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1                                   A bill to be entitled  
 2           An act relating to government reorganization; creating s.  
 3           20.60, F.S.; creating the Department of Economic  
 4           Opportunity; providing for the appointment of the  
 5           Commissioner of Economic Opportunity, subject to  
 6           confirmation by the Senate; specifying the commissioner's  
 7           duties; restricting the amount of the commissioner's  
 8           public remuneration; specifying the purpose and duties of  
 9           the department; establishing divisions within the  
 10          department and the duties of such divisions; designating  
 11          the department as the administrative agency for receipt  
 12          and administration of certain federal grants; providing  
 13          for disbursement of such grants; authorizing the  
 14          department to serve as contract administrator for  
 15          specified contracts; specifying that the Unemployment  
 16          Appeals Commission is not subject to the department's  
 17          control, supervision, or direction; requiring the  
 18          department to submit an annual report to the Governor and  
 19          Legislature; requiring the department to establish  
 20          performance standards for specified public-private  
 21          partnerships; requiring the department to establish an  
 22          official seal and providing for use of the seal;  
 23          designating the department as the state agency responsible  
 24          for the state's role in housing and urban development;  
 25          assigning the role of state government to the department  
 26          under the Housing Authorities Law, Housing Cooperation  
 27          Law, and provisions relating to the tax exemption of  
 28          housing authorities; repealing s. 14.2015, F.S., relating

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29 | to the establishment of the Office of Tourism, Trade, and  
 30 | Economic Development within the Executive Office of the  
 31 | Governor; transferring functions and trust funds of the  
 32 | Office of Tourism, Trade, and Economic Development of the  
 33 | Executive Office of the Governor to the Department of  
 34 | Economic Opportunity; repealing ss. 288.1221, 288.1222,  
 35 | 288.1223, 288.1224, 288.1226, and 288.1227, F.S., relating  
 36 | to the Florida Commission on Tourism and the Florida  
 37 | Tourism Industry Marketing Corporation, doing business as  
 38 | VISIT Florida; repealing ss. 288.7065, 288.707, 288.708,  
 39 | 288.709, 288.7091, and 288.712, F.S., relating to the  
 40 | Florida Black Business Investment Board, Inc.; providing  
 41 | for the merger of the Florida Sports Foundation, the  
 42 | Florida Tourism Industry Marketing Corporation, and the  
 43 | Florida Black Business Investment Board, Inc., into  
 44 | Enterprise, Florida, Inc.; requiring the not-for-profit  
 45 | entities to enter into a merger plan with Enterprise  
 46 | Florida, Inc.; providing legislative intent related to the  
 47 | merger; requiring the Governor to designate a transition  
 48 | coordinator for the merger; providing for certain  
 49 | transition activities; amending s. 14.32, F.S.; providing  
 50 | additional duties of the Chief Inspector General relating  
 51 | to public-private partnerships; amending s. 112.313, F.S.,  
 52 | providing for applicability of certain employment and  
 53 | contracting restrictions to the Commissioner of Economic  
 54 | Opportunity and the commissioner's duties as president of  
 55 | Enterprise Florida, Inc.; creating s. 288.005, F.S.,  
 56 | defining the terms "commissioner," "department," and

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57 | "economic benefits"; amending s. 288.061, F.S.; revising  
 58 | the economic development incentive review process;  
 59 | providing for the Commissioner of Economic Opportunity to  
 60 | review and submit recommendations to the Governor on  
 61 | economic development incentive applications; providing for  
 62 | incentive award contracts; amending ss. 288.901, 288.9015,  
 63 | 288.903, 288.904, 288.905, and 288.906, F.S.; revising the  
 64 | organization, governance, powers, and duties of Enterprise  
 65 | Florida, Inc.; revising the membership, powers, and duties  
 66 | of the board of directors of Enterprise Florida, Inc.;  
 67 | revising private-sector matching requirements for state  
 68 | operational funding provided to Enterprise Florida, Inc.;  
 69 | providing that the Commissioner of Economic Opportunity  
 70 | serves ex officio as president of Enterprise Florida,  
 71 | Inc.; providing duties of the president; requiring  
 72 | contracts for performance bonuses for employees receiving  
 73 | compensation that exceeds a specified amount; revising  
 74 | requirements for the annual report of Enterprise Florida,  
 75 | Inc.; creating s. 288.907, F.S.; requiring Enterprise  
 76 | Florida, Inc., to submit an annual incentive report to the  
 77 | Governor and Legislature; specifying contents of the  
 78 | report; amending s. 288.911, F.S.; authorizing Enterprise  
 79 | Florida, Inc., to register a certain fictitious name for  
 80 | purposes of tourism promotion; creating s. 288.912, F.S.;  
 81 | requiring certain counties and municipalities to submit  
 82 | certain information to the Department of Economic  
 83 | Opportunity related to economic development incentives;  
 84 | creating s. 288.920, F.S.; requiring the establishment of

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85 | divisions within Enterprise Florida, Inc.; providing for  
 86 | the division employees; establishing an advisory council  
 87 | for each division; providing for the qualifications,  
 88 | nominations, appointments, terms, and removal of advisory  
 89 | council members; providing for the selection of advisory  
 90 | council chairs; creating ss. 288.921, 288.922, 288.923,  
 91 | and 288.925, F.S.; establishing specified divisions within  
 92 | Enterprise Florida, Inc.; specifying the duties of each  
 93 | division; requiring certain divisions to submit annual  
 94 | reports; providing for the appointment of advisory  
 95 | councils for each division; authorizing the advisory  
 96 | councils to submit recommendations to the board of  
 97 | directors of Enterprise Florida, Inc., on specified  
 98 | matters; transferring, renumbering, and amending s.  
 99 | 288.1229, F.S.; deleting provisions relating to the  
 100 | direct-support organization for promotion and development  
 101 | of sports-related industries and amateur athletics;  
 102 | establishing the Division of Sports Industry Development  
 103 | within Enterprise Florida, Inc.; specifying the division's  
 104 | duties; providing for the appointment of an advisory  
 105 | council for the division; authorizing the advisory council  
 106 | to submit recommendations to the board of directors of  
 107 | Enterprise Florida, Inc., on specified matters; amending  
 108 | s. 288.9624, F.S.; revising provisions for the appointment  
 109 | of the board of directors of the Florida Opportunity Fund  
 110 | and filling of anticipated vacancies on such board of  
 111 | directors; amending s. 331.3081, F.S.; revising the  
 112 | organization, governance, powers, and duties of Space

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113 Florida; specifying that Space Florida shall be governed  
 114 by certain members of the board of directors of Enterprise  
 115 Florida, Inc.; providing for an advisory council for Space  
 116 Florida; providing for the qualifications, nominations,  
 117 appointments, terms, and removal of advisory council  
 118 members; providing for the selection of advisory council  
 119 chairs; authorizing the advisory council to submit  
 120 recommendations to the board of directors of Enterprise  
 121 Florida, Inc., on specified matters; amending s. 331.310,  
 122 F.S.; redesignating the president of Space Florida as the  
 123 executive director; amending ss. 377.711 and 377.712,  
 124 F.S.; reviving provisions of the Southern States Energy  
 125 Compact to revise the powers of the Southern States Energy  
 126 Board; deleting an obsolete reference to the former  
 127 Department of Commerce; authorizing various state  
 128 departments to cooperate with the Southern States Energy  
 129 Board for certain purposes; amending s. 15.182, 159.803,  
 130 159.8081, 159.8083, 186.504, 212.08, 212.097, 212.098,  
 131 212.20, 218.64, 220.183, 220.191, 272.11, 282.34,  
 132 287.0947, 288.012, 288.017, 288.018, 288.019, 288.021,  
 133 288.035, 288.063, 288.065, 288.0655, 288.0656, 288.06561,  
 134 288.0657, 288.0658, 288.0659, 288.075, 288.095, 288.0145,  
 135 288.106, 288.107, 288.108, 288.1081, 288.1082, 288.1083,  
 136 288.1088, 288.1089, 288.1095, 288.1162, 288.11621,  
 137 288.1168, 288.1169, 288.1171, 288.122, 288.12265, 288.124,  
 138 288.1251, 288.1252, 288.1253, 288.1254, 288.7015, 288.705,  
 139 288.706, 288.7094, 288.7102, 288.714, 288.773, 288.774,  
 140 288.776, 288.7771, 288.816, 288.809, 288.826, 288.95155,

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141 288.955, 288.9604, 288.9605, 288.9606, 288.975, 288.980,  
 142 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918,  
 143 288.9919, 288.9920, 288.9921, 290.004, 290.0055, 290.0056,  
 144 290.0065, 290.0066, 290.00710, 290.0072, 290.00725,  
 145 290.0073, 290.0074, 290.0077, 290.014, 311.09, 311.11,  
 146 311.22, 320.08058, 381.0054, 403.973, 570.96, 597.006,  
 147 624.5105, 625.3255, 657.042, 658.67, 1003.492, 1003.493,  
 148 and 1004.226, conforming provisions to changes made by the  
 149 act; deleting obsolete provisions; conforming cross-  
 150 references; repealing ss. 216.235 and 216.236, F.S.,  
 151 relating to the Innovation Investment Program, the  
 152 selection of review boards to evaluate innovative  
 153 investment projects, the appointment of the State  
 154 Innovation Committee and approval of such projects, and  
 155 the funding and recordkeeping for such projects; repealing  
 156 s. 287.115, F.S., relating to provisions requiring the  
 157 Chief Financial Officer to submit annual reports on  
 158 disallowed contractual service contracts; repealing s.  
 159 288.0251, F.S., relating to contracts for implementation  
 160 of the state's international volunteer corps for certain  
 161 activities in Latin America and the Caribbean Basin;  
 162 repealing s. 288.038, F.S., relating to agreements for  
 163 appointing county tax collectors as agents of the former  
 164 Department of Labor and Employment Security for licenses  
 165 and similar registrations; repealing s. 288.12295, F.S.,  
 166 relating to a public records exemption for donors for a  
 167 direct-support organization on promotion and development  
 168 of sports-related industries and amateur athletics;

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169 | repealing s. 288.386, F.S., relating to the Florida-  
 170 | Caribbean Basin Trade Initiative; repealing s. 288.7011,  
 171 | F.S., relating to contracts between the Office of Tourism,  
 172 | Trade, and Economic Development and a certain nonprofit  
 173 | statewide development corporation; repealing s. 288.90151,  
 174 | F.S., relating to the return on investment from activities  
 175 | of Enterprise Florida, Inc.; repealing s. 288.9415, F.S.,  
 176 | relating to Enterprise Florida, Inc., and international  
 177 | trade grants; repealing s. 288.9618, F.S., relating to an  
 178 | economic development program for microenterprises;  
 179 | repealing s. 288.982, F.S., relating to a public records  
 180 | exemption for certain records relating to the United  
 181 | States Department of Defense Base Realignment and Closure  
 182 | 2005 process; repealing s. 311.115, F.S., relating to the  
 183 | Seaport Security Standards Advisory Council; repealing s.  
 184 | 379.2353, F.S., relating to enterprise zone designations  
 185 | for certain communities suffering adverse impacts from the  
 186 | adoption of the constitutional amendment limiting the use  
 187 | of nets to harvest marine species; repealing ss. 409.944,  
 188 | 409.945, and 409.946, F.S., relating to the Inner City  
 189 | Redevelopment Assistance Grants Program, eligibility  
 190 | criteria for the program, and the membership of the Inner  
 191 | City Redevelopment Review Panel; repealing s. 625.3255,  
 192 | F.S., relating to capital participation investments issued  
 193 | by the Florida Black Business Investment Board; repealing  
 194 | s. 20.18, F.S., relating to the establishment of the  
 195 | Department of Community Affairs; transferring the  
 196 | functions and trust funds of the Department of Community

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197 | Affairs to other agencies; transferring the Division of  
 198 | Housing and Community Development to the Department of  
 199 | Economic Opportunity; transferring the Division of  
 200 | Community Planning to the Department of Economic  
 201 | Opportunity; transferring the Division of Emergency  
 202 | Management to the Executive Office of the Governor;  
 203 | transferring the Florida Building Commission to the  
 204 | Department of Business and Professional Regulation;  
 205 | transferring the responsibilities under the Florida  
 206 | Communities Trust to the Department of Environmental  
 207 | Protection; transferring the responsibilities under the  
 208 | Stan Mayfield Working Waterfronts Program to the  
 209 | Department of Environmental Protection; transferring the  
 210 | responsibilities under the Special District Information  
 211 | Program to the Department of Financial Services;  
 212 | transferring the responsibilities under the Community  
 213 | Services Block Grant Programs to the Department of  
 214 | Children and Family Services; transferring specified trust  
 215 | funds from the Department of Community Affairs to the  
 216 | Department of Economic Opportunity; transferring specified  
 217 | trust funds from the Department of Community Affairs to  
 218 | the Executive Office of the Governor; transferring  
 219 | specified trust funds from the Department of Community  
 220 | Affairs to the Department of Business and Professional  
 221 | Regulation; transferring the Florida Forever Program Trust  
 222 | Fund and the Florida Communities Trust Fund from the  
 223 | Department of Community Affairs to the Department of  
 224 | Environmental Protection; transferring the Community



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225 Services Block Grant Trust Fund from the Department of  
 226 Community Affairs to the Department of Children and  
 227 Families; terminating the Administrative Trust Fund of the  
 228 Department of Community Affairs and providing for the  
 229 transfer of the trust fund balance to a specified trust  
 230 fund; providing for the continuation of binding contracts  
 231 or agreements with the successor department or entity;  
 232 providing for a type two transfer from the Department of  
 233 Community Affairs to the Department of Economic  
 234 Opportunity of all other things not specifically  
 235 delineated for transfer; creating s. 14.2016, F.S.;  
 236 establishing the Division of Emergency Management within  
 237 the Executive Office of the Governor; providing for the  
 238 director of the division to serve at the pleasure of the  
 239 Governor; providing duties of the division; amending s.  
 240 163.03, F.S.; deleting a requirement that the Secretary of  
 241 Community Affairs administer certain programs during  
 242 emergency situations; conforming provisions to changes  
 243 made by the act; amending s. 215.559, F.S.; delaying the  
 244 expiration date of the Hurricane Loss Mitigation Program;  
 245 conforming provisions to changes made by the act; amending  
 246 s. 290.044 F.S.; relating to unallocated funds in the  
 247 Florida Small Cities Community Development Block Grant  
 248 Fund; amending s. 290.047, F.S.; deleting statutory grant  
 249 ceilings for the Florida Small Cities Community  
 250 Development Block Grant program; authorizing ceilings to  
 251 be established by rule; amending ss. 119.071, 161.54,  
 252 163.3164, 163.3178, 163.3221, 163.360, 175.021, 201.15,

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253 | 215.5586, 215.5588, 220.183, 252.34, 252.355, 252.371,  
 254 | 252.373, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85,  
 255 | 252.86, 252.87, 252.88, 252.936, 252.937, 252.943,  
 256 | 252.946, 255.042, 259.035, 260.0142, 282.709, 339.135,  
 257 | 376.86, 377.703, 380.504, 380.031, 381.0303, 381.7354,  
 258 | 393.067, 395.1055, 395.1056, 400.23, 400.497, 400.506,  
 259 | 400.605, 400.935, 400.967, 401.245, 403.42, 420.0003,  
 260 | 420.0004, 420.0005, 420.503, 420.504, 420.5095, 420.602,  
 261 | 420.631, 420.635, 429.929, 526.144, 553.721, 553.896,  
 262 | 627.0628, 943.0311, 943.0313, 1013.372, and 1013.74, F.S.;  
 263 | conforming provisions to changes made by the act; deleting  
 264 | obsolete provisions; repealing s. 163.2523, F.S., relating  
 265 | to an urban infill and redevelopment assistance grant  
 266 | program; repealing s. 380.285, F.S., relating to a study  
 267 | of lighthouses in the state; repealing s. 20.50, F.S.,  
 268 | relating to the establishment of the Agency for Workforce  
 269 | Innovation; transferring the functions and trust funds of  
 270 | the Agency for Workforce Innovation to other agencies;  
 271 | transferring the Office of Early Learning to the  
 272 | Department of Economic Opportunity; transferring the  
 273 | Office of Unemployment Compensation Services to the  
 274 | Department of Economic Opportunity; transferring the  
 275 | Office of Workforce Services to the Department of Economic  
 276 | Opportunity; providing for the continuation of binding  
 277 | contracts or agreements with the successor department or  
 278 | entity; providing for a type two transfer; transferring,  
 279 | renumbering, and amending ss. 20.505, 331.369, and  
 280 | 1004.99, F.S.; conforming provisions to changes made by

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281 the act; amending s. 409.942, F.S.; deleting requirements  
 282 that Workforce Florida, Inc., establish an electronic  
 283 transfer benefit program; amending s. 112.044, F.S.;  
 284 requiring employers, employment agencies, and labor  
 285 organizations to post notices required by the United  
 286 States Department of Labor and the United States Equal  
 287 Employment Opportunity Commission; amending s. 411.0102,  
 288 F.S.; requiring each participating early learning  
 289 coalition board to develop a plan for the use of child  
 290 care purchasing pool funds; amending s. 445.003, F.S.;  
 291 revising the amount of appropriations for the Incumbent  
 292 Worker Training Program that may be used for overhead or  
 293 indirect purposes; conforming provisions to changes made  
 294 by the act; amending s. 445.004, F.S.; providing that the  
 295 Commissioner of Economic Opportunity shall serve ex  
 296 officio as a voting member of the board of directors of  
 297 Workforce Florida, Inc.; deleting a provision pertaining  
 298 to funds and contributions provided by clients of the  
 299 Quick Response Training Program; amending s. 445.007,  
 300 F.S.; revising the membership of the regional workforce  
 301 boards; conforming provisions to changes made by the act;  
 302 amending ss. 14.20195, 16.615, 39.001, 45.031, 69.041,  
 303 112.3135, 120.80, 202.37, 212.096, 213.053, 216.136,  
 304 216.292, 216.231, 220.03, 222.15, 250.06, 255.099,  
 305 287.09431, 287.09451, 381.0086, 383.14, 402.281, 402.45,  
 306 402.56, 403.42, 403.7032, 409.017, 409.1451, 411.01,  
 307 411.0101, 411.01013, 411.01014, 411.01015, 411.0103,  
 308 411.0104, 411.0106, 411.011, 411.226, 411.227, 414.24,

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309 414.295, 414.411, 429.907, 440.12, 440.15, 440.381,  
 310 443.012, 443.036, 443.041, 443.051, 443.071, 443.091,  
 311 443.101, 443.111, 443.1113, 443.1115, 443.1116, 443.1215,  
 312 443.1216, 443.1217, 443.131, 443.1312, 443.1313, 443.1315,  
 313 443.1316, 443.1317, 443.141, 443.151, 443.163, 443.171,  
 314 443.1715, 443.181, 443.191, 443.211, 443.221, 445.002,  
 315 445.009, 445.016, 445.024, 445.0325, 445.038, 445.045,  
 316 445.048, 445.049, 445.051, 446.41, 446.44, 446.50,  
 317 446.52, 448.109, 448.110, 450.161, 450.191, 450.31,  
 318 464.203, 468.529, 489.1455, 489.5335, 551.104, 553.62,  
 319 944.708, 944.801, 945.10, 985.601, 1002.375, 1002.53,  
 320 1002.55, 1002.61, 1002.63, 1002.67, 1002.69, 1002.71,  
 321 1002.72, 1002.75, 1002.77, 1002.79, 1003.4285, 1003.491,  
 322 1003.492, 1003.493, 1003.575, 1008.39, 1008.41, 1011.76,  
 323 and 1012.2251, F.S.; conforming provisions to changes made  
 324 by the act; conforming cross-references; deleting obsolete  
 325 provisions; repealing s. 446.60, F.S., relating to  
 326 assistance for displaced local exchange telecommunications  
 327 company workers; repealing s. 445.056, F.S., relating to  
 328 the Citizen Soldier Matching Grant Program and the award  
 329 of grants to private sector employers who employ certain  
 330 military personnel on federal active duty; directing the  
 331 Department of Economic Opportunity, the Department of  
 332 Education, and the Department of Children and Family  
 333 Services to submit a joint report to the Legislature on  
 334 the state's early learning programs; directing the Auditor  
 335 General to conduct audits of the early learning coalitions  
 336 by a specified date; providing legislative intent with

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337 |        respect to the transfer of programs and administrative  
 338 |        responsibilities; providing for a transition period;  
 339 |        providing for coordination between the Department of  
 340 |        Community Affairs, the Agency for Workforce Innovation,  
 341 |        the Office of Tourism, Trade, and Economic Development,  
 342 |        and other state agencies to implement the transition;  
 343 |        providing for the appointment of agency transition  
 344 |        coordinators; requiring the transition coordinators to  
 345 |        submit a progress report to the Governor and Legislature  
 346 |        by a specified date; authorizing the Executive Office of  
 347 |        the Governor, upon approval by the Legislative Budget  
 348 |        Commission, to transfer funds between agencies under  
 349 |        certain circumstances; requiring that the Governor submit  
 350 |        information and obtain waivers as required by federal law;  
 351 |        providing effective dates.

352 |  
 353 | Be It Enacted by the Legislature of the State of Florida:

354 |  
 355 |        Section 1. Section 20.60, Florida Statutes, is created to  
 356 |        read:

357 |        20.60 Department of Economic Opportunity.-There is created  
 358 |        a Department of Economic Opportunity.

