any capital participation instrument or evidence of
21390 indebtedness issued by Enterprise Florida, Inc., ~~the Florida~~
21391 ~~Black Business Investment Board~~ pursuant to the Florida Small
21392 and Minority Business Assistance Act.
21393 Section 436. Paragraph (g) of subsection (4) of section
21394 658.67, Florida Statutes, is amended to read:
21395 658.67 Investment powers and limitations.—A bank may invest
21396 its funds, and a trust company may invest its corporate funds,
21397 subject to the following definitions, restrictions, and
21398 limitations:
21399 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR
21400 LESS OF CAPITAL ACCOUNTS.—
21401 (g) Up to 10 percent of the capital accounts of a bank or
21402 trust company may be invested in any capital participation



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21403 instrument or evidence of indebtedness issued by Enterprise
21404 Florida, Inc., ~~the Florida Black Business Investment Board~~
21405 pursuant to the Florida Small and Minority Business Assistance
21406 Act.
21407 Section 437. Subsection (2) of section 720.403, Florida
21408 Statutes, is amended to read:
21409 720.403 Preservation of residential communities; revival of
21410 declaration of covenants.—
21411 (2) In order to preserve a residential community and the
21412 associated infrastructure and common areas for the purposes
21413 described in this section, the parcel owners in a community that
21414 was previously subject to a declaration of covenants that has
21415 ceased to govern one or more parcels in the community may revive
21416 the declaration and the homeowners' association for the
21417 community upon approval by the parcel owners to be governed
21418 thereby as provided in this act, and upon approval of the
21419 declaration and the other governing documents for the
21420 association by the Department of Economic Opportunity ~~Community~~
21421 ~~Affairs~~ in a manner consistent with this act.
21422 Section 438. Section 720.404, Florida Statutes, is amended
21423 to read:
21424 720.404 Eligible residential communities; requirements for
21425 revival of declaration.—Parcel owners in a community are
21426 eligible to seek approval from the Department of Economic
21427 Opportunity ~~Community Affairs~~ to revive a declaration of
21428 covenants under this act if all of the following requirements
21429 are met:
21430 (1) All parcels to be governed by the revived declaration
21431 must have been once governed by a previous declaration that has



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21432 ceased to govern some or all of the parcels in the community;
21433 (2) The revived declaration must be approved in the manner
21434 provided in s. 720.405(6); and
21435 (3) The revived declaration may not contain covenants that
21436 are more restrictive on the parcel owners than the covenants
21437 contained in the previous declaration, except that the
21438 declaration may:
21439 (a) Have an effective term of longer duration than the term
21440 of the previous declaration;
21441 (b) Omit restrictions contained in the previous
21442 declaration;
21443 (c) Govern fewer than all of the parcels governed by the
21444 previous declaration;
21445 (d) Provide for amendments to the declaration and other
21446 governing documents; and
21447 (e) Contain provisions required by this chapter for new
21448 declarations that were not contained in the previous
21449 declaration.
21450 Section 439. Subsection (1) of section 720.406, Florida
21451 Statutes, is amended to read:
21452 720.406 Department of Economic Opportunity ~~Community~~
21453 ~~Affairs~~; submission; review and determination.—
21454 (1) No later than 60 days after the date the proposed
21455 revived declaration and other governing documents are approved
21456 by the affected parcel owners, the organizing committee or its
21457 designee must submit the proposed revived governing documents
21458 and supporting materials to the Department of Economic
21459 Opportunity ~~Community Affairs~~ to review and determine whether to
21460 approve or disapprove of the proposal to preserve the



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21461 residential community. The submission to the department must
21462 include:
21463 (a) The full text of the proposed revived declaration of
21464 covenants and articles of incorporation and bylaws of the
21465 homeowners' association;
21466 (b) A verified copy of the previous declaration of
21467 covenants and other previous governing documents for the
21468 community, including any amendments thereto;
21469 (c) The legal description of each parcel to be subject to
21470 the revived declaration and other governing documents and a plat
21471 or other graphic depiction of the affected properties in the
21472 community;
21473 (d) A verified copy of the written consents of the
21474 requisite number of the affected parcel owners approving the
21475 revived declaration and other governing documents or, if
21476 approval was obtained by a vote at a meeting of affected parcel
21477 owners, verified copies of the notice of the meeting,
21478 attendance, and voting results;
21479 (e) An affidavit by a current or former officer of the
21480 association or by a member of the organizing committee verifying
21481 that the requirements for the revived declaration set forth in
21482 s. 720.404 have been satisfied; and
21483 (f) Such other documentation that the organizing committee
21484 believes is supportive of the policy of preserving the
21485 residential community and operating, managing, and maintaining
21486 the infrastructure, aesthetic character, and common areas
21487 serving the residential community.
21488 Section 440. Subsection (4) of section 760.854, Florida
21489 Statutes, is amended to read:



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21490 760.854 Center for Environmental Equity and Justice.—
21491 (4) The Center for Environmental Equity and Justice shall
21492 sponsor students to serve as interns at the Department of
21493 Health, the Department of Environmental Protection, ~~the~~
21494 ~~Department of Community Affairs,~~ and other relevant state
21495 agencies. The center may enter into a memorandum of
21496 understanding with these agencies to address environmental
21497 equity and justice issues.
21498 Section 441. Paragraph (d) of subsection (2) of section
21499 768.13, Florida Statutes, is amended to read:
21500 768.13 Good Samaritan Act; immunity from civil liability.—
21501 (2)
21502 (d) Any person whose acts or omissions are not otherwise
21503 covered by this section and who participates in emergency
21504 response activities under the direction of or in connection with
21505 a community emergency response team, local emergency management
21506 agencies, the Division of Emergency Management ~~of the Department~~
21507 ~~of Community Affairs~~, or the Federal Emergency Management Agency
21508 is not liable for any civil damages as a result of care,
21509 treatment, or services provided gratuitously in such capacity
21510 and resulting from any act or failure to act in such capacity in
21511 providing or arranging further care, treatment, or services, if
21512 such person acts as a reasonably prudent person would have acted
21513 under the same or similar circumstances.
21514 Section 442. Section 943.03101, Florida Statutes, is
21515 amended to read:
21516 943.03101 Counter-terrorism coordination.—The Legislature
21517 finds that with respect to counter-terrorism efforts and initial
21518 responses to acts of terrorism within or affecting this state,



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21519 specialized efforts of emergency management which ~~that~~ are
21520 unique to such situations are required and that these efforts
21521 intrinsically involve very close coordination of federal, state,
21522 and local law enforcement agencies with the efforts of all
21523 others involved in emergency-response efforts. In order to best
21524 provide this specialized effort ~~with respect to counter-~~
21525 ~~terrorism efforts and responses~~, the Legislature has determined
21526 that such efforts should be coordinated by and through the
21527 Department of Law Enforcement, working closely with the Division
21528 of Emergency Management and others involved in preparation
21529 against acts of terrorism in or affecting this state, and in the
21530 initial response to such acts, in accordance with the state
21531 comprehensive emergency management plan prepared pursuant to s.
21532 252.35(2)(a).
21533 Section 443. Subsection (7) of section 943.0311, Florida
21534 Statutes, is amended to read:
21535 943.0311 Chief of Domestic Security; duties of the
21536 department with respect to domestic security.—
21537 (7) As used in this section, the term "state agency"
21538 includes the Agency for Health Care Administration, ~~the Agency~~
21539 ~~for Workforce Innovation,~~ the Department of Agriculture and
21540 Consumer Services, the Department of Business and Professional
21541 Regulation, the Department of Children and Family Services, the
21542 Department of Citrus, the Department of Economic Opportunity
21543 ~~Community Affairs~~, the Department of Corrections, the Department
21544 of Education, the Department of Elderly Affairs, the Division of
21545 Emergency Management, the Department of Environmental
21546 Protection, the Department of Financial Services, the Department
21547 of Health, the Department of Highway Safety and Motor Vehicles,



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21548 the Department of Juvenile Justice, the Department of Law
21549 Enforcement, the Department of Legal Affairs, the Department of
21550 Management Services, the Department of Military Affairs, the
21551 Department of Revenue, the Department of State, the Department
21552 of the Lottery, the Department of Transportation, the Department
21553 of Veterans' Affairs, the Fish and Wildlife Conservation
21554 Commission, the Parole Commission, the State Board of
21555 Administration, and the Executive Office of the Governor.
21556 Section 444. Paragraph (a) of subsection (1), paragraph (b)
21557 of subsection (2), and paragraphs (a) and (b) of subsection (4)
21558 of section 943.0313, Florida Statutes, are amended to read:
21559 943.0313 Domestic Security Oversight Council.—The
21560 Legislature finds that there exists a need to provide executive
21561 direction and leadership with respect to terrorism prevention,
21562 preparation, protection, response, and recovery efforts by state
21563 and local agencies in this state. In recognition of this need,
21564 the Domestic Security Oversight Council is hereby created. The
21565 council shall serve as an advisory council pursuant to s.
21566 20.03(7) to provide guidance to the state's regional domestic
21567 security task forces and other domestic security working groups
21568 and to make recommendations to the Governor and the Legislature
21569 regarding the expenditure of funds and allocation of resources
21570 related to counter-terrorism and domestic security efforts.
21571 (1) MEMBERSHIP.—
21572 (a) The Domestic Security Oversight Council shall consist
21573 of the following voting members:
21574 1. The executive director of the Department of Law
21575 Enforcement.
21576 2. The director of the Division of Emergency Management



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21577 ~~within the Department of Community Affairs~~.
21578 3. The Attorney General.
21579 4. The Commissioner of Agriculture.
21580 5. The State Surgeon General.
21581 6. The Commissioner of Education.
21582 7. The State Fire Marshal.
21583 8. The adjutant general of the Florida National Guard.
21584 9. The state chief information officer.
21585 10. Each sheriff or chief of police who serves as a co-
21586 chair of a regional domestic security task force pursuant to s.
21587 943.0312(1)(b).
21588 11. Each of the department's special agents in charge who
21589 serve as a co-chair of a regional domestic security task force.
21590 12. Two representatives of the Florida Fire Chiefs
21591 Association.
21592 13. One representative of the Florida Police Chiefs
21593 Association.
21594 14. One representative of the Florida Prosecuting Attorneys
21595 Association.
21596 15. The chair of the Statewide Domestic Security
21597 Intelligence Committee.
21598 16. One representative of the Florida Hospital Association.
21599 17. One representative of the Emergency Medical Services
21600 Advisory Council.
21601 18. One representative of the Florida Emergency
21602 Preparedness Association.
21603 19. One representative of the Florida Seaport
21604 Transportation and Economic Development Council.
21605 (2) ORGANIZATION.—



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21606 (b) The executive director of the Department of Law
21607 Enforcement shall serve as chair of the council, and the
21608 director of the Division of Emergency Management ~~within the~~
21609 ~~Department of Community Affairs~~ shall serve as vice chair of the
21610 council. In the absence of the chair, the vice chair shall serve
21611 as chair. In the absence of the vice chair, the chair may name
21612 any member of the council to perform the duties of the chair if
21613 such substitution does not extend beyond a defined meeting,
21614 duty, or period of time.
21615 (4) EXECUTIVE COMMITTEE.—
21616 (a) The council shall establish an executive committee
21617 consisting of the following members:
21618 1. The executive director of the Department of Law
21619 Enforcement.
21620 2. The director of the Division of Emergency Management
21621 ~~within the Department of Community Affairs~~.
21622 3. The Attorney General.
21623 4. The Commissioner of Agriculture.
21624 5. The State Surgeon General.
21625 6. The Commissioner of Education.
21626 7. The State Fire Marshal.
21627 (b) The executive director of the Department of Law
21628 Enforcement shall serve as the chair of the executive committee,
21629 and the director of the Division of Emergency Management ~~within~~
21630 ~~the Department of Community Affairs~~ shall serve as the vice
21631 chair of the executive committee.
21632 Section 445. Paragraph (h) of subsection (3) of section
21633 944.801, Florida Statutes, is amended to read:
21634 944.801 Education for state prisoners.—



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21635 (3) The responsibilities of the Correctional Education
21636 Program shall be to:
21637 (h) Develop a written procedure for selecting programs to
21638 add to or delete from the vocational curriculum. The procedure
21639 shall include labor market analyses that ~~which~~ demonstrate the
21640 projected demand for certain occupations and the projected
21641 supply of potential employees. In conducting these analyses, the
21642 department shall evaluate the feasibility of adding vocational
21643 education programs that ~~which~~ have been identified by the
21644 Department of Economic Opportunity, the Department of Education,
21645 ~~the Agency for Workforce Innovation~~ or a regional coordinating
21646 council as being in undersupply in this state. The department
21647 shall periodically reevaluate the vocational education programs
21648 in major institutions to determine which of the programs support
21649 and provide relevant skills to inmates who could be assigned to
21650 a correctional work program that is operated as a Prison
21651 Industry Enhancement Program.
21652 Section 446. Paragraph (d) of subsection (3) of section
21653 945.10, Florida Statutes, is amended to read:
21654 945.10 Confidential information.—
21655 (3) Due to substantial concerns regarding institutional
21656 security and unreasonable and excessive demands on personnel and
21657 resources if an inmate or an offender has unlimited or routine
21658 access to records of the Department of Corrections, an inmate or
21659 an offender who is under the jurisdiction of the department may
21660 not have unrestricted access to the department’s records or to
21661 information contained in the department’s records. However,
21662 except as to another inmate’s or offender’s records, the
21663 department may permit limited access to its records if an inmate



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21664 or an offender makes a written request and demonstrates an
21665 exceptional need for information contained in the department's
21666 records and the information is otherwise unavailable.
21667 Exceptional circumstances include, but are not limited to:
21668 (d) The requested records contain information required to
21669 process an application or claim by the inmate or offender with
21670 the Internal Revenue Service, the Social Security
21671 Administration, the Department of Economic Opportunity ~~Agency~~
21672 ~~for Workforce Innovation~~, or any other similar application or
21673 claim with a state agency or federal agency.
21674 Section 447. Subsection (4) of section 985.601, Florida
21675 Statutes, is amended to read:
21676 985.601 Administering the juvenile justice continuum.—
21677 (4) The department shall maintain continuing cooperation
21678 with the Department of Education, the Department of Children and
21679 Family Services, the Department of Economic Opportunity ~~Agency~~
21680 ~~for Workforce Innovation~~, and the Department of Corrections for
21681 the purpose of participating in agreements with respect to
21682 dropout prevention and the reduction of suspensions, expulsions,
21683 and truancy; increased access to and participation in GED,
21684 vocational, and alternative education programs; and employment
21685 training and placement assistance. The cooperative agreements
21686 between the departments shall include an interdepartmental plan
21687 to cooperate in accomplishing the reduction of inappropriate
21688 transfers of children into the adult criminal justice and
21689 correctional systems.
21690 Section 448. Subsections (1) and (2) of section 1002.375,
21691 Florida Statutes, are amended to read:
21692 1002.375 Alternative credit for high school courses; pilot



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21693 project.—
21694 (1) The Commissioner of Education shall implement a pilot
21695 project in up to three school districts beginning in the 2008-
21696 2009 school year which allows school districts to award
21697 alternative course credit for students enrolled in nationally or
21698 state-recognized industry certification programs, as defined by
21699 the former Agency for Workforce Innovation or the Department of
21700 Economic Opportunity, in accordance with the criteria described
21701 in s. 1003.492(2). The Commissioner of Education shall establish
21702 criteria for districts that participate in the pilot program.
21703 School districts interested in participating in the program must
21704 submit a letter of interest by July 15, 2008, to the
21705 Commissioner of Education identifying up to five nationally or
21706 state-recognized industry certification programs, as defined by
21707 the former Agency for Workforce Innovation or the Department of
21708 Economic Opportunity, in accordance with the criteria described
21709 in s. 1003.492(2), under which the district would like to award
21710 alternative credit for the eligible courses identified in
21711 subsection (2). The Commissioner of Education shall select up to
21712 three participating school districts by July 30, 2008. The
21713 Commissioner of Education shall submit a report to the Governor,
21714 the President of the Senate, and the Speaker of the House of
21715 Representatives identifying the number of students choosing to
21716 earn alternative credit, the number of students that received
21717 alternative credit, and legislative recommendations for
21718 expanding the use of alternative credit for core academic
21719 courses required for high school graduation. The report shall be
21720 submitted by January 1, 2010.
21721 (2) For purposes of designing and implementing a successful



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21722 pilot project, eligible alternative credit courses include
21723 Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology.
21724 Alternative credits shall be awarded for courses in which a
21725 student is not enrolled, but for which the student may earn
21726 academic credit by enrolling in another course or sequence of
21727 courses required to earn a nationally or state-recognized
21728 industry certificate, as defined by the former Agency for
21729 Workforce Innovation or the Department of Economic Opportunity,
21730 in accordance with the criteria described in s. 1003.492(2), of
21731 which the majority of the standards-based content in the course
21732 description is consistent with the alternative credit course
21733 description approved by the Department of Education.
21734 Section 449. Paragraph (b) of subsection (4) and subsection
21735 (5) of section 1002.53, Florida Statutes, are amended to read:
21736 1002.53 Voluntary Prekindergarten Education Program;
21737 eligibility and enrollment.—
21738 (4)
21739 (b) The application must be submitted on forms prescribed
21740 by the Office of Early Learning ~~Agency for Workforce Innovation~~
21741 and must be accompanied by a certified copy of the child's birth
21742 certificate. The forms must include a certification, in
21743 substantially the form provided in s. 1002.71(6)(b)2., that the
21744 parent chooses the private prekindergarten provider or public
21745 school in accordance with this section and directs that payments
21746 for the program be made to the provider or school. The Office of
21747 Early Learning ~~Agency for Workforce Innovation~~ may authorize
21748 alternative methods for submitting proof of the child's age in
21749 lieu of a certified copy of the child's birth certificate.
21750 (5) The early learning coalition shall provide each parent