359 |        (1) (a) The head of the department is the Commissioner of  
 360 |        Economic Opportunity, who shall be appointed by the Governor,  
 361 |        subject to confirmation by the Senate. The commissioner shall  
 362 |        serve at the pleasure of and report to the Governor.

363 |        (b) The commissioner shall:

364 |        1. Manage all activities and responsibilities of the

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365 Department of Economic Opportunity.

366 2. Serve as the state's chief negotiator for business  
 367 recruitment and business expansion.

368 (c) Except as otherwise provided in s. 288.905, the  
 369 commissioner may not receive more than \$130,000 per fiscal year  
 370 in public remuneration pursuant to the General Appropriations  
 371 Act, and for the purposes of the Florida Retirement System, only  
 372 the commissioner's public remuneration may be considered.

373 (2) The purpose of the department is to assist the  
 374 Governor in working with the Legislature, state agencies, local  
 375 governments, business leaders, and economic development  
 376 professionals to formulate and implement coherent and consistent  
 377 policies and strategies designed to promote economic  
 378 opportunities for the people of this state. To accomplish these  
 379 purposes, the department shall:

380 (a) Facilitate the direct involvement of the Governor and  
 381 the Lieutenant Governor in economic development and workforce  
 382 development projects designed to create, expand, and retain  
 383 businesses in the state, to globally recruit business, and to  
 384 facilitate other job-creating efforts.

385 (b) Recruit new businesses to the state and promote the  
 386 expansion of existing businesses by expediting location  
 387 decisions, worker placement and training, and incentive awards.

388 (c) Promote viable, sustainable communities by providing  
 389 technical assistance and guidance on growth and development  
 390 issues, grants, and other assistance to local communities.

391 (d) Ensure that the state's goals and policies relating to  
 392 economic development, workforce development, community planning

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393 and development, and affordable housing are fully integrated  
 394 with appropriate implementation strategies.

395 (e) Manage the activities of public-private partnerships  
 396 and coordinate with other state agencies in order to avoid  
 397 duplication and promote coordinated and consistent  
 398 implementation of programs in areas including, but not limited  
 399 to, tourism; international trade and investment; business  
 400 recruitment, creation, retention, and expansion; minority and  
 401 small business development; community planning and development;  
 402 commercialization of products, services, or ideas developed in  
 403 public universities or other public institutions; and the  
 404 development and promotion of professional and amateur sporting  
 405 events.

406 (f) Coordinate efforts of entities to address  
 407 transportation needs, including port development, housing,  
 408 recreation, and other community infrastructure to support the  
 409 needs of local and regional areas.

410 (3) The following divisions are established within the  
 411 department and have the following specific responsibilities in  
 412 order to achieve the department's duties, responsibilities, and  
 413 goals:

414 (a) The Division of Strategic Business Development shall:

415 1. Analyze and evaluate business prospects identified by  
 416 the Governor, the commissioner, and Enterprise Florida, Inc.

417 2. Administer certain tax refund, tax credit, and grant  
 418 programs created in law.

419 3. Develop a 5-year statewide strategic plan. The  
 420 strategic plan shall include, but is not limited to:

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421 a. Strategies for the promotion of business formation,  
 422 expansion, recruitment, and retention through aggressive  
 423 marketing, international development, and export assistance,  
 424 which lead to more and better jobs and higher wages for all  
 425 geographic regions, disadvantaged communities, and populations  
 426 of the state, including rural areas, minority businesses, and  
 427 urban core areas.

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

431 c. Specific provisions for the stimulation of economic  
 432 development and job creation in rural areas and midsize cities  
 433 and counties of the state.

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

437 e. Plans for the generation of foreign investment in the  
 438 state which creates jobs with above-average wages and results in  
 439 reverse investment in the state, including programs that  
 440 establish viable overseas markets, assist in meeting the  
 441 financing requirements of export-ready firms, broaden  
 442 opportunities for international joint venture relationships, use  
 443 the resources of academic and other institutions, coordinate  
 444 trade assistance and facilitation services, and facilitate  
 445 availability of and access to education and training programs  
 446 which will assure requisite skills and competencies necessary to  
 447 compete successfully in the global marketplace.

448 f. The identification of business sectors that are of



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449 current or future importance to the state's economy and to the  
 450 state's global business image, and development of specific  
 451 strategies to promote the development of such sectors.

452 g. Strategies for talent development necessary in the  
 453 state to encourage development growth, taking into account  
 454 factors such as the state's talent supply chain, education and  
 455 training opportunities, and available workforce.

456 4. Update the strategic plan every 5 years. The division  
 457 shall involve Enterprise Florida, Inc., Workforce Florida Inc.,  
 458 local governments; the general public; local and regional  
 459 economic development organizations; other local, state, and  
 460 federal economic, international, and workforce development  
 461 entities; the business community; and educational institutions  
 462 to assist with each update.

463 (b) The Division of Community Planning and Development  
 464 shall:

465 1. Assist local governments and their communities in  
 466 finding creative planning solutions to help them foster vibrant,  
 467 healthy communities, while protecting the functions of important  
 468 state resources and facilities.

469 2. Administer state and federal grant programs as provided  
 470 by law to provide community development and project planning  
 471 activities to maintain viable communities, revitalize existing  
 472 communities, and expand economic development and employment  
 473 opportunities.

474 3. Assist in developing the 5-year statewide strategic  
 475 plan required by this section.

476 (c) The Division of Workforce Services shall:

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477 1. Administer federal and state workforce funding by  
 478 administering plans and policies of Workforce Florida, Inc.,  
 479 under contract with Workforce Florida, Inc. The operating budget  
 480 and midyear amendments thereto must be part of such contract.

481 a. All program and fiscal instructions to regional  
 482 workforce boards shall emanate from the department pursuant to  
 483 plans and policies of Workforce Florida, Inc. Workforce Florida,  
 484 Inc., is responsible for all policy directions to the regional  
 485 workforce boards.

486 b. Unless otherwise provided by agreement between the  
 487 department and Workforce Florida, Inc., the department's  
 488 administrative and personnel policies shall apply to Workforce  
 489 Florida, Inc.

490 2. Implement the state's unemployment compensation  
 491 program, pursuant to state and federal law.

492 3. Implement and administer, through the Office of Early  
 493 Learning, the state's school readiness system and the Voluntary  
 494 Prekindergarten Education Program.

495 (d) The Division of Finance and Administration shall:

496 1. Administer all department budget and finance matters.

497 2. Administer all department personnel matters.

498 3. Maintain proper records.

499 (4) The department is designated as the administrative  
 500 agency designated for receipt and administration of federal  
 501 workforce development grants and other federal funds and shall  
 502 carry out the duties assigned to it by the Governor, under the  
 503 terms and conditions of each grant. The department shall  
 504 disburse such grants pursuant to the plans and policies of

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505 Workforce Florida, Inc. The department may, to the extent  
 506 authorized by Workforce Florida, Inc., serve as the contract  
 507 administrator for contracts entered into by Workforce Florida,  
 508 Inc., pursuant to s. 445.004(5). The Governor may sign  
 509 contracts, grants, and other instruments as necessary to execute  
 510 functions assigned to the department. Notwithstanding any other  
 511 law, the department shall administer other programs funded by  
 512 federal or state appropriations, as determined by the  
 513 Legislature in the General Appropriations Act or by law.

514 (5) The department may provide or contract for training  
 515 for employees of administrative entities and case managers of  
 516 any contracted providers to ensure they have the necessary  
 517 competencies and skills to provide adequate administrative  
 518 oversight and delivery of the full array of client services.

519 (6) The Unemployment Appeals Commission created pursuant  
 520 to s. 443.012 is not subject to control, supervision, or  
 521 direction by the department in the performance of the  
 522 commission's powers and duties. However, the department shall  
 523 provide any support and assistance that is required for the  
 524 performance of the commission's duties.

525 (7) The department, with assistance from Enterprise  
 526 Florida, Inc., and Workforce Florida, Inc., shall, by January 1  
 527 of each year, submit an annual report to the Governor, the  
 528 President of the Senate, and the Speaker of the House of  
 529 Representatives on the condition of the business climate and  
 530 economic development in the state. The report shall include the  
 531 identification of problems and a prioritized list of  
 532 recommendations.

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533       (8) The department shall establish annual performance  
 534 standards for Enterprise Florida, Inc., Workforce Florida, Inc.,  
 535 and Space Florida and report annually on how these performance  
 536 measures are being met in the annual report required under  
 537 subsection (7).

538       (9) The department shall have an official seal by which  
 539 its records, orders, and proceedings are authenticated. The seal  
 540 shall be judicially noticed.

541       (10) The department shall administer the role of state  
 542 government under part I of chapter 421, relating to the Housing  
 543 Authorities Law; chapter 422, relating to the Housing  
 544 Cooperation Law; and chapter 423, relating to the tax exemption  
 545 of housing authorities. The department is the state agency  
 546 responsible for the state's role in housing and urban  
 547 development.

548       Section 2. Section 14.2015, Florida Statutes, is repealed.

549       Section 3. Transfers from Executive Office of the  
 550 Governor.—

551       (1) All powers, duties, functions, records, offices,  
 552 personnel, associated administrative support positions,  
 553 property, pending issues, and existing contracts, administrative  
 554 authority, administrative rules, and unexpended balances of  
 555 appropriations, allocations, and other funds relating to the  
 556 Office of Tourism, Trade, and Economic Development in the  
 557 Executive Office of the Governor are transferred by a type two  
 558 transfer, as defined in s. 20.06(2), Florida Statutes, to the  
 559 Department of Economic Opportunity.

560       (2) The following trust funds are transferred from the

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561 Executive Office of the Governor to the Department of Economic  
 562 Opportunity:  
 563 1. The Economic Development Trust Fund, FLAIR number 31-2-  
 564 177.  
 565 2. The Economic Development Transportation Trust Fund,  
 566 FLAIR number 31-2-175.  
 567 3. The Tourism Promotional Trust Fund, FLAIR number 31-2-  
 568 722.  
 569 4. The Professional Sports Development Trust Fund, FLAIR  
 570 number 31-2-551.  
 571 5. The Florida International Trade and Promotion Trust  
 572 Fund, FLAIR number 31-2-338.  
 573 (3) Any binding contract or interagency agreement existing  
 574 on or before July 1, 2011, between the Office of Tourism, Trade,  
 575 and Economic Development in the Executive Office of the  
 576 Governor, or an entity or agent of the office, and any other  
 577 agency, entity, or person shall continue as a binding contract  
 578 or agreement for the remainder of the term of such contract or  
 579 agreement with the successor department, agency, or entity  
 580 responsible for the program, activity, or functions relative to  
 581 the contract or agreement.  
 582 (4) All powers, duties, functions, records, offices,  
 583 personnel, property, pending issues, and existing contracts,  
 584 administrative authority, administrative rules, and unexpended  
 585 balances of appropriations, allocations, and other funds  
 586 relating to the Office of Tourism, Trade, and Economic  
 587 Development in the Executive Office of the Governor, and not  
 588 specifically delineated for transfer within this section are

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589 transferred by a type two transfer to the Department of Economic  
 590 Opportunity.

591 Section 4. Sections 288.1221, 288.1222, 288.1223,  
 592 288.1224, 288.1226, and 288.1227, Florida Statutes, are  
 593 repealed.

594 Section 5. Sections 288.7065, 288.707, 288.708, 288.709,  
 595 288.7091, and 288.712, Florida Statutes, are repealed.

596 Section 6. (1) The not-for-profit corporations  
 597 established in ss. 288.1226, 288.1229, and 288.707, Florida  
 598 Statutes, are merged into and transferred to Enterprise Florida,  
 599 Inc.

600 (2) The Florida Sports Foundation, Incorporated; the  
 601 Florida Tourism Industry Marketing Corporation, doing business  
 602 as VISIT Florida; and the Florida Black Business Investment  
 603 Board, Inc., must enter into a plan of merger to merge into  
 604 Enterprise Florida, Inc. Such merger must be complete by  
 605 December 31, 2011. The merger is governed by the provisions of  
 606 chapter 617, Florida Statutes, related to the merger of not-for-  
 607 profit corporations.

608 (3) It is the intent of the Legislature that the changes  
 609 made by this act be accomplished with minimal disruption of  
 610 services provided to the public and with minimal disruption to  
 611 employees of any organization. To that end, the Legislature  
 612 directs that notwithstanding the changes made by this act, the  
 613 Florida Sports Foundation Incorporated; the Florida Tourism  
 614 Industry Marketing Corporation, doing business as VISIT Florida;  
 615 and the Florida Black Business Investment Board, Inc., may  
 616 continue with such powers, duties, functions, records, offices,

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617 personnel, property, pending issues, and existing contracts as  
 618 provided in Florida Statutes 2010 until December 31, 2011. The  
 619 Legislature believes that a transition period between the  
 620 effective date of this act and December 31, 2011, is appropriate  
 621 and warranted.

622 (4) The Governor shall designate a transition coordinator  
 623 who shall serve as the Governor's primary representative on  
 624 matters related to the implementation of this act for the merger  
 625 of the Florida Sports Foundation Incorporated; the Florida  
 626 Tourism Industry Marketing Corporation, doing business as VISIT  
 627 Florida; and the Florida Black Business Investment Board, Inc.,  
 628 into Enterprise Florida, Inc., and the transition plans  
 629 developed pursuant to this section. The Governor's transition  
 630 coordinator shall submit a progress report to the Governor, the  
 631 President of the Senate, and the Speaker of the House of  
 632 Representatives on the implementation of this act and the  
 633 transition plans, including, but not limited to, any adverse  
 634 impact or negative consequences on programs and services, of  
 635 meeting any deadline imposed by this act, and any difficulties  
 636 experienced by the entities. The Governor's transition  
 637 coordinator shall also coordinate the submission of any budget  
 638 amendments, in accordance with chapter 216, Florida Statutes,  
 639 that may be necessary to implement this act.

640 (5) Any funds held in trust which were donated to or  
 641 earned by the Florida Sports Foundation Incorporated; the  
 642 Florida Tourism Industry Marketing Corporation, doing business  
 643 as VISIT Florida; or the Florida Black Business Investment  
 644 Board, Inc., while previously organized as a corporation under

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645 chapter 617 shall be transferred to Enterprise Florida, Inc., to  
 646 be used by the respective division for the funds' original  
 647 purposes.

648 (6) Upon the recommendation and guidance of the Florida  
 649 Sports Foundation Incorporated; the Florida Tourism Industry  
 650 Marketing Corporation, doing business as VISIT Florida; or the  
 651 Florida Black Business Investment Board, Inc., the Governor  
 652 shall submit in a timely manner to the applicable Federal  
 653 departments or agencies any necessary amendments or supplemental  
 654 information concerning plans that the state or one of the  
 655 entities is required to submit to the Federal Government in  
 656 connection with any federal or state program. The Governor shall  
 657 seek any waivers from the requirements of federal law or rules  
 658 which may be necessary to administer this act.

659 (7) The transfer of any program, activity, duty, or  
 660 function under this act includes the transfer of any records and  
 661 unexpended balances of appropriations, allocations, or other  
 662 funds related to such program, activity, duty, or function.  
 663 Except as otherwise provided by law, Enterprise Florida, Inc.,  
 664 shall become the custodian of any property of the Florida Sports  
 665 Foundation Incorporated; the Florida Tourism Industry Marketing  
 666 Corporation, doing business as VISIT Florida; and the Florida  
 667 Black Business Investment Board, Inc., on the date specified in  
 668 the plan of merger or December 31, 2011, whichever occurs first.

669 (8) The Department of Management Services may establish a  
 670 lease agreement program under which Enterprise Florida, Inc.,  
 671 may hire any individual who was employed by the Florida Black  
 672 Business Investment Board, Inc., under a previous lease



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673 agreement under s. 288.708(2), Florida Statutes 2010. Under such  
 674 agreement, the employee shall retain his or her status as a  
 675 state employee but shall work under the direct supervision of  
 676 Enterprise Florida, Inc. Retention of state employee status  
 677 shall include the right to participate in the Florida Retirement  
 678 System and shall continue until the employee voluntarily or  
 679 involuntarily terminates his or her status with Enterprise  
 680 Florida, Inc. The Department of Management Services shall  
 681 establish the terms and conditions of such lease agreements.

682 Section 7. Subsection (3) of section 14.32, Florida  
 683 Statutes, is renumbered as subsection (4), and a new subsection  
 684 (3) is added to that section, to read:

685 14.32 Office of Chief Inspector General.—

686 (3) The Chief Inspector General:

687 (a) Shall advise public-private partnerships, including  
 688 Enterprise Florida, Inc., in their development, utilization, and  
 689 improvement of internal control measures necessary to ensure  
 690 fiscal accountability.

691 (b) May conduct, direct, and supervise audits relating to  
 692 the programs and operations of public-private partnerships.

693 (c) Shall receive and investigate complaints of fraud,  
 694 abuses, and deficiencies relating to programs and operations of  
 695 public-private partnerships.

696 (d) May request and have access to any records, data, and  
 697 other information of public-private partnerships that the Chief  
 698 Inspector General deems necessary to carry out his or her  
 699 responsibilities with respect to accountability.

700 (e) Shall monitor public-private partnerships for

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701 compliance with the terms and conditions of contracts with the  
 702 department and report noncompliance to the Governor.

703 (f) Shall advise public-private partnerships in the  
 704 development, utilization, and improvement of performance  
 705 measures for the evaluation of their operations.

706 (g) Shall review and make recommendations for improvements  
 707 in the actions taken by public-private partnerships to meet  
 708 performance standards.

709 Section 8. Section 15.182, Florida Statutes, is amended to  
 710 read:

711 15.182 International travel by state-funded musical,  
 712 cultural, or artistic organizations; notification to the  
 713 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 714 ~~Economic Development.~~

715 (1) If a musical, cultural, or artistic organization that  
 716 receives state funding is traveling internationally for a  
 717 presentation, performance, or other significant public viewing,  
 718 including an organization associated with a college or  
 719 university, such organization shall notify the Department of  
 720 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 721 ~~Development~~ of its intentions to travel, together with the date,  
 722 time, and location of each appearance.

723 (2) The Department of Economic Opportunity ~~The Office of~~  
 724 ~~Tourism, Trade, and Economic Development~~, in conjunction with  
 725 Enterprise Florida, Inc., shall act as an intermediary between  
 726 performing musical, cultural, and artistic organizations and  
 727 Florida businesses to encourage and coordinate joint  
 728 undertakings. Such coordination may include, but is not limited

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729 to, encouraging business and industry to sponsor cultural  
 730 events, assistance with travel of such organizations, and  
 731 coordinating travel schedules of cultural performance groups and  
 732 international trade missions.

733 (3) An organization shall provide the notification to the  
 734 Department of Economic Opportunity ~~Department of State~~ required  
 735 by this section at least 30 days before ~~prior to~~ the date the  
 736 international travel is to commence or, when an intention to  
 737 travel internationally is not formed at least 30 days in advance  
 738 of the date the travel is to commence, as soon as feasible after  
 739 forming such travel intention. The Department of Economic  
 740 Opportunity ~~Department of State~~ shall take an active role in  
 741 informing such groups of the responsibility to notify the  
 742 department of travel intentions.

743 Section 9. Paragraph (c) is added to subsection (7) of  
 744 section 112.313, Florida Statutes, to read:

745 112.313 Standards of conduct for public officers,  
 746 employees of agencies, and local government attorneys.—

747 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

748 (c) This subsection does not prohibit the Commissioner of  
 749 Economic Opportunity, who, by virtue of his or her office,  
 750 serves as president of Enterprise Florida, Inc., from executing  
 751 an annual contract with the board of directors of Enterprise  
 752 Florida, Inc., that provides the basis for privately-funded  
 753 performance bonuses.

754 Section 10. Subsection (11) of section 159.803, Florida  
 755 Statutes, is amended to read:

756 159.803 Definitions.—As used in this part, the term:

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757 (11) "Florida First Business project" means any project  
 758 which is certified by the Governor, through the Department of  
 759 Economic Opportunity, ~~Office of Tourism, Trade, and Economic~~  
 760 ~~Development~~ as eligible to receive an allocation from the  
 761 Florida First Business allocation pool established pursuant to  
 762 s. 159.8083. The Governor ~~Office of Tourism, Trade, and Economic~~  
 763 ~~Development~~ may certify those projects meeting the criteria set  
 764 forth in s. 288.106(4)(b) or any project providing a substantial  
 765 economic benefit to this state.

766 Section 11. Paragraph (a) of subsection (2) of section  
 767 159.8081, Florida Statutes, is amended to read:

768 159.8081 Manufacturing facility bond pool.—

769 (2) (a) The first 75 percent of this pool shall be  
 770 available on a first come, first served basis, except that 15  
 771 percent of the state volume limitation allocated to this pool  
 772 shall be available as provided in paragraph (b). Before ~~Prior to~~  
 773 issuing any written confirmations for the remaining 25 percent  
 774 of this pool, the director shall forward all notices of intent  
 775 to issue which are received by the division for manufacturing  
 776 facility projects to the Department of Economic Opportunity ~~the~~  
 777 ~~Office of Tourism, Trade, and Economic Development~~. The Governor  
 778 ~~Office of Tourism, Trade, and Economic Development~~ and the  
 779 ~~Department of Community Affairs~~ shall decide, after receipt of  
 780 the notices of intent to issue, which notices will receive  
 781 written confirmations. Such decision shall be communicated in  
 782 writing by the Department of Economic Opportunity ~~the Office of~~  
 783 ~~Tourism, Trade, and Economic Development~~ to the director within  
 784 10 days of receipt of such notices of intent to issue. The

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785 Department of Economic Opportunity ~~The Office of Tourism, Trade,~~  
 786 ~~and Economic Development, in consultation with the Department of~~  
 787 ~~Community Affairs,~~ may develop rules to ensure that allocation  
 788 of the remaining 25 percent is consistent with the state's  
 789 economic development policy.

790 Section 12. Section 159.8083, Florida Statutes, is amended  
 791 to read:

792 159.8083 Florida First Business allocation pool.—The  
 793 Florida First Business allocation pool is hereby established.  
 794 The Florida First Business allocation pool shall be available  
 795 solely to provide written confirmation for private activity  
 796 bonds to finance Florida First Business projects certified by  
 797 the Governor, through the Department of Economic Opportunity,  
 798 ~~Office of Tourism, Trade, and Economic Development~~ as eligible  
 799 to receive a written confirmation. Allocations from such pool  
 800 shall be awarded statewide pursuant to procedures specified in  
 801 s. 159.805, except that the provisions of s. 159.805(2), (3),  
 802 and (6) do not apply. Florida First Business projects that are  
 803 eligible for a carryforward shall not lose their allocation  
 804 pursuant to s. 159.809(3) on October 1, or pursuant to s.  
 805 159.809(4) on November 16, if they have applied for and have  
 806 been granted a carryforward by the division pursuant to s.  
 807 159.81(1). In issuing written confirmations of allocations for  
 808 Florida First Business projects, the division shall use the  
 809 Florida First Business allocation pool. If allocation is not  
 810 available from the Florida First Business allocation pool, the  
 811 division shall issue written confirmations of allocations for  
 812 Florida First Business projects pursuant to s. 159.806 or s.

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813 159.807, in such order. For the purpose of determining priority  
 814 within a regional allocation pool or the state allocation pool,  
 815 notices of intent to issue bonds for Florida First Business  
 816 projects to be issued from a regional allocation pool or the  
 817 state allocation pool shall be considered to have been received  
 818 by the division at the time it is determined by the division  
 819 that the Florida First Business allocation pool is unavailable  
 820 to issue confirmation for such Florida First Business project.  
 821 If the total amount requested in notices of intent to issue  
 822 private activity bonds for Florida First Business projects  
 823 exceeds the total amount of the Florida First Business  
 824 allocation pool, the director shall forward all timely notices  
 825 of intent to issue, which are received by the division for such  
 826 projects, to the Governor, through the Department of Economic  
 827 Opportunity, Office of Tourism, Trade, and Economic Development  
 828 who ~~which~~ shall render a decision as to which notices of intent  
 829 to issue are to receive written confirmations. The Department of  
 830 Economic Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 831 ~~Development,~~ in consultation with the division, shall develop  
 832 rules to ensure that the allocation provided in such pool is  
 833 available solely to provide written confirmations for private  
 834 activity bonds to finance Florida First Business projects and  
 835 that such projects are feasible and financially solvent.

836 Section 13. Paragraph (c) of subsection (4) of section  
 837 186.504, Florida Statutes, is amended to read:

838 186.504 Regional planning councils; creation; membership.—

839 (4) In addition to voting members appointed pursuant to  
 840 paragraph (2) (c), the Governor shall appoint the following ex

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841 | officio nonvoting members to each regional planning council:

842 |       (c) A representative nominated by the Department of  
 843 | Economic Opportunity ~~Enterprise Florida, Inc., and the Office of~~  
 844 | ~~Tourism, Trade, and Economic Development.~~

845 |  
 846 | The Governor may also appoint ex officio nonvoting members  
 847 | representing appropriate metropolitan planning organizations and  
 848 | regional water supply authorities.

849 |       Section 14. Paragraphs (j) and (p) of subsection (5) of  
 850 | section 212.08, Florida Statutes, are amended to read:

851 |       212.08 Sales, rental, use, consumption, distribution, and  
 852 | storage tax; specified exemptions.—The sale at retail, the  
 853 | rental, the use, the consumption, the distribution, and the  
 854 | storage to be used or consumed in this state of the following  
 855 | are hereby specifically exempt from the tax imposed by this  
 856 | chapter.

857 |       (5) EXEMPTIONS; ACCOUNT OF USE.—

858 |       (j) Machinery and equipment used in semiconductor,  
 859 | defense, or space technology production.—

860 |       1.a. Industrial machinery and equipment used in  
 861 | semiconductor technology facilities certified under subparagraph  
 862 | 5. to manufacture, process, compound, or produce semiconductor  
 863 | technology products for sale or for use by these facilities are  
 864 | exempt from the tax imposed by this chapter. For purposes of  
 865 | this paragraph, industrial machinery and equipment includes  
 866 | molds, dies, machine tooling, other appurtenances or accessories  
 867 | to machinery and equipment, testing equipment, test beds,  
 868 | computers, and software, whether purchased or self-fabricated,

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869 and, if self-fabricated, includes materials and labor for  
 870 design, fabrication, and assembly.

871 b. Industrial machinery and equipment used in defense or  
 872 space technology facilities certified under subparagraph 5. to  
 873 design, manufacture, assemble, process, compound, or produce  
 874 defense technology products or space technology products for  
 875 sale or for use by these facilities are exempt from the tax  
 876 imposed by this chapter.

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

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

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

892 5.a. To be eligible to receive the exemption provided by  
 893 subparagraph 1. or subparagraph 2., a qualifying business entity  
 894 shall initially apply to Enterprise Florida, Inc. The original  
 895 certification is valid for a period of 2 years. In lieu of  
 896 submitting a new application, the original certification may be



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897 renewed biennially by submitting to the Department of Economic  
 898 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 899 ~~Development~~ a statement, certified under oath, that there has  
 900 been no material change in the conditions or circumstances  
 901 entitling the business entity to the original certification. The  
 902 initial application and the certification renewal statement  
 903 shall be developed by the Department of Economic Opportunity  
 904 ~~the Office of Tourism, Trade, and Economic Development in~~  
 905 ~~consultation with Enterprise Florida, Inc.~~

906 b. The Department of Economic Opportunity ~~Enterprise~~  
 907 ~~Florida, Inc.,~~ shall review each submitted initial application  
 908 and determine whether or not the application is complete within  
 909 5 working days. Once complete, the Department of Economic  
 910 Opportunity ~~Enterprise Florida, Inc.,~~ shall, within 10 working  
 911 days, evaluate the application and recommend approval or  
 912 disapproval to the Governor ~~Office of Tourism, Trade, and~~  
 913 ~~Economic Development.~~

914 c. Upon receipt of the initial application and  
 915 recommendation from the Department of Economic Opportunity  
 916 ~~Enterprise Florida, Inc.,~~ or upon receipt of a certification  
 917 renewal statement, the Governor, through the Department of  
 918 Economic Opportunity, ~~Office of Tourism, Trade, and Economic~~  
 919 ~~Development~~ shall certify within 5 working days those applicants  
 920 who are found to meet the requirements of this section and  
 921 notify the applicant, ~~Enterprise Florida, Inc.,~~ and the  
 922 ~~department~~ of the original certification or certification  
 923 renewal. If the Department of Economic Opportunity ~~the Office~~  
 924 ~~of Tourism, Trade, and Economic Development~~ finds that the

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925 applicant does not meet the requirements, it shall notify the  
 926 applicant and Enterprise Florida, Inc., within 10 working days  
 927 that the application for certification has been denied and the  
 928 reasons for denial. The Governor ~~Office of Tourism, Trade, and~~  
 929 ~~Economic Development~~ has final approval authority for  
 930 certification under this section.

931 d. The initial application and certification renewal  
 932 statement must indicate, for program evaluation purposes only,  
 933 the average number of full-time equivalent employees at the  
 934 facility over the preceding calendar year, the average wage and  
 935 benefits paid to those employees over the preceding calendar  
 936 year, the total investment made in real and tangible personal  
 937 property over the preceding calendar year, and the total value  
 938 of tax-exempt purchases and taxes exempted during the previous  
 939 year. The department shall assist the Department of Economic  
 940 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 941 ~~Development~~ in evaluating and verifying information provided in  
 942 the application for exemption.

943 e. The Department of Economic Opportunity ~~The Office of~~  
 944 ~~Tourism, Trade, and Economic Development~~ may use the information  
 945 reported on the initial application and certification renewal  
 946 statement for evaluation purposes only.

947 6. A business certified to receive this exemption may  
 948 elect to designate one or more state universities or community  
 949 colleges as recipients of up to 100 percent of the amount of the  
 950 exemption. To receive these funds, the institution must agree to  
 951 match the funds with equivalent cash, programs, services, or  
 952 other in-kind support on a one-to-one basis for research and

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953 development projects requested by the certified business. The  
 954 rights to any patents, royalties, or real or intellectual  
 955 property must be vested in the business unless otherwise agreed  
 956 to by the business and the university or community college.

957 7. As used in this paragraph, the term:

958 a. "Semiconductor technology products" means raw  
 959 semiconductor wafers or semiconductor thin films that are  
 960 transformed into semiconductor memory or logic wafers, including  
 961 wafers containing mixed memory and logic circuits; related  
 962 assembly and test operations; active-matrix flat panel displays;  
 963 semiconductor chips; semiconductor lasers; optoelectronic  
 964 elements; and related semiconductor technology products as  
 965 determined by the Department of Economic Opportunity ~~the Office~~  
 966 ~~of Tourism, Trade, and Economic Development.~~

967 b. "Clean rooms" means manufacturing facilities enclosed  
 968 in a manner that meets the clean manufacturing requirements  
 969 necessary for high-technology semiconductor-manufacturing  
 970 environments.

971 c. "Defense technology products" means products that have  
 972 a military application, including, but not limited to, weapons,  
 973 weapons systems, guidance systems, surveillance systems,  
 974 communications or information systems, munitions, aircraft,  
 975 vessels, or boats, or components thereof, which are intended for  
 976 military use and manufactured in performance of a contract with  
 977 the United States Department of Defense or the military branch  
 978 of a recognized foreign government or a subcontract thereunder  
 979 which relates to matters of national defense.

980 d. "Space technology products" means products that are

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981 specifically designed or manufactured for application in space  
 982 activities, including, but not limited to, space launch  
 983 vehicles, space flight vehicles, missiles, satellites or  
 984 research payloads, avionics, and associated control systems and  
 985 processing systems and components of any of the foregoing. The  
 986 term does not include products that are designed or manufactured  
 987 for general commercial aviation or other uses even though those  
 988 products may also serve an incidental use in space applications.

989 (p) Community contribution tax credit for donations.—

990 1. Authorization.—Persons who are registered with the  
 991 department under s. 212.18 to collect or remit sales or use tax  
 992 and who make donations to eligible sponsors are eligible for tax  
 993 credits against their state sales and use tax liabilities as  
 994 provided in this paragraph:

995 a. The credit shall be computed as 50 percent of the  
 996 person's approved annual community contribution.

997 b. The credit shall be granted as a refund against state  
 998 sales and use taxes reported on returns and remitted in the 12  
 999 months preceding the date of application to the department for  
 1000 the credit as required in sub-subparagraph 3.c. If the annual  
 1001 credit is not fully used through such refund because of  
 1002 insufficient tax payments during the applicable 12-month period,  
 1003 the unused amount may be included in an application for a refund  
 1004 made pursuant to sub-subparagraph 3.c. in subsequent years  
 1005 against the total tax payments made for such year. Carryover  
 1006 credits may be applied for a 3-year period without regard to any  
 1007 time limitation that would otherwise apply under s. 215.26.

1008 c. A person may not receive more than \$200,000 in annual

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1009 tax credits for all approved community contributions made in any  
1010 one year.

1011 d. All proposals for the granting of the tax credit  
1012 require the prior approval of the Governor through the  
1013 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
1014 ~~Economic Development.~~

1015 e. The total amount of tax credits which may be granted  
1016 for all programs approved under this paragraph, s. 220.183, and  
1017 s. 624.5105 is \$10.5 million annually for projects that provide  
1018 homeownership opportunities for low-income or very-low-income  
1019 households as defined in s. 420.9071(19) and (28) and \$3.5  
1020 million annually for all other projects.

1021 f. A person who is eligible to receive the credit provided  
1022 for in this paragraph, s. 220.183, or s. 624.5105 may receive  
1023 the credit only under the one section of the person's choice.

1024 2. Eligibility requirements.—

1025 a. A community contribution by a person must be in the  
1026 following form:

1027 (I) Cash or other liquid assets;

1028 (II) Real property;

1029 (III) Goods or inventory; or

1030 (IV) Other physical resources as identified by the  
1031 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
1032 ~~and Economic Development.~~

1033 b. All community contributions must be reserved  
1034 exclusively for use in a project. As used in this sub-  
1035 subparagraph, the term "project" means any activity undertaken  
1036 by an eligible sponsor which is designed to construct, improve,

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1037 | or substantially rehabilitate housing that is affordable to low-  
 1038 | income or very-low-income households as defined in s.  
 1039 | 420.9071(19) and (28); designed to provide commercial,  
 1040 | industrial, or public resources and facilities; or designed to  
 1041 | improve entrepreneurial and job-development opportunities for  
 1042 | low-income persons. A project may be the investment necessary to  
 1043 | increase access to high-speed broadband capability in rural  
 1044 | communities with enterprise zones, including projects that  
 1045 | result in improvements to communications assets that are owned  
 1046 | by a business. A project may include the provision of museum  
 1047 | educational programs and materials that are directly related to  
 1048 | any project approved between January 1, 1996, and December 31,  
 1049 | 1999, and located in an enterprise zone designated pursuant to  
 1050 | s. 290.0065. This paragraph does not preclude projects that  
 1051 | propose to construct or rehabilitate housing for low-income or  
 1052 | very-low-income households on scattered sites. With respect to  
 1053 | housing, contributions may be used to pay the following eligible  
 1054 | low-income and very-low-income housing-related activities:  
 1055 |       (I) Project development impact and management fees for  
 1056 | low-income or very-low-income housing projects;  
 1057 |       (II) Down payment and closing costs for eligible persons,  
 1058 | as defined in s. 420.9071(19) and (28);  
 1059 |       (III) Administrative costs, including housing counseling  
 1060 | and marketing fees, not to exceed 10 percent of the community  
 1061 | contribution, directly related to low-income or very-low-income  
 1062 | projects; and  
 1063 |       (IV) Removal of liens recorded against residential  
 1064 | property by municipal, county, or special district local

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1065 governments when satisfaction of the lien is a necessary  
 1066 precedent to the transfer of the property to an eligible person,  
 1067 as defined in s. 420.9071(19) and (28), for the purpose of  
 1068 promoting home ownership. Contributions for lien removal must be  
 1069 received from a nonrelated third party.

1070 c. The project must be undertaken by an "eligible  
 1071 sponsor," which includes:

1072 (I) A community action program;

1073 (II) A nonprofit community-based development organization  
 1074 whose mission is the provision of housing for low-income or  
 1075 very-low-income households or increasing entrepreneurial and  
 1076 job-development opportunities for low-income persons;

1077 (III) A neighborhood housing services corporation;

1078 (IV) A local housing authority created under chapter 421;

1079 (V) A community redevelopment agency created under s.  
 1080 163.356;

1081 (VI) The Florida Industrial Development Corporation;

1082 (VII) A historic preservation district agency or  
 1083 organization;

1084 (VIII) A regional workforce board;

1085 (IX) A direct-support organization as provided in s.  
 1086 1009.983;

1087 (X) An enterprise zone development agency created under s.  
 1088 290.0056;

1089 (XI) A community-based organization incorporated under  
 1090 chapter 617 which is recognized as educational, charitable, or  
 1091 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
 1092 and whose bylaws and articles of incorporation include

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1093 affordable housing, economic development, or community  
 1094 development as the primary mission of the corporation;  
 1095 (XII) Units of local government;  
 1096 (XIII) Units of state government; or  
 1097 (XIV) Any other agency that the Department of Economic  
 1098 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 1099 ~~Development~~ designates by rule.

1100  
 1101 In no event may a contributing person have a financial interest  
 1102 in the eligible sponsor.

1103 d. The project must be located in an area designated an  
 1104 enterprise zone or a Front Porch Florida Community ~~pursuant to~~  
 1105 ~~s. 20.18(6)~~, unless the project increases access to high-speed  
 1106 broadband capability for rural communities with enterprise zones  
 1107 but is physically located outside the designated rural zone  
 1108 boundaries. Any project designed to construct or rehabilitate  
 1109 housing for low-income or very-low-income households as defined  
 1110 in s. 420.9071(19) and (28) is exempt from the area requirement  
 1111 of this sub-subparagraph.

1112 e.(I) If, during the first 10 business days of the state  
 1113 fiscal year, eligible tax credit applications for projects that  
 1114 provide homeownership opportunities for low-income or very-low-  
 1115 income households as defined in s. 420.9071(19) and (28) are  
 1116 received for less than the annual tax credits available for  
 1117 those projects, the Governor, through the Department of Economic  
 1118 Opportunity, Office of Tourism, Trade, and Economic Development  
 1119 shall grant tax credits for those applications and shall grant  
 1120 remaining tax credits on a first-come, first-served basis for



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1121 any subsequent eligible applications received before the end of  
 1122 the state fiscal year. If, during the first 10 business days of  
 1123 the state fiscal year, eligible tax credit applications for  
 1124 projects that provide homeownership opportunities for low-income  
 1125 or very-low-income households as defined in s. 420.9071(19) and  
 1126 (28) are received for more than the annual tax credits available  
 1127 for those projects, the Governor, through the Department of  
 1128 Economic Opportunity, ~~office~~ shall grant the tax credits for  
 1129 those applications as follows:

1130 (A) If tax credit applications submitted for approved  
 1131 projects of an eligible sponsor do not exceed \$200,000 in total,  
 1132 the credits shall be granted in full if the tax credit  
 1133 applications are approved.

1134 (B) If tax credit applications submitted for approved  
 1135 projects of an eligible sponsor exceed \$200,000 in total, the  
 1136 amount of tax credits granted pursuant to sub-sub-sub-  
 1137 subparagraph (A) shall be subtracted from the amount of  
 1138 available tax credits, and the remaining credits shall be  
 1139 granted to each approved tax credit application on a pro rata  
 1140 basis.

1141 (II) If, during the first 10 business days of the state  
 1142 fiscal year, eligible tax credit applications for projects other  
 1143 than those that provide homeownership opportunities for low-  
 1144 income or very-low-income households as defined in s.  
 1145 420.9071(19) and (28) are received for less than the annual tax  
 1146 credits available for those projects, the Governor, through the  
 1147 Department of Economic Opportunity, ~~office~~ shall grant tax  
 1148 credits for those applications and shall grant remaining tax

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1149 credits on a first-come, first-served basis for any subsequent  
 1150 eligible applications received before the end of the state  
 1151 fiscal year. If, during the first 10 business days of the state  
 1152 fiscal year, eligible tax credit applications for projects other  
 1153 than those that provide homeownership opportunities for low-  
 1154 income or very-low-income households as defined in s.  
 1155 420.9071(19) and (28) are received for more than the annual tax  
 1156 credits available for those projects, the Department of Economic  
 1157 Opportunity ~~the office~~ shall grant the tax credits for those  
 1158 applications on a pro rata basis.

1159 3. Application requirements.—

1160 a. Any eligible sponsor seeking to participate in this  
 1161 program must submit a proposal to the Department of Economic  
 1162 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 1163 ~~Development~~ which sets forth the name of the sponsor, a  
 1164 description of the project, and the area in which the project is  
 1165 located, together with such supporting information as is  
 1166 prescribed by rule. The proposal must also contain a resolution  
 1167 from the local governmental unit in which the project is located  
 1168 certifying that the project is consistent with local plans and  
 1169 regulations.

1170 b. Any person seeking to participate in this program must  
 1171 submit an application for tax credit to the Department of  
 1172 Economic Opportunity ~~the office~~ which sets forth the name of the  
 1173 sponsor, a description of the project, and the type, value, and  
 1174 purpose of the contribution. The sponsor shall verify the terms  
 1175 of the application and indicate its receipt of the contribution,  
 1176 which verification must be in writing and accompany the

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1177 application for tax credit. The person must submit a separate  
 1178 tax credit application to the Department of Economic Opportunity  
 1179 ~~the office~~ for each individual contribution that it makes to  
 1180 each individual project.

1181 c. Any person who has received notification from the  
 1182 Governor, through the Department of Economic Opportunity, ~~office~~  
 1183 that a tax credit has been approved must apply to the department  
 1184 to receive the refund. Application must be made on the form  
 1185 prescribed for claiming refunds of sales and use taxes and be  
 1186 accompanied by a copy of the notification. A person may submit  
 1187 only one application for refund to the department within any 12-  
 1188 month period.

1189 4. Administration.—

1190 a. The Department of Economic Opportunity ~~The Office of~~  
 1191 ~~Tourism, Trade, and Economic Development~~ may adopt rules  
 1192 pursuant to ss. 120.536(1) and 120.54 necessary to administer  
 1193 this paragraph, including rules for the approval or disapproval  
 1194 of proposals by a person.

1195 b. The decision of the Governor, through the Department of  
 1196 Economic Opportunity, ~~office~~ must be in writing, and, if  
 1197 approved, the notification shall state the maximum credit  
 1198 allowable to the person. Upon approval, the Department of  
 1199 Economic Opportunity ~~the office~~ shall transmit a copy of the  
 1200 decision to the Department of Revenue.

1201 c. The Department of Economic Opportunity ~~The office~~  
 1202 shall periodically monitor all projects in a manner consistent  
 1203 with available resources to ensure that resources are used in  
 1204 accordance with this paragraph; however, each project must be

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1205 reviewed at least once every 2 years.