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21751 enrolling a child in the Voluntary Prekindergarten Education
21752 Program with a profile of every private prekindergarten provider
21753 and public school delivering the program within the county where
21754 the child is being enrolled. The profiles shall be provided to
21755 parents in a format prescribed by the Office of Early Learning
21756 ~~Agency for Workforce Innovation~~. The profiles must include, at a
21757 minimum, the following information about each provider and
21758 school:
21759 (a) The provider's or school's services, curriculum,
21760 instructor credentials, and instructor-to-student ratio; and
21761 (b) The provider's or school's kindergarten readiness rate
21762 calculated in accordance with s. 1002.69, based upon the most
21763 recent available results of the statewide kindergarten
21764 screening.
21765 Section 450. Paragraphs (e) and (h) of subsection (3) of
21766 section 1002.55, Florida Statutes, are amended to read:
21767 1002.55 School-year prekindergarten program delivered by
21768 private prekindergarten providers.—
21769 (3) To be eligible to deliver the prekindergarten program,
21770 a private prekindergarten provider must meet each of the
21771 following requirements:
21772 (e) A private prekindergarten provider may assign a
21773 substitute instructor to temporarily replace a credentialed
21774 instructor if the credentialed instructor assigned to a
21775 prekindergarten class is absent, as long as the substitute
21776 instructor is of good moral character and has been screened
21777 before employment in accordance with level 2 background
21778 screening requirements in chapter 435. The Office of Early
21779 Learning ~~Agency for Workforce Innovation~~ shall adopt rules to



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21780 implement this paragraph which shall include required
21781 qualifications of substitute instructors and the circumstances
21782 and time limits for which a private prekindergarten provider may
21783 assign a substitute instructor.
21784 (h) The private prekindergarten provider must register with
21785 the early learning coalition on forms prescribed by the Office
21786 of Early Learning ~~Agency for Workforce Innovation~~.
21787 Section 451. Subsections (6) and (8) of section 1002.61,
21788 Florida Statutes, are amended to read:
21789 1002.61 Summer prekindergarten program delivered by public
21790 schools and private prekindergarten providers.—
21791 (6) A public school or private prekindergarten provider may
21792 assign a substitute instructor to temporarily replace a
21793 credentialed instructor if the credentialed instructor assigned
21794 to a prekindergarten class is absent, as long as the substitute
21795 instructor is of good moral character and has been screened
21796 before employment in accordance with level 2 background
21797 screening requirements in chapter 435. This subsection does not
21798 supersede employment requirements for instructional personnel in
21799 public schools which are more stringent than the requirements of
21800 this subsection. The Office of Early Learning ~~Agency for~~
21801 ~~Workforce Innovation~~ shall adopt rules to implement this
21802 subsection which shall include required qualifications of
21803 substitute instructors and the circumstances and time limits for
21804 which a public school or private prekindergarten provider may
21805 assign a substitute instructor.
21806 (8) Each public school delivering the summer
21807 prekindergarten program must also:
21808 (a) Register with the early learning coalition on forms



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21809 prescribed by the Office of Early Learning ~~Agency for Workforce~~
21810 ~~Innovation~~; and
21811 (b) Deliver the Voluntary Prekindergarten Education Program
21812 in accordance with this part.
21813 Section 452. Subsections (6) and (8) of section 1002.63,
21814 Florida Statutes, are amended to read:
21815 1002.63 School-year prekindergarten program delivered by
21816 public schools.—
21817 (6) A public school prekindergarten provider may assign a
21818 substitute instructor to temporarily replace a credentialed
21819 instructor if the credentialed instructor assigned to a
21820 prekindergarten class is absent, as long as the substitute
21821 instructor is of good moral character and has been screened
21822 before employment in accordance with level 2 background
21823 screening requirements in chapter 435. This subsection does not
21824 supersede employment requirements for instructional personnel in
21825 public schools which are more stringent than the requirements of
21826 this subsection. The Office of Early Learning ~~Agency for~~
21827 ~~Workforce Innovation~~ shall adopt rules to implement this
21828 subsection which shall include required qualifications of
21829 substitute instructors and the circumstances and time limits for
21830 which a public school prekindergarten provider may assign a
21831 substitute instructor.
21832 (8) Each public school delivering the school-year
21833 prekindergarten program must:
21834 (a) Register with the early learning coalition on forms
21835 prescribed by the Office of Early Learning ~~Agency for Workforce~~
21836 ~~Innovation~~; and
21837 (b) Deliver the Voluntary Prekindergarten Education Program



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21838 in accordance with this part.
21839 Section 453. Subsections (1) and (3) of section 1002.67,
21840 Florida Statutes, are amended to read:
21841 1002.67 Performance standards; curricula and
21842 accountability.—
21843 (1) ~~By April 1, 2005,~~ The department shall develop and
21844 adopt performance standards for students in the Voluntary
21845 Prekindergarten Education Program. The performance standards
21846 must address the age-appropriate progress of students in the
21847 development of:
21848 (a) The capabilities, capacities, and skills required under
21849 s. 1(b), Art. IX of the State Constitution; and
21850 (b) Emergent literacy skills, including oral communication,
21851 knowledge of print and letters, phonemic and phonological
21852 awareness, and vocabulary and comprehension development.
21853 (3)(a) Each early learning coalition shall verify that each
21854 private prekindergarten provider delivering the Voluntary
21855 Prekindergarten Education Program within the coalition's county
21856 or multicounty region complies with this part. Each district
21857 school board shall verify that each public school delivering the
21858 program within the school district complies with this part.
21859 (b) If a private prekindergarten provider or public school
21860 fails or refuses to comply with this part, or if a provider or
21861 school engages in misconduct, the Office of Early Learning
21862 ~~Agency for Workforce Innovation~~ shall require the early learning
21863 coalition to remove the provider, and the Department of
21864 Education shall require the school district to remove the
21865 school~~,~~ from eligibility to deliver the Voluntary
21866 Prekindergarten Education Program and receive state funds under



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21867 this part.
21868 (c)1. If the kindergarten readiness rate of a private
21869 prekindergarten provider or public school falls below the
21870 minimum rate adopted by the State Board of Education as
21871 satisfactory under s. 1002.69(6), the early learning coalition
21872 or school district, as applicable, shall require the provider or
21873 school to submit an improvement plan for approval by the
21874 coalition or school district, as applicable, and to implement
21875 the plan.
21876 2. If a private prekindergarten provider or public school
21877 fails to meet the minimum rate adopted by the State Board of
21878 Education as satisfactory under s. 1002.69(6) for 2 consecutive
21879 years, the early learning coalition or school district, as
21880 applicable, shall place the provider or school on probation and
21881 must require the provider or school to take certain corrective
21882 actions, including the use of a curriculum approved by the
21883 department under paragraph (2)(c) <u>or a staff development plan to</u>
21884 <u>strengthen instruction in language development and phonological</u>
21885 <u>awareness approved by the department</u>.
21886 3. A private prekindergarten provider or public school that
21887 is placed on probation must continue the corrective actions
21888 required under subparagraph 2., including the use of a
21889 curriculum <u>or a staff development plan to strengthen instruction</u>
21890 <u>in language development and phonological awareness</u> approved by
21891 the department, until the provider or school meets the minimum
21892 rate adopted by the State Board of Education as satisfactory
21893 under s. 1002.69(6).
21894 4. If a private prekindergarten provider or public school
21895 remains on probation for 2 consecutive years and fails to meet



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21896 the minimum rate adopted by the State Board of Education as
21897 satisfactory under s. 1002.69(6) and is not granted a good cause
21898 exemption by the department pursuant to s. 1002.69(7), the
21899 Office of Early Learning ~~Agency for Workforce Innovation~~ shall
21900 require the early learning coalition or the Department of
21901 Education shall require the school district to remove, as
21902 applicable, the provider or school from eligibility to deliver
21903 the Voluntary Prekindergarten Education Program and receive
21904 state funds for the program.
21905 (d) Each early learning coalition, the Office of Early
21906 Learning ~~Agency for Workforce Innovation~~, and the department
21907 shall coordinate with the Child Care Services Program Office of
21908 the Department of Children and Family Services to minimize
21909 interagency duplication of activities for monitoring private
21910 prekindergarten providers for compliance with requirements of
21911 the Voluntary Prekindergarten Education Program under this part,
21912 the school readiness programs under s. 411.01, and the licensing
21913 of providers under ss. 402.301-402.319.
21914 Section 454. Paragraph (f) of subsection (7) of section
21915 1002.69, Florida Statutes, is amended to read:
21916 1002.69 Statewide kindergarten screening; kindergarten
21917 readiness rates.—
21918 (7)
21919 (f) The State Board of Education shall notify the Office of
21920 Early Learning ~~Agency for Workforce Innovation~~ of any good cause
21921 exemption granted to a private prekindergarten provider under
21922 this subsection. If a good cause exemption is granted to a
21923 private prekindergarten provider who remains on probation for 2
21924 consecutive years, the Office of Early Learning ~~Agency for~~



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21925 ~~Workforce Innovation~~ shall notify the early learning coalition
21926 of the good cause exemption and direct that the coalition,
21927 notwithstanding s. 1002.67(3)(c)4., not remove the provider from
21928 eligibility to deliver the Voluntary Prekindergarten Education
21929 Program or to receive state funds for the program, if the
21930 provider meets all other applicable requirements of this part.
21931 Section 455. Paragraph (c) of subsection (3), subsection
21932 (4), paragraph (b) of subsection (5), and subsections (6) and
21933 (7) of section 1002.71, Florida Statutes, are amended to read:
21934 1002.71 Funding; financial and attendance reporting.—
21935 (3)
21936 (c) The initial allocation shall be based on estimated
21937 student enrollment in each coalition service area. The Office of
21938 Early Learning ~~Agency for Workforce Innovation~~ shall reallocate
21939 funds among the coalitions based on actual full-time equivalent
21940 student enrollment in each coalition service area.
21941 (4) Notwithstanding s. 1002.53(3) and subsection (2):
21942 (a) A child who, for any of the prekindergarten programs
21943 listed in s. 1002.53(3), has not completed more than 70 percent
21944 of the hours authorized to be reported for funding under
21945 subsection (2), or has not expended more than 70 percent of the
21946 funds authorized for the child under s. 1002.66, may withdraw
21947 from the program for good cause and reenroll in one of the
21948 programs. The total funding for a child who reenrolls in one of
21949 the programs for good cause may not exceed one full-time
21950 equivalent student. Funding for a child who withdraws and
21951 reenrolls in one of the programs for good cause shall be issued
21952 in accordance with the Office of Early Learning's ~~agency's~~
21953 uniform attendance policy adopted pursuant to paragraph (6)(d).



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21954 (b) A child who has not substantially completed any of the
21955 prekindergarten programs listed in s. 1002.53(3) may withdraw
21956 from the program due to an extreme hardship that is beyond the
21957 child's or parent's control, reenroll in one of the summer
21958 programs, and be reported for funding purposes as a full-time
21959 equivalent student in the summer program for which the child is
21960 reenrolled.
21961
21962 A child may reenroll only once in a prekindergarten program
21963 under this section. A child who reenrolls in a prekindergarten
21964 program under this subsection may not subsequently withdraw from
21965 the program and reenroll. The Office of Early Learning ~~Agency~~
21966 ~~for Workforce Innovation~~ shall establish criteria specifying
21967 whether a good cause exists for a child to withdraw from a
21968 program under paragraph (a), whether a child has substantially
21969 completed a program under paragraph (b), and whether an extreme
21970 hardship exists which is beyond the child's or parent's control
21971 under paragraph (b).
21972 (5)
21973 (b) The Office of Early Learning ~~Agency for Workforce~~
21974 ~~Innovation~~ shall adopt procedures for the payment of private
21975 prekindergarten providers and public schools delivering the
21976 Voluntary Prekindergarten Education Program. The procedures
21977 shall provide for the advance payment of providers and schools
21978 based upon student enrollment in the program, the certification
21979 of student attendance, and the reconciliation of advance
21980 payments in accordance with the uniform attendance policy
21981 adopted under paragraph (6)(d). The procedures shall provide for
21982 the monthly distribution of funds by the Office of Early



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21983 Learning ~~Agency for Workforce Innovation~~ to the early learning
21984 coalitions for payment by the coalitions to private
21985 prekindergarten providers and public schools. The department
21986 shall transfer to the Office of Early Learning ~~Agency for~~
21987 ~~Workforce Innovation~~ at least once each quarter the funds
21988 available for payment to private prekindergarten providers and
21989 public schools in accordance with this paragraph from the funds
21990 appropriated for that purpose.
21991 (6)(a) Each parent enrolling his or her child in the
21992 Voluntary Prekindergarten Education Program must agree to comply
21993 with the attendance policy of the private prekindergarten
21994 provider or district school board, as applicable. Upon
21995 enrollment of the child, the private prekindergarten provider or
21996 public school, as applicable, must provide the child's parent
21997 with a copy of the provider's or school district's attendance
21998 policy, as applicable.
21999 (b)1. Each private prekindergarten provider's and district
22000 school board's attendance policy must require the parent of each
22001 student in the Voluntary Prekindergarten Education Program to
22002 verify, each month, the student's attendance on the prior
22003 month's certified student attendance.
22004 2. The parent must submit the verification of the student's
22005 attendance to the private prekindergarten provider or public
22006 school on forms prescribed by the Office of Early Learning
22007 ~~Agency for Workforce Innovation~~. The forms must include, in
22008 addition to the verification of the student's attendance, a
22009 certification, in substantially the following form, that the
22010 parent continues to choose the private prekindergarten provider
22011 or public school in accordance with s. 1002.53 and directs that



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22012 payments for the program be made to the provider or school:
22013
22014 VERIFICATION OF STUDENT'S ATTENDANCE
22015 AND CERTIFICATION OF PARENTAL CHOICE
22016
22017 I, ...(Name of Parent)..., swear (or affirm) that my child,
22018 ...(Name of Student)..., attended the Voluntary Prekindergarten
22019 Education Program on the days listed above and certify that I
22020 continue to choose ...(Name of Provider or School)... to deliver
22021 the program for my child and direct that program funds be paid
22022 to the provider or school for my child.
22023 ...(Signature of Parent)...
22024 ...(Date)...
22025
22026 3. The private prekindergarten provider or public school
22027 must keep each original signed form for at least 2 years. Each
22028 private prekindergarten provider must permit the early learning
22029 coalition, and each public school must permit the school
22030 district, to inspect the original signed forms during normal
22031 business hours. The Office of Early Learning ~~Agency for~~
22032 ~~Workforce Innovation~~ shall adopt procedures for early learning
22033 coalitions and school districts to review the original signed
22034 forms against the certified student attendance. The review
22035 procedures shall provide for the use of selective inspection
22036 techniques, including, but not limited to, random sampling. Each
22037 early learning coalition and the school districts must comply
22038 with the review procedures.
22039 (c) A private prekindergarten provider or school district,
22040 as applicable, may dismiss a student who does not comply with



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22041 the provider's or district's attendance policy. A student
22042 dismissed under this paragraph is not removed from the Voluntary
22043 Prekindergarten Education Program and may continue in the
22044 program through reenrollment with another private
22045 prekindergarten provider or public school. Notwithstanding s.
22046 1002.53(6)(b), a school district is not required to provide for
22047 the admission of a student dismissed under this paragraph.
22048 (d) The Office of Early Learning ~~Agency for Workforce~~
22049 ~~Innovation~~ shall adopt, for funding purposes, a uniform
22050 attendance policy for the Voluntary Prekindergarten Education
22051 Program. The attendance policy must apply statewide and apply
22052 equally to all private prekindergarten providers and public
22053 schools. The attendance policy must include at least the
22054 following provisions:
22055 1. ~~Beginning with the 2009-2010 fiscal year for school-year~~
22056 ~~programs,~~ A student's attendance may be reported on a pro rata
22057 basis as a fractional part of a full-time equivalent student.
22058 2. At a maximum, 20 percent of the total payment made on
22059 behalf of a student to a private prekindergarten provider or a
22060 public school may be for hours a student is absent.
22061 3. A private prekindergarten provider or public school may
22062 not receive payment for absences that occur before a student's
22063 first day of attendance or after a student's last day of
22064 attendance.
22065
22066 The uniform attendance policy shall be used only for funding
22067 purposes and does not prohibit a private prekindergarten
22068 provider or public school from adopting and enforcing its
22069 attendance policy under paragraphs (a) and (c).