1206 d. The Department of Economic Opportunity ~~The office~~  
 1207 shall, in consultation with ~~the Department of Community Affairs~~  
 1208 ~~and~~ the statewide and regional housing and financial  
 1209 intermediaries, market the availability of the community  
 1210 contribution tax credit program to community-based  
 1211 organizations.

1212 5. Expiration.—This paragraph expires June 30, 2015;  
 1213 however, any accrued credit carryover that is unused on that  
 1214 date may be used until the expiration of the 3-year carryover  
 1215 period for such credit.

1216 Section 15. Paragraphs (a) and (e) of subsection (1) and  
 1217 subsections (6), (7), and (10) of section 212.097, Florida  
 1218 Statutes, are amended to read:

1219 212.097 Urban High-Crime Area Job Tax Credit Program.—

1220 (1) As used in this section, the term:

1221 (a) "Eligible business" means any sole proprietorship,  
 1222 firm, partnership, or corporation that is located in a qualified  
 1223 county and is predominantly engaged in, or is headquarters for a  
 1224 business predominantly engaged in, activities usually provided  
 1225 for consideration by firms classified within the following  
 1226 standard industrial classifications: SIC 01-SIC 09 (agriculture,  
 1227 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-  
 1228 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and  
 1229 storage); SIC 70 (hotels and other lodging places); SIC 7391  
 1230 (research and development); SIC 781 (motion picture production  
 1231 and allied services); SIC 7992 (public golf courses); and SIC  
 1232 7996 (amusement parks). A call center or similar customer

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1233 service operation that services a multistate market or  
 1234 international market is also an eligible business. In addition,  
 1235 the Department of Economic Opportunity ~~the Office of Tourism,~~  
 1236 ~~Trade, and Economic Development~~ may, as part of its final budget  
 1237 request submitted pursuant to s. 216.023, recommend additions to  
 1238 or deletions from the list of standard industrial  
 1239 classifications used to determine an eligible business, and the  
 1240 Legislature may implement such recommendations. Excluded from  
 1241 eligible receipts are receipts from retail sales, except such  
 1242 receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other  
 1243 lodging places classified in SIC 70, public golf courses in SIC  
 1244 7992, and amusement parks in SIC 7996. For purposes of this  
 1245 paragraph, the term "predominantly" means that more than 50  
 1246 percent of the business's gross receipts from all sources is  
 1247 generated by those activities usually provided for consideration  
 1248 by firms in the specified standard industrial classification.  
 1249 The determination of whether the business is located in a  
 1250 qualified high-crime area and the tier ranking of that area must  
 1251 be based on the date of application for the credit under this  
 1252 section. Commonly owned and controlled entities are to be  
 1253 considered a single business entity.

1254 (e) "Qualified high-crime area" means an area selected by  
 1255 the Department of Economic Opportunity ~~the Office of Tourism,~~  
 1256 ~~Trade, and Economic Development~~ in the following manner: every  
 1257 third year, the Department of Economic Opportunity ~~the Office~~  
 1258 shall rank and tier those areas nominated under subsection (7),  
 1259 according to the following prioritized criteria:

1260 1. Highest arrest rates within the geographic area for

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1261 violent crime and for such other crimes as drug sale, drug  
 1262 possession, prostitution, vandalism, and civil disturbances;  
 1263 2. Highest reported crime volume and rate of specific  
 1264 property crimes such as business and residential burglary, motor  
 1265 vehicle theft, and vandalism;  
 1266 3. Highest percentage of reported index crimes that are  
 1267 violent in nature;  
 1268 4. Highest overall index crime volume for the area; and  
 1269 5. Highest overall index crime rate for the geographic  
 1270 area.  
 1271  
 1272 Tier-one areas are ranked 1 through 5 and represent the highest  
 1273 crime areas according to this ranking. Tier-two areas are ranked  
 1274 6 through 10 according to this ranking. Tier-three areas are  
 1275 ranked 11 through 15. Notwithstanding this definition,  
 1276 "qualified high-crime area" also means an area that has been  
 1277 designated as a federal Empowerment Zone pursuant to the  
 1278 Taxpayer Relief Act of 1997. Such a designated area is ranked in  
 1279 tier three until the areas are reevaluated by the Department of  
 1280 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 1281 ~~Development~~.  
 1282 (6) Any county or municipality, or a county and one or  
 1283 more municipalities together, may apply to the Department of  
 1284 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 1285 ~~Development~~ for the designation of an area as a high-crime area  
 1286 after the adoption by the governing body or bodies of a  
 1287 resolution that:  
 1288 (a) Finds that a high-crime area exists in such county or

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1289 municipality, or in both the county and one or more  
 1290 municipalities, which chronically exhibits extreme and  
 1291 unacceptable levels of poverty, unemployment, physical  
 1292 deterioration, and economic disinvestment;  
 1293 (b) Determines that the rehabilitation, conservation, or  
 1294 redevelopment, or a combination thereof, of such a high-crime  
 1295 area is necessary in the interest of the health, safety, and  
 1296 welfare of the residents of such county or municipality, or such  
 1297 county and one or more municipalities; and  
 1298 (c) Determines that the revitalization of such a high-  
 1299 crime area can occur if the public sector or private sector can  
 1300 be induced to invest its own resources in productive enterprises  
 1301 that build or rebuild the economic viability of the area.  
 1302 (7) The governing body of the entity nominating the area  
 1303 shall provide to the Department of Economic Opportunity ~~the~~  
 1304 ~~Office of Tourism, Trade, and Economic Development~~ the  
 1305 following:  
 1306 (a) The overall index crime rate for the geographic area;  
 1307 (b) The overall index crime volume for the area;  
 1308 (c) The percentage of reported index crimes that are  
 1309 violent in nature;  
 1310 (d) The reported crime volume and rate of specific  
 1311 property crimes such as business and residential burglary, motor  
 1312 vehicle theft, and vandalism; and  
 1313 (e) The arrest rates within the geographic area for  
 1314 violent crime and for such other crimes as drug sale, drug  
 1315 possession, prostitution, disorderly conduct, vandalism, and  
 1316 other public-order offenses.

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1317 (10) (a) In order to claim this credit, an eligible  
 1318 business must file under oath with the Department of Economic  
 1319 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 1320 ~~Development~~ a statement that includes the name and address of  
 1321 the eligible business and any other information that is required  
 1322 to process the application.

1323 (b) Applications shall be reviewed and certified pursuant  
 1324 to s. 288.061.

1325 (c) The maximum credit amount that may be approved during  
 1326 any calendar year is \$5 million, of which \$1 million shall be  
 1327 exclusively reserved for tier-one areas. The Department of  
 1328 Revenue, in conjunction with the Department of Economic  
 1329 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 1330 ~~Development~~, shall notify the governing bodies in areas  
 1331 designated as urban high-crime areas when the \$5 million maximum  
 1332 amount has been reached. Applications must be considered for  
 1333 approval in the order in which they are received without regard  
 1334 to whether the credit is for a new or existing business. This  
 1335 limitation applies to the value of the credit as contained in  
 1336 approved applications. Approved credits may be taken in the time  
 1337 and manner allowed pursuant to this section.

1338 Section 16. Paragraphs (a) and (c) of subsection (1) and  
 1339 subsections (6) and (7) of section 212.098, Florida Statutes,  
 1340 are amended to read:

1341 212.098 Rural Job Tax Credit Program.—

1342 (1) As used in this section, the term:

1343 (a) "Eligible business" means any sole proprietorship,  
 1344 firm, partnership, or corporation that is located in a qualified



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1345 county and is predominantly engaged in, or is headquarters for a  
 1346 business predominantly engaged in, activities usually provided  
 1347 for consideration by firms classified within the following  
 1348 standard industrial classifications: SIC 01-SIC 09 (agriculture,  
 1349 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422  
 1350 (public warehousing and storage); SIC 70 (hotels and other  
 1351 lodging places); SIC 7391 (research and development); SIC 781  
 1352 (motion picture production and allied services); SIC 7992  
 1353 (public golf courses); SIC 7996 (amusement parks); and a  
 1354 targeted industry eligible for the qualified target industry  
 1355 business tax refund under s. 288.106. A call center or similar  
 1356 customer service operation that services a multistate market or  
 1357 an international market is also an eligible business. In  
 1358 addition, the Department of Economic Opportunity ~~the Office of~~  
 1359 ~~Tourism, Trade, and Economic Development~~ may, as part of its  
 1360 final budget request submitted pursuant to s. 216.023, recommend  
 1361 additions to or deletions from the list of standard industrial  
 1362 classifications used to determine an eligible business, and the  
 1363 Legislature may implement such recommendations. Excluded from  
 1364 eligible receipts are receipts from retail sales, except such  
 1365 receipts for hotels and other lodging places classified in SIC  
 1366 70, public golf courses in SIC 7992, and amusement parks in SIC  
 1367 7996. For purposes of this paragraph, the term "predominantly"  
 1368 means that more than 50 percent of the business's gross receipts  
 1369 from all sources is generated by those activities usually  
 1370 provided for consideration by firms in the specified standard  
 1371 industrial classification. The determination of whether the  
 1372 business is located in a qualified county and the tier ranking

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1373 of that county must be based on the date of application for the  
 1374 credit under this section. Commonly owned and controlled  
 1375 entities are to be considered a single business entity.

1376 (c) "Qualified area" means any area that is contained  
 1377 within a rural area of critical economic concern designated  
 1378 under s. 288.0656, a county that has a population of fewer than  
 1379 75,000 persons, or a county that has a population of 125,000 or  
 1380 less and is contiguous to a county that has a population of less  
 1381 than 75,000, selected in the following manner: every third year,  
 1382 the Department of Economic Opportunity ~~the Office of Tourism,~~  
 1383 ~~Trade, and Economic Development~~ shall rank and tier the state's  
 1384 counties according to the following four factors:

1385 1. Highest unemployment rate for the most recent 36-month  
 1386 period.

1387 2. Lowest per capita income for the most recent 36-month  
 1388 period.

1389 3. Highest percentage of residents whose incomes are below  
 1390 the poverty level, based upon the most recent data available.

1391 4. Average weekly manufacturing wage, based upon the most  
 1392 recent data available.

1393 (6) (a) In order to claim this credit, an eligible business  
 1394 must file under oath with the Department of Economic Opportunity  
 1395 ~~the Office of Tourism, Trade, and Economic Development~~ a  
 1396 statement that includes the name and address of the eligible  
 1397 business, the starting salary or hourly wages paid to the new  
 1398 employee, and any other information that the Department of  
 1399 Revenue requires.

1400 (b) Pursuant to the incentive review process under s.

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1401 288.061, the Department of Economic Opportunity ~~Within 30~~  
 1402 ~~working days after receipt of an application for credit, the~~  
 1403 ~~Office of Tourism, Trade, and Economic Development~~ shall review  
 1404 the application to determine whether it contains all the  
 1405 information required by this subsection and meets the criteria  
 1406 set out in this section. Subject to the provisions of paragraph  
 1407 (c), the Governor, through the Department of Economic  
 1408 Opportunity, ~~Office of Tourism, Trade, and Economic Development~~  
 1409 shall approve all applications that contain the information  
 1410 required by this subsection and meet the criteria set out in  
 1411 this section as eligible to receive a credit.

1412 (c) The maximum credit amount that may be approved during  
 1413 any calendar year is \$5 million. The Department of Revenue, in  
 1414 conjunction with the Department of Economic Opportunity ~~the~~  
 1415 ~~Office of Tourism, Trade, and Economic Development,~~ shall notify  
 1416 the governing bodies in areas designated as qualified counties  
 1417 when the \$5 million maximum amount has been reached.

1418 Applications must be considered for approval in the order in  
 1419 which they are received without regard to whether the credit is  
 1420 for a new or existing business. This limitation applies to the  
 1421 value of the credit as contained in approved applications.  
 1422 Approved credits may be taken in the time and manner allowed  
 1423 pursuant to this section.

1424 (d) A business may not receive more than \$500,000 of tax  
 1425 credits under this section during any one calendar year.

1426 (7) If the application is insufficient to support the  
 1427 credit authorized in this section, the Governor, through the  
 1428 Department of Economic Opportunity, ~~Office of Tourism, Trade,~~

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1429 ~~and Economic Development~~ shall deny the credit and notify the  
 1430 business of that fact. The business may reapply for this credit  
 1431 within 3 months after such notification.

1432 Section 17. Paragraph (d) of subsection (6) of section  
 1433 212.20, Florida Statutes, is amended to read:

1434 212.20 Funds collected, disposition; additional powers of  
 1435 department; operational expense; refund of taxes adjudicated  
 1436 unconstitutionally collected.—

1437 (6) Distribution of all proceeds under this chapter and s.  
 1438 202.18(1) (b) and (2) (b) shall be as follows:

1439 (d) The proceeds of all other taxes and fees imposed  
 1440 pursuant to this chapter or remitted pursuant to s. 202.18(1) (b)  
 1441 and (2) (b) shall be distributed as follows:

1442 1. In any fiscal year, the greater of \$500 million, minus  
 1443 an amount equal to 4.6 percent of the proceeds of the taxes  
 1444 collected pursuant to chapter 201, or 5.2 percent of all other  
 1445 taxes and fees imposed pursuant to this chapter or remitted  
 1446 pursuant to s. 202.18(1) (b) and (2) (b) shall be deposited in  
 1447 monthly installments into the General Revenue Fund.

1448 2. After the distribution under subparagraph 1., 8.814  
 1449 percent of the amount remitted by a sales tax dealer located  
 1450 within a participating county pursuant to s. 218.61 shall be  
 1451 transferred into the Local Government Half-cent Sales Tax  
 1452 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
 1453 transferred shall be reduced by 0.1 percent, and the department  
 1454 shall distribute this amount to the Public Employees Relations  
 1455 Commission Trust Fund less \$5,000 each month, which shall be  
 1456 added to the amount calculated in subparagraph 3. and

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1457 distributed accordingly.  
 1458           3. After the distribution under subparagraphs 1. and 2.,  
 1459 0.095 percent shall be transferred to the Local Government Half-  
 1460 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
 1461 s. 218.65.

1462           4. After the distributions under subparagraphs 1., 2., and  
 1463 3., 2.0440 percent of the available proceeds shall be  
 1464 transferred monthly to the Revenue Sharing Trust Fund for  
 1465 Counties pursuant to s. 218.215.

1466           5. After the distributions under subparagraphs 1., 2., and  
 1467 3., 1.3409 percent of the available proceeds shall be  
 1468 transferred monthly to the Revenue Sharing Trust Fund for  
 1469 Municipalities pursuant to s. 218.215. If the total revenue to  
 1470 be distributed pursuant to this subparagraph is at least as  
 1471 great as the amount due from the Revenue Sharing Trust Fund for  
 1472 Municipalities and the former Municipal Financial Assistance  
 1473 Trust Fund in state fiscal year 1999-2000, no municipality shall  
 1474 receive less than the amount due from the Revenue Sharing Trust  
 1475 Fund for Municipalities and the former Municipal Financial  
 1476 Assistance Trust Fund in state fiscal year 1999-2000. If the  
 1477 total proceeds to be distributed are less than the amount  
 1478 received in combination from the Revenue Sharing Trust Fund for  
 1479 Municipalities and the former Municipal Financial Assistance  
 1480 Trust Fund in state fiscal year 1999-2000, each municipality  
 1481 shall receive an amount proportionate to the amount it was due  
 1482 in state fiscal year 1999-2000.

1483           6. Of the remaining proceeds:  
 1484           a. In each fiscal year, the sum of \$29,915,500 shall be

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1485 | divided into as many equal parts as there are counties in the  
 1486 | state, and one part shall be distributed to each county. The  
 1487 | distribution among the several counties must begin each fiscal  
 1488 | year on or before January 5th and continue monthly for a total  
 1489 | of 4 months. If a local or special law required that any moneys  
 1490 | accruing to a county in fiscal year 1999-2000 under the then-  
 1491 | existing provisions of s. 550.135 be paid directly to the  
 1492 | district school board, special district, or a municipal  
 1493 | government, such payment must continue until the local or  
 1494 | special law is amended or repealed. The state covenants with  
 1495 | holders of bonds or other instruments of indebtedness issued by  
 1496 | local governments, special districts, or district school boards  
 1497 | before July 1, 2000, that it is not the intent of this  
 1498 | subparagraph to adversely affect the rights of those holders or  
 1499 | relieve local governments, special districts, or district school  
 1500 | boards of the duty to meet their obligations as a result of  
 1501 | previous pledges or assignments or trusts entered into which  
 1502 | obligated funds received from the distribution to county  
 1503 | governments under then-existing s. 550.135. This distribution  
 1504 | specifically is in lieu of funds distributed under s. 550.135  
 1505 | before July 1, 2000.

1506 |       b. The department shall distribute \$166,667 monthly  
 1507 | pursuant to s. 288.1162 to each applicant certified as a  
 1508 | facility for a new or retained professional sports franchise  
 1509 | pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
 1510 | monthly by the department to each certified applicant as defined  
 1511 | in s. 288.11621 for a facility for a spring training franchise.  
 1512 | However, not more than \$416,670 may be distributed monthly in

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1513 the aggregate to all certified applicants for facilities for  
 1514 spring training franchises. Distributions begin 60 days after  
 1515 such certification and continue for not more than 30 years,  
 1516 except as otherwise provided in s. 288.11621. A certified  
 1517 applicant identified in this sub-subparagraph may not receive  
 1518 more in distributions than expended by the applicant for the  
 1519 public purposes provided for in s. 288.1162(5) or s.  
 1520 288.11621(3).

1521 c. Beginning 30 days after notice by the Department of  
 1522 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 1523 ~~Development~~ to the Department of Revenue that an applicant has  
 1524 been certified as the professional golf hall of fame pursuant to  
 1525 s. 288.1168 and is open to the public, \$166,667 shall be  
 1526 distributed monthly, for up to 300 months, to the applicant.

1527 d. Beginning 30 days after notice by the Department of  
 1528 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 1529 ~~Development~~ to the Department of Revenue that the applicant has  
 1530 been certified as the International Game Fish Association World  
 1531 Center facility pursuant to s. 288.1169, and the facility is  
 1532 open to the public, \$83,333 shall be distributed monthly, for up  
 1533 to 168 months, to the applicant. This distribution is subject to  
 1534 reduction pursuant to s. 288.1169. A lump sum payment of  
 1535 \$999,996 shall be made, after certification and before July 1,  
 1536 2000.

1537 7. All other proceeds must remain in the General Revenue  
 1538 Fund.

1539 Section 18. Paragraph (a) of subsection (3) of section  
 1540 218.64, Florida Statutes, is amended to read:

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1541 218.64 Local government half-cent sales tax; uses;  
 1542 limitations.—

1543 (3) Subject to ordinances enacted by the majority of the  
 1544 members of the county governing authority and by the majority of  
 1545 the members of the governing authorities of municipalities  
 1546 representing at least 50 percent of the municipal population of  
 1547 such county, counties may use up to \$2 million annually of the  
 1548 local government half-cent sales tax allocated to that county  
 1549 for funding for any of the following applicants:

1550 (a) A certified applicant as a facility for a new or  
 1551 retained professional sports franchise under s. 288.1162 or a  
 1552 certified applicant as defined in s. 288.11621 for a facility  
 1553 for a spring training franchise. It is the Legislature's intent  
 1554 that the provisions of s. 288.1162, including, but not limited  
 1555 to, the evaluation process by the Department of Economic  
 1556 Opportunity Office of Tourism, Trade, and Economic Development  
 1557 except for the limitation on the number of certified applicants  
 1558 or facilities as provided in that section and the restrictions  
 1559 set forth in s. 288.1162(8), shall apply to an applicant's  
 1560 facility to be funded by local government as provided in this  
 1561 subsection.

1562 Section 19. Paragraph (d) of subsection (1), paragraphs  
 1563 (b), (c), and (d) of subsection (2), and subsections (3) and (4)  
 1564 of section 220.183, Florida Statutes, are amended to read:

1565 220.183 Community contribution tax credit.—

1566 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX  
 1567 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM  
 1568 SPENDING.—



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1569 (d) All proposals for the granting of the tax credit shall  
 1570 require the prior approval of the Governor, through the  
 1571 Department of Economic Opportunity, ~~Office of Tourism, Trade,~~  
 1572 and ~~Economic Development.~~

1573 (2) ELIGIBILITY REQUIREMENTS.—

1574 (b)1. All community contributions must be reserved  
 1575 exclusively for use in projects as defined in s. 220.03(1)(t).

1576 2. If, during the first 10 business days of the state  
 1577 fiscal year, eligible tax credit applications for projects that  
 1578 provide homeownership opportunities for low-income or very-low-  
 1579 income households as defined in s. 420.9071(19) and (28) are  
 1580 received for less than the annual tax credits available for  
 1581 those projects, the Governor, through the Department of Economic  
 1582 Opportunity, ~~Office of Tourism, Trade, and Economic Development~~  
 1583 shall grant tax credits for those applications and shall grant  
 1584 remaining tax credits on a first-come, first-served basis for  
 1585 any subsequent eligible applications received before the end of  
 1586 the state fiscal year. If, during the first 10 business days of  
 1587 the state fiscal year, eligible tax credit applications for  
 1588 projects that provide homeownership opportunities for low-income  
 1589 or very-low-income households as defined in s. 420.9071(19) and  
 1590 (28) are received for more than the annual tax credits available  
 1591 for those projects, the Governor, through the Department of  
 1592 Economic Opportunity, ~~office~~ shall grant the tax credits for  
 1593 those applications as follows:

1594 a. If tax credit applications submitted for approved  
 1595 projects of an eligible sponsor do not exceed \$200,000 in total,  
 1596 the credit shall be granted in full if the tax credit

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1597 applications are approved.

1598       b. If tax credit applications submitted for approved  
 1599 projects of an eligible sponsor exceed \$200,000 in total, the  
 1600 amount of tax credits granted under sub-subparagraph a. shall be  
 1601 subtracted from the amount of available tax credits, and the  
 1602 remaining credits shall be granted to each approved tax credit  
 1603 application on a pro rata basis.

1604       3. If, during the first 10 business days of the state  
 1605 fiscal year, eligible tax credit applications for projects other  
 1606 than those that provide homeownership opportunities for low-  
 1607 income or very-low-income households as defined in s.

1608 420.9071(19) and (28) are received for less than the annual tax  
 1609 credits available for those projects, the Governor, through the  
 1610 Department of Economic Opportunity, ~~office~~ shall grant tax  
 1611 credits for those applications and shall grant remaining tax  
 1612 credits on a first-come, first-served basis for any subsequent  
 1613 eligible applications received before the end of the state  
 1614 fiscal year. If, during the first 10 business days of the state  
 1615 fiscal year, eligible tax credit applications for projects other  
 1616 than those that provide homeownership opportunities for low-  
 1617 income or very-low-income households as defined in s.  
 1618 420.9071(19) and (28) are received for more than the annual tax  
 1619 credits available for those projects, the Governor, through the  
 1620 Department of Economic Opportunity, ~~office~~ shall grant the tax  
 1621 credits for those applications on a pro rata basis.

1622       (c) The project must be undertaken by an "eligible  
 1623 sponsor," defined here as:

1624       1. A community action program;

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- 1625           2. A nonprofit community-based development organization  
 1626 whose mission is the provision of housing for low-income or  
 1627 very-low-income households or increasing entrepreneurial and  
 1628 job-development opportunities for low-income persons;  
 1629           3. A neighborhood housing services corporation;  
 1630           4. A local housing authority, created pursuant to chapter  
 1631 421;  
 1632           5. A community redevelopment agency, created pursuant to  
 1633 s. 163.356;  
 1634           6. The Florida Industrial Development Corporation;  
 1635           7. An historic preservation district agency or  
 1636 organization;  
 1637           8. A regional workforce board;  
 1638           9. A direct-support organization as provided in s.  
 1639 1009.983;  
 1640           10. An enterprise zone development agency created pursuant  
 1641 to s. 290.0056;  
 1642           11. A community-based organization incorporated under  
 1643 chapter 617 which is recognized as educational, charitable, or  
 1644 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
 1645 and whose bylaws and articles of incorporation include  
 1646 affordable housing, economic development, or community  
 1647 development as the primary mission of the corporation;  
 1648           12. Units of local government;  
 1649           13. Units of state government; or  
 1650           14. Such other agency as the Department of Economic  
 1651 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 1652 ~~Development~~ may, from time to time, designate by rule.

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1653  
 1654 In no event shall a contributing business firm have a financial  
 1655 interest in the eligible sponsor.

1656 (d) The project shall be located in an area designated as  
 1657 an enterprise zone or a Front Porch Florida Community pursuant  
 1658 to ~~s. 20.18(6)~~. Any project designed to construct or  
 1659 rehabilitate housing for low-income or very-low-income  
 1660 households as defined in s. 420.9071(19) and (28) is exempt from  
 1661 the area requirement of this paragraph. This section does not  
 1662 preclude projects that propose to construct or rehabilitate  
 1663 housing for low-income or very-low-income households on  
 1664 scattered sites. Any project designed to provide increased  
 1665 access to high-speed broadband capabilities which includes  
 1666 coverage of a rural enterprise zone may locate the project's  
 1667 infrastructure in any area of a rural county.

1668 (3) APPLICATION REQUIREMENTS.—

1669 (a) Any eligible sponsor wishing to participate in this  
 1670 program must submit a proposal to the Department of Economic  
 1671 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 1672 ~~Development~~ which sets forth the sponsor, the project, the area  
 1673 in which the project is located, and such supporting information  
 1674 as may be prescribed by rule. The proposal shall also contain a  
 1675 resolution from the local governmental unit in which it is  
 1676 located certifying that the project is consistent with local  
 1677 plans and regulations.

1678 (b) Any business wishing to participate in this program  
 1679 must submit an application for tax credit to the Department of  
 1680 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~

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1681 ~~Development~~, which application sets forth the sponsor; the  
 1682 project; and the type, value, and purpose of the contribution.  
 1683 The sponsor shall verify the terms of the application and  
 1684 indicate its receipt of the contribution, which verification  
 1685 must be in writing and accompany the application for tax credit.

1686 (c) The business firm must submit a separate application  
 1687 for tax credit for each individual contribution that it makes to  
 1688 each individual project.

1689 (4) ADMINISTRATION.—

1690 (a) The Department of Economic Opportunity ~~The Office of~~  
 1691 ~~Tourism, Trade, and Economic Development~~ has authority to adopt  
 1692 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 1693 provisions of this section, including rules for the approval or  
 1694 disapproval of proposals by business firms.

1695 (b) The decision of the Governor, through the Department  
 1696 of Economic Opportunity, ~~Office of Tourism, Trade, and Economic~~  
 1697 ~~Development~~ shall be in writing, and, if approved, the  
 1698 notification must state the maximum credit allowable to the  
 1699 business firm. A copy of the decision shall be transmitted to  
 1700 the executive director of the Department of Revenue, who shall  
 1701 apply such credit to the tax liability of the business firm.

1702 (c) The Department of Economic Opportunity ~~The Office of~~  
 1703 ~~Tourism, Trade, and Economic Development~~ shall periodically  
 1704 monitor all projects in a manner consistent with available  
 1705 resources to ensure that resources are utilized in accordance  
 1706 with this section; however, each project shall be reviewed no  
 1707 less often than once every 2 years.

1708 (d) The Department of Revenue has authority to adopt rules

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1709 pursuant to ss. 120.536(1) and 120.54 to implement the  
 1710 provisions of this section.

1711 (e) The Department of Economic Opportunity ~~The Office of~~  
 1712 ~~Tourism, Trade, and Economic Development~~ shall, in consultation  
 1713 with ~~the Department of Community Affairs,~~ the Florida Housing  
 1714 Finance Corporation, and the statewide and regional housing and  
 1715 financial intermediaries, market the availability of the  
 1716 community contribution tax credit program to community-based  
 1717 organizations.

1718 Section 20. Paragraphs (e), (f), (g), and (h) of  
 1719 subsection (1), paragraph (a) of subsection (3), and subsections  
 1720 (5) and (6) of section 220.191, Florida Statutes, are amended to  
 1721 read:

1722 220.191 Capital investment tax credit.—

1723 (1) DEFINITIONS.—For purposes of this section:

1724 (e) "Jobs" means full-time equivalent positions, as that  
 1725 term is consistent with terms used by the Department of Economic  
 1726 Opportunity ~~the Agency for Workforce Innovation~~ and the United  
 1727 States Department of Labor for purposes of unemployment tax  
 1728 administration and employment estimation, resulting directly  
 1729 from a project in this state. The term does not include  
 1730 temporary construction jobs involved in the construction of the  
 1731 project facility.

1732 ~~(f) "Office" means the Office of Tourism, Trade, and~~  
 1733 ~~Economic Development.~~

1734 ~~(f)(g)~~ (f) "Qualifying business" means a business which  
 1735 establishes a qualifying project in this state and which is  
 1736 certified by the Governor, through the Department of Economic

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1737 Opportunity, ~~office~~ to receive tax credits pursuant to this  
 1738 section.

1739 ~~(g)-(h)~~ "Qualifying project" means:

1740 1. A new or expanding facility in this state which creates  
 1741 at least 100 new jobs in this state and is in one of the high-  
 1742 impact sectors identified by Enterprise Florida, Inc., and  
 1743 certified by the Department of Economic Opportunity ~~the office~~  
 1744 pursuant to s. 288.108(6), including, but not limited to,  
 1745 aviation, aerospace, automotive, and silicon technology  
 1746 industries;

1747 2. A new or expanded facility in this state which is  
 1748 engaged in a target industry designated pursuant to the  
 1749 procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which  
 1750 is induced by this credit to create or retain at least 1,000  
 1751 jobs in this state, provided that at least 100 of those jobs are  
 1752 new, pay an annual average wage of at least 130 percent of the  
 1753 average private sector wage in the area as defined in s.  
 1754 288.106(2), and make a cumulative capital investment of at least  
 1755 \$100 million after July 1, 2005. Jobs may be considered retained  
 1756 only if there is significant evidence that the loss of jobs is  
 1757 imminent. Notwithstanding subsection (2), annual credits against  
 1758 the tax imposed by this chapter shall not exceed 50 percent of  
 1759 the increased annual corporate income tax liability or the  
 1760 premium tax liability generated by or arising out of a project  
 1761 qualifying under this subparagraph. A facility that qualifies  
 1762 under this subparagraph for an annual credit against the tax  
 1763 imposed by this chapter may take the tax credit for a period not  
 1764 to exceed 5 years; or

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1765 3. A new or expanded headquarters facility in this state  
 1766 which locates in an enterprise zone and brownfield area and is  
 1767 induced by this credit to create at least 1,500 jobs which on  
 1768 average pay at least 200 percent of the statewide average annual  
 1769 private sector wage, as published by the Department of Economic  
 1770 Opportunity ~~the Agency for Workforce Innovation or its~~  
 1771 ~~successor~~, and which new or expanded headquarters facility makes  
 1772 a cumulative capital investment in this state of at least \$250  
 1773 million.

1774 (3) (a) Notwithstanding subsection (2), an annual credit  
 1775 against the tax imposed by this chapter shall be granted to a  
 1776 qualifying business which establishes a qualifying project  
 1777 pursuant to subparagraph (1) (g) ~~(h)~~ 3., in an amount equal to the  
 1778 lesser of \$15 million or 5 percent of the eligible capital costs  
 1779 made in connection with a qualifying project, for a period not  
 1780 to exceed 20 years beginning with the commencement of operations  
 1781 of the project. The tax credit shall be granted against the  
 1782 corporate income tax liability of the qualifying business and as  
 1783 further provided in paragraph (c). The total tax credit provided  
 1784 pursuant to this subsection shall be equal to no more than 100  
 1785 percent of the eligible capital costs of the qualifying project.

1786 (5) Applications shall be reviewed and certified pursuant  
 1787 to s. 288.061. The Governor, through the Department of Economic  
 1788 Opportunity ~~office, upon a recommendation by Enterprise Florida,~~  
 1789 ~~Inc.~~, shall first certify a business as eligible to receive tax  
 1790 credits pursuant to this section before ~~prior to~~ the  
 1791 commencement of operations of a qualifying project, and such  
 1792 certification shall be transmitted to the Department of Revenue.



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1793 Upon receipt of the certification, the Department of Revenue  
 1794 shall enter into a written agreement with the qualifying  
 1795 business specifying, at a minimum, the method by which income  
 1796 generated by or arising out of the qualifying project will be  
 1797 determined.

1798 (6) The Department of Economic Opportunity ~~The office~~, in  
 1799 consultation with Enterprise Florida, Inc., is authorized to  
 1800 develop the necessary guidelines and application materials for  
 1801 the certification process described in subsection (5).

1802 Section 21. Section 272.11, Florida Statutes, is amended  
 1803 to read:

1804 272.11 Capitol information center.—The Division of Tourism  
 1805 Marketing of Enterprise Florida, Inc., ~~Florida Commission on~~  
 1806 ~~Tourism~~ shall establish, maintain, and operate a Capitol  
 1807 information center somewhere within the area of the Capitol  
 1808 Center and employ personnel or enter into contracts to maintain  
 1809 same.

1810 Section 22. Paragraph (a) of subsection (4) of section  
 1811 282.34, Florida Statutes, is amended to read:

1812 282.34 Statewide e-mail service.—A state e-mail system  
 1813 that includes the delivery and support of e-mail, messaging, and  
 1814 calendaring capabilities is established as an enterprise  
 1815 information technology service as defined in s. 282.0041. The  
 1816 service shall be designed to meet the needs of all executive  
 1817 branch agencies. The primary goals of the service are to  
 1818 minimize the state investment required to establish, operate,  
 1819 and support the statewide service; reduce the cost of current e-  
 1820 mail operations and the number of duplicative e-mail systems;

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1821 and eliminate the need for each state agency to maintain its own  
 1822 e-mail staff.

1823 (4) All agencies must be completely migrated to the  
 1824 statewide e-mail service as soon as financially and  
 1825 operationally feasible, but no later than June 30, 2015.

1826 (a) The following statewide e-mail service implementation  
 1827 schedule is established for state agencies:

1828 1. Phase 1.—The following agencies must be completely  
 1829 migrated to the statewide e-mail system by June 30, 2012: the  
 1830 Agency for Enterprise Information Technology; ~~the Department of~~  
 1831 ~~Community Affairs, including the Division of Emergency~~  
 1832 ~~Management;~~ the Department of Corrections; the Department of  
 1833 Health; the Department of Highway Safety and Motor Vehicles; the  
 1834 Department of Management Services, including the Division of  
 1835 Administrative Hearings, the Division of Retirement, the  
 1836 Commission on Human Relations, and the Public Employees  
 1837 Relations Commission; the Southwood Shared Resource Center; and  
 1838 the Department of Revenue.

1839 2. Phase 2.—The following agencies must be completely  
 1840 migrated to the statewide e-mail system by June 30, 2013: the  
 1841 Department of Business and Professional Regulation; the  
 1842 Department of Education, including the Board of Governors; the  
 1843 Department of Environmental Protection; the Department of  
 1844 Juvenile Justice; the Department of the Lottery; the Department  
 1845 of State; the Department of Law Enforcement; the Department of  
 1846 Veterans' Affairs; the Judicial Administration Commission; the  
 1847 Public Service Commission; and the Statewide Guardian Ad Litem  
 1848 Office.

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1849           3. Phase 3.—The following agencies must be completely  
 1850 migrated to the statewide e-mail system by June 30, 2014: the  
 1851 Agency for Health Care Administration; ~~the Agency for Workforce~~  
 1852 ~~Innovation~~; the Department of Financial Services, including the  
 1853 Office of Financial Regulation and the Office of Insurance  
 1854 Regulation; the Department of Agriculture and Consumer Services;  
 1855 the Executive Office of the Governor, including the Division of  
 1856 Emergency Management; the Department of Transportation; the Fish  
 1857 and Wildlife Conservation Commission; the Agency for Persons  
 1858 With Disabilities; the Northwood Shared Resource Center; and the  
 1859 State Board of Administration.

1860           4. Phase 4.—The following agencies must be completely  
 1861 migrated to the statewide e-mail system by June 30, 2015: the  
 1862 Department of Children and Family Services; the Department of  
 1863 Citrus; the Department of Economic Opportunity; the Department  
 1864 of Elderly Affairs; and the Department of Legal Affairs.

1865           Section 23. Subsections (1) and (5) of section 287.0947,  
 1866 Florida Statutes, are amended to read:

1867           287.0947 Florida Advisory Council on Small and Minority  
 1868 Business Development; creation; membership; duties.—

1869           (1) ~~On or after October 1, 1996,~~ The Secretary of  
 1870 Management Services ~~the Department of Labor and Employment~~  
 1871 ~~Security~~ may create the Florida Advisory Council on Small and  
 1872 Minority Business Development with the purpose of advising and  
 1873 assisting the secretary in carrying out the secretary's duties  
 1874 with respect to minority businesses and economic and business  
 1875 development. It is the intent of the Legislature that the  
 1876 membership of such council include practitioners, laypersons,

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1877 financiers, and others with business development experience who  
 1878 can provide invaluable insight and expertise for this state in  
 1879 the diversification of its markets and networking of business  
 1880 opportunities. The council shall initially consist of 19  
 1881 persons, each of whom is or has been actively engaged in small  
 1882 and minority business development, either in private industry,  
 1883 in governmental service, or as a scholar of recognized  
 1884 achievement in the study of such matters. Initially, the council  
 1885 shall consist of members representing all regions of the state  
 1886 and shall include at least one member from each group identified  
 1887 within the definition of "minority person" in s. 288.703(3),  
 1888 considering also gender and nationality subgroups, and shall  
 1889 consist of the following:

1890 (a) Four members consisting of representatives of local  
 1891 and federal small and minority business assistance programs or  
 1892 community development programs.

1893 (b) Eight members composed of representatives of the  
 1894 minority private business sector, including certified minority  
 1895 business enterprises and minority supplier development councils,  
 1896 among whom at least two shall be women and at least four shall  
 1897 be minority persons.

1898 (c) Two representatives of local government, one of whom  
 1899 shall be a representative of a large local government, and one  
 1900 of whom shall be a representative of a small local government.

1901 (d) Two representatives from the banking and insurance  
 1902 industry.

1903 (e) Two members from the private business sector,  
 1904 representing the construction and commodities industries.

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1905 (f) A member from the board of directors of Enterprise  
 1906 Florida, Inc ~~The chairperson of the Florida Black Business~~  
 1907 ~~Investment Board or the chairperson's designee.~~

1908  
 1909 A candidate for appointment may be considered if eligible to be  
 1910 certified as an owner of a minority business enterprise, or if  
 1911 otherwise qualified under the criteria above. Vacancies may be  
 1912 filled by appointment of the secretary, in the manner of the  
 1913 original appointment.

1914 (5) The powers and duties of the council include, but are  
 1915 not limited to: researching and reviewing the role of small and  
 1916 minority businesses in the state's economy; reviewing issues and  
 1917 emerging topics relating to small and minority business economic  
 1918 development; studying the ability of financial markets and  
 1919 institutions to meet small business credit needs and determining  
 1920 the impact of government demands on credit for small businesses;  
 1921 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,  
 1922 requiring a state economic development comprehensive plan, as it  
 1923 relates to small and minority businesses; assessing the  
 1924 reasonableness and effectiveness of efforts by any state agency  
 1925 or by all state agencies collectively to assist minority  
 1926 business enterprises; and advising the Governor, the secretary,  
 1927 and the Legislature on matters relating to small and minority  
 1928 business development which are of importance to the  
 1929 international strategic planning and activities of this state.

1930 Section 24. Section 288.005, Florida Statutes, is created  
 1931 to read:

1932 288.005 Definitions.—As used in this chapter, the term:

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1933 (1) "Commissioner" means the Commissioner of Economic  
 1934 Opportunity.

1935 (2) "Department" means the Department of Economic  
 1936 Opportunity.

1937 (3) "Economic benefits" means the direct, indirect, and  
 1938 induced gains in state revenues as a percentage of the state's  
 1939 investment. The state's investment includes state grants, tax  
 1940 exemptions, tax refunds, tax credits, and other state  
 1941 incentives.

1942 Section 25. Section 288.061, Florida Statutes, is amended  
 1943 to read:

1944 (Substantial rewording of section. See  
 1945 s. 288.061, F.S., for present text.)

1946 288.061 Economic development incentive application  
 1947 process.—

1948 (1) The Commissioner of Economic Opportunity is the single  
 1949 and best point of contact for an incentive application or  
 1950 business interested in an incentive award.

1951 (2) The commissioner shall provide assistance to the  
 1952 business by deploying state resources from the Department of  
 1953 Economic Opportunity, Enterprise Florida, Inc., and other state  
 1954 agencies, and coordinate with regional and local entities to  
 1955 provide resources and assistance as necessary.

1956 (3) Within 10 business days after receiving a submitted  
 1957 economic development incentive application, unless the business  
 1958 requests an extension of time, the commissioner shall make a  
 1959 recommendation with justification to the Governor to approve or  
 1960 disapprove an applicant business, including whether and what

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1961 type of state and local permits may be necessary for the  
 1962 applicant's project, whether it is possible to waive such  
 1963 permits, and what state incentives and amounts of such  
 1964 incentives may be available to the applicant. The Governor shall  
 1965 notify the applicant in writing of his intent to approve the  
 1966 business and include all incentives and amounts that may be  
 1967 available to the applicant. If the review of the application  
 1968 demonstrates an application is incomplete, the commissioner must  
 1969 notify the business within the first 5 days of receiving the  
 1970 application.

1971 (4) The contract or agreement with the applicant shall  
 1972 specify the total amount of the award, the performance  
 1973 conditions that must be met to obtain the award, the schedule  
 1974 for payment, and sanctions that would apply for failure to meet  
 1975 performance conditions. The Governor may enter into one  
 1976 agreement covering all of the state incentives that are being  
 1977 provided to the applicant. The contract must provide that  
 1978 payment of moneys is contingent upon sufficient appropriation of  
 1979 funds by the Legislature.

1980 (5) The Department of Economic Opportunity shall validate  
 1981 contractor performance. Such validation shall be reported in the  
 1982 annual incentive report required under s. 288.907.

1983 (6) The release of funds for the incentive or incentives  
 1984 awarded to the applicant depends upon the statutory requirements  
 1985 of the particular incentive program.