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22070 (7) The Office of Early Learning ~~Agency for Workforce~~
22071 ~~Innovation~~ shall require that administrative expenditures be
22072 kept to the minimum necessary for efficient and effective
22073 administration of the Voluntary Prekindergarten Education
22074 Program. Administrative policies and procedures shall be
22075 revised, to the maximum extent practicable, to incorporate the
22076 use of automation and electronic submission of forms, including
22077 those required for child eligibility and enrollment, provider
22078 and class registration, and monthly certification of attendance
22079 for payment. A school district may use its automated daily
22080 attendance reporting system for the purpose of transmitting
22081 attendance records to the early learning coalition in a mutually
22082 agreed-upon format. In addition, actions shall be taken to
22083 reduce paperwork, eliminate the duplication of reports, and
22084 eliminate other duplicative activities. Beginning with the 2010-
22085 2011 fiscal year, each early learning coalition may retain and
22086 expend no more than 4.5 percent of the funds paid by the
22087 coalition to private prekindergarten providers and public
22088 schools under paragraph (5)(b). Funds retained by an early
22089 learning coalition under this subsection may be used only for
22090 administering the Voluntary Prekindergarten Education Program
22091 and may not be used for the school readiness program or other
22092 programs.
22093 Section 456. Subsection (1) of section 1002.72, Florida
22094 Statutes, is amended to read:
22095 1002.72 Records of children in the Voluntary
22096 Prekindergarten Education Program.—
22097 (1)(a) The records of a child enrolled in the Voluntary
22098 Prekindergarten Education Program held by an early learning



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22099 coalition, the Office of Early Learning ~~Agency for Workforce~~
22100 ~~Innovation~~, or a Voluntary Prekindergarten Education Program
22101 provider are confidential and exempt from s. 119.07(1) and s.
22102 24(a), Art. I of the State Constitution. For purposes of this
22103 section, such records include assessment data, health data,
22104 records of teacher observations, and personal identifying
22105 information of an enrolled child and his or her parent.
22106 (b) This exemption applies to the records of a child
22107 enrolled in the Voluntary Prekindergarten Education Program held
22108 by an early learning coalition, the Office of Early Learning
22109 ~~Agency for Workforce Innovation~~, or a Voluntary Prekindergarten
22110 Education Program provider before, on, or after the effective
22111 date of this exemption.
22112 Section 457. Subsections (1) and (5) of section 1002.77,
22113 Florida Statutes, are amended to read:
22114 1002.77 Florida Early Learning Advisory Council.—
22115 (1) There is created the Florida Early Learning Advisory
22116 Council within the Office of Early Learning ~~Agency for Workforce~~
22117 ~~Innovation~~. The purpose of the advisory council is to submit
22118 recommendations to the department ~~and the Agency for Workforce~~
22119 ~~Innovation~~ on the early learning policy of this state, including
22120 recommendations relating to administration of the Voluntary
22121 Prekindergarten Education Program under this part and the school
22122 readiness programs under s. 411.01.
22123 (5) The Office of Early Learning ~~Agency for Workforce~~
22124 ~~Innovation~~ shall provide staff and administrative support for
22125 the advisory council.
22126 Section 458. Subsection (2) of section 1002.79, Florida
22127 Statutes, is amended to read:



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22128 1002.79 Rulemaking authority.—
22129 (2) The Office of Early Learning ~~Agency for Workforce~~
22130 ~~Innovation~~ shall adopt rules under ss. 120.536(1) and 120.54 to
22131 administer the provisions of this part conferring duties upon
22132 the agency.
22133 Section 459. Section 1002.75, Florida Statutes, is amended
22134 to read:
22135 1002.75 Office of Early Learning ~~Agency for Workforce~~
22136 ~~Innovation~~; powers and duties; operational requirements.—
22137 (1) The Office of Early Learning ~~Agency for Workforce~~
22138 ~~Innovation~~ shall administer the operational requirements of the
22139 Voluntary Prekindergarten Education Program at the state level.
22140 (2) The Office of Early Learning ~~Agency for Workforce~~
22141 ~~Innovation~~ shall adopt procedures governing the administration
22142 of the Voluntary Prekindergarten Education Program by the early
22143 learning coalitions and school districts for:
22144 (a) Enrolling children in and determining the eligibility
22145 of children for the Voluntary Prekindergarten Education Program
22146 under s. 1002.53.
22147 (b) Providing parents with profiles of private
22148 prekindergarten providers and public schools under s. 1002.53.
22149 (c) Registering private prekindergarten providers and
22150 public schools to deliver the program under ss. 1002.55,
22151 1002.61, and 1002.63.
22152 (d) Determining the eligibility of private prekindergarten
22153 providers to deliver the program under ss. 1002.55 and 1002.61.
22154 (e) Verifying the compliance of private prekindergarten
22155 providers and public schools and removing providers or schools
22156 from eligibility to deliver the program due to noncompliance or



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22157 misconduct as provided in s. 1002.67.
22158 (f) Paying private prekindergarten providers and public
22159 schools under s. 1002.71.
22160 (g) Documenting and certifying student enrollment and
22161 student attendance under s. 1002.71.
22162 (h) Reconciling advance payments in accordance with the
22163 uniform attendance policy under s. 1002.71.
22164 (i) Reenrolling students dismissed by a private
22165 prekindergarten provider or public school for noncompliance with
22166 the provider's or school district's attendance policy under s.
22167 1002.71.
22168 (3) The Office of Early Learning ~~Agency for Workforce~~
22169 ~~Innovation~~ shall adopt, in consultation with and subject to
22170 approval by the department, procedures governing the
22171 administration of the Voluntary Prekindergarten Education
22172 Program by the early learning coalitions and school districts
22173 for:
22174 (a) Approving improvement plans of private prekindergarten
22175 providers and public schools under s. 1002.67.
22176 (b) Placing private prekindergarten providers and public
22177 schools on probation and requiring corrective actions under s.
22178 1002.67.
22179 (c) Removing a private prekindergarten provider or public
22180 school from eligibility to deliver the program due to the
22181 provider's or school's remaining on probation beyond the time
22182 permitted under s. 1002.67.
22183 (d) Enrolling children in and determining the eligibility
22184 of children for the Voluntary Prekindergarten Education Program
22185 under s. 1002.66.



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22186 (e) Paying specialized instructional services providers
22187 under s. 1002.66.
22188 (4) The Office of Early Learning ~~Agency for Workforce~~
22189 ~~Innovation~~ shall also adopt procedures for the agency's
22190 distribution of funds to early learning coalitions under s.
22191 1002.71.
22192 (5) Except as provided by law, the Office of Early Learning
22193 ~~Agency for Workforce Innovation~~ may not impose requirements on a
22194 private prekindergarten provider or public school that does not
22195 deliver the Voluntary Prekindergarten Education Program or
22196 receive state funds under this part.
22197 Section 460. Subsections (2) and (3), paragraph (c) of
22198 subsection (4), and subsection (5) of section 1003.491, Florida
22199 Statutes, are amended to read:
22200 1003.491 Florida Career and Professional Education Act.—The
22201 Florida Career and Professional Education Act is created to
22202 provide a statewide planning partnership between the business
22203 and education communities in order to attract, expand, and
22204 retain targeted, high-value industry and to sustain a strong,
22205 knowledge-based economy.
22206 (2) ~~Beginning with the 2007-2008 school year,~~ Each district
22207 school board shall develop, in collaboration with local
22208 workforce boards and postsecondary institutions approved to
22209 operate in the state, a strategic 5-year plan to address and
22210 meet local and regional workforce demands. If involvement of the
22211 local workforce board in the strategic plan development is not
22212 feasible, the local school board, with the approval of the
22213 Department of Economic Opportunity ~~Agency for Workforce~~
22214 ~~Innovation~~, shall collaborate with the most appropriate local



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22215 business leadership board. Two or more school districts may
22216 collaborate in the development of the strategic plan and offer a
22217 career and professional academy as a joint venture. Such plans
22218 must describe in detail provisions for efficient transportation
22219 of students, maximum use of shared resources, and access to
22220 courses through the Florida Virtual School when appropriate.
22221 Each strategic plan shall ~~be completed no later than June 30,~~
22222 ~~2008, and shall~~ include provisions to have in place at least one
22223 operational career and professional academy, pursuant to s.
22224 1003.492~~, no later than the beginning of the 2008-2009 school~~
22225 ~~year~~.
22226 (3) The strategic 5-year plan developed jointly between the
22227 local school district, local workforce boards, and state-
22228 approved postsecondary institutions shall be constructed and
22229 based on:
22230 (a) Research conducted to objectively determine local and
22231 regional workforce needs for the ensuing 5 years, using labor
22232 projections of the United States Department of Labor and the
22233 Department of Economic Opportunity ~~Agency for Workforce~~
22234 ~~Innovation~~;
22235 (b) Strategies to develop and implement career academies
22236 based on those careers determined to be in high demand;
22237 (c) Maximum use of private sector facilities and personnel;
22238 (d) Strategies that ensure instruction by industry-
22239 certified faculty and standards and strategies to maintain
22240 current industry credentials and for recruiting and retaining
22241 faculty to meet those standards;
22242 (e) Alignment to requirements for middle school career
22243 exploration and high school redesign;



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22244 (f) Provisions to ensure that courses offered through
22245 career and professional academies are academically rigorous,
22246 meet or exceed appropriate state-adopted subject area standards,
22247 result in attainment of industry certification, and, when
22248 appropriate, result in postsecondary credit;
22249 (g) Establishment of student eligibility criteria in career
22250 and professional academies which include opportunities for
22251 students who have been unsuccessful in traditional classrooms
22252 but who show aptitude to participate in academies. School boards
22253 shall address the analysis of eighth grade student achievement
22254 data to provide opportunities for students who may be deemed as
22255 potential dropouts to participate in career and professional
22256 academies;
22257 (h) Strategies to provide sufficient space within academies
22258 to meet workforce needs and to provide access to all interested
22259 and qualified students;
22260 (i) Strategies to engage Department of Juvenile Justice
22261 students in career and professional academy training that leads
22262 to industry certification;
22263 (j) Opportunities for high school students to earn weighted
22264 or dual enrollment credit for higher-level career and technical
22265 courses;
22266 (k) Promotion of the benefits of the Gold Seal Bright
22267 Futures Scholarship;
22268 (l) Strategies to ensure the review of district pupil-
22269 progression plans and to amend such plans to include career and
22270 professional courses and to include courses that may qualify as
22271 substitute courses for core graduation requirements and those
22272 that may be counted as elective courses; and



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22273 (m) Strategies to provide professional development for
22274 secondary guidance counselors on the benefits of career and
22275 professional academies.
22276 (4) The State Board of Education shall establish a process
22277 for the continual and uninterrupted review of newly proposed
22278 core secondary courses and existing courses requested to be
22279 considered as core courses to ensure that sufficient rigor and
22280 relevance is provided for workforce skills and postsecondary
22281 education and aligned to state curriculum standards. The review
22282 of newly proposed core secondary courses shall be the
22283 responsibility of a curriculum review committee whose membership
22284 is approved by the Workforce Florida Board as described in s.
22285 445.004, and shall include:
22286 (c) Three workforce representatives recommended by the
22287 Department of Economic Opportunity ~~Agency for Workforce~~
22288 ~~Innovation~~.
22289 (5) The submission and review of newly proposed core
22290 courses shall be conducted electronically, and each proposed
22291 core course shall be approved or denied within 60 days. All
22292 courses approved as core courses for high school graduation
22293 purposes shall be immediately added to the Course Code
22294 Directory. Approved core courses shall also be reviewed and
22295 considered for approval for dual enrollment credit. The Board of
22296 Governors and the Commissioner of Education shall jointly
22297 recommend an annual deadline for approval of new core courses to
22298 be included for purposes of postsecondary admissions and dual
22299 enrollment credit the following academic year. The State Board
22300 of Education shall establish an appeals process in the event
22301 that a proposed course is denied which shall require a consensus



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22302 ruling by the Department of Economic Opportunity ~~Agency for~~
22303 ~~Workforce Innovation~~ and the Commissioner of Education within 15
22304 days. ~~The curriculum review committee must be established and~~
22305 ~~operational no later than September 1, 2007.~~
22306 Section 461. Subsections (2) and (3) of section 1003.492,
22307 Florida Statutes, are amended to read:
22308 1003.492 Industry-certified career education programs.—
22309 (2) The State Board of Education shall use the expertise of
22310 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to
22311 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
22312 for implementing an industry certification process. Industry
22313 certification shall be defined by the Department of Economic
22314 Opportunity ~~Agency for Workforce Innovation~~, based upon the
22315 highest available national standards for specific industry
22316 certification, to ensure student skill proficiency and to
22317 address emerging labor market and industry trends. A regional
22318 workforce board or a career and professional academy may apply
22319 to Workforce Florida, Inc., to request additions to the approved
22320 list of industry certifications based on high-demand job
22321 requirements in the regional economy. The list of industry
22322 certifications approved by Workforce Florida, Inc., and the
22323 Department of Education shall be published and updated annually
22324 by a date certain, to be included in the adopted rule.
22325 (3) The Department of Education shall collect student
22326 achievement and performance data in industry-certified career
22327 education programs and shall work with Workforce Florida, Inc.,
22328 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.
22329 The data collection and analyses shall examine the performance
22330 of participating students over time. Performance factors shall



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22331 include, but not be limited to, graduation rates, retention
22332 rates, Florida Bright Futures Scholarship awards, additional
22333 educational attainment, employment records, earnings, industry
22334 certification, and employer satisfaction. The results of this
22335 study shall be submitted to the President of the Senate and the
22336 Speaker of the House of Representatives annually by December 31.
22337 Section 462. Paragraphs (f), (j), and (k) of subsection (4)
22338 of section 1003.493, Florida Statutes, is amended to read:
22339 1003.493 Career and professional academies.—
22340 (4) Each career and professional academy must:
22341 (f) Provide instruction in careers designated as high
22342 growth, high demand, and high pay by the local workforce
22343 development board, the chamber of commerce, or the Department of
22344 Economic Opportunity ~~Agency for Workforce Innovation~~.
22345 (j) Provide opportunities for students to obtain the
22346 Florida Ready to Work Certification pursuant to s. 445.06 ~~s.~~
22347 ~~1004.99~~.
22348 (k) Include an evaluation plan developed jointly with the
22349 Department of Education and the local workforce board. The
22350 evaluation plan must include an assessment tool based on
22351 national industry standards, such as the Career Academy National
22352 Standards of Practice, and outcome measures, including, but not
22353 limited to, achievement of national industry certifications
22354 identified in the Industry Certification Funding List, pursuant
22355 to rules adopted by the State Board of Education, graduation
22356 rates, enrollment in postsecondary education, business and
22357 industry satisfaction, employment and earnings, awards of
22358 postsecondary credit and scholarships, and student achievement
22359 levels and learning gains on statewide assessments administered



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22360 under s. 1008.22(3)(c). The Department of Education shall use
22361 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in
22362 identifying industry experts to participate in developing and
22363 implementing such assessments.
22364 Section 463. Subsection (3) of section 1003.575, Florida
22365 Statutes, is amended to read:
22366 1003.575 Assistive technology devices; findings;
22367 interagency agreements.—Accessibility, utilization, and
22368 coordination of appropriate assistive technology devices and
22369 services are essential as a young person with disabilities moves
22370 from early intervention to preschool, from preschool to school,
22371 from one school to another, and from school to employment or
22372 independent living. To ensure that an assistive technology
22373 device issued to a young person as part of his or her
22374 individualized family support plan, individual support plan, or
22375 an individual education plan remains with the individual through
22376 such transitions, the following agencies shall enter into
22377 interagency agreements, as appropriate, to ensure the
22378 transaction of assistive technology devices:
22379 (3) The Voluntary Prekindergarten Education Program
22380 administered by the Department of Education and the Office of
22381 Early Learning ~~Agency for Workforce Innovation~~.
22382
22383 Interagency agreements entered into pursuant to this section
22384 shall provide a framework for ensuring that young persons with
22385 disabilities and their families, educators, and employers are
22386 informed about the utilization and coordination of assistive
22387 technology devices and services that may assist in meeting
22388 transition needs, and shall establish a mechanism by which a



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22389 young person or his or her parent may request that an assistive
22390 technology device remain with the young person as he or she
22391 moves through the continuum from home to school to postschool.
22392 Section 464. Subsection (4) of section 1003.4285, Florida
22393 Statutes, is amended to read:
22394 1003.4285 Standard high school diploma designations.—Each
22395 standard high school diploma shall include, as applicable:
22396 (4) A designation reflecting a Florida Ready to Work
22397 Credential in accordance with s. 445.06 ~~s. 1004.99~~.
22398 Section 465. Paragraph (c) of subsection (5) of section
22399 1004.226, Florida Statutes, is amended to read:
22400 1004.226 The 21st Century Technology, Research, and
22401 Scholarship Enhancement Act.—
22402 (5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—
22403 (c) The board, in consultation with senior administrators
22404 of state universities, state university foundation directors,
22405 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
22406 ~~and Economic Development~~, the board of directors of Enterprise
22407 Florida, Inc., and leading members of private industry, shall
22408 develop and recommend to the Board of Governors criteria for the
22409 21st Century World Class Scholars Program. Such criteria shall
22410 address, at a minimum, the following:
22411 1. The presence of distinguished faculty members, including
22412 whether the university has a substantial history of external
22413 funding, along with the strong potential for attracting a
22414 scholar of national or international eminence.
22415 2. The presence of academically outstanding students, along
22416 with the promise and potential for attracting additional highly
22417 qualified students.



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22418 3. The presence of adequate research and scholarly support
22419 services.
22420 4. The existence of an academic environment having
22421 appropriate infrastructure, including buildings, classrooms,
22422 libraries, laboratories, and specialized equipment, that is
22423 conducive to the conduct of the highest quality of scholarship
22424 and research.
22425 5. The demonstration of concordance with Florida's
22426 strategic plan for economic development or an emphasis on one or
22427 more emerging sciences or technologies that could favorably
22428 impact the state's economic future.
22429 Section 466. Paragraph (a) of subsection (4) of section
22430 1004.435, Florida Statutes, is amended to read:
22431 1004.435 Cancer control and research.—
22432 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
22433 CREATION; COMPOSITION.—
22434 (a) There is created within the H. Lee Moffitt Cancer
22435 Center and Research Institute, Inc., the Florida Cancer Control
22436 and Research Advisory Council. The council shall consist of 34
22437 members, which includes the chairperson, all of whom must be
22438 residents of this state. All members, except those appointed by
22439 the Speaker of the House of Representatives and the President of
22440 the Senate, must be appointed by the Governor. At least one of
22441 the members appointed by the Governor must be 60 years of age or
22442 older. One member must be a representative of the American
22443 Cancer Society; one member must be a representative of the
22444 Florida Tumor Registrars Association; one member must be a
22445 representative of the Sylvester Comprehensive Cancer Center of
22446 the University of Miami; one member must be a representative of



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22447 the Department of Health; one member must be a representative of
22448 the University of Florida Shands Cancer Center; one member must
22449 be a representative of the Agency for Health Care
22450 Administration; one member must be a representative of the
22451 Florida Nurses Association; one member must be a representative
22452 of the Florida Osteopathic Medical Association; one member must
22453 be a representative of the American College of Surgeons; one
22454 member must be a representative of the School of Medicine of the
22455 University of Miami; one member must be a representative of the
22456 College of Medicine of the University of Florida; one member
22457 must be a representative of NOVA Southeastern College of
22458 Osteopathic Medicine; one member must be a representative of the
22459 College of Medicine of the University of South Florida; one
22460 member must be a representative of the College of Public Health
22461 of the University of South Florida; one member must be a
22462 representative of the Florida Society of Clinical Oncology; one
22463 member must be a representative of the Florida Obstetric and
22464 Gynecologic Society who has had training in the specialty of
22465 gynecologic oncology; one member must be a representative of the
22466 Florida Medical Association; one member must be a member of the
22467 Florida Pediatric Society; one member must be a representative
22468 of the Florida Radiological Society; one member must be a
22469 representative of the Florida Society of Pathologists; one
22470 member must be a representative of the H. Lee Moffitt Cancer
22471 Center and Research Institute, Inc.; three members must be
22472 representatives of the general public acting as consumer
22473 advocates; one member must be a member of the House of
22474 Representatives appointed by the Speaker of the House of
22475 Representatives; one member must be a member of the Senate