1986 Section 26. Section 288.012, Florida Statutes, is amended  
 1987 to read:

1988 288.012 State of Florida foreign offices; state protocol

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1989 officer; protocol manual.—The Legislature finds that the  
 1990 expansion of international trade and tourism is vital to the  
 1991 overall health and growth of the economy of this state. This  
 1992 expansion is hampered by the lack of technical and business  
 1993 assistance, financial assistance, and information services for  
 1994 businesses in this state. The Legislature finds that these  
 1995 businesses could be assisted by providing these services at  
 1996 State of Florida foreign offices. The Legislature further finds  
 1997 that the accessibility and provision of services at these  
 1998 offices can be enhanced through cooperative agreements or  
 1999 strategic alliances between private businesses and state  
 2000 entities, local entities, and international governmental foreign  
 2001 entities, ~~and private businesses.~~

2002 (1) The Department of Economic Opportunity ~~The Office of~~  
 2003 ~~Tourism, Trade, and Economic Development~~ is authorized to:

2004 (a) Establish and operate offices in foreign countries for  
 2005 the purpose of promoting ~~the~~ trade and economic development  
 2006 opportunities of the state, and promoting the gathering of trade  
 2007 data information and research on trade opportunities in specific  
 2008 countries.

2009 (b) Enter into agreements with governmental and private  
 2010 sector entities to establish and operate offices in foreign  
 2011 countries containing provisions which may be in conflict with  
 2012 general laws of the state pertaining to the purchase of office  
 2013 space, employment of personnel, and contracts for services. When  
 2014 agreements pursuant to this section are made which set  
 2015 compensation in foreign currency, such agreements shall be  
 2016 subject to the requirements of s. 215.425, but the purchase of



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2017 foreign currency by the Department of Economic Opportunity ~~the~~  
 2018 ~~Office of Tourism, Trade, and Economic Development~~ to meet such  
 2019 obligations shall be subject only to s. 216.311.

2020 (2) Each foreign office shall have in place an operational  
 2021 plan approved by the participating boards or other governing  
 2022 authority, a copy of which shall be provided to the Department  
 2023 of Economic Opportunity ~~the Office of Tourism, Trade, and~~  
 2024 ~~Economic Development~~. These operating plans shall be reviewed  
 2025 and updated each fiscal year and shall include, at a minimum,  
 2026 the following:

2027 (a) Specific policies and procedures encompassing the  
 2028 entire scope of the operation and management of each office.

2029 (b) A comprehensive, commercial strategic plan identifying  
 2030 marketing opportunities and industry sector priorities for the  
 2031 ~~foreign~~ country ~~or area~~ in which a foreign office is located.

2032 (c) Provisions for access to information for Florida  
 2033 businesses through the Florida Trade Data Center. Each foreign  
 2034 office shall obtain and forward trade leads and inquiries to the  
 2035 center on a regular basis.

2036 (d) Identification of new and emerging market  
 2037 opportunities for Florida businesses. Each foreign office shall  
 2038 provide the Florida Trade Data Center with a compilation of  
 2039 foreign buyers and importers in industry sector priority areas  
 2040 on an annual basis. In return, the Florida Trade Data Center  
 2041 shall make available to each foreign office, and to Enterprise  
 2042 Florida, Inc., ~~the Florida Commission on Tourism,~~ the Florida  
 2043 Ports Council, the Department of State, the Department of  
 2044 Citrus, and the Department of Agriculture and Consumer Services,

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2045 trade industry, commodity, and opportunity information. This  
 2046 information shall be provided to such offices and entities  
 2047 either free of charge or on a fee basis with fees set only to  
 2048 recover the costs of providing the information.

2049 (e) Provision of access for Florida businesses to the  
 2050 services of the Florida Trade Data Center, international trade  
 2051 assistance services provided by state and local entities,  
 2052 seaport and airport information, and other services identified  
 2053 by the Department of Economic Opportunity ~~the Office of Tourism,~~  
 2054 ~~Trade, and Economic Development.~~

2055 (f) Qualitative and quantitative performance measures for  
 2056 each office, including, but not limited to, the number of  
 2057 businesses assisted, the number of trade leads and inquiries  
 2058 generated, the number of foreign buyers and importers contacted,  
 2059 and the amount and type of marketing conducted.

2060 (3) By October 1 of each year, each foreign office shall  
 2061 submit to the Department of Economic Opportunity ~~the Office of~~  
 2062 ~~Tourism, Trade, and Economic Development~~ a complete and detailed  
 2063 report on its activities and accomplishments during the  
 2064 preceding fiscal year. In a format provided by Enterprise  
 2065 Florida, Inc., the report must set forth information on:

2066 (a) The number of Florida companies assisted.

2067 (b) The number of inquiries received about investment  
 2068 opportunities in this state.

2069 (c) The number of trade leads generated.

2070 (d) The number of investment projects announced.

2071 (e) The estimated U.S. dollar value of sales  
 2072 confirmations.

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- 2073 (f) The number of representation agreements.
- 2074 (g) The number of company consultations.
- 2075 (h) Barriers or other issues affecting the effective  
2076 operation of the office.
- 2077 (i) Changes in office operations which are planned for the  
2078 current fiscal year.
- 2079 (j) Marketing activities conducted.
- 2080 (k) Strategic alliances formed with organizations in the  
2081 country in which the office is located.
- 2082 (l) Activities conducted with Florida's other ~~Florida~~  
2083 foreign offices.
- 2084 (m) Any other information that the office believes would  
2085 contribute to an understanding of its activities.
- 2086 (4) The Department of Economic Opportunity ~~The Office of~~  
2087 ~~Tourism, Trade, and Economic Development~~, in connection with the  
2088 establishment, operation, and management of any of its offices  
2089 located in another ~~a foreign~~ country, is exempt from the  
2090 provisions of ss. 255.21, 255.25, and 255.254 relating to  
2091 leasing of buildings; ss. 283.33 and 283.35 relating to bids for  
2092 printing; ss. 287.001-287.20 relating to purchasing and motor  
2093 vehicles; and ss. 282.003-282.0056 and 282.702-282.7101 relating  
2094 to communications, and from all statutory provisions relating to  
2095 state employment.
- 2096 (a) The Department of Economic Opportunity ~~The Office of~~  
2097 ~~Tourism, Trade, and Economic Development~~ may exercise such  
2098 exemptions only upon prior approval of the Governor.
- 2099 (b) If approval for an exemption under this section is  
2100 granted as an integral part of a plan of operation for a

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2101 specified foreign office, such action shall constitute  
 2102 continuing authority for the Department of Economic Opportunity  
 2103 ~~the Office of Tourism, Trade, and Economic Development~~ to  
 2104 exercise the exemption, but only in the context and upon the  
 2105 terms originally granted. Any modification of the approved plan  
 2106 of operation with respect to an exemption contained therein must  
 2107 be resubmitted to the Governor for his or her approval. An  
 2108 approval granted to exercise an exemption in any other context  
 2109 shall be restricted to the specific instance for which the  
 2110 exemption is to be exercised.

2111 (c) As used in this subsection, the term "plan of  
 2112 operation" means the plan developed pursuant to subsection (2).

2113 (d) Upon final action by the Governor with respect to a  
 2114 request to exercise the exemption authorized in this subsection,  
 2115 the Department of Economic Opportunity ~~the Office of Tourism,~~  
 2116 ~~Trade, and Economic Development~~ shall report such action, along  
 2117 with the original request and any modifications thereto, to the  
 2118 President of the Senate and the Speaker of the House of  
 2119 Representatives within 30 days.

2120 (5) Where feasible and appropriate, ~~and subject to s.~~  
 2121 ~~288.1224(9)~~, foreign offices established and operated under this  
 2122 section may provide one-stop access to the economic development,  
 2123 trade, and tourism information, services, and programs of the  
 2124 state. Where feasible and appropriate, ~~and subject to s.~~  
 2125 ~~288.1224(9)~~, such offices may also be collocated with other  
 2126 foreign offices of the state.

2127 (6) The Department of Economic Opportunity may contract  
 2128 ~~The Office of Tourism, Trade, and Economic Development is~~

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2129 ~~authorized to make and to enter into contracts~~ with Enterprise  
 2130 Florida, Inc., and ~~the Florida Commission on Tourism~~ to carry  
 2131 out ~~the provisions of~~ this section. The authority, duties, and  
 2132 exemptions provided in this section apply to Enterprise Florida,  
 2133 Inc., and ~~the Florida Commission on Tourism~~ to the same degree  
 2134 and subject to the same conditions as applied to the Department  
 2135 of Economic Opportunity ~~the Office of Tourism, Trade, and~~  
 2136 ~~Economic Development~~. To the greatest extent possible, such  
 2137 contracts shall include provisions for cooperative agreements or  
 2138 strategic alliances between private businesses and state  
 2139 entities, international, foreign entities, and local  
 2140 governmental entities, ~~and private businesses~~ to operate foreign  
 2141 offices.

2142 (7) The Governor may designate a state protocol officer.  
 2143 In consultation with the Governor and other governmental  
 2144 officials, the state protocol officer shall develop, maintain,  
 2145 publish, and distribute the state protocol manual.

2146 Section 27. Subsections (1) and (3) of section 288.017,  
 2147 Florida Statutes, are amended to read:

2148 288.017 Cooperative advertising matching grants program.—

2149 (1) Enterprise Florida, Inc., may ~~The Florida Commission~~  
 2150 ~~on Tourism is authorized to~~ establish a cooperative advertising  
 2151 matching grants program and, pursuant thereto, through the  
 2152 Governor to make expenditures and enter into contracts with  
 2153 local governments and nonprofit corporations for the purpose of  
 2154 publicizing the tourism advantages of the state. The Governor,  
 2155 through the Department of Economic Opportunity, Office of  
 2156 ~~Tourism, Trade, and Economic Development,~~ based on

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2157 recommendations from Enterprise Florida, Inc. ~~the Florida~~  
 2158 ~~Commission on Tourism~~, shall have final approval of grants  
 2159 awarded through this program. ~~The commission may contract with~~  
 2160 ~~its direct support organization to administer the program.~~

2161 (3) Enterprise Florida, Inc., ~~The Florida Commission on~~  
 2162 ~~Tourism~~ shall conduct an annual competitive selection process  
 2163 for the award of grants under the program. In determining its  
 2164 recommendations for the grant awards, Enterprise Florida, Inc.,  
 2165 ~~the commission~~ shall consider the demonstrated need of the  
 2166 applicant for advertising assistance, the feasibility and  
 2167 projected benefit of the applicant's proposal, the amount of  
 2168 nonstate funds that will be leveraged, and such other criteria  
 2169 as the commission deems appropriate. In evaluating grant  
 2170 applications, the Department of Economic Opportunity ~~the Office~~  
 2171 shall consider recommendations from Enterprise Florida, Inc.,  
 2172 ~~the Florida Commission on Tourism~~. The Governor Office, however,  
 2173 has final approval authority for any grant under this section.

2174 Section 28. Section 288.018, Florida Statutes, is amended  
 2175 to read:

2176 288.018 Regional Rural Development Grants Program.—

2177 (1) The Department of Economic Opportunity ~~The Office of~~  
 2178 ~~Tourism, Trade, and Economic Development~~ shall establish a  
 2179 matching grant program to provide funding to regionally based  
 2180 economic development organizations representing rural counties  
 2181 and communities for the purpose of building the professional  
 2182 capacity of their organizations. Such matching grants may also  
 2183 be used by an economic development organization to provide  
 2184 technical assistance to businesses within the rural counties and

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2185 communities that it serves. The Governor ~~Office of Tourism,~~  
 2186 ~~Trade, and Economic Development~~ is authorized to approve, on an  
 2187 annual basis, grants to such regionally based economic  
 2188 development organizations. The maximum amount an organization  
 2189 may receive in any year will be \$35,000, or \$100,000 in a rural  
 2190 area of critical economic concern recommended by the Rural  
 2191 Economic Development Initiative and designated by the Governor,  
 2192 and must be matched each year by an equivalent amount of  
 2193 nonstate resources.

2194 (2) In approving the participants, the Governor ~~Office of~~  
 2195 ~~Tourism, Trade, and Economic Development~~ shall consider the  
 2196 demonstrated need of the applicant for assistance and require  
 2197 the following:

2198 (a) Documentation of official commitments of support from  
 2199 each of the units of local government represented by the  
 2200 regional organization.

2201 (b) Demonstration that each unit of local government has  
 2202 made a financial or in-kind commitment to the regional  
 2203 organization.

2204 (c) Demonstration that the private sector has made  
 2205 financial or in-kind commitments to the regional organization.

2206 (d) Demonstration that the organization is in existence  
 2207 and actively involved in economic development activities serving  
 2208 the region.

2209 (e) Demonstration of the manner in which the organization  
 2210 is or will coordinate its efforts with those of other local and  
 2211 state organizations.

2212 (3) The Department of Economic Opportunity ~~The Office of~~

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2213 ~~Tourism, Trade, and Economic Development~~ may also contract for  
 2214 the development of an enterprise zone web portal or websites for  
 2215 each enterprise zone which will be used to market the program  
 2216 for job creation in disadvantaged urban and rural enterprise  
 2217 zones. Each enterprise zone web page should include downloadable  
 2218 links to state forms and information, as well as local message  
 2219 boards that help businesses and residents receive information  
 2220 concerning zone boundaries, job openings, zone programs, and  
 2221 neighborhood improvement activities.

2222 (4) The Department of Economic Opportunity ~~The Office of~~  
 2223 ~~Tourism, Trade, and Economic Development~~ may expend up to  
 2224 \$750,000 each fiscal year from funds appropriated to the Rural  
 2225 Community Development Revolving Loan Fund for the purposes  
 2226 outlined in this section. The Department of Economic Opportunity  
 2227 ~~The Office of Tourism, Trade, and Economic Development~~ may  
 2228 contract with Enterprise Florida, Inc., for the administration  
 2229 of the purposes specified in this section. Funds released to  
 2230 Enterprise Florida, Inc., for this purpose shall be released  
 2231 quarterly and shall be calculated based on the applications in  
 2232 process.

2233 Section 29. Subsection (4) of section 288.019, Florida  
 2234 Statutes, is amended to read:

2235 288.019 Rural considerations in grant review and  
 2236 evaluation processes.—Notwithstanding any other law, and to the  
 2237 fullest extent possible, the member agencies and organizations  
 2238 of the Rural Economic Development Initiative (REDI) as defined  
 2239 in s. 288.0656(6) (a) shall review all grant and loan application  
 2240 evaluation criteria to ensure the fullest access for rural



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2241 counties as defined in s. 288.0656(2) to resources available  
 2242 throughout the state.

2243 (4) For existing programs, the modified evaluation  
 2244 criteria and scoring procedure must be delivered to the  
 2245 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
 2246 ~~and Economic Development~~ for distribution to the REDI agencies  
 2247 and organizations. The REDI agencies and organizations shall  
 2248 review and make comments. Future rules, programs, evaluation  
 2249 criteria, and scoring processes must be brought before a REDI  
 2250 meeting for review, discussion, and recommendation to allow  
 2251 rural counties fuller access to the state's resources.

2252 Section 30. Subsection (1) of section 288.021, Florida  
 2253 Statutes, is amended to read:

2254 288.021 Economic development liaison.—

2255 (1) The heads of the Department of Transportation, the  
 2256 Department of Environmental Protection and an additional member  
 2257 appointed by the secretary of the department, ~~the Department of~~  
 2258 ~~Labor and Employment Security~~, the Department of Education, ~~the~~  
 2259 ~~Department of Community Affairs~~, the Department of Management  
 2260 Services, the Department of Revenue, the Fish and Wildlife  
 2261 Conservation Commission, each water management district, and  
 2262 each Department of Transportation District office shall  
 2263 designate a high-level staff member from within such agency to  
 2264 serve as the economic development liaison for the agency. This  
 2265 person shall report to the agency head and have general  
 2266 knowledge both of the state's permitting and other regulatory  
 2267 functions and of the state's economic goals, policies, and  
 2268 programs. This person shall also be the primary point of contact

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2269 for the agency with the Department of Economic Opportunity ~~the~~  
 2270 ~~Office of Tourism, Trade, and Economic Development~~ on issues and  
 2271 projects important to the economic development of Florida,  
 2272 including its rural areas, to expedite project review, to ensure  
 2273 a prompt, effective response to problems arising with regard to  
 2274 permitting and regulatory functions, and to work closely with  
 2275 the other economic development liaisons to resolve interagency  
 2276 conflicts.

2277 Section 31. Subsection (1) of section 288.035, Florida  
 2278 Statutes, is amended to read:

2279 288.035 Economic development activities.—

2280 (1) The Florida Public Service Commission may authorize  
 2281 public utilities to recover reasonable economic development  
 2282 expenses. For purposes of this section, recoverable "economic  
 2283 development expenses" are those expenses described in subsection  
 2284 (2) which are consistent with criteria to be established by  
 2285 rules adopted by the Department of Economic Opportunity ~~the~~  
 2286 ~~Department of Commerce as of June 30, 1996, or as those criteria~~  
 2287 ~~are later modified by the Office of Tourism, Trade, and Economic~~  
 2288 ~~Development.~~

2289 Section 32. Subsection (1), paragraphs (b), (c), and (d)  
 2290 of subsection (2), and subsections (3), (4), (5), (8), (9), and  
 2291 (10) of section 288.063, Florida Statutes, are amended to read:

2292 288.063 Contracts for transportation projects.—

2293 (1) The Governor, through the Department of Economic  
 2294 Opportunity, ~~Office of Tourism, Trade, and Economic Development~~  
 2295 is authorized to make, ~~and based on a recommendation from~~  
 2296 ~~Enterprise Florida, Inc.,~~ to approve, expenditures and enter

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2297 into contracts for direct costs of transportation projects with  
 2298 the appropriate governmental body. Applications shall be  
 2299 reviewed and certified pursuant to s. 288.061. The Department of  
 2300 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
 2301 ~~Development~~ shall provide the Department of Transportation, and  
 2302 the Department of Environmental Protection, ~~and the Department~~  
 2303 ~~of Community Affairs~~ with an opportunity to formally review and  
 2304 comment on recommended transportation projects, although the  
 2305 Governor, through the Department of Economic Opportunity, Office  
 2306 ~~of Tourism, Trade, and Economic Development~~ has final approval  
 2307 authority for any project under this section.

2308 (2) Any contract with a governmental body for construction  
 2309 of any transportation project executed by the Governor, through  
 2310 the Department of Economic Opportunity, Office of Tourism,  
 2311 ~~Trade, and Economic Development~~ shall:

2312 (b) Require that the appropriate governmental body award  
 2313 the construction of the particular transportation project to the  
 2314 lowest and best bidder in accordance with applicable state and  
 2315 federal statutes or regulations unless the project can be  
 2316 constructed with existing local government employees within the  
 2317 contract period specified by the Department of Economic  
 2318 Opportunity ~~Office of Tourism, Trade, and Economic Development~~.

2319 (c) Require that the appropriate governmental body provide  
 2320 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 2321 ~~and Economic Development~~ with quarterly progress reports. Each  
 2322 quarterly progress report shall contain a narrative description  
 2323 of the work completed according to the project schedule, a  
 2324 description of any change orders executed by the appropriate

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2325 governmental body, a budget summary detailing planned  
 2326 expenditures versus actual expenditures, and identification of  
 2327 minority business enterprises used as contractors and  
 2328 subcontractors. Records of all progress payments made for work  
 2329 in connection with such transportation projects, and any change  
 2330 orders executed by the appropriate governmental body and  
 2331 payments made pursuant to such orders, shall be maintained by  
 2332 that governmental body in accordance with accepted governmental  
 2333 accounting principles and practices and shall be subject to  
 2334 financial audit as required by law. In addition, the appropriate  
 2335 governmental body, upon completion and acceptance of the  
 2336 transportation project, shall make certification to the  
 2337 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 2338 ~~Economic Development~~ that the project has been completed in  
 2339 compliance with the terms and conditions of the contractual  
 2340 agreements between the Governor, through the Department of  
 2341 Economic Opportunity, ~~Office of Tourism, Trade, and Economic~~  
 2342 ~~Development~~ and the appropriate governmental body and meets  
 2343 minimum construction standards established in accordance with s.  
 2344 336.045.

2345 (d) Specify that the Governor, through the Department of  
 2346 Economic Opportunity, ~~Office of Tourism, Trade, and Economic~~  
 2347 ~~Development~~ shall transfer funds upon receipt of a request for  
 2348 funds from the local government, on no more than a quarterly  
 2349 basis, consistent with project needs. A contract totaling less  
 2350 than \$200,000 is exempt from this transfer requirement. The  
 2351 Governor, through the Department of Economic Opportunity, ~~Office~~  
 2352 ~~of Tourism, Trade, and Economic Development~~ shall not transfer

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2353 | any funds unless construction has begun on the facility of the  
 2354 | business on whose behalf the award was made. Local governments  
 2355 | shall expend funds in a timely manner.

2356 |         (3) With respect to any contract executed pursuant to this  
 2357 | section, the term "transportation project" means a  
 2358 | transportation facility as defined in s. 334.03(31) which is  
 2359 | necessary in the judgment of the Department of Economic  
 2360 | Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
 2361 | to facilitate the economic development and growth of the state.  
 2362 | ~~Except for applications received prior to July 1, 1996,~~ Such  
 2363 | transportation projects shall be approved only as a  
 2364 | consideration to attract new employment opportunities to the  
 2365 | state or expand or retain employment in existing companies  
 2366 | operating within the state, or to allow for the construction or  
 2367 | expansion of a state or federal correctional facility in a  
 2368 | county with a population of 75,000 or less that creates new  
 2369 | employment opportunities or expands or retains employment in the  
 2370 | county. The Department of Economic Opportunity ~~Office of~~  
 2371 | ~~Tourism, Trade, and Economic Development~~ shall institute  
 2372 | procedures to ensure that small and minority businesses have  
 2373 | equal access to funding provided under this section. Funding for  
 2374 | approved transportation projects may include any expenses, other  
 2375 | than administrative costs and equipment purchases specified in  
 2376 | the contract, necessary for new, or improvement to existing,  
 2377 | transportation facilities. Funds made available pursuant to this  
 2378 | section may not be expended in connection with the relocation of  
 2379 | a business from one community to another community in this state  
 2380 | unless the Department of Economic Opportunity ~~Office of Tourism,~~

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2381 ~~Trade, and Economic Development~~ determines that without such  
 2382 relocation the business will move outside this state or  
 2383 determines that the business has a compelling economic rationale  
 2384 for the relocation which creates additional jobs. Subject to  
 2385 appropriation for projects under this section, any appropriation  
 2386 greater than \$10 million shall be allocated to each of the  
 2387 districts of the Department of Transportation to ensure  
 2388 equitable geographical distribution. Such allocated funds that  
 2389 remain uncommitted by the third quarter of the fiscal year shall  
 2390 be reallocated among the districts based on pending project  
 2391 requests.