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22476 appointed by the President of the Senate; one member must be a
22477 representative of the Florida Dental Association; one member
22478 must be a representative of the Florida Hospital Association;
22479 one member must be a representative of the Association of
22480 Community Cancer Centers; one member shall be a representative
22481 from a statutory teaching hospital affiliated with a community-
22482 based cancer center; one member must be a representative of the
22483 Florida Association of Pediatric Tumor Programs, Inc.; one
22484 member must be a representative of the Cancer Information
22485 Service; one member must be a representative of the Florida
22486 Agricultural and Mechanical University Institute of Public
22487 Health; and one member must be a representative of the Florida
22488 Society of Oncology Social Workers. Of the members of the
22489 council appointed by the Governor, at least 10 must be
22490 individuals who are minority persons as defined by s.
22491 288.703~~(3)~~.
22492 Section 467. Paragraph (g) of subsection (1) of section
22493 1004.46, Florida Statutes, is amended to read:
22494 1004.46 Multidisciplinary Center for Affordable Housing.—
22495 (1) The Multidisciplinary Center for Affordable Housing is
22496 established within the School of Building Construction of the
22497 College of Architecture of the University of Florida with the
22498 collaboration of other related disciplines such as agriculture,
22499 business administration, engineering, law, and medicine. The
22500 center shall work in conjunction with other state universities.
22501 The Multidisciplinary Center for Affordable Housing shall:
22502 (g) Establish a research agenda and general work plan in
22503 cooperation with the Department of Economic Opportunity
22504 ~~Community Affairs~~, which is the state agency responsible for



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22505 research and planning for affordable housing and for training
22506 and technical assistance for providers of affordable housing.
22507 Section 468. Subsection (3) of section 1008.39, Florida
22508 Statutes, is amended to read:
22509 1008.39 Florida Education and Training Placement
22510 Information Program.—
22511 (3) The Florida Education and Training Placement
22512 Information Program must not make public any information that
22513 could identify an individual or the individual's employer. The
22514 Department of Education must ensure that the purpose of
22515 obtaining placement information is to evaluate and improve
22516 public programs or to conduct research for the purpose of
22517 improving services to the individuals whose social security
22518 numbers are used to identify their placement. If an agreement
22519 assures that this purpose will be served and that privacy will
22520 be protected, the Department of Education shall have access to
22521 the unemployment insurance wage reports maintained by the
22522 Department of Economic Opportunity ~~Agency for Workforce~~
22523 ~~Innovation~~, the files of the Department of Children and Family
22524 Services that contain information about the distribution of
22525 public assistance, the files of the Department of Corrections
22526 that contain records of incarcerations, and the files of the
22527 Department of Business and Professional Regulation that contain
22528 the results of licensure examination.
22529 Section 469. Subsection (3) of section 1008.41, Florida
22530 Statutes, is amended to read:
22531 1008.41 Workforce education; management information
22532 system.—
22533 (3) Planning and evaluation of job-preparatory programs



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22534 shall be based on standard sources of data and use standard
22535 occupational definitions and coding structures, including, but
22536 not limited to:
22537 (a) The Florida Occupational Information System;
22538 (b) The Florida Education and Training Placement
22539 Information Program;
22540 (c) The Department of Economic Opportunity ~~Agency for~~
22541 ~~Workforce Innovation~~;
22542 (d) The United States Department of Labor; and
22543 (e) Other sources of data developed using statistically
22544 valid procedures.
22545 Section 470. Subsections (2), (3), (4), (5), and (6) of
22546 section 1011.76, Florida Statutes, are amended to read:
22547 1011.76 Small School District Stabilization Program.—
22548 (2) In order to participate in this program, a school
22549 district must be located in a rural area of critical economic
22550 concern designated by the Executive Office of the Governor, and
22551 the district school board must submit a resolution to the
22552 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
22553 ~~Economic Development~~ requesting participation in the program. A
22554 rural area of critical economic concern must be a rural
22555 community, or a region composed of such, that has been adversely
22556 affected by an extraordinary economic event or a natural
22557 disaster or that presents a unique economic development concern
22558 or opportunity of regional impact. The resolution must be
22559 accompanied with documentation of the economic conditions in the
22560 community, provide information indicating the negative impact of
22561 these conditions on the school district’s financial stability,
22562 and the school district must participate in a best financial



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22563 management practices review to determine potential efficiencies
22564 that could be implemented to reduce program costs in the
22565 district.
22566 (3) The Department of Economic Opportunity ~~Office of~~
22567 ~~Tourism, Trade, and Economic Development~~, in consultation with
22568 the Department of Education, shall review the resolution and
22569 other information required by subsection (2) and determine
22570 whether the school district is eligible to participate in the
22571 program. Factors influencing the ~~office's~~ determination of the
22572 Department of Economic Opportunity may include, but are not
22573 limited to, reductions in the county tax roll resulting from
22574 business closures or other causes, or a reduction in student
22575 enrollment due to business closures or impacts in the local
22576 economy.
22577 (4) ~~Effective July 1, 2000, and thereafter,~~ When the
22578 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
22579 ~~Economic Development~~ authorizes a school district to participate
22580 in the program, the Legislature may give priority to that
22581 district for a best financial management practices review in the
22582 school district, subject to approval pursuant to s. 1008.35(7),
22583 to the extent that funding is provided annually for such purpose
22584 in the General Appropriations Act. The scope of the review shall
22585 be as set forth in s. 1008.35.
22586 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department
22587 of Education may award the school district a stabilization grant
22588 intended to protect the district from continued financial
22589 reductions. The amount of the grant will be determined by the
22590 Department of Education and may be equivalent to the amount of
22591 the decline in revenues projected for the next fiscal year. In



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22592 addition, the Department of Economic Opportunity ~~Office of~~
22593 ~~Tourism, Trade, and Economic Development~~ may implement a rural
22594 economic development initiative to identify the economic factors
22595 that are negatively impacting the community and may consult with
22596 Enterprise Florida, Inc., in developing a plan to assist the
22597 county with its economic transition. The grant will be available
22598 to the school district for a period of up to 5 years to the
22599 extent that funding is provided for such purpose in the General
22600 Appropriations Act.
22601 (6) Based on the availability of funds, the Department of
22602 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
22603 ~~Development~~ or the Department of Education may enter into
22604 contracts or issue grants necessary to implement the program.
22605 Section 471. Section 1012.2251, Florida Statutes, is
22606 amended to read:
22607 1012.2251 End-of-course examinations for Merit Award
22608 Program. ~~Beginning with the 2007-2008 school year,~~ School
22609 districts that participate in the Merit Award Program under s.
22610 1012.225 must be able to administer end-of-course examinations
22611 based on the Sunshine State Standards in order to measure a
22612 student's understanding and mastery of the entire course in all
22613 grade groupings and subjects for any year in which the districts
22614 participate in the program. The statewide standardized
22615 assessment, College Board Advanced Placement Examination,
22616 International Baccalaureate examination, Advanced International
22617 Certificate of Education examination, or examinations resulting
22618 in national or state industry certification recognized by the
22619 Department of Economic Opportunity ~~Agency for Workforce~~
22620 ~~Innovation~~ satisfy the requirements of this section for the



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22621 respective grade groupings and subjects assessed by these
22622 examinations and assessments.
22623 Section 472. Paragraph (a) of subsection (1) of section
22624 1013.37, Florida Statutes, is amended to read:
22625 1013.37 State uniform building code for public educational
22626 facilities construction.—
22627 (1) UNIFORM BUILDING CODE.—A uniform statewide building
22628 code for the planning and construction of public educational and
22629 ancillary plants by district school boards and community college
22630 district boards of trustees shall be adopted by the Florida
22631 Building Commission within the Florida Building Code, pursuant
22632 to s. 553.73. Included in this code must be flood plain
22633 management criteria in compliance with the rules and regulations
22634 in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto
22635 which are adopted by the Federal Emergency Management Agency. It
22636 is also the responsibility of the department to develop, as a
22637 part of the uniform building code, standards relating to:
22638 (a) Prefabricated facilities or factory-built facilities
22639 that are designed to be portable, relocatable, demountable, or
22640 reconstructible; are used primarily as classrooms; and do not
22641 fall under the provisions of ss. 320.822-320.862. Such standards
22642 must permit boards to contract with the Department of Business
22643 and Professional Regulation ~~Community Affairs~~ for factory
22644 inspections by certified building code inspectors to certify
22645 conformance with applicable law and rules. The standards must
22646 comply with the requirements of s. 1013.20 for relocatable
22647 facilities intended for long-term use as classroom space, and
22648 the relocatable facilities shall be designed subject to missile
22649 impact criteria of s. 423(24)(d)(1) of the Florida Building Code



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22650 when located in the windborne debris region.
22651
22652 It is not a purpose of the Florida Building Code to inhibit the
22653 use of new materials or innovative techniques; nor may it
22654 specify or prohibit materials by brand names. The code must be
22655 flexible enough to cover all phases of construction so as to
22656 afford reasonable protection for the public safety, health, and
22657 general welfare. The department may secure the service of other
22658 state agencies or such other assistance as it finds desirable in
22659 recommending to the Florida Building Commission revisions to the
22660 code.
22661 Section 473. Subsections (1) and (2) of section 1013.372,
22662 Florida Statutes, are amended to read:
22663 1013.372 Education facilities as emergency shelters.—
22664 (1) The Department of Education shall, in consultation with
22665 boards and county and state emergency management offices,
22666 include within the standards to be developed under this
22667 subsection public shelter design criteria to be incorporated
22668 into the Florida Building Code. The new criteria must be
22669 designed to ensure that appropriate new educational facilities
22670 can serve as public shelters for emergency management purposes.
22671 A facility, or an appropriate area within a facility, for which
22672 a design contract is entered into after the effective date of
22673 the inclusion of the public shelter criteria in the code must be
22674 built in compliance with the amended code unless the facility or
22675 a part of it is exempted from using the new shelter criteria due
22676 to its location, size, or other characteristics by the
22677 applicable board with the concurrence of the applicable local
22678 emergency management agency or the Division of Emergency



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22679 Management ~~Department of Community Affairs~~. Any educational
22680 facility located or proposed to be located in an identified
22681 category 1, 2, or 3 evacuation zone is not subject to the
22682 requirements of this subsection. If the regional planning
22683 council region in which the county is located does not have a
22684 hurricane evacuation shelter deficit, as determined by the
22685 Division of Emergency Management ~~Department of Community~~
22686 ~~Affairs~~, educational facilities within the planning council
22687 region are not required to incorporate the public shelter
22688 criteria.
22689 (2) By January 31 of each even-numbered year, the Division
22690 of Emergency Management ~~Department of Community Affairs~~ shall
22691 prepare and submit a statewide emergency shelter plan to the
22692 Governor and the Cabinet for approval. The plan must identify
22693 the general location and square footage of existing shelters, by
22694 regional planning council region, and the general location and
22695 square footage of needed shelters, by regional planning council
22696 region, during the next 5 years. The plan must identify the
22697 types of public facilities that should be constructed to comply
22698 with emergency-shelter criteria and must recommend an
22699 appropriate and available source of funding for the additional
22700 cost of constructing emergency shelters within these public
22701 facilities. After the approval of the plan, a board may not be
22702 required to build more emergency-shelter space than identified
22703 as needed in the plan, and decisions pertaining to exemptions
22704 pursuant to subsection (1) must be guided by the plan.
22705 Section 474. Subsection (4) of section 1013.74, Florida
22706 Statutes, is amended to read:
22707 1013.74 University authorization for fixed capital outlay



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22708 projects.—
22709 (4) The university board of trustees shall, in consultation
22710 with local and state emergency management agencies, assess
22711 existing facilities to identify the extent to which each campus
22712 has public hurricane evacuation shelter space. The board shall
22713 submit to the Governor and the Legislature by August 1 of each
22714 year a 5-year capital improvements program that identifies new
22715 or retrofitted facilities that will incorporate enhanced
22716 hurricane resistance standards and that can be used as public
22717 hurricane evacuation shelters. Enhanced hurricane resistance
22718 standards include fixed passive protection for window and door
22719 applications to provide mitigation protection, security
22720 protection with egress, and energy efficiencies that meet
22721 standards required in the 130-mile-per-hour wind zone areas. The
22722 board must also submit proposed facility retrofit projects to
22723 the Division of Emergency Management ~~Department of Community~~
22724 ~~Affairs~~ for assessment and inclusion in the annual report
22725 prepared in accordance with s. 252.385(3). Until a regional
22726 planning council region in which a campus is located has
22727 sufficient public hurricane evacuation shelter space, any campus
22728 building for which a design contract is entered into subsequent
22729 to July 1, 2001, and which has been identified by the board,
22730 with the concurrence of the local emergency management agency or
22731 the Division of Emergency Management ~~Department of Community~~
22732 ~~Affairs~~, to be appropriate for use as a public hurricane
22733 evacuation shelter, must be constructed in accordance with
22734 public shelter standards.
22735 Section 475. Section 20.505, Florida Statutes, is
22736 transferred, renumbered as section 20.605, Florida Statutes, and



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22737 amended to read:
22738 20.605 ~~20.505~~ Administrative Trust Fund of the Department
22739 of Economic Opportunity ~~Agency for Workforce Innovation~~.—
22740 (1) The Administrative Trust Fund is created within the
22741 Department of Economic Opportunity ~~Agency for Workforce~~
22742 ~~Innovation~~.
22743 (2) Funds shall be used for the purpose of supporting the
22744 administrative functions of the department ~~agency~~ as required by
22745 law, pursuant to legislative appropriation or an approved
22746 amendment to the department's ~~agency's~~ operating budget pursuant
22747 to the provisions of chapter 216.
22748 (3) Notwithstanding the provisions of s. 216.301 and
22749 pursuant to s. 216.351, any balance in the trust fund at the end
22750 of any fiscal year shall remain in the trust fund at the end of
22751 the year and shall be available for carrying out the purposes of
22752 the trust fund.
22753 Section 476. Section 1004.99, Florida Statutes, is
22754 transferred, renumbered as section 445.06, Florida Statutes, and
22755 amended to read:
22756 445.06 ~~1004.99~~ Florida Ready to Work Certification
22757 Program.—
22758 (1) There is created the Florida Ready to Work
22759 Certification Program to enhance the workplace skills of
22760 Floridians ~~Florida's students~~ to better prepare them for
22761 successful employment in specific occupations.
22762 (2) The Florida Ready to Work Certification Program may be
22763 conducted in public middle and high schools, community colleges,
22764 technical centers, one-stop career centers, vocational
22765 rehabilitation centers, and Department of Juvenile Justice



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22766 educational facilities. The program may be made available to
22767 other entities that provide job training. The Department of
22768 Economic Opportunity, in coordination with the Department of
22769 Education, shall establish institutional readiness criteria for
22770 program implementation.
22771 (3) The Florida Ready to Work Certification Program shall
22772 be composed of:
22773 (a) A comprehensive identification of workplace skills for
22774 each occupation identified for inclusion in the program by the
22775 Department of Economic Opportunity ~~Agency for Workforce~~
22776 ~~Innovation~~ and the Department of Education.
22777 (b) A preinstructional assessment that delineates an
22778 individual's ~~the student's~~ mastery level on the specific
22779 workplace skills identified for that occupation.
22780 (c) A targeted instructional program limited to those
22781 identified workplace skills in which the individual ~~student~~ is
22782 not proficient as measured by the preinstructional assessment.
22783 Instruction must utilize a web-based program and be customized
22784 to meet identified specific needs of local employers.
22785 (d) A Florida Ready to Work Credential and portfolio
22786 awarded to individuals ~~students~~ upon successful completion of
22787 the instruction. Each portfolio must delineate the skills
22788 demonstrated by the individuals ~~student~~ as evidence of the
22789 individual's ~~student's~~ preparation for employment.
22790 (4) A Florida Ready to Work Credential shall be awarded to
22791 an individual ~~a student~~ who successfully passes assessments in
22792 Reading for Information, Applied Mathematics, and Locating
22793 Information or any other assessments of comparable rigor. Each
22794 assessment shall be scored on a scale of 3 to 7. The level of



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22795 the credential each individual ~~student~~ receives is based on the
22796 following:
22797 (a) A bronze-level credential requires a minimum score of 3
22798 or above on each of the assessments.
22799 (b) A silver-level credential requires a minimum score of 4
22800 or above on each of the assessments.
22801 (c) A gold-level credential requires a minimum score of 5
22802 or above on each of the assessments.
22803 (5) The Department of Economic Opportunity ~~State Board of~~
22804 ~~Education~~, in consultation with the Department of Education
22805 ~~Agency for Workforce Innovation~~, may adopt rules pursuant to ss.
22806 120.536(1) and 120.54 to implement the provisions of this
22807 section.
22808 Section 477. Section 14.2015, Florida Statutes, is
22809 repealed.
22810 Section 478. Section 20.18, Florida Statutes, is repealed.
22811 Section 479. Section 20.50, Florida Statutes, is repealed.
22812 Section 480. Subsection (2) of section 23.22, Florida
22813 Statutes, is repealed.
22814 Section 481. Paragraph (6) of section 165.031, Florida
22815 Statutes, is repealed.
22816 Section 482. Section 165.093, Florida Statutes, is
22817 repealed.
22818 Section 483. Sections 216.235, 216.236, 216.237, and
22819 216.238, Florida Statutes, are repealed.
22820 Section 484. Section 287.115, Florida Statutes, is
22821 repealed.
22822 Section 485. Sections 288.1221, 288.1222, 288.1223,
22823 288.1224, 288.1227, and 288.1229, Florida Statutes, are



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22824 repealed.
22825 Section 486. Section 288.7011, Florida Statutes, is
22826 repealed.
22827 Section 487. Sections 288.7065, 288.707, 288.708, 288.709,
22828 288.7091, and 288.712, Florida Statutes, are repealed.
22829 Section 488. Section 288.12295, Florida Statutes, is
22830 repealed.
22831 Section 489. Section 288.90151, Florida Statutes, is
22832 repealed.
22833 Section 490. Section 288.9415, Florida Statutes, is
22834 repealed.
22835 Section 491. Sections 409.944, 409.945, and 409.946,
22836 Florida Statutes, are repealed.
22837 Section 492. Section 943.402, Florida Statutes, is
22838 repealed.
22839 Section 493. Section 42 of chapter 2005-71, Laws of
22840 Florida, and Section 1 of chapter 2005-261, Laws of Florida, are
22841 repealed.
22842 Section 494. Section 252.363, Florida Statutes, is created
22843 to read:
22844 252.363 Tolling and extension of permits and other
22845 authorizations.—
22846 (1)(a) The declaration of a state of emergency by the
22847 Governor tolls the period remaining to exercise the rights under
22848 a permit or other authorization for the duration of the
22849 emergency declaration. Further, the emergency declaration
22850 extends the period remaining to exercise the rights under a
22851 permit or other authorization for 6 months in addition to the
22852 tolled period. This paragraph applies to the following:



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22853 1. The expiration of a development order issued by a local
22854 government.
22855 2. The expiration of a building permit.
22856 3. The expiration of a permit issued by the Department of
22857 Environmental Protection or a water management district pursuant
22858 to part IV of chapter 373.
22859 4. The buildout date of a development of regional impact,
22860 including any extension of a buildout date that was previously
22861 granted pursuant to s. 380.06(19)(c).
22862 (b) Within 90 days after the termination of the emergency
22863 declaration, the holder of the permit or other authorization
22864 shall notify the issuing authority of the intent to exercise the
22865 tolling and extension granted under paragraph (a). The notice
22866 must be in writing and identify the specific permit or other
22867 authorization qualifying for extension.
22868 (c) If the permit or other authorization for a phased
22869 construction project is extended, the commencement and
22870 completion dates for any required mitigation are extended such
22871 that the mitigation activities occur in the same timeframe
22872 relative to the phase as originally permitted.
22873 (d) This subsection does not apply to:
22874 1. A permit or other authorization for a building,
22875 improvement, or development located outside the geographic area
22876 for which the declaration of a state of emergency applies.
22877 2. A permit or other authorization under any programmatic
22878 or regional general permit issued by the Army Corps of
22879 Engineers.
22880 3. The holder of a permit or other authorization who is
22881 determined by the authorizing agency to be in significant



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22882 noncompliance with the conditions of the permit or other
22883 authorization through the issuance of a warning letter or notice
22884 of violation, the initiation of formal enforcement, or an
22885 equivalent action.
22886 4. A permit or other authorization that is subject to a
22887 court order specifying an expiration date or buildout date that
22888 would be in conflict with the extensions granted in this
22889 section.
22890 (2) A permit or other authorization that is extended shall
22891 be governed by the laws, administrative rules, and ordinances in
22892 effect when the permit was issued, unless any party or the
22893 issuing authority demonstrates that operating under those laws,
22894 administrative rules, or ordinances will create an immediate
22895 threat to the public health or safety.
22896 (3) This section does not restrict a county or municipality
22897 from requiring property to be maintained and secured in a safe
22898 and sanitary condition in compliance with applicable laws,
22899 administrative rules, or ordinances.
22900 Section 495. Subsection (6) is added to section 253.02,
22901 Florida Statutes, to read:
22902 253.02 Board of trustees; powers and duties.—
22903 (6) The board of trustees shall report to the Legislature
22904 its recommendations as to whether any existing multistate
22905 compact for mutual aid should be modified or whether the state
22906 should enter into a new multistate compact to address the
22907 impacts of the Deepwater Horizon event or potentially similar
22908 future incidents. The report shall be submitted to the
22909 Legislature by February 1, 2012, and updated annually thereafter
22910 for 5 years.