2392 (4) The Department of Economic Opportunity ~~Office of~~  
 2393 ~~Tourism, Trade, and Economic Development~~ may adopt criteria by  
 2394 which transportation projects are to be reviewed and certified  
 2395 in accordance with s. 288.061. In approving transportation  
 2396 projects for funding, the Governor, through the Department of  
 2397 Economic Opportunity, ~~Office of Tourism, Trade, and Economic~~  
 2398 ~~Development~~ shall consider factors including, but not limited  
 2399 to, the cost per job created or retained considering the amount  
 2400 of transportation funds requested; the average hourly rate of  
 2401 wages for jobs created; the reliance on the program as an  
 2402 inducement for the project's location decision; the amount of  
 2403 capital investment to be made by the business; the demonstrated  
 2404 local commitment; the location of the project in an enterprise  
 2405 zone designated pursuant to s. 290.0055; the location of the  
 2406 project in a spaceport territory as defined in s. 331.304; the  
 2407 unemployment rate of the surrounding area; the poverty rate of  
 2408 the community; and the adoption of an economic element as part

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2409 of its local comprehensive plan in accordance with s.  
 2410 163.3177(7)(j). The Department of Economic Opportunity ~~Office of~~  
 2411 ~~Tourism, Trade, and Economic Development~~ may contact any agency  
 2412 it deems appropriate for additional input regarding the approval  
 2413 of projects.

2414 (5) A ~~No~~ project that has not been specified and  
 2415 identified by the Department of Economic Opportunity ~~Office of~~  
 2416 ~~Tourism, Trade, and Economic Development~~ in accordance with  
 2417 subsection (4) prior to the initiation of construction is not  
 2418 ~~shall be~~ eligible for funding.

2419 (8) Each local government receiving funds under this  
 2420 section shall submit to the Department of Economic Opportunity  
 2421 ~~Office of Tourism, Trade, and Economic Development~~ a financial  
 2422 audit of the local entity conducted by an independent certified  
 2423 public accountant. The Department of Economic Opportunity Office  
 2424 of Tourism, Trade, and Economic Development shall develop  
 2425 procedures to ensure that audits are received and reviewed in a  
 2426 timely manner and that deficiencies or questioned costs noted in  
 2427 the audit are resolved.

2428 (9) The Department of Economic Opportunity ~~Office of~~  
 2429 ~~Tourism, Trade, and Economic Development~~ shall monitor on site  
 2430 each grant recipient, including, but not limited to, the  
 2431 construction of the business facility, to ensure compliance with  
 2432 contractual requirements.

2433 (10) In addition to the other provisions of this section,  
 2434 projects that the Legislature deems necessary to facilitate the  
 2435 economic development and growth of the state may be designated  
 2436 and funded in the General Appropriations Act. Such

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2437 transportation projects create new employment opportunities,  
 2438 expand transportation infrastructure, improve mobility, or  
 2439 increase transportation innovation. The Governor, through the  
 2440 Department of Economic Opportunity, ~~Office of Tourism, Trade,~~  
 2441 ~~and Economic Development~~ shall enter into contracts with, and  
 2442 make expenditures to, the appropriate entities for the costs of  
 2443 transportation projects designated in the General Appropriations  
 2444 Act.

2445 Section 33. Subsections (1), (2), and (3) of section  
 2446 288.065, Florida Statutes, are amended to read:

2447 288.065 Rural Community Development Revolving Loan Fund.—

2448 (1) The Rural Community Development Revolving Loan Fund  
 2449 Program is established within the Department of Economic  
 2450 Opportunity ~~in the Office of Tourism, Trade, and Economic~~  
 2451 ~~Development~~ to facilitate the use of existing federal, state,  
 2452 and local financial resources by providing local governments  
 2453 with financial assistance to further promote the economic  
 2454 viability of rural communities. These funds may be used to  
 2455 finance initiatives directed toward maintaining or developing  
 2456 the economic base of rural communities, especially initiatives  
 2457 addressing employment opportunities for residents of these  
 2458 communities.

2459 (2) (a) The program shall provide for long-term loans, loan  
 2460 guarantees, and loan loss reserves to units of local  
 2461 governments, or economic development organizations substantially  
 2462 underwritten by a unit of local government, within counties with  
 2463 populations of 75,000 or fewer, or within any county with a  
 2464 population of 125,000 or fewer which is contiguous to a county



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2465 with a population of 75,000 or fewer, based on the most recent  
 2466 official population estimate as determined under s. 186.901,  
 2467 including those residing in incorporated areas and those  
 2468 residing in unincorporated areas of the county, or to units of  
 2469 local government, or economic development organizations  
 2470 substantially underwritten by a unit of local government, within  
 2471 a rural area of critical economic concern.

2472 (b) Requests for loans shall be made by application to the  
 2473 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
 2474 ~~and Economic Development~~. Loans shall be made pursuant to  
 2475 agreements specifying the terms and conditions agreed to between  
 2476 the applicant and the Governor ~~Office of Tourism, Trade, and~~  
 2477 ~~Economic Development~~. The loans shall be the legal obligations  
 2478 of the applicant.

2479 (c) All repayments of principal and interest shall be  
 2480 returned to the loan fund and made available for loans to other  
 2481 applicants. However, in a rural area of critical economic  
 2482 concern designated by the Governor, and upon approval by the  
 2483 Governor ~~Office of Tourism, Trade, and Economic Development,~~  
 2484 repayments of principal and interest may be retained by the  
 2485 applicant if such repayments are dedicated and matched to fund  
 2486 regionally based economic development organizations representing  
 2487 the rural area of critical economic concern.

2488 (3) The Department of Economic Opportunity ~~The Office of~~  
 2489 ~~Tourism, Trade, and Economic Development~~ shall manage the fund,  
 2490 establishing loan practices that must include, but are not  
 2491 limited to, procedures for establishing loan interest rates,  
 2492 uses of funding, application procedures, and application review

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2493 | procedures. The Governor ~~Office of Tourism, Trade, and Economic~~  
 2494 | ~~Development~~ shall have final approval authority for any loan  
 2495 | under this section.

2496 | Section 34. Subsections (1) thorough (4) of section  
 2497 | 288.0655, Florida Statutes, are amended to read:

2498 | 288.0655 Rural Infrastructure Fund.—

2499 | (1) There is created within the Department of Economic  
 2500 | Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 2501 | ~~Development~~ the Rural Infrastructure Fund to facilitate the  
 2502 | planning, preparing, and financing of infrastructure projects in  
 2503 | rural communities which will encourage job creation, capital  
 2504 | investment, and the strengthening and diversification of rural  
 2505 | economies by promoting tourism, trade, and economic development.

2506 | (2) (a) Funds appropriated by the Legislature shall be  
 2507 | distributed by the Department of Economic Opportunity ~~the Office~~  
 2508 | through grant programs that maximize the use of federal, local,  
 2509 | and private resources, including, but not limited to, those  
 2510 | available under the Small Cities Community Development Block  
 2511 | Grant Program.

2512 | (b) To facilitate access of rural communities and rural  
 2513 | areas of critical economic concern as defined by the Rural  
 2514 | Economic Development Initiative to infrastructure funding  
 2515 | programs of the Federal Government, such as those offered by the  
 2516 | United States Department of Agriculture and the United States  
 2517 | Department of Commerce, and state programs, including those  
 2518 | offered by Rural Economic Development Initiative agencies, and  
 2519 | to facilitate local government or private infrastructure funding  
 2520 | efforts, the Governor ~~Office~~ may award grants for up to 30

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2521 | percent of the total infrastructure project cost. If an  
 2522 | application for funding is for a catalyst site, as defined in s.  
 2523 | 288.0656, the Governor ~~Office~~ may award grants for up to 40  
 2524 | percent of the total infrastructure project cost. Eligible  
 2525 | projects must be related to specific job-creation or job-  
 2526 | retention opportunities. Eligible projects may also include  
 2527 | improving any inadequate infrastructure that has resulted in  
 2528 | regulatory action that prohibits economic or community growth or  
 2529 | reducing the costs to community users of proposed infrastructure  
 2530 | improvements that exceed such costs in comparable communities.  
 2531 | Eligible uses of funds shall include improvements to public  
 2532 | infrastructure for industrial or commercial sites and upgrades  
 2533 | to or development of public tourism infrastructure. Authorized  
 2534 | infrastructure may include the following public or public-  
 2535 | private partnership facilities: storm water systems;  
 2536 | telecommunications facilities; broadband facilities; roads or  
 2537 | other remedies to transportation impediments; nature-based  
 2538 | tourism facilities; or other physical requirements necessary to  
 2539 | facilitate tourism, trade, and economic development activities  
 2540 | in the community. Authorized infrastructure may also include  
 2541 | publicly or privately owned self-powered nature-based tourism  
 2542 | facilities, publicly owned telecommunications facilities, and  
 2543 | broadband facilities, and additions to the distribution  
 2544 | facilities of the existing natural gas utility as defined in s.  
 2545 | 366.04(3)(c), the existing electric utility as defined in s.  
 2546 | 366.02, or the existing water or wastewater utility as defined  
 2547 | in s. 367.021(12), or any other existing water or wastewater  
 2548 | facility, which owns a gas or electric distribution system or a

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2549 water or wastewater system in this state where:  
 2550 1. A contribution-in-aid of construction is required to  
 2551 serve public or public-private partnership facilities under the  
 2552 tariffs of any natural gas, electric, water, or wastewater  
 2553 utility as defined herein; and  
 2554 2. Such utilities as defined herein are willing and able  
 2555 to provide such service.  
 2556 (c) To facilitate timely response and induce the location  
 2557 or expansion of specific job creating opportunities, the  
 2558 Governor Office may award grants for infrastructure feasibility  
 2559 studies, design and engineering activities, or other  
 2560 infrastructure planning and preparation activities. Authorized  
 2561 grants shall be up to \$50,000 for an employment project with a  
 2562 business committed to create at least 100 jobs; ~~7~~ up to \$150,000  
 2563 for an employment project with a business committed to create at  
 2564 least 300 jobs; ~~7~~ and up to \$300,000 for a project in a rural  
 2565 area of critical economic concern. Grants awarded under this  
 2566 paragraph may be used in conjunction with grants awarded under  
 2567 paragraph (b), provided that the total amount of both grants  
 2568 does not exceed 30 percent of the total project cost. In  
 2569 evaluating applications under this paragraph, the Department of  
 2570 Economic Opportunity ~~the Office~~ shall consider the extent to  
 2571 which the application seeks to minimize administrative and  
 2572 consultant expenses.  
 2573 (d) The Department of Economic Opportunity ~~By September 1,~~  
 2574 ~~1999, the Office shall participate in pursue execution of a~~  
 2575 memorandum of agreement with the United States Department of  
 2576 Agriculture under which state funds available through the Rural

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2577 Infrastructure Fund may be advanced, in excess of the prescribed  
 2578 state share, for a project that has received from the department  
 2579 a preliminary determination of eligibility for federal financial  
 2580 support. State funds in excess of the prescribed state share  
 2581 which are advanced pursuant to this paragraph and the memorandum  
 2582 of agreement shall be reimbursed when funds are awarded under an  
 2583 application for federal funding.

2584 (e) To enable local governments to access the resources  
 2585 available pursuant to s. 403.973(18), the Governor ~~Office~~ may  
 2586 award grants for surveys, feasibility studies, and other  
 2587 activities related to the identification and preclearance review  
 2588 of land which is suitable for preclearance review. Authorized  
 2589 grants under this paragraph shall not exceed \$75,000 each,  
 2590 except in the case of a project in a rural area of critical  
 2591 economic concern, in which case the grant shall not exceed  
 2592 \$300,000. Any funds awarded under this paragraph must be matched  
 2593 at a level of 50 percent with local funds, except that any funds  
 2594 awarded for a project in a rural area of critical economic  
 2595 concern must be matched at a level of 33 percent with local  
 2596 funds. If an application for funding is for a catalyst site, as  
 2597 defined in s. 288.0656, the requirement for local match may be  
 2598 waived pursuant to the process in s. 288.06561. In evaluating  
 2599 applications under this paragraph, the Department of Economic  
 2600 Opportunity ~~the office~~ shall consider the extent to which the  
 2601 application seeks to minimize administrative and consultant  
 2602 expenses.

2603 (3) The Department of Economic Opportunity ~~the office~~, in  
 2604 consultation with Enterprise Florida, Inc., ~~VISIT Florida~~, the

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2605 Department of Environmental Protection, and the Florida Fish and  
 2606 Wildlife Conservation Commission, as appropriate, shall review  
 2607 and certify applications pursuant to s. 288.061. The review  
 2608 shall include an evaluation of the economic benefit of the  
 2609 projects and their long-term viability. The Governor ~~office~~  
 2610 shall have final approval for any grant under this section.

2611 (4) By September 1, 2012 ~~1999~~, the Department of Economic  
 2612 Opportunity ~~the office~~ shall, in consultation with the  
 2613 organizations listed in subsection (3), and other organizations,  
 2614 re-evaluate existing ~~develop~~ guidelines and criteria governing  
 2615 submission of applications for funding, review and evaluation of  
 2616 such applications, and approval of funding under this section.  
 2617 The Department of Economic Opportunity ~~The office~~ shall consider  
 2618 factors including, but not limited to, the project's potential  
 2619 for enhanced job creation or increased capital investment, the  
 2620 demonstration and level of local public and private commitment,  
 2621 whether the project is located ~~location of the project~~ in an  
 2622 enterprise zone, ~~the location of the project in a community~~  
 2623 development corporation service area, or in an urban high-crime  
 2624 area as ~~the location of the project in a county~~ designated under  
 2625 s. 212.097, the unemployment rate of the county in which the  
 2626 project would be located ~~surrounding area~~, and the poverty rate  
 2627 of the community.

2628 Section 35. Paragraph (b) of subsection (1), paragraphs  
 2629 (b) and (e) of subsection (2), paragraph (a) of subsection (6),  
 2630 and subsection (7) of section 288.0656, Florida Statutes, are  
 2631 amended to read:

2632 288.0656 Rural Economic Development Initiative.-

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2633 (1) (b) The Rural Economic Development Initiative, known as  
 2634 "REDI," is created within the Department of Economic Opportunity  
 2635 ~~the Office of Tourism, Trade, and Economic Development~~, and the  
 2636 participation of state and regional agencies in this initiative  
 2637 is authorized.

2638 (2) As used in this section, the term:

2639 (b) "Catalyst site" means a parcel or parcels of land  
 2640 within a rural area of critical economic concern that has been  
 2641 prioritized as a geographic site for economic development  
 2642 through partnerships with state, regional, and local  
 2643 organizations. The site must be reviewed by REDI and approved by  
 2644 the Department of Economic Opportunity ~~the Office of Tourism,~~  
 2645 ~~Trade, and Economic Development~~ for the purposes of locating a  
 2646 catalyst project.

2647 (e) "Rural community" means:

- 2648 1. A county with a population of 75,000 or fewer.
- 2649 2. A county with a population of 125,000 or fewer which is  
 2650 contiguous to a county with a population of 75,000 or fewer.
- 2651 3. A municipality within a county described in  
 2652 subparagraph 1. or subparagraph 2.
- 2653 4. An unincorporated federal enterprise community or an  
 2654 incorporated rural city with a population of 25,000 or fewer and  
 2655 an employment base focused on traditional agricultural or  
 2656 resource-based industries, located in a county not defined as  
 2657 rural, which has at least three or more of the economic distress  
 2658 factors identified in paragraph (c) and verified by the  
 2659 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
 2660 ~~and Economic Development~~.

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2661  
 2662 For purposes of this paragraph, population shall be determined  
 2663 in accordance with the most recent official estimate pursuant to  
 2664 s. 186.901.

2665 (6) (a) By August 1 of each year, the head of each of the  
 2666 following agencies and organizations shall designate a deputy  
 2667 secretary or higher-level staff person from within the agency or  
 2668 organization to serve as the REDI representative for the agency  
 2669 or organization:

- 2670 ~~1. The Department of Community Affairs.~~
- 2671 1.2. The Department of Transportation.
- 2672 2.3. The Department of Environmental Protection.
- 2673 3.4. The Department of Agriculture and Consumer Services.
- 2674 4.5. The Department of State.
- 2675 5.6. The Department of Health.
- 2676 6.7. The Department of Children and Family Services.
- 2677 7.8. The Department of Corrections.
- 2678 ~~9. The Agency for Workforce Innovation.~~
- 2679 8.10. The Department of Education.
- 2680 9.11. The Department of Juvenile Justice.
- 2681 10.12. The Fish and Wildlife Conservation Commission.
- 2682 11.13. Each water management district.
- 2683 12.14. Enterprise Florida, Inc.
- 2684 13.15. Workforce Florida, Inc.
- 2685 ~~16. The Florida Commission on Tourism or VISIT Florida.~~
- 2686 14.17. The Florida Regional Planning Council Association.
- 2687 15.18. The Agency for Health Care Administration.
- 2688 16.19. The Institute of Food and Agricultural Sciences



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(IFAS) .  
  
An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the Commissioner of Economic Opportunity ~~the director of the Office of Tourism, Trade, and Economic Development.~~

(7) (a) REDI may recommend to the Governor up to three rural areas of critical economic concern. The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 288.063, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.

(b) Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the Governor, ~~through the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development;~~ the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such

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2717 agreement shall specify the terms and conditions of the  
 2718 designation, including, but not limited to, the duties and  
 2719 responsibilities of the county and any participating  
 2720 municipalities to take actions designed to facilitate the  
 2721 retention and expansion of existing businesses in the area, as  
 2722 well as the recruitment of new businesses to the area.

2723 (c) Each rural area of critical economic concern may  
 2724 designate catalyst projects, provided that each catalyst project  
 2725 is specifically recommended by REDI, identified as a catalyst  
 2726 project by Enterprise Florida, Inc., and confirmed as a catalyst  
 2727 project by the Department of Economic Opportunity ~~the Office of~~  
 2728 ~~Tourism, Trade, and Economic Development~~. All state agencies and  
 2729 departments shall use all available tools and resources to the  
 2730 extent permissible by law to promote the creation and  
 2731 development of each catalyst project and the development of  
 2732 catalyst sites.

2733 Section 36. Subsections (2) and (3) of section 288.06561,  
 2734 Florida Statutes, are amended to read:

2735 288.06561 Reduction or waiver of financial match  
 2736 requirements.—Notwithstanding any other law, the member agencies  
 2737 and organizations of the Rural Economic Development Initiative  
 2738 (REDI), as defined in s. 288.0656(6)(a), shall review the  
 2739 financial match requirements for projects in rural areas as  
 2740 defined in s. 288.0656(2).

2741 (2) Agencies and organizations shall ensure that all  
 2742 proposals are submitted to the Department of Economic  
 2743 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 2744 ~~Development~~ for review by the REDI agencies.

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2745 (3) These proposals shall be delivered to the Department  
 2746 of Economic Opportunity ~~the Office of Tourism, Trade, and~~  
 2747 ~~Economic Development~~ for distribution to the REDI agencies and  
 2748 organizations. A meeting of REDI agencies and organizations must  
 2749 be called within 30 days after receipt of such proposals for  
 2750 REDI comment and recommendations on each proposal.

2751 Section 37. Subsections (2) and (4) of section 288.0657,  
 2752 Florida Statutes, are amended to read:

2753 288.0657 Florida rural economic development strategy  
 2754 grants.—

2755 (2) The Department of Economic Opportunity ~~The Office of~~  
 2756 ~~Tourism, Trade, and Economic Development~~ may accept and  
 2757 administer moneys appropriated to the department ~~the office~~ for  
 2758 providing grants to assist rural communities to develop and  
 2759 implement strategic economic development plans.