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22911 Section 496. Commission on Oil Spill Response
22912 Coordination.—
22913 (1) The Board of Trustees of the Internal Improvement Trust
22914 Fund shall appoint a commission consisting of a representative
22915 of the office of each board member, a representative of each
22916 state agency that directly and materially responded to the
22917 Deepwater Horizon disaster, and the chair of the board of county
22918 commissioners of each of the following counties: Bay County,
22919 Escambia County, Franklin County, Gulf County, Okaloosa County,
22920 Santa Rosa County, Walton County, and Wakulla County. The
22921 Governor shall select the chair of the commission from among the
22922 appointees.
22923 (2) The commission shall prepare a report for review and
22924 approval by the board of trustees which:
22925 (a) Identifies potential changes to state and federal law
22926 and regulations which will improve the oversight and monitoring
22927 of offshore drilling activities and increase response
22928 capabilities to offshore oil spills.
22929 (b) Identifies potential changes to state and federal law
22930 and regulations which will improve protections for public health
22931 and safety, occupational health and safety, and the environment
22932 and natural resources.
22933 (c) Evaluates the merits of the establishment of a federal
22934 Gulf-wide disaster relief fund.
22935 (d) Evaluates the need for a unified and uniform advocacy
22936 process for damage claims.
22937 (e) Evaluates the need for changes to interstate
22938 coordination agreements in order to reduce the potential for
22939 damage claims and lawsuits.



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22940 (f) Addresses any other related issues as determined by the
22941 commission.
22942 (3) The board of trustees shall deliver the report to the
22943 Governor, the President of the Senate, the Speaker of the House
22944 of Representatives, the Secretary of Environmental Protection,
22945 and the executive director of the Department of Economic
22946 Opportunity by September 1, 2012.
22947 (4) This section expires September 30, 2012.
22948 Section 497. (1) For purposes of this section, the term
22949 "Disproportionally Affected County" means Bay County, Escambia
22950 County, Franklin County, Gulf County, Okaloosa County, Santa
22951 Rosa County, Walton County, or Wakulla County.
22952 (2) When the Department of Economic Opportunity determines
22953 it is in the best interest of the public for reasons of
22954 facilitating economic development, growth, or new employment
22955 opportunities within a Disproportionally Affected County, the
22956 department may between July 1, 2011, and June 30, 2014, waive
22957 any or all job or wage eligibility requirements under s.
22958 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s.
22959 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 up
22960 to the cumulative amount of $5 million of all state incentives
22961 received per project. Prior to granting such waiver, the
22962 executive director of the department shall file with the
22963 Governor a written statement of the conditions and circumstances
22964 constituting the reason for the waiver.
22965 (3) When the Department of Economic Opportunity determines
22966 it is in the best interest of the public for reasons of
22967 facilitating economic development, growth, or new employment
22968 opportunities within a Disproportionally Affected County, the



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22969 department may between July 1, 2011, and June 30, 2014, waive
22970 any or all job or wage eligibility requirements under s.
22971 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s.
22972 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089
22973 for cumulative amounts in excess of $5 million but less than $10
22974 million of all state incentives received per project. Prior to
22975 granting such waiver, the department shall file with the
22976 Governor, the President of the Senate, and the Speaker of the
22977 House of Representatives a written statement of the conditions
22978 and circumstances constituting the reason for the waiver, and
22979 requesting written concurrence within 5 business days to the
22980 Governor from the President of the Senate and the Speaker of the
22981 House of Representatives. Without such concurrence, the waiver
22982 shall not occur.
22983 (4) The Department of Economic Opportunity is not
22984 authorized under this paragraph to waive job and wage
22985 eligibility requirements under s. 288.063, s. 288.065, s.
22986 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s.
22987 288.1081, s. 288.1088, or s. 288.1089 for cumulative amounts $10
22988 million or more in state incentives received per project.
22989 Section 498. (1) For purposes of this section, the term
22990 "Disproportionally Affected County" means Bay County, Escambia
22991 County, Franklin County, Gulf County, Okaloosa County, Santa
22992 Rosa County, Walton County, or Wakulla County.
22993 (2) There is appropriated for the 2011-2012, 2012-2013, and
22994 2013-2014 fiscal years the sum of $10 million each year in
22995 recurring funds from the General Revenue Fund to the Department
22996 of Economic Opportunity. The Department of Economic Opportunity
22997 shall use these funds to execute a contract for $10 million



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22998 annually, for a term not to exceed three years, with the Office
22999 of Economic Development and Engagement within the University of
23000 West Florida for the charitable purpose of developing and
23001 implementing an innovative economic development program for
23002 promoting research and development, commercialization of
23003 research, economic diversification, and job creation in a
23004 Disproportionally Affected County.
23005 (3) The contract between the Department of Economic
23006 Opportunity and the Office of Economic Development and
23007 Engagement within the University of West Florida shall, at a
23008 minimum, require the Office of Economic Development and
23009 Engagement to report quarterly to the Department of Economic
23010 Opportunity and to collaborate with educational entities,
23011 economic development organizations, local governments, and
23012 relevant state agencies to create a program framework and
23013 strategy, including specific criteria governing the expenditure
23014 of funds. The criteria for the expenditure of funds shall, at a
23015 minimum, require a funding preference for any Disproportionally
23016 Affected County and any municipality within a Disproportionally
23017 Affected County which provides for expedited permitting in order
23018 to promote research and development, commercialization of
23019 research, economic diversification, and job creation within
23020 their respective jurisdictions. The criteria for the expenditure
23021 of funds shall, at a minimum, also require a funding preference
23022 for any Disproportionally Affected County and any municipality
23023 within a Disproportionally Affected County which combines its
23024 permitting processes and expedites permitting in order to
23025 promote research and development, commercialization of research,
23026 economic diversification, and job creation within their



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23027 respective jurisdictions.
23028 (4) The funds appropriated in this section shall be placed
23029 in reserve by the Executive Office of the Governor, and may be
23030 released as authorized by law or the Legislative Budget
23031 Commission.
23032 Section 499. (1) For purposes of this section, the term
23033 "Disproportionally Affected County" means Bay County, Escambia
23034 County, Franklin County, Gulf County, Okaloosa County, Santa
23035 Rosa County, Walton County, or Wakulla County.
23036 (2) Any funds received by the state from any governmental
23037 or private entity for damages caused by the Deepwater Horizon
23038 oil spill shall be deposited into the applicable state trust
23039 funds and expended pursuant to state law or as approved by the
23040 Legislative Budget Commission.
23041 (3) Seventy-five percent of such moneys may be used for:
23042 (a) Scientific research into the impact of the oil spill on
23043 fisheries and coastal wildlife and vegetation along any
23044 Disproportionally Affected County's shoreline and the
23045 development of strategies to implement restoration measures
23046 suggested by such research;
23047 (b) Environmental restoration of coastal areas damaged by
23048 the oil spill in any Disproportionally Affected County;
23049 (c) Economic incentives directed to any Disproportionally
23050 Affected County; and
23051 (d) Initiatives to expand and diversify the economies of
23052 any Disproportionally Affected County.
23053 (4) The remaining 25 percent of such moneys may be used
23054 for:
23055 (a) Scientific research into the impact of the oil spill on



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23056 fisheries and coastal wildlife and vegetation along any of the
23057 state's shoreline that is not a Disproportionally Affected
23058 County's shoreline, and the development of strategies to
23059 implement restoration measures suggested by such research;
23060 (b) Environmental restoration of coastal areas damaged by
23061 the oil spill in any county other than a Disproportionally
23062 Affected County;
23063 (c) Economic incentives directed to any county other than a
23064 Disproportionally Affected County; and
23065 (d) Initiatives to expand and diversify the economies of
23066 any county other than a Disproportionally Affected County.
23067 (5)(a) The Department of Environmental Protection is the
23068 lead agency for expending the funds designated for environmental
23069 restoration efforts.
23070 (b) The Department of Economic Opportunity is the lead
23071 agency for expending the funds designated for economic
23072 incentives and diversification efforts.
23073 Section 500. The powers, duties, functions, records,
23074 personnel, property, pending issues and existing contracts,
23075 administrative authority, administrative rules, and unexpended
23076 balances of appropriations, allocations, and other funds of the
23077 Florida Energy and Climate Commission within the Executive
23078 Office of the Governor are transferred by a type two transfer,
23079 as defined in s. 20.06(2), Florida Statutes, to the Department
23080 of Agriculture and Consumer Services.
23081 Section 501. Subsections (3), (4), (5), and (8) and
23082 paragraph (b) of subsection (6) of section 220.192, Florida
23083 Statutes, are amended to read:
23084 220.192 Renewable energy technologies investment tax



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23085 credit.—
23086 (3) CORPORATE APPLICATION PROCESS.—Any corporation wishing
23087 to obtain tax credits available under this section must submit
23088 to the Department of Agriculture and Consumer Services ~~Florida~~
23089 ~~Energy and Climate Commission~~ an application for tax credit that
23090 includes a complete description of all eligible costs for which
23091 the corporation is seeking a credit and a description of the
23092 total amount of credits sought. The Department of Agriculture
23093 and Consumer Services ~~Florida Energy and Climate Commission~~
23094 shall make a determination on the eligibility of the applicant
23095 for the credits sought and certify the determination to the
23096 applicant and the Department of Revenue. The corporation must
23097 attach the Department of Agriculture and Consumer Services'
23098 ~~Florida Energy and Climate Commission's~~ certification to the tax
23099 return on which the credit is claimed. The Department of
23100 Agriculture and Consumer Services is ~~Florida Energy and Climate~~
23101 ~~Commission shall be~~ responsible for ensuring that the corporate
23102 income tax credits granted in each fiscal year do not exceed the
23103 limits provided for in this section. The Department of
23104 Agriculture and Consumer Services may ~~Florida Energy and Climate~~
23105 ~~Commission is authorized to~~ adopt the necessary rules~~,~~
23106 ~~guidelines,~~ and forms ~~application materials~~ for the application
23107 process.
23108 (4) TAXPAYER APPLICATION PROCESS.—To claim a credit under
23109 this section, each taxpayer must apply to the Department of
23110 Agriculture and Consumer Services ~~Florida Energy and Climate~~
23111 ~~Commission~~ for an allocation of each type of annual credit by
23112 the date established by the Department of Agriculture and
23113 Consumer Services ~~Florida Energy and Climate Commission~~. The



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23114 application form adopted ~~may be established~~ by the Department of
23115 Agriculture and Consumer Services ~~Florida Energy and Climate~~
23116 ~~Commission. The form~~ must include an affidavit from each
23117 taxpayer certifying that all information contained in the
23118 application, including all records of eligible costs claimed as
23119 the basis for the tax credit, are true and correct. Approval of
23120 the credits under this section is ~~shall be accomplished~~ on a
23121 first-come, first-served basis, based upon the date complete
23122 applications are received by the Department of Agriculture and
23123 Consumer Services ~~Florida Energy and Climate Commission~~. A
23124 taxpayer must ~~shall~~ submit only one complete application based
23125 upon eligible costs incurred within a particular state fiscal
23126 year. Incomplete placeholder applications will not be accepted
23127 and will not secure a place in the first-come, first-served
23128 application line. If a taxpayer does not receive a tax credit
23129 allocation due to the exhaustion of the annual tax credit
23130 authorizations, then such taxpayer may reapply in the following
23131 year for those eligible costs and will have priority over other
23132 applicants for the allocation of credits.
23133 (5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF CREDITS.—
23134 (a) In addition to its existing audit and investigation
23135 authority, the Department of Revenue may perform any additional
23136 financial and technical audits and investigations, including
23137 examining the accounts, books, and records of the tax credit
23138 applicant, which are necessary to verify the eligible costs
23139 included in the tax credit return and to ensure compliance with
23140 this section. The Department of Agriculture and Consumer
23141 Services ~~Florida Energy and Climate Commission~~ shall provide
23142 technical assistance when requested by the Department of Revenue



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23143 on any technical audits or examinations performed pursuant to
23144 this section.
23145 (b) It is grounds for forfeiture of previously claimed and
23146 received tax credits if the Department of Revenue determines, as
23147 a result of an audit or examination or from information received
23148 from the Department of Agriculture and Consumer Services ~~Florida~~
23149 ~~Energy and Climate Commission~~, that a taxpayer received tax
23150 credits pursuant to this section to which the taxpayer was not
23151 entitled. The taxpayer is responsible for returning forfeited
23152 tax credits to the Department of Revenue, and such funds shall
23153 be paid into the General Revenue Fund of the state.
23154 (c) The Department of Agriculture and Consumer Services
23155 ~~Florida Energy and Climate Commission~~ may revoke or modify any
23156 written decision granting eligibility for tax credits under this
23157 section if it is discovered that the tax credit applicant
23158 submitted any false statement, representation, or certification
23159 in any application, record, report, plan, or other document
23160 filed in an attempt to receive tax credits under this section.
23161 The Department of Agriculture and Consumer Services ~~Florida~~
23162 ~~Energy and Climate Commission~~ shall immediately notify the
23163 Department of Revenue of any revoked or modified orders
23164 affecting previously granted tax credits. Additionally, the
23165 taxpayer must notify the Department of Revenue of any change in
23166 its tax credit claimed.
23167 (d) The taxpayer shall file with the Department of Revenue
23168 an amended return or such other report as the Department of
23169 Revenue prescribes by rule and shall pay any required tax and
23170 interest within 60 days after the taxpayer receives notification
23171 from the Department of Agriculture and Consumer Services ~~Florida~~



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23172 ~~Energy and Climate Commission~~ that previously approved tax
23173 credits have been revoked or modified. If the revocation or
23174 modification order is contested, the taxpayer shall file an
23175 amended return or other report as provided in this paragraph
23176 within 60 days after a final order is issued after proceedings.
23177 (e) A notice of deficiency may be issued by the Department
23178 of Revenue at any time within 3 years after the taxpayer
23179 receives formal notification from the Department of Agriculture
23180 and Consumer Services ~~Florida Energy and Climate Commission~~ that
23181 previously approved tax credits have been revoked or modified.
23182 If a taxpayer fails to notify the Department of Revenue of any
23183 changes to its tax credit claimed, a notice of deficiency may be
23184 issued at any time.
23185 (6) TRANSFERABILITY OF CREDIT.—
23186 (b) To perfect the transfer, the transferor shall provide
23187 the Department of Revenue with a written transfer statement
23188 notifying the Department of Revenue of the transferor's intent
23189 to transfer the tax credits to the transferee; the date the
23190 transfer is effective; the transferee's name, address, and
23191 federal taxpayer identification number; the tax period; and the
23192 amount of tax credits to be transferred. The Department of
23193 Revenue shall, upon receipt of a transfer statement conforming
23194 to the requirements of this section, provide the transferee with
23195 a certificate reflecting the tax credit amounts transferred. A
23196 copy of the certificate must be attached to each tax return for
23197 which the transferee seeks to apply such tax credits.
23198 (8) PUBLICATION.—The Department of Agriculture and Consumer
23199 Services ~~Florida Energy and Climate Commission~~ shall determine
23200 and publish on a regular basis the amount of available tax



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23201 credits remaining in each fiscal year.
23202 Section 502. Subsection (9) of section 288.9607, Florida
23203 Statutes, is amended to read:
23204 288.9607 Guaranty of bond issues.—
23205 (9) The membership of the corporation is authorized and
23206 directed to conduct such investigation as it may deem necessary
23207 for promulgation of regulations to govern the operation of the
23208 guaranty program authorized by this section. The regulations may
23209 include such other additional provisions, restrictions, and
23210 conditions as the corporation, after its investigation referred
23211 to in this subsection, shall determine to be proper to achieve
23212 the most effective utilization of the guaranty program. This may
23213 include, without limitation, a detailing of the remedies that
23214 must be exhausted by bondholders, a trustee acting on their
23215 behalf, or other credit provided before calling upon the
23216 corporation to perform under its guaranty agreement and the
23217 subrogation of other rights of the corporation with reference to
23218 the capital project and its operation or the financing in the
23219 event the corporation makes payment pursuant to the applicable
23220 guaranty agreement. The regulations promulgated by the
23221 corporation to govern the operation of the guaranty program may
23222 contain specific provisions with respect to the rights of the
23223 corporation to enter, take over, and manage all financed
23224 properties upon default. These regulations shall be submitted by
23225 the corporation to the Department of Agriculture and Consumer
23226 Services ~~Florida Energy and Climate Commission~~ for approval.
23227 Section 503. Subsection (5) of section 366.82, Florida
23228 Statutes, is amended to read:
23229 366.82 Definition; goals; plans; programs; annual reports;



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23230 energy audits.—
23231 (5) The Department of Agriculture and Consumer Services
23232 ~~Florida Energy and Climate Commission~~ shall be a party in the
23233 proceedings to adopt goals and shall file with the commission
23234 comments on the proposed goals, including, but not limited to:
23235 (a) An evaluation of utility load forecasts, including an
23236 assessment of alternative supply-side and demand-side resource
23237 options.
23238 (b) An analysis of various policy options that can be
23239 implemented to achieve a least-cost strategy, including
23240 nonutility programs targeted at reducing and controlling the per
23241 capita use of electricity in the state.
23242 (c) An analysis of the impact of state and local building
23243 codes and appliance efficiency standards on the need for
23244 utility-sponsored conservation and energy efficiency measures
23245 and programs.
23246 Section 504. Subsection (3) of section 366.92, Florida
23247 Statutes, is amended to read:
23248 366.92 Florida renewable energy policy.—
23249 (3) The commission shall adopt rules for a renewable
23250 portfolio standard requiring each provider to supply renewable
23251 energy to its customers directly, by procuring, or through
23252 renewable energy credits. In developing the RPS rule, the
23253 commission shall consult the Department of Environmental
23254 Protection and the Department of Agriculture and Consumer
23255 Services ~~Florida Energy and Climate Commission~~. The rule shall
23256 not be implemented until ratified by the Legislature. The
23257 commission shall present a draft rule for legislative
23258 consideration by February 1, 2009.



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23259 (a) In developing the rule, the commission shall evaluate
23260 the current and forecasted levelized cost in cents per kilowatt
23261 hour through 2020 and current and forecasted installed capacity
23262 in kilowatts for each renewable energy generation method through
23263 2020.
23264 (b) The commission's rule:
23265 1. Shall include methods of managing the cost of compliance
23266 with the renewable portfolio standard, whether through direct
23267 supply or procurement of renewable power or through the purchase
23268 of renewable energy credits. The commission shall have
23269 rulemaking authority for providing annual cost recovery and
23270 incentive-based adjustments to authorized rates of return on
23271 common equity to providers to incentivize renewable energy.
23272 Notwithstanding s. 366.91(3) and (4), upon the ratification of
23273 the rules developed pursuant to this subsection, the commission
23274 may approve projects and power sales agreements with renewable
23275 power producers and the sale of renewable energy credits needed
23276 to comply with the renewable portfolio standard. In the event of
23277 any conflict, this subparagraph shall supersede s. 366.91(3) and
23278 (4). However, nothing in this section shall alter the obligation
23279 of each public utility to continuously offer a purchase contract
23280 to producers of renewable energy.
23281 2. Shall provide for appropriate compliance measures and
23282 the conditions under which noncompliance shall be excused due to
23283 a determination by the commission that the supply of renewable
23284 energy or renewable energy credits was not adequate to satisfy
23285 the demand for such energy or that the cost of securing
23286 renewable energy or renewable energy credits was cost
23287 prohibitive.



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23288 3. May provide added weight to energy provided by wind and
23289 solar photovoltaic over other forms of renewable energy, whether
23290 directly supplied or procured or indirectly obtained through the
23291 purchase of renewable energy credits.
23292 4. Shall determine an appropriate period of time for which
23293 renewable energy credits may be used for purposes of compliance
23294 with the renewable portfolio standard.
23295 5. Shall provide for monitoring of compliance with and
23296 enforcement of the requirements of this section.
23297 6. Shall ensure that energy credited toward compliance with
23298 the requirements of this section is not credited toward any
23299 other purpose.
23300 7. Shall include procedures to track and account for
23301 renewable energy credits, including ownership of renewable
23302 energy credits that are derived from a customer-owned renewable
23303 energy facility as a result of any action by a customer of an
23304 electric power supplier that is independent of a program
23305 sponsored by the electric power supplier.
23306 8. Shall provide for the conditions and options for the
23307 repeal or alteration of the rule in the event that new
23308 provisions of federal law supplant or conflict with the rule.
23309 (c) Beginning on April 1 of the year following final
23310 adoption of the commission’s renewable portfolio standard rule,
23311 each provider shall submit a report to the commission describing
23312 the steps that have been taken in the previous year and the
23313 steps that will be taken in the future to add renewable energy
23314 to the provider’s energy supply portfolio. The report shall
23315 state whether the provider was in compliance with the renewable
23316 portfolio standard during the previous year and how it will



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23317 comply with the renewable portfolio standard in the upcoming
23318 year.
23319 Section 505. Section 377.6015, Florida Statutes, is amended
23320 to read:
23321 377.6015 Department of Agriculture and Consumer Services;
23322 powers and duties ~~Florida Energy and Climate Commission.—~~
23323 ~~(1) The Florida Energy and Climate Commission is created~~
23324 ~~within the Executive Office of the Governor. The commission~~
23325 ~~shall be comprised of nine members appointed by the Governor,~~
23326 ~~the Commissioner of Agriculture, and the Chief Financial~~
23327 ~~Officer.~~
23328 ~~(a) The Governor shall appoint one member from three~~
23329 ~~persons nominated by the Florida Public Service Commission~~
23330 ~~Nominating Council, created in s. 350.031, to each of seven~~
23331 ~~seats on the commission. The Commissioner of Agriculture shall~~
23332 ~~appoint one member from three persons nominated by the council~~
23333 ~~to one seat on the commission. The Chief Financial Officer shall~~
23334 ~~appoint one member from three persons nominated by the council~~
23335 ~~to one seat on the commission.~~
23336 ~~1. The council shall submit the recommendations to the~~
23337 ~~Governor, the Commissioner of Agriculture, and the Chief~~
23338 ~~Financial Officer by September 1 of those years in which the~~
23339 ~~terms are to begin the following October or within 60 days after~~
23340 ~~a vacancy occurs for any reason other than the expiration of the~~
23341 ~~term. The Governor, the Commissioner of Agriculture, and the~~
23342 ~~Chief Financial Officer may proffer names of persons to be~~
23343 ~~considered for nomination by the council.~~
23344 ~~2. The Governor, the Commissioner of Agriculture, and the~~
23345 ~~Chief Financial Officer shall fill a vacancy occurring on the~~



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23346 ~~commission by appointment of one of the applicants nominated by~~
23347 ~~the council only after a background investigation of such~~
23348 ~~applicant has been conducted by the Department of Law~~
23349 ~~Enforcement.~~
23350 ~~3. Members shall be appointed to 3-year terms; however, in~~
23351 ~~order to establish staggered terms, for the initial~~
23352 ~~appointments, the Governor shall appoint four members to 3-year~~
23353 ~~terms, two members to 2-year terms, and one member to a 1-year~~
23354 ~~term, and the Commissioner of Agriculture and the Chief~~
23355 ~~Financial Officer shall each appoint one member to a 3-year term~~
23356 ~~and shall appoint a successor when that appointee's term expires~~
23357 ~~in the same manner as the original appointment.~~
23358 ~~4. The Governor shall select from the membership of the~~
23359 ~~commission one person to serve as chair.~~
23360 ~~5. A vacancy on the commission shall be filled for the~~
23361 ~~unexpired portion of the term in the same manner as the original~~
23362 ~~appointment.~~
23363 ~~6. If the Governor, the Commissioner of Agriculture, or the~~
23364 ~~Chief Financial Officer has not made an appointment within 30~~
23365 ~~consecutive calendar days after the receipt of the~~
23366 ~~recommendations, the council shall initiate, in accordance with~~
23367 ~~this section, the nominating process within 30 days.~~
23368 ~~7. Each appointment to the commission shall be subject to~~
23369 ~~confirmation by the Senate during the next regular session after~~
23370 ~~the vacancy occurs. If the Senate refuses to confirm or fails to~~
23371 ~~consider the appointment of the Governor, the Commissioner of~~
23372 ~~Agriculture, or the Chief Financial Officer, the council shall~~
23373 ~~initiate, in accordance with this section, the nominating~~
23374 ~~process within 30 days.~~



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23375 ~~8. The Governor or the Governor's successor may recall an~~
23376 ~~appointee.~~
23377 ~~9. Notwithstanding subparagraph 7. and for the initial~~
23378 ~~appointments to the commission only, each initial appointment to~~
23379 ~~the commission is subject to confirmation by the Senate by the~~
23380 ~~2010 Regular Session. If the Senate refuses to confirm or fails~~
23381 ~~to consider an appointment made by the Governor, the~~
23382 ~~Commissioner of Agriculture, or the Chief Financial Officer, the~~
23383 ~~council shall initiate, in accordance with this section, the~~
23384 ~~nominating process within 30 days after the Senate's refusal to~~
23385 ~~confirm or failure to consider such appointment. This~~
23386 ~~subparagraph expires July 1, 2010.~~
23387 ~~(b) Members must meet the following qualifications and~~
23388 ~~restrictions:~~
23389 ~~1. A member must be an expert in one or more of the~~
23390 ~~following fields: energy, natural resource conservation,~~
23391 ~~economics, engineering, finance, law, transportation and land~~
23392 ~~use, consumer protection, state energy policy, or another field~~
23393 ~~substantially related to the duties and functions of the~~
23394 ~~commission. The commission shall fairly represent the fields~~
23395 ~~specified in this subparagraph.~~
23396 ~~2. Each member shall, at the time of appointment and at~~
23397 ~~each commission meeting during his or her term of office,~~
23398 ~~disclose:~~
23399 ~~a. Whether he or she has any financial interest, other than~~
23400 ~~ownership of shares in a mutual fund, in any business entity~~
23401 ~~that, directly or indirectly, owns or controls, or is an~~
23402 ~~affiliate or subsidiary of, any business entity that may be~~
23403 ~~affected by the policy recommendations developed by the~~



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23404 ~~commission.~~
23405 ~~b. Whether he or she is employed by or is engaged in any~~
23406 ~~business activity with any business entity that, directly or~~
23407 ~~indirectly, owns or controls, or is an affiliate or subsidiary~~
23408 ~~of, any business entity that may be affected by the policy~~
23409 ~~recommendations developed by the commission.~~
23410 ~~(c) The chair may designate the following ex officio,~~
23411 ~~nonvoting members to provide information and advice to the~~
23412 ~~commission at the request of the chair:~~
23413 ~~1. The chair of the Florida Public Service Commission, or~~
23414 ~~his or her designee.~~
23415 ~~2. The Public Counsel, or his or her designee.~~
23416 ~~3. A representative of the Department of Agriculture and~~
23417 ~~Consumer Services.~~
23418 ~~4. A representative of the Department of Financial~~
23419 ~~Services.~~
23420 ~~5. A representative of the Department of Environmental~~
23421 ~~Protection.~~
23422 ~~6. A representative of the Department of Community Affairs.~~
23423 ~~7. A representative of the Board of Governors of the State~~
23424 ~~University System.~~
23425 ~~8. A representative of the Department of Transportation.~~
23426 ~~(2) Members shall serve without compensation but are~~
23427 ~~entitled to reimbursement for per diem and travel expenses as~~
23428 ~~provided in s. 112.061.~~
23429 ~~(3) Meetings of the commission may be held in various~~
23430 ~~locations around the state and at the call of the chair;~~
23431 ~~however, the commission must meet at least six times each year.~~
23432 (1)~~(4)~~ The department ~~commission~~ may:



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23433 (a) Employ staff and counsel as needed in the performance
23434 of its duties.
23435 (b) Prosecute and defend legal actions in its own name.
23436 (c) Form advisory groups consisting of members of the
23437 public to provide information on specific issues.
23438 (2) ~~(5)~~ The department ~~commission~~ shall:
23439 (a) Administer the Florida Renewable Energy and Energy-
23440 Efficient Technologies Grants Program pursuant to s. 377.804 to
23441 assure a robust grant portfolio.
23442 (b) Develop policy for requiring grantees to provide
23443 royalty-sharing or licensing agreements with state government
23444 for commercialized products developed under a state grant.
23445 (c) Administer the Florida Green Government Grants Act
23446 pursuant to s. 377.808 and set annual priorities for grants.
23447 (d) Administer the information gathering and reporting
23448 functions pursuant to ss. 377.601-377.608.
23449 ~~(e) Administer petroleum planning and emergency contingency~~
23450 ~~planning pursuant to ss. 377.701, 377.703, and 377.704.~~
23451 (e) ~~(f)~~ Represent Florida in the Southern States Energy
23452 Compact pursuant to ss. 377.71-377.712.
23453 ~~(g) Complete the annual assessment of the efficacy of~~
23454 ~~Florida's Energy and Climate Change Action Plan, upon completion~~
23455 ~~by the Governor's Action Team on Energy and Climate Change~~
23456 ~~pursuant to the Governor's Executive Order 2007-128, and provide~~
23457 ~~specific recommendations to the Governor and the Legislature~~
23458 ~~each year to improve results.~~
23459 (f) ~~(h)~~ Administer the provisions of the Florida Energy and
23460 Climate Protection Act pursuant to ss. 377.801-377.807 ~~377.801-~~
23461 ~~377.806~~.



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23462 (g) ~~(i)~~ Advocate for energy and climate change issues and
23463 provide educational outreach and technical assistance in
23464 cooperation with the state's academic institutions.
23465 (h) ~~(j)~~ Be a party in the proceedings to adopt goals and
23466 submit comments to the Public Service Commission pursuant to s.
23467 366.82.
23468 (i) ~~(k)~~ Adopt rules pursuant to chapter 120 in order to
23469 implement all powers and duties described in this section.
23470 Section 506. Subsection (1) and paragraphs (a) and (b) of
23471 subsection (2) of section 377.602, Florida Statutes, are amended
23472 to read:
23473 377.602 Definitions.—As used in ss. 377.601-377.608:
23474 (1) "Department" ~~"Commission"~~ means the Department of
23475 Agriculture and Consumer Services ~~Florida Energy and Climate~~
23476 ~~Commission~~.
23477 (2) "Energy resources" includes, but shall not be limited
23478 to:
23479 (a) Energy converted from solar radiation, wind, hydraulic
23480 potential, tidal movements, biomass, geothermal sources, and
23481 other energy resources the department ~~commission~~ determines to
23482 be important to the production or supply of energy.
23483 (b) Propane, butane, motor gasoline, kerosene, home heating
23484 oil, diesel fuel, other middle distillates, aviation gasoline,
23485 kerosene-type jet fuel, naphtha-type jet fuel, residual fuels,
23486 crude oil, and other petroleum products and hydrocarbons as may
23487 be determined by the department ~~commission~~ to be of importance.
23488 Section 507. Section 377.603, Florida Statutes, is amended
23489 to read:
23490 377.603 Energy data collection; powers and duties of the



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23491 department ~~commission~~.—
23492 (1) The department ~~commission~~ may collect data on the
23493 extraction, production, importation, exportation, refinement,
23494 transportation, transmission, conversion, storage, sale, or
23495 reserves of energy resources in this state in an efficient and
23496 expeditious manner.
23497 (2) The department ~~commission~~ may prepare periodic reports
23498 of energy data it collects.
23499 (3) The department ~~commission~~ may adopt and promulgate such
23500 rules and regulations as are necessary to carry out the
23501 provisions of ss. 377.601-377.608. Such rules shall be pursuant
23502 to chapter 120.
23503 (4) The department ~~commission~~ shall maintain internal
23504 validation procedures to assure the accuracy of information
23505 received.
23506 Section 508. Section 377.604, Florida Statutes, is amended
23507 to read:
23508 377.604 Required reports.—Every person who produces,
23509 imports, exports, refines, transports, transmits, converts,
23510 stores, sells, or holds known reserves of any form of energy
23511 resources used as fuel shall report to the department
23512 ~~commission~~, at the request of and in a manner prescribed by the
23513 department ~~commission~~, on forms provided by the department
23514 ~~commission~~. Such forms shall be designed in such a manner as to
23515 indicate:
23516 (1) The identity of the person or persons making the
23517 report.
23518 (2) The quantity of energy resources extracted, produced,
23519 imported, exported, refined, transported, transmitted,



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23520 converted, stored, or sold except at retail.
23521 (3) The quantity of energy resources known to be held in
23522 reserve in the state.
23523 (4) The identity of each refinery from which petroleum
23524 products have normally been obtained and the type and quantity
23525 of products secured from that refinery for sale or resale in
23526 this state.
23527 (5) Any other information which the department ~~commission~~
23528 deems proper pursuant to the intent of ss. 377.601-377.608.
23529 Section 509. Section 377.605, Florida Statutes, is amended
23530 to read:
23531 377.605 Use of existing information.—The department
23532 ~~commission~~ may utilize to the fullest extent possible any
23533 existing energy information already prepared for state or
23534 federal agencies. Every state, county, and municipal agency
23535 shall cooperate with the department ~~commission~~ and shall submit
23536 any information on energy to the department ~~commission~~ upon
23537 request.
23538 Section 510. Section 377.606, Florida Statutes, is amended
23539 to read:
23540 377.606 Records of the department ~~commission~~; limits of
23541 confidentiality.—The information or records of individual
23542 persons, as defined in this section, obtained by the department
23543 ~~commission~~ as a result of a report, investigation, or
23544 verification required by the department ~~commission~~ shall be open
23545 to the public, except such information the disclosure of which
23546 would be likely to cause substantial harm to the competitive
23547 position of the person providing such information and which is
23548 requested to be held confidential by the person providing such