2760 (4) The Department of Economic Opportunity ~~Enterprise~~  
 2761 ~~Florida, Inc., and VISIT Florida,~~ shall establish criteria for  
 2762 reviewing grant applications. These criteria shall include, but  
 2763 are not limited to, the degree of participation and commitment  
 2764 by the local community and the application's consistency with  
 2765 local comprehensive plans or the application's proposal to  
 2766 ensure such consistency. ~~The International Trade and Economic~~  
 2767 ~~Development Board of Enterprise Florida, Inc., and VISIT~~  
 2768 ~~Florida,~~ Department of Economic Opportunity shall review each  
 2769 application for a grant ~~and shall submit annually to the Office~~  
 2770 ~~for approval a list of all applications that are recommended by~~  
 2771 ~~the board and VISIT Florida, arranged in order of priority.~~ The  
 2772 Governor ~~office~~ may approve grants only to the extent that funds

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2773 are appropriated for such grants by the Legislature.  
 2774 Section 38. Section 288.0658, Florida Statutes, is amended  
 2775 to read:  
 2776 288.0658 Nature-based recreation; promotion and other  
 2777 assistance by Fish and Wildlife Conservation Commission.—The  
 2778 Florida Fish and Wildlife Conservation Commission is directed to  
 2779 assist the Division of Tourism Marketing of Enterprise Florida,  
 2780 Inc. ~~Florida Commission on Tourism; the Florida Tourism Industry~~  
 2781 ~~Marketing Corporation, doing business as VISIT Florida;~~  
 2782 convention and visitor bureaus; tourist development councils;  
 2783 economic development organizations; and local governments  
 2784 through the provision of marketing advice, technical expertise,  
 2785 promotional support, and product development related to nature-  
 2786 based recreation and sustainable use of natural resources. In  
 2787 carrying out this responsibility, the Florida Fish and Wildlife  
 2788 Conservation Commission shall focus its efforts on fostering  
 2789 nature-based recreation in rural communities and regions  
 2790 encompassing rural communities. As used in this section, the  
 2791 term "nature-based recreation" means leisure activities related  
 2792 to the state's lands, waters, and fish and wildlife resources,  
 2793 including, but not limited to, wildlife viewing, fishing,  
 2794 hiking, canoeing, kayaking, camping, hunting, backpacking, and  
 2795 nature photography.  
 2796 Section 39. Section 288.0659, Florida Statutes, is amended  
 2797 to read:  
 2798 288.0659 Local Government Distressed Area Matching Grant  
 2799 Program.—  
 2800 (1) The Local Government Distressed Area Matching Grant

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2801 Program is created within the Department of Economic Opportunity  
 2802 ~~the Office of Tourism, Trade, and Economic Development~~. The  
 2803 purpose of the program is to stimulate investment in the state's  
 2804 economy by providing grants to match demonstrated business  
 2805 assistance by local governments to attract and retain businesses  
 2806 in this state.

2807 (2) As used in this section, the term:

2808 (a) "Local government" means a county or municipality.

2809 ~~(b) "Office" means the Office of Tourism, Trade, and~~  
 2810 ~~Economic Development.~~

2811 (b) ~~(e)~~ "Qualified business assistance" means economic  
 2812 incentives provided by a local government for the purpose of  
 2813 attracting or retaining a specific business, including, but not  
 2814 limited to, suspensions, waivers, or reductions of impact fees  
 2815 or permit fees; direct incentive payments; expenditures for  
 2816 onsite or offsite improvements directly benefiting a specific  
 2817 business; or construction or renovation of buildings for a  
 2818 specific business.

2819 (3) The Department of Economic Opportunity ~~The Office~~ may  
 2820 accept and administer moneys appropriated by the Legislature ~~to~~  
 2821 ~~the Office~~ for providing grants to match expenditures by local  
 2822 governments to attract or retain businesses in this state.

2823 (4) A local government may apply for grants to match  
 2824 qualified business assistance made by the local government for  
 2825 the purpose of attracting or retaining a specific business. A  
 2826 local government may apply for no more than one grant per  
 2827 targeted business. A local government may only have one  
 2828 application pending with the Department of Economic Opportunity

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2829 ~~the Office~~. Additional applications may be filed after a  
 2830 previous application has been approved or denied.

2831 (5) To qualify for a grant, the business being targeted by  
 2832 a local government must create at least 15 full-time jobs, must  
 2833 be new to this state, must be expanding its operations in this  
 2834 state, or would otherwise leave the state absent state and local  
 2835 assistance, and the local government applying for the grant must  
 2836 expedite its permitting processes for the target business by  
 2837 accelerating the normal review and approval timelines. In  
 2838 addition to these requirements, the Department of Economic  
 2839 Opportunity ~~the office~~ shall review the grant requests using the  
 2840 following evaluation criteria, with priority given in descending  
 2841 order:

2842 (a) The presence and degree of pervasive poverty,  
 2843 unemployment, and general distress as determined pursuant to s.  
 2844 290.0058 in the area where the business will locate, with  
 2845 priority given to locations with greater degrees of poverty,  
 2846 unemployment, and general distress.

2847 (b) The extent of reliance on the local government  
 2848 expenditure as an inducement for the business's location  
 2849 decision, with priority given to higher levels of local  
 2850 government expenditure.

2851 (c) The number of new full-time jobs created, with  
 2852 priority given to higher numbers of jobs created.

2853 (d) The average hourly wage for jobs created, with  
 2854 priority given to higher average wages.

2855 (e) The amount of capital investment to be made by the  
 2856 business, with priority given to higher amounts of capital

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2857 investment.

2858 (6) In evaluating grant requests, the Department of  
 2859 Economic Opportunity ~~the Office~~ shall take into consideration  
 2860 the need for grant assistance as it relates to the local  
 2861 government's general fund balance as well as local incentive  
 2862 programs that are already in existence.

2863 (7) Funds made available pursuant to this section may not  
 2864 be expended in connection with the relocation of a business from  
 2865 one community to another community in this state unless the  
 2866 Department of Economic Opportunity ~~the Office~~ determines that  
 2867 without such relocation the business will move outside this  
 2868 state or determines that the business has a compelling economic  
 2869 rationale for the relocation which creates additional jobs.  
 2870 Funds made available pursuant to this section may not be used by  
 2871 the receiving local government to supplant matching commitments  
 2872 required of the local government pursuant to other state or  
 2873 federal incentive programs.

2874 (8) Within 30 days after the Department of Economic  
 2875 Opportunity ~~the Office~~ receives an application for a grant, the  
 2876 Governor ~~Office~~ shall approve a preliminary grant allocation or  
 2877 disapprove the application. The preliminary grant allocation  
 2878 shall be based on estimates of qualified business assistance  
 2879 submitted by the local government and shall equal 50 percent of  
 2880 the amount of the estimated qualified business assistance or  
 2881 \$50,000, whichever is less. The preliminary grant allocation  
 2882 shall be executed by contract with the local government. The  
 2883 contract shall set forth the terms and conditions, including the  
 2884 timeframes within which the final grant award will be disbursed.

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2885 The final grant award may not exceed the preliminary grant  
 2886 allocation. The Governor ~~Office~~ may approve preliminary grant  
 2887 allocations only to the extent that funds are appropriated for  
 2888 such grants by the Legislature.

2889 (a) Preliminary grant allocations that are revoked or  
 2890 voluntarily surrendered shall be immediately available for  
 2891 reallocation.

2892 (b) Recipients of preliminary grant allocations shall  
 2893 promptly report to the Department of Economic Opportunity ~~the~~  
 2894 ~~Office~~ the date on which the local government's permitting and  
 2895 approval process is completed and the date on which all  
 2896 qualified business assistance is completed.

2897 (9) The Governor ~~Office~~ shall make a final grant award to  
 2898 a local government within 30 days after receiving information  
 2899 from the local government sufficient to demonstrate actual  
 2900 qualified business assistance. An awarded grant amount shall  
 2901 equal 50 percent of the amount of the qualified business  
 2902 assistance or \$50,000, whichever is less, and may not exceed the  
 2903 preliminary grant allocation. The amount by which a preliminary  
 2904 grant allocation exceeds a final grant award shall be  
 2905 immediately available for reallocation.

2906 (10) Up to 2 percent of the funds appropriated annually by  
 2907 the Legislature for the program may be used by the Department of  
 2908 Economic Opportunity ~~the Office~~ for direct administrative costs  
 2909 associated with implementing this section.

2910 Section 40. Paragraph (a) of subsection (1) of section  
 2911 288.075, Florida Statutes, is amended to read:

2912 288.075 Confidentiality of records.—



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2913 (1) DEFINITIONS.—As used in this section, the term:  
 2914 (a) "Economic development agency" means:  
 2915 1. The Department of Economic Opportunity ~~The Office of~~  
 2916 ~~Tourism, Trade, and Economic Development;~~  
 2917 2. Any industrial development authority created in  
 2918 accordance with part III of chapter 159 or by special law;  
 2919 3. Space Florida created in part II of chapter 331;  
 2920 4. The public economic development agency of a county or  
 2921 municipality or, if the county or municipality does not have a  
 2922 public economic development agency, the county or municipal  
 2923 officers or employees assigned the duty to promote the general  
 2924 business interests or industrial interests of that county or  
 2925 municipality or the responsibilities related thereto;  
 2926 5. Any research and development authority created in  
 2927 accordance with part V of chapter 159; or  
 2928 6. Any private agency, person, partnership, corporation,  
 2929 or business entity when authorized by the state, a municipality,  
 2930 or a county to promote the general business interests or  
 2931 industrial interests of the state or that municipality or  
 2932 county.  
 2933 Section 41. Section 288.095, Florida Statutes, is amended  
 2934 to read:  
 2935 288.095 Economic Development Trust Fund.—  
 2936 (1) The Economic Development Trust Fund is created within  
 2937 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
 2938 ~~and Economic Development~~. Moneys deposited into the fund must be  
 2939 used only to support the authorized activities and operations of  
 2940 the department ~~Office~~.

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2941 (2) There is created, within the Economic Development  
 2942 Trust Fund, the Economic Development Incentives Account. The  
 2943 Economic Development Incentives Account consists of moneys  
 2944 appropriated to the account for purposes of the tax incentives  
 2945 programs authorized under ss. 288.1045 and 288.106, and local  
 2946 financial support provided under ss. 288.1045 and 288.106.  
 2947 Moneys in the Economic Development Incentives Account shall be  
 2948 subject to the provisions of s. 216.301(1)(a).

2949 (3)(a) The department ~~Office of Tourism, Trade, and~~  
 2950 ~~Economic Development~~ may approve applications for certification  
 2951 pursuant to ss. 288.1045(3) and 288.106. However, the total  
 2952 state share of tax refund payments ~~scheduled in all active~~  
 2953 ~~certifications for fiscal year 2001-2002 may not exceed \$30~~  
 2954 ~~million. The total for each subsequent fiscal year may not~~  
 2955 exceed \$35 million.

2956 (b) The total amount of tax refund claims approved for  
 2957 payment by the Governor ~~Office of Tourism, Trade, and Economic~~  
 2958 ~~Development~~ based on actual project performance may not exceed  
 2959 the amount appropriated to the Economic Development Incentives  
 2960 Account for such purposes for the fiscal year. Claims for tax  
 2961 refunds under ss. 288.1045 and 288.106 shall be paid in the  
 2962 order the claims are approved by the Governor ~~Office of Tourism,~~  
 2963 ~~Trade, and Economic Development.~~ If ~~In the event~~ the Legislature  
 2964 does not appropriate an amount sufficient to satisfy the tax  
 2965 refunds under ss. 288.1045 and 288.106 in a fiscal year, the  
 2966 department ~~Office of Tourism, Trade, and Economic Development~~  
 2967 shall pay the tax refunds from the appropriation for the  
 2968 following fiscal year. By March 1 of each year, the department

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2969 ~~Office of Tourism, Trade, and Economic Development~~ shall notify  
 2970 the legislative appropriations committees of the Senate and  
 2971 House of Representatives of any anticipated shortfall in the  
 2972 amount of funds needed to satisfy claims for tax refunds from  
 2973 the appropriation for the current fiscal year.

2974 (c) The department, pursuant to s. 288.907 ~~By December 31~~  
 2975 ~~of each year, Enterprise Florida, Inc.,~~ shall submit a complete  
 2976 and detailed annual report to the Governor, the President of the  
 2977 Senate, and the Speaker of the House of Representatives, ~~and the~~  
 2978 ~~director of the Office of Tourism, Trade, and Economic~~  
 2979 ~~Development~~ of all applications received, recommendations made  
 2980 to the department ~~Office of Tourism, Trade, and Economic~~  
 2981 ~~Development,~~ final decisions issued, tax refund agreements  
 2982 executed, and tax refunds paid or other payments made under all  
 2983 programs funded out of the Economic Development Incentives  
 2984 Account, including analyses of benefits and costs, types of  
 2985 projects supported, and employment and investment created. The  
 2986 department ~~Enterprise Florida, Inc.,~~ shall also include a  
 2987 separate analysis of the impact of such tax refunds on state  
 2988 enterprise zones designated pursuant to s. 290.0065, rural  
 2989 communities, brownfield areas, and distressed urban communities.  
 2990 The report must also discuss the efforts made by the department  
 2991 ~~Office of Tourism, Trade, and Economic Development~~ to amend tax  
 2992 refund agreements to require tax refund claims to be submitted  
 2993 by January 31 for the net new full-time equivalent jobs in this  
 2994 state as of December 31 of the preceding calendar year. The  
 2995 report must also list the name and tax refund amount for each  
 2996 business that has received a tax refund under s. 288.1045 or s.

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2997 288.106 during the preceding fiscal year. ~~The Office of Tourism,~~  
 2998 ~~Trade, and Economic Development shall assist Enterprise Florida,~~  
 2999 ~~Inc., in the collection of data related to business performance~~  
 3000 ~~and incentive payments.~~

3001 (d) Moneys in the Economic Development Incentives Account  
 3002 may be used only to pay tax refunds and make other payments  
 3003 authorized under s. 288.1045, s. 288.106, or s. 288.107.

3004 (e) The department ~~Office of Tourism, Trade, and Economic~~  
 3005 ~~Development~~ may adopt rules necessary to carry out the  
 3006 provisions of this subsection, including rules providing for the  
 3007 use of moneys in the Economic Development Incentives Account and  
 3008 for the administration of the Economic Development Incentives  
 3009 Account.

3010 Section 42. Present paragraphs (c), (h), (p), and (r) of  
 3011 subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection  
 3012 (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g)  
 3013 of subsection (5), paragraphs (a), (b), and (c) of subsection  
 3014 (6), and subsections (7) and (8) of section 288.1045, Florida  
 3015 Statutes, are amended, present paragraphs (q) through (u) of  
 3016 subsection (1) are redesignated as paragraphs (p) through (t),  
 3017 respectively, and a new paragraph (h) is added to that  
 3018 subsection, to read:

3019 288.1045 Qualified defense contractor and space flight  
 3020 business tax refund program.—

3021 (1) DEFINITIONS.—As used in this section:

3022 (c) "Business unit" means an employing unit, as defined in  
 3023 s. 443.036, that is registered with the Department of Economic  
 3024 Opportunity ~~the Agency for Workforce Innovation~~ for unemployment

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3025 compensation purposes or means a subcategory or division of an  
 3026 employing unit that is accepted by the Department of Economic  
 3027 Opportunity ~~the Agency for Workforce Innovation~~ as a reporting  
 3028 unit.

3029 (h) "Department" means the Department of Economic  
 3030 Opportunity.

3031 ~~(h) "Director" means the director of the Office of~~  
 3032 ~~Tourism, Trade, and Economic Development.~~

3033 ~~(p) "Office" means the Office of Tourism, Trade, and~~  
 3034 ~~Economic Development.~~

3035 (q) ~~(r)~~ "Qualified applicant" means an applicant that has  
 3036 been approved by the Department of Economic Opportunity ~~the~~  
 3037 ~~director~~ to be eligible for tax refunds pursuant to this  
 3038 section.

3039 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

3040 (a) There shall be allowed, from the Economic Development  
 3041 Trust Fund, a refund to a qualified applicant for the amount of  
 3042 eligible taxes certified by the department ~~the director~~ which  
 3043 were paid by such qualified applicant. The total amount of  
 3044 refunds for all fiscal years for each qualified applicant shall  
 3045 be determined pursuant to subsection (3). The annual amount of a  
 3046 refund to a qualified applicant shall be determined pursuant to  
 3047 subsection (5).

3048 (d) Contingent upon an annual appropriation by the  
 3049 Legislature, the Governor ~~director~~ may approve not more in tax  
 3050 refunds than the amount appropriated to the Economic Development  
 3051 Trust Fund for tax refunds, for a fiscal year pursuant to  
 3052 subsection (5) and s. 288.095.

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3053 (e) For the first 6 months of each fiscal year, the  
 3054 department ~~the director~~ shall set aside 30 percent of the amount  
 3055 appropriated for refunds pursuant to this section by the  
 3056 Legislature to provide tax refunds only to qualified applicants  
 3057 who employ 500 or fewer full-time employees in this state. Any  
 3058 unencumbered funds remaining undisbursed from this set-aside at  
 3059 the end of the 6-month period may be used to provide tax refunds  
 3060 for any qualified applicants pursuant to this section.

3061 (f) After entering into a tax refund agreement pursuant to  
 3062 subsection (4), a qualified applicant may:

3063 1. Receive refunds from the account for corporate income  
 3064 taxes due and paid pursuant to chapter 220 by that business  
 3065 beginning with the first taxable year of the business which  
 3066 begins after entering into the agreement.

3067 2. Receive refunds from the account for the following  
 3068 taxes due and paid by that business after entering into the  
 3069 agreement:

3070 a. Taxes on sales, use, and other transactions paid  
 3071 pursuant to chapter 212.

3072 b. Intangible personal property taxes paid pursuant to  
 3073 chapter 199.

3074 c. Emergency excise taxes paid pursuant to chapter 221.

3075 d. Excise taxes paid on documents pursuant to chapter 201.

3076 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on  
 3077 June 1, 1996.

3078 f. State communications services taxes administered under  
 3079 chapter 202. This provision does not apply to the gross receipts  
 3080 tax imposed under chapter 203 and administered under chapter 202

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3081 or the local communications services tax authorized under s.  
 3082 202.19.  
 3083  
 3084 However, a qualified applicant may not receive a tax refund  
 3085 pursuant to this section for any amount of credit, refund, or  
 3086 exemption granted such contractor for any of such taxes. If a  
 3087 refund for such taxes is provided by the department ~~the Office~~,  
 3088 which taxes are subsequently adjusted by the application of any  
 3089 credit, refund, or exemption granted to the qualified applicant  
 3090 other than that provided in this section, the qualified  
 3091 applicant shall reimburse the Economic Development Trust Fund  
 3092 for the amount of such credit, refund, or exemption. A qualified  
 3093 applicant must notify and tender payment to the department ~~the~~  
 3094 ~~office~~ within 20 days after receiving a credit, refund, or  
 3095 exemption, other than that provided in this section. ~~The~~  
 3096 ~~addition of communications services taxes administered under~~  
 3097 ~~chapter 202 is remedial in nature and retroactive to October 1,~~  
 3098 ~~2001. The Office may make supplemental tax refund payments to~~  
 3099 ~~allow for tax refunds for communications services taxes paid by~~  
 3100 ~~an eligible qualified defense contractor after October 1, 2001.~~  
 3101 (h) Funds made available pursuant to this section may not  
 3102 be expended in connection with the relocation of a business from  
 3103 one community to another community in this state unless the  
 3104 department ~~the Office of Tourism, Trade, and Economic~~  
 3105 ~~Development~~ determines that without such relocation the business  
 3106 will move outside this state or determines that the business has  
 3107 a compelling economic rationale for the relocation which creates  
 3108 additional jobs.

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3109 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
 3110 DETERMINATION.—

3111 (a) To apply for certification as a qualified applicant  
 3112 pursuant to this section, an applicant must file an application  
 3113 with the department ~~the Office~~ which satisfies the requirements  
 3114 of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs  
 3115 (d) and (e), or paragraphs (e) and (j). An applicant may not  
 3116 apply for certification pursuant to this section after a  
 3117 proposal has been submitted for a new Department of Defense  
 3118 contract, after the applicant has made the decision to  
 3119 consolidate an existing Department of Defense contract in this  
 3120 state for which such applicant is seeking certification, after a  
 3121 proposal has been submitted for a new space flight business  
 3122 contract in this state, after the applicant has made the  
 3123 decision to consolidate an existing space flight business  
 3124 contract in this state for which such applicant is seeking  
 3125 certification, or after the applicant has made the decision to  
 3126 convert defense production jobs to nondefense production jobs  
 3127 for which such applicant is seeking certification.

3128 (b) Applications for certification based on the  
 3129 consolidation of a Department of Defense contract or a new  
 3130 Department of Defense contract must be submitted to the  
 3131 department ~~the Office~~ as prescribed by the department ~~the Office~~  
 3132 and must include, but are not limited to, the following  
 3133 information:

- 3134 1. The applicant's federal employer identification number,  
 3135 the applicant's Florida sales tax registration number, and a  
 3136 signature of an officer of the applicant.



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3137 2. The permanent location of the manufacturing,  
 3138 assembling, fabricating, research, development, or design  
 3139 facility in this state at which the project is or is to be  
 3140 located.

3141 3. The Department of Defense contract numbers of the  
 3142 contract to be consolidated, the new Department of Defense  
 3143 contract number, or the "RFP" number of a proposed Department of  
 3144 Defense contract.

3145 4. The date the contract was executed or is expected to be  
 3146 executed, and the date the contract is due to expire or is  
 3147 expected to expire.

3148 5. The commencement date for project operations under the  
 3149 contract in this state.

3150 6. The number of net new full-time equivalent Florida jobs  
 3151 included in the project as of December 31 of each year and the  
 3152 average wage of such jobs.

3153 7. The total number of full-time equivalent employees  
 3154 employed by the applicant in this state.

3155 8. The percentage of the applicant's gross receipts  
 3156 derived from Department of Defense contracts during the 5  
 3157 taxable years immediately preceding the date the application is  
 3158 submitted.

3159 9. The number of full-time equivalent jobs in this state  
 3160 to be retained by the project.

3161 10. A brief statement concerning the applicant's need for  
 3162 tax refunds, and the proposed uses of such refunds by the  
 3163 applicant.

3164 11. A resolution adopted