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23549 information. Such proprietary information is confidential and
23550 exempt from the provisions of s. 119.07(1). Information reported
23551 by entities other than the department ~~commission~~ in documents or
23552 reports open to public inspection shall under no circumstances
23553 be classified as confidential by the department ~~commission~~.
23554 Divulgence of proprietary information as is requested to be held
23555 confidential, except upon order of a court of competent
23556 jurisdiction or except to an officer of the state entitled to
23557 receive the same in his or her official capacity, shall be a
23558 misdemeanor of the second degree, punishable as provided in ss.
23559 775.082 and 775.083. ~~Nothing in~~ This section does not ~~shall be~~
23560 ~~construed to~~ prohibit the publication or divulgence by other
23561 means of data so classified as to prevent identification of
23562 particular accounts or reports made to the department ~~commission~~
23563 in compliance with s. 377.603 or to prohibit the disclosure of
23564 such information to properly qualified legislative committees.
23565 The department ~~commission~~ shall establish a system which permits
23566 reasonable access to information developed.
23567 Section 511. Section 377.608, Florida Statutes, is amended
23568 to read:
23569 377.608 Prosecution of cases by state attorney.—The state
23570 attorney shall prosecute all cases certified to him or her for
23571 prosecution by the department ~~commission~~ immediately upon
23572 receipt of the evidence transmitted by the department
23573 ~~commission~~, or as soon thereafter as practicable.
23574 Section 512. Subsections (1), (2), and (3) of section
23575 377.701, Florida Statutes, are amended to read:
23576 377.701 Petroleum allocation.—
23577 (1) The Division of Emergency Management ~~Florida Energy and~~



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23578 ~~Climate Commission~~ shall assume the state's role in petroleum
23579 allocation and conservation, including the development of a fair
23580 and equitable petroleum plan. The Division of Emergency
23581 Management ~~commission~~ shall constitute the responsible state
23582 agency for performing the functions of any federal program
23583 delegated to the state, which relates to petroleum supply,
23584 demand, and allocation.
23585 (2) The Division of Emergency Management ~~commission~~ shall,
23586 in addition to assuming the duties and responsibilities provided
23587 by subsection (1), perform the following:
23588 (a) In projecting available supplies of petroleum,
23589 coordinate with the Department of Revenue to secure information
23590 necessary to assure the sufficiency and accuracy of data
23591 submitted by persons affected by any federal fuel allocation
23592 program.
23593 (b) Require such periodic reports from public and private
23594 sources as may be necessary to the fulfillment of its
23595 responsibilities under this act. Such reports may include:
23596 petroleum use; all sales, including end-user sales, except
23597 retail gasoline and retail fuel oil sales; inventories; expected
23598 supplies and allocations; and petroleum conservation measures.
23599 (c) In cooperation with the Department of Revenue and other
23600 relevant state agencies, provide for long-range studies
23601 regarding the usage of petroleum in the state in order to:
23602 1. Comprehend the consumption of petroleum resources.
23603 2. Predict future petroleum demands in relation to
23604 available resources.
23605 3. Report the results of such studies to the Legislature.
23606 (3) For the purpose of determining accuracy of data, all



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23607 state agencies shall timely provide the Division of Emergency
23608 Management ~~commission~~ with petroleum-use information in a format
23609 suitable to the needs of the allocation program.
23610 Section 513. Section 377.703, Florida Statutes, is amended
23611 to read:
23612 377.703 Additional functions of the Department of
23613 Agriculture and Consumer Services ~~Florida Energy and Climate~~
23614 ~~Commission~~.—
23615 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
23616 demand questions have become a major area of concern to the
23617 state which must be dealt with by effective and well-coordinated
23618 state action, it is the intent of the Legislature to promote the
23619 efficient, effective, and economical management of energy
23620 problems, centralize energy coordination responsibilities,
23621 pinpoint responsibility for conducting energy programs, and
23622 ensure the accountability of state agencies for the
23623 implementation of s. 377.601(2), the state energy policy. It is
23624 the specific intent of the Legislature that nothing in this act
23625 shall in any way change the powers, duties, and responsibilities
23626 assigned by the Florida Electrical Power Plant Siting Act, part
23627 II of chapter 403, or the powers, duties, and responsibilities
23628 of the Florida Public Service Commission.
23629 (2) ~~FLORIDA ENERGY AND CLIMATE COMMISSION~~; DUTIES.—The
23630 department ~~commission~~ shall perform the following functions,
23631 unless as otherwise provided, consistent with the development of
23632 a state energy policy:
23633 (a) The Division of Emergency Management is responsible for
23634 the ~~commission shall assume the responsibility for~~ development
23635 of an energy emergency contingency plan to respond to serious



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23636 shortages of primary and secondary energy sources. Upon a
23637 finding by the Governor, implementation of any emergency program
23638 shall be upon order of the Governor that a particular kind or
23639 type of fuel is, or that the occurrence of an event which is
23640 reasonably expected within 30 days will make the fuel, in short
23641 supply. The Division of Emergency Management ~~commission~~ shall
23642 then respond by instituting the appropriate measures of the
23643 contingency plan to meet the given emergency or energy shortage.
23644 The Governor may utilize the provisions of s. 252.36(5) to carry
23645 out any emergency actions required by a serious shortage of
23646 energy sources.
23647 (b) The department is ~~commission shall be~~ responsible for
23648 performing or coordinating the functions of any federal energy
23649 programs delegated to the state, including energy supply,
23650 demand, conservation, or allocation.
23651 (c) The department ~~commission~~ shall analyze present and
23652 proposed federal energy programs and make recommendations
23653 regarding those programs to the Governor and the Legislature.
23654 (d) The department ~~commission~~ shall coordinate efforts to
23655 seek federal support or other support for state energy
23656 activities, including energy conservation, research, or
23657 development, and is ~~shall be~~ responsible for the coordination of
23658 multiagency energy conservation programs and plans.
23659 (e) The department ~~commission~~ shall analyze energy data
23660 collected and prepare long-range forecasts of energy supply and
23661 demand in coordination with the Florida Public Service
23662 Commission, which is responsible ~~shall have responsibility~~ for
23663 electricity and natural gas forecasts. To this end, the
23664 forecasts shall contain:



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23665 1. An analysis of the relationship of state economic growth
23666 and development to energy supply and demand, including the
23667 constraints to economic growth resulting from energy supply
23668 constraints.
23669 2. Plans for the development of renewable energy resources
23670 and reduction in dependence on depletable energy resources,
23671 particularly oil and natural gas, and an analysis of the extent
23672 to which renewable energy sources are being utilized in the
23673 state.
23674 3. Consideration of alternative scenarios of statewide
23675 energy supply and demand for 5, 10, and 20 years to identify
23676 strategies for long-range action, including identification of
23677 potential social, economic, and environmental effects.
23678 4. An assessment of the state's energy resources, including
23679 examination of the availability of commercially developable and
23680 imported fuels, and an analysis of anticipated effects on the
23681 state's environment and social services resulting from energy
23682 resource development activities or from energy supply
23683 constraints, or both.
23684 (f) The department ~~commission~~ shall submit an annual report
23685 to the Governor and the Legislature reflecting its activities
23686 and making recommendations of policies for improvement of the
23687 state's response to energy supply and demand and its effect on
23688 the health, safety, and welfare of the people of Florida. The
23689 report shall include a report from the Florida Public Service
23690 Commission on electricity and natural gas and information on
23691 energy conservation programs conducted and underway in the past
23692 year and shall include recommendations for energy conservation
23693 programs for the state, including, but not limited to, the



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23694 following factors:
23695 1. Formulation of specific recommendations for improvement
23696 in the efficiency of energy utilization in governmental,
23697 residential, commercial, industrial, and transportation sectors.
23698 2. Collection and dissemination of information relating to
23699 energy conservation.
23700 3. Development and conduct of educational and training
23701 programs relating to energy conservation.
23702 4. An analysis of the ways in which state agencies are
23703 seeking to implement s. 377.601(2), the state energy policy, and
23704 recommendations for better fulfilling this policy.
23705 (g) The department may ~~commission has authority to~~ adopt
23706 rules pursuant to ss. 120.536(1) and 120.54 to implement the
23707 provisions of this act.
23708 (h) The department ~~commission~~ shall promote the development
23709 and use of renewable energy resources, in conformance with the
23710 provisions of chapter 187 and s. 377.601, by:
23711 1. Establishing goals and strategies for increasing the use
23712 of solar energy in this state.
23713 2. Aiding and promoting the commercialization of solar
23714 energy technology, in cooperation with the Florida Solar Energy
23715 Center, Enterprise Florida, Inc., and any other federal, state,
23716 or local governmental agency which may seek to promote research,
23717 development, and demonstration of solar energy equipment and
23718 technology.
23719 3. Identifying barriers to greater use of solar energy
23720 systems in this state, and developing specific recommendations
23721 for overcoming identified barriers, with findings and
23722 recommendations to be submitted annually in the report to the



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23723 Governor and Legislature required under paragraph (f).
23724 4. In cooperation with the Department of Environmental
23725 Protection, the Department of Transportation, the Department of
23726 Community Affairs, Enterprise Florida, Inc., the Florida Solar
23727 Energy Center, and the Florida Solar Energy Industries
23728 Association, investigating opportunities, pursuant to the
23729 National Energy Policy Act of 1992, the Housing and Community
23730 Development Act of 1992, and any subsequent federal legislation,
23731 for solar electric vehicles and other solar energy
23732 manufacturing, distribution, installation, and financing efforts
23733 which will enhance this state's position as the leader in solar
23734 energy research, development, and use.
23735 5. Undertaking other initiatives to advance the development
23736 and use of renewable energy resources in this state.
23737
23738 In the exercise of its responsibilities under this paragraph,
23739 the department ~~commission~~ shall seek the assistance of the solar
23740 energy industry in this state and other interested parties and
23741 is authorized to enter into contracts, retain professional
23742 consulting services, and expend funds appropriated by the
23743 Legislature for such purposes.
23744 (i) The department ~~commission~~ shall promote energy
23745 conservation in all energy use sectors throughout the state and
23746 shall constitute the state agency primarily responsible for this
23747 function. ~~To this end,~~ The Department of Management Services, in
23748 consultation with the department, ~~commission~~ shall coordinate
23749 the energy conservation programs of all state agencies and
23750 review and comment on the energy conservation programs of all
23751 state agencies.



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23752 (j) The department ~~commission~~ shall serve as the state
23753 clearinghouse for indexing and gathering all information related
23754 to energy programs in state universities, in private
23755 universities, in federal, state, and local government agencies,
23756 and in private industry and shall prepare and distribute such
23757 information in any manner necessary to inform and advise the
23758 citizens of the state of such programs and activities. This
23759 shall include developing and maintaining a current index and
23760 profile of all research activities, which shall be identified by
23761 energy area and may include a summary of the project, the amount
23762 and sources of funding, anticipated completion dates, or, in
23763 case of completed research, conclusions, recommendations, and
23764 applicability to state government and private sector functions.
23765 The department ~~commission~~ shall coordinate, promote, and respond
23766 to efforts by all sectors of the economy to seek financial
23767 support for energy activities. The department ~~commission~~ shall
23768 provide information to consumers regarding the anticipated
23769 energy-use and energy-saving characteristics of products and
23770 services in coordination with any federal, state, or local
23771 governmental agencies as may provide such information to
23772 consumers.
23773 (k) The department ~~commission~~ shall coordinate energy-
23774 related programs of state government, including, but not limited
23775 to, the programs provided in this section. To this end, the
23776 department ~~commission~~ shall:
23777 1. Provide assistance to other state agencies, counties,
23778 municipalities, and regional planning agencies to further and
23779 promote their energy planning activities.
23780 2. Require, in cooperation with the Department of



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23781 Management Services, all state agencies to operate state-owned
23782 and state-leased buildings in accordance with energy
23783 conservation standards as adopted by the Department of
23784 Management Services. Every 3 months, the Department of
23785 Management Services shall furnish the department ~~commission~~ data
23786 on agencies' energy consumption and emissions of greenhouse
23787 gases in a format prescribed by the department ~~commission~~.
23788 3. Promote the development and use of renewable energy
23789 resources, energy efficiency technologies, and conservation
23790 measures.
23791 4. Promote the recovery of energy from wastes, including,
23792 but not limited to, the use of waste heat, the use of
23793 agricultural products as a source of energy, and recycling of
23794 manufactured products. Such promotion shall be conducted in
23795 conjunction with, and after consultation with, the Department of
23796 Environmental Protection and the Florida Public Service
23797 Commission where electrical generation or natural gas is
23798 involved, and any other relevant federal, state, or local
23799 governmental agency having responsibility for resource recovery
23800 programs.
23801 (l) The department ~~commission~~ shall develop, coordinate,
23802 and promote a comprehensive research plan for state programs.
23803 Such plan shall be consistent with state energy policy and shall
23804 be updated on a biennial basis.
23805 (m) In recognition of the devastation to the economy of
23806 this state and the dangers to the health and welfare of
23807 residents of this state caused by severe hurricanes, and the
23808 potential for such impacts caused by other natural disasters,
23809 the Division of Emergency Management ~~commission~~ shall include in



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23810 its energy emergency contingency plan and provide to the Florida
23811 Building Commission for inclusion in the Florida Energy
23812 Efficiency Code for Building Construction specific provisions to
23813 facilitate the use of cost-effective solar energy technologies
23814 as emergency remedial and preventive measures for providing
23815 electric power, street lighting, and water heating service in
23816 the event of electric power outages.
23817 (3) The Department of Environmental Protection is
23818 ~~commission shall be~~ responsible for the administration of the
23819 Coastal Energy Impact Program provided for and described in Pub.
23820 L. No. 94-370, 16 U.S.C. s. 1456a.
23821 Section 514. Paragraph (h) of subsection (5) of section
23822 377.711, Florida Statutes, is amended to read:
23823 377.711 Florida party to Southern States Energy Compact.—
23824 The Southern States Energy Compact is enacted into law and
23825 entered into by the state as a party, and is of full force and
23826 effect between the state and any other states joining therein in
23827 accordance with the terms of the compact, which compact is
23828 substantially as follows:
23829 (5) POWERS.—The board shall have the power to:
23830 (h) Recommend such changes in, or amendments or additions
23831 to, the laws, codes, rules, regulations, administrative
23832 procedures and practices, or ordinances of the party states in
23833 any of the fields of its interest and competence as in its
23834 judgment may be appropriate. Any such recommendation shall be
23835 made, in the case of Florida, through the Department of
23836 Agriculture and Consumer Services ~~Commerce~~.
23837 Section 515. Section 377.801, Florida Statutes, is amended
23838 to read:



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23839 377.801 Short title.—Sections 377.801-377.807 ~~377.801-~~
23840 ~~377.806~~ may be cited as the "Florida Energy and Climate
23841 Protection Act."
23842 Section 516. Section 377.803, Florida Statutes, is amended
23843 to read:
23844 377.803 Definitions.—As used in ss. 377.801-377.807
23845 ~~377.801-377.806~~, the term:
23846 (1) "Act" means the Florida Energy and Climate Protection
23847 Act.
23848 (2) "Department" ~~"Commission"~~ means the Department of
23849 Agriculture and Consumer Services ~~Florida Energy and Climate~~
23850 ~~Commission~~.
23851 (3) "Person" means an individual, partnership, joint
23852 venture, private or public corporation, association, firm,
23853 public service company, or any other public or private entity.
23854 (4) "Renewable energy" means electrical, mechanical, or
23855 thermal energy produced from a method that uses one or more of
23856 the following fuels or energy sources: hydrogen, biomass, as
23857 defined in s. 366.91, solar energy, geothermal energy, wind
23858 energy, ocean energy, waste heat, or hydroelectric power.
23859 (5) "Renewable energy technology" means any technology that
23860 generates or utilizes a renewable energy resource.
23861 (6) "Solar energy system" means equipment that provides for
23862 the collection and use of incident solar energy for water
23863 heating, space heating or cooling, or other applications that
23864 would normally require a conventional source of energy such as
23865 petroleum products, natural gas, or electricity that performs
23866 primarily with solar energy. In other systems in which solar
23867 energy is used in a supplemental way, only those components that



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23868 collect and transfer solar energy shall be included in this
23869 definition.
23870 (7) “Solar photovoltaic system” means a device that
23871 converts incident sunlight into electrical current.
23872 (8) “Solar thermal system” means a device that traps heat
23873 from incident sunlight in order to heat water.
23874 Section 517. Subsection (1), paragraph (f) of subsection
23875 (2), and subsections (3) through (6) of section 377.804, Florida
23876 Statutes, are amended to read:
23877 377.804 Renewable Energy and Energy-Efficient Technologies
23878 Grants Program.—
23879 (1) The Renewable Energy and Energy-Efficient Technologies
23880 Grants Program is established within the department ~~commission~~
23881 to provide renewable energy matching grants for demonstration,
23882 commercialization, research, and development projects relating
23883 to renewable energy technologies and innovative technologies
23884 that significantly increase energy efficiency for vehicles and
23885 commercial buildings.
23886 (2) Matching grants for projects described in subsection
23887 (1) may be made to any of the following:
23888 (f) Other qualified persons, as determined by the
23889 department ~~commission~~.
23890 (3) The department ~~commission~~ may adopt rules pursuant to
23891 ss. 120.536(1) and 120.54 to provide for application
23892 requirements, provide for ranking of applications, and
23893 administer the awarding of grants under this program.
23894 (4) Factors the department ~~commission~~ shall consider in
23895 awarding grants include, but are not limited to:
23896 (a) The availability of matching funds or other in-kind



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23897 contributions applied to the total project from an applicant.
23898 The department ~~commission~~ shall give greater preference to
23899 projects that provide such matching funds or other in-kind
23900 contributions.
23901 (b) The degree to which the project stimulates in-state
23902 capital investment and economic development in metropolitan and
23903 rural areas, including the creation of jobs and the future
23904 development of a commercial market for renewable energy
23905 technologies.
23906 (c) The extent to which the proposed project has been
23907 demonstrated to be technically feasible based on pilot project
23908 demonstrations, laboratory testing, scientific modeling, or
23909 engineering or chemical theory that supports the proposal.
23910 (d) The degree to which the project incorporates an
23911 innovative new technology or an innovative application of an
23912 existing technology.
23913 (e) The degree to which a project generates thermal,
23914 mechanical, or electrical energy by means of a renewable energy
23915 resource that has substantial long-term production potential.
23916 (f) The degree to which a project demonstrates efficient
23917 use of energy and material resources.
23918 (g) The degree to which the project fosters overall
23919 understanding and appreciation of renewable energy technologies.
23920 (h) The ability to administer a complete project.
23921 (i) Project duration and timeline for expenditures.
23922 (j) The geographic area in which the project is to be
23923 conducted in relation to other projects.
23924 (k) The degree of public visibility and interaction.
23925 (5) The department ~~commission~~ shall solicit the expertise



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23926 of state agencies, Enterprise Florida, Inc., and state
23927 universities, and may solicit the expertise of other public and
23928 private entities it deems appropriate, in evaluating project
23929 proposals. State agencies shall cooperate with the department
23930 ~~commission~~ and provide such assistance as requested.
23931 (6) ~~The commission shall coordinate and actively consult~~
23932 ~~with the Department of Agriculture and Consumer Services during~~
23933 ~~the review and approval process of grants relating to bioenergy~~
23934 ~~projects for renewable energy technology.~~ Factors for
23935 consideration in awarding grants relating to bioenergy projects
23936 may include, but are not limited to, the degree to which:
23937 (a) The project stimulates in-state capital investment and
23938 economic development in metropolitan and rural areas, including
23939 the creation of jobs and the future development of a commercial
23940 market for bioenergy.
23941 (b) The project produces bioenergy from Florida-grown crops
23942 or biomass.
23943 (c) The project demonstrates efficient use of energy and
23944 material resources.
23945 (d) The project fosters overall understanding and
23946 appreciation of bioenergy technologies.
23947 (e) Matching funds and in-kind contributions from an
23948 applicant are available.
23949 (f) The project duration and the timeline for expenditures
23950 are acceptable.
23951 (g) The project has a reasonable assurance of enhancing the
23952 value of agricultural products or will expand agribusiness in
23953 the state.
23954 (h) Preliminary market and feasibility research has been



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23955 conducted by the applicant or others and shows there is a
23956 reasonable assurance of a potential market.
23957 Section 518. Subsections (1), (6), and (7) of section
23958 377.806, Florida Statutes, are amended to read:
23959 377.806 Solar Energy System Incentives Program.—
23960 (1) PURPOSE.—The Solar Energy System Incentives Program is
23961 established within the Department of Agriculture and Consumer
23962 Services ~~commission~~ to provide financial incentives for the
23963 purchase and installation of solar energy systems. Any resident
23964 of the state who purchases and installs a new solar energy
23965 system of 2 kilowatts or larger for a solar photovoltaic system,
23966 a solar energy system that provides at least 50 percent of a
23967 building's hot water consumption for a solar thermal system, or
23968 a solar thermal pool heater, from July 1, 2006, through June 30,
23969 2010, is eligible for a rebate on a portion of the purchase
23970 price of that solar energy system.
23971 (6) REBATE AVAILABILITY.—The department ~~commission~~ shall
23972 determine and publish on a regular basis the amount of rebate
23973 funds remaining in each fiscal year. The total dollar amount of
23974 all rebates issued is subject to the total amount of
23975 appropriations in any fiscal year for this program. If funds are
23976 insufficient during the current fiscal year, any requests for
23977 rebates received during that fiscal year may be processed during
23978 the following fiscal year. Requests for rebates received in a
23979 fiscal year that are processed during the following fiscal year
23980 shall be given priority over requests for rebates received
23981 during the following fiscal year.
23982 (7) RULES.—The department ~~commission~~ shall adopt rules
23983 pursuant to ss. 120.536(1) and 120.54 to develop rebate



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23984 applications and administer the issuance of rebates.
23985 Section 519. Section 377.807, Florida Statutes, is amended
23986 to read:
23987 377.807 Energy-efficient appliance rebate program.—
23988 (1) The department may ~~Florida Energy and Climate~~
23989 ~~Commission is authorized to~~ develop and administer a consumer
23990 rebate program for residential energy-efficient appliances,
23991 consistent with 42 U.S.C. s. 15821 and any federal agency
23992 guidance or regulations issued in furtherance of federal law.
23993 (2) The department ~~commission~~ may adopt rules pursuant to
23994 ss. 120.536(1) and 120.54 designating eligible appliances,
23995 rebate amounts, and the administration of the issuance of
23996 rebates. The rules shall be consistent with 42 U.S.C. s. 15821
23997 and any subsequent implementing federal regulations or guidance.
23998 (3) The department may ~~commission is authorized to~~ enter
23999 into contracts or memoranda of agreement with other agencies of
24000 the state, public-private partnerships, or other arrangements
24001 such that the most efficient means of administering consumer
24002 rebates can be achieved.
24003 Section 520. Subsections (2) through (5) of section
24004 377.808, Florida Statutes, are amended to read:
24005 377.808 Florida Green Government Grants Act.—
24006 (2) The department ~~Florida Energy and Climate Commission~~
24007 shall use funds specifically appropriated to award grants under
24008 this section to assist local governments, including
24009 municipalities, counties, and school districts, in the
24010 development and implementation of programs that achieve green
24011 standards. Green standards shall be determined by the department
24012 ~~commission~~ and shall provide for cost-efficient solutions,



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24013 reducing greenhouse gas emissions, improving quality of life,
24014 and strengthening the state's economy.
24015 (3) The department ~~commission~~ shall adopt rules pursuant to
24016 chapter 120 to administer the grants provided for in this
24017 section. In accordance with the rules adopted by the department
24018 ~~commission~~ under this section, the department ~~commission~~ may
24019 provide grants from funds specifically appropriated for this
24020 purpose to local governments for the costs of achieving green
24021 standards, including necessary administrative expenses. The
24022 rules of the department ~~commission~~ shall:
24023 (a) Designate one or more suitable green government
24024 standards frameworks from which local governments may develop a
24025 greening government initiative and from which projects may be
24026 eligible for funding pursuant to this section.
24027 (b) Require that projects that plan, design, construct,
24028 upgrade, or replace facilities reduce greenhouse gas emissions
24029 and be cost-effective, environmentally sound, permittable, and
24030 implementable.
24031 (c) Require local governments to match state funds with
24032 direct project cost sharing or in-kind services.
24033 (d) Provide for a scale of matching requirements for local
24034 governments on the basis of population in order to assist rural
24035 and undeveloped areas of the state with any financial burden of
24036 addressing climate change impacts.
24037 (e) Require grant applications to be submitted on
24038 appropriate forms developed and adopted by the department
24039 ~~commission~~ with appropriate supporting documentation and require
24040 records to be maintained.
24041 (f) Establish a system to determine the relative priority



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24042 of grant applications. The system shall consider greenhouse gas
24043 reductions, energy savings and efficiencies, and proven
24044 technologies.
24045 (g) Establish requirements for competitive procurement of
24046 engineering and construction services, materials, and equipment.
24047 (h) Provide for termination of grants when program
24048 requirements are not met.
24049 (4) Each local government is limited to not more than two
24050 grant applications during each application period announced by
24051 the department ~~commission~~. However, a local government may not
24052 have more than three active projects expending grant funds
24053 during any state fiscal year.
24054 (5) The department ~~commission~~ shall perform an adequate
24055 overview of each grant, which may include technical review, site
24056 inspections, disbursement approvals, and auditing to
24057 successfully implement this section.
24058 Section 521. Subsections (3) and (6) of section 403.44,
24059 Florida Statutes, are amended to read:
24060 403.44 Florida Climate Protection Act.—
24061 (3) The department may adopt rules for a cap-and-trade
24062 regulatory program to reduce greenhouse gas emissions from major
24063 emitters. When developing the rules, the department shall
24064 consult with the Department of Agriculture and Consumer Services
24065 ~~Florida Energy and Climate Commission~~ and the Florida Public
24066 Service Commission and may consult with the Governor's Action
24067 Team for Energy and Climate Change. The department shall not
24068 adopt rules until after January 1, 2010. The rules shall not
24069 become effective until ratified by the Legislature.
24070 (6) Recognizing that the international, national, and



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24071 neighboring state policies and the science of climate change
24072 will evolve, prior to submitting the proposed rules to the
24073 Legislature for consideration, the department shall submit the
24074 proposed rules to the Department of Agriculture and Consumer
24075 Services ~~Florida Energy and Climate Commission~~, which shall
24076 review the proposed rules and submit a report to the Governor,
24077 the President of the Senate, the Speaker of the House of
24078 Representatives, and the department. The report shall address:
24079 (a) The overall cost-effectiveness of the proposed cap-and-
24080 trade system in combination with other policies and measures in
24081 meeting statewide targets.
24082 (b) The administrative burden to the state of implementing,
24083 monitoring, and enforcing the program.
24084 (c) The administrative burden on entities covered under the
24085 cap.
24086 (d) The impacts on electricity prices for consumers.
24087 (e) The specific benefits to the state’s economy for early
24088 adoption of a cap-and-trade system for greenhouse gases in the
24089 context of federal climate change legislation and the
24090 development of new international compacts.
24091 (f) The specific benefits to the state’s economy associated
24092 with the creation and sale of emissions offsets from economic
24093 sectors outside of the emissions cap.
24094 (g) The potential effects on leakage if economic activity
24095 relocates out of the state.
24096 (h) The effectiveness of the combination of measures in
24097 meeting identified targets.
24098 (i) The economic implications for near-term periods of
24099 short-term and long-term targets specified in the overall



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24100 policy.
24101 (j) The overall costs and benefits of a cap-and-trade
24102 system to the economy of the state.
24103 (k) The impacts on low-income consumers that result from
24104 energy price increases.
24105 (l) The consistency of the program with other state and
24106 possible federal efforts.
24107 (m) The evaluation of the conditions under which the state
24108 should consider linking its trading system to the systems of
24109 other states or other countries and how that might be affected
24110 by the potential inclusion in the rule of a safety valve.
24111 (n) The timing and changes in the external environment,
24112 such as proposals by other states or implementation of a federal
24113 program that would spur reevaluation of the Florida program.
24114 (o) The conditions and options for eliminating the Florida
24115 program if a federal program were to supplant it.
24116 (p) The need for a regular reevaluation of the progress of
24117 other emitting regions of the country and of the world, and
24118 whether other regions are abating emissions in a commensurate
24119 manner.
24120 (q) The desirability of and possibilities of broadening the
24121 scope of the state’s cap-and-trade system at a later date to
24122 include more emitting activities as well as sinks in Florida,
24123 the conditions that would need to be met to do so, and how the
24124 program would encourage these conditions to be met, including
24125 developing monitoring and measuring techniques for land use
24126 emissions and sinks, regulating sources upstream, and other
24127 considerations.
24128 Section 522. Section 526.207, Florida Statutes, is amended



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24129 to read:
24130 526.207 Studies and reports.—
24131 (1) The Department of Agriculture and Consumer Services
24132 ~~Florida Energy and Climate Commission~~ shall conduct a study to
24133 evaluate and recommend the life-cycle greenhouse gas emissions
24134 associated with all renewable fuels, including, but not limited
24135 to, biodiesel, renewable diesel, biobutanol, and ethanol derived
24136 from any source. In addition, the department ~~commission~~ shall
24137 evaluate and recommend a requirement that all renewable fuels
24138 introduced into commerce in the state, as a result of the
24139 renewable fuel standard, shall reduce the life-cycle greenhouse
24140 gas emissions by an average percentage. The department
24141 ~~commission~~ may also evaluate and recommend any benefits
24142 associated with the creation, banking, transfer, and sale of
24143 credits among fuel refiners, blenders, and importers.
24144 (2) The Department of Agriculture and Consumer Services
24145 ~~Florida Energy and Climate Commission~~ shall submit a report
24146 containing specific recommendations to the President of the
24147 Senate and the Speaker of the House of Representatives no later
24148 than December 31, 2010.
24149 Section 523. Subsection (3) of section 570.954, Florida
24150 Statutes, is amended to read:
24151 570.954 Farm-to-fuel initiative.—
24152 ~~(3) The department shall coordinate with and solicit the~~
24153 ~~expertise of the state energy office within the Department of~~
24154 ~~Environmental Protection when developing and implementing this~~
24155 ~~initiative.~~
24156 Section 524. Section 570.074, Florida Statutes, is amended
24157 to read:



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24158 570.074 Department of Agriculture and Consumer Services;
24159 energy and water policy ~~coordination~~.~~—~~The commissioner may
24160 create an Office of Energy and Water ~~Coordination~~ under the
24161 supervision of a senior manager exempt under s. 110.205 in the
24162 Senior Management Service. The commissioner may designate the
24163 bureaus and positions in the various organizational divisions of
24164 the department that report to this office relating to any matter
24165 over which the department has jurisdiction in matters relating
24166 to energy and water policy affecting agriculture, application of
24167 such policies, and coordination of such matters with state and
24168 federal agencies.
24169 Section 525. Sections 1 and 2 of chapter 2010-282, Laws of
24170 Florida, are amended to read:
24171 Section 1. (1) As provided in this section and section 2, a
24172 portion of the total amount appropriated in this act shall be
24173 used ~~utilized~~ by the Department of Agriculture and Consumer
24174 Services ~~Florida Energy and Climate Commission~~ to pay rebates to
24175 eligible applicants who submit an application pursuant to the
24176 Florida ENERGY STAR Residential HVAC Rebate Program administered
24177 by the department ~~commission~~, as approved by the United States
24178 Department of Energy. An applicant is eligible for a rebate
24179 under this section if:
24180 (a) A complete application is submitted to the department
24181 ~~commission~~ on or before November 30, 2010.
24182 (b) The central air conditioner, air source heat pump, or
24183 geothermal heat pump system replacement for which the applicant
24184 is seeking a rebate was purchased from or contracted for
24185 purchase with a Florida-licensed contractor after August 29,
24186 2010, but before September 15, 2010, and fully installed prior



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24187 to submission of the application for a rebate.
24188 (c) The department ~~commission~~ determines that the
24189 application complies with this section and any existing
24190 agreement with the United States Department of Energy governing
24191 the Florida ENERGY STAR Residential HVAC Rebate Program.
24192 (d) The applicant provides the following information to the
24193 department ~~commission~~ on or before November 30, 2010:
24194 1.a. A copy of the sales receipt indicating a date of
24195 purchase after August 29, 2010, but before September 15, 2010,
24196 with the make and model number identified and circled along with
24197 the name and address of the Florida-licensed contractor who
24198 installed the system; or
24199 b. A copy of the contract for the purchase and installation
24200 of the system indicating a contract date after August 29, 2010,
24201 but before September 15, 2010, and a copy of the sales receipt
24202 indicating a date of purchase after August 29, 2010, but on or
24203 before November 30, 2010, with the make and model number
24204 identified and circled along with the name and address of the
24205 Florida-licensed contractor who installed the system.
24206 2. A copy of the mechanical building permit issued by the
24207 county or municipality and pulled by the Florida-licensed
24208 contractor who installed the system for the residence.
24209 3. A copy of the Air Distribution System Test Report
24210 results from a Florida-certified Class 1 energy gauge rater, a
24211 Florida-licensed mechanical contractor, or a recognized test and
24212 balance agent. The results from the test must indicate the home
24213 has no more than 15 percent leakage to the outside as measured
24214 by 0.10 Qn.out or less.
24215 4. A copy of the summary of the Manual J program completed



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24216 for the residence to indicate that the proper methodology for
24217 sizing the new system was completed.
24218 (2) The Department of Agriculture and Consumer Services
24219 ~~Florida Energy and Climate Commission~~ shall pay a $1,500 rebate
24220 to each consumer who submits an application pursuant to the
24221 Florida ENERGY STAR Residential HVAC Rebate Program if the
24222 application is approved by the department ~~commission~~ in
24223 accordance with this act. The department ~~commission~~ shall pay
24224 all rebates authorized in this section prior to paying any
24225 rebates authorized in section 2.
24226 Section 2. Notwithstanding s. 377.806(6), Florida Statutes,
24227 the Department of Agriculture and Consumer Services ~~Florida~~
24228 ~~Energy and Climate Commission~~ shall utilize up to $28,902,623,
24229 less any amount in excess of $2,467,244 used to pay rebates
24230 pursuant to section 1, to pay a percentage of each unpaid and
24231 approved rebate application submitted pursuant to the Solar
24232 Energy System Incentives Program established in s. 377.806,
24233 Florida Statutes. An applicant is eligible for a rebate under
24234 this section if the application submitted complies with s.
24235 377.806, Florida Statutes. The percentage of each approved
24236 rebate to be paid shall be derived by dividing the remaining
24237 appropriation by the total dollar value of the backlog of final
24238 approved solar rebates, pursuant to the authorized limits
24239 provided in s. 377.806, Florida Statutes.
24240 Section 526. Subsections (5), (11), (12), and (13) of
24241 section 1004.648, Florida Statutes, are amended to read:
24242 1004.648 Florida Energy Systems Consortium.—
24243 (5) The director, whose office is ~~shall be~~ located at the
24244 University of Florida, shall report to the Department of



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24245 Agriculture and Consumer Services ~~Florida Energy and Climate~~
24246 ~~Commission created pursuant to s. 377.6015~~.
24247 (11) The oversight board, in consultation with the
24248 Department of Agriculture and Consumer Services ~~Florida Energy~~
24249 ~~and Climate Commission~~, shall ensure that the consortium:
24250 (a) Maintains accurate records of any funds received by the
24251 consortium.
24252 (b) Meets financial and technical performance expectations,
24253 which may include external technical reviews as required.
24254 (12) The steering committee shall consist of the university
24255 representatives included in the Centers of Excellence proposals
24256 for the Florida Energy Systems Consortium and the Center of
24257 Excellence in Ocean Energy Technology-Phase II which were
24258 reviewed during the 2007-2008 fiscal year by the Florida
24259 Technology, Research, and Scholarship Board created in s.
24260 1004.226(4); a university representative appointed by the
24261 President of Florida International University; and a
24262 representative of the Department of Agriculture and Consumer
24263 Services ~~Florida Energy and Climate Commission~~. The steering
24264 committee is ~~shall be~~ responsible for establishing and ensuring
24265 the success of the consortium's mission under subsection (9).
24266 (13) By November 1 of each year, the consortium shall
24267 submit an annual report to the Governor, the President of the
24268 Senate, the Speaker of the House of Representatives, and the
24269 Department of Agriculture and Consumer Services ~~Florida Energy~~
24270 ~~and Climate Commission~~ regarding its activities, including, but
24271 not limited to, education and research related to, and the
24272 development and deployment of, alternative energy technologies.
24273 Section 527. For the 2011-2012 fiscal year only,



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24274 notwithstanding s. 216.181(2)(b), Florida Statutes, the
24275 Department of Agriculture may submit an amendment to the
24276 Legislative Budget Commission for increased budget authority for
24277 a fixed capital outlay appropriation for federal energy grants.
24278 Any such amendment is subject to the review and notice
24279 procedures provided in s. 216.177, Florida Statutes.
24280 Section 528. This act shall take effect July 1, 2011.



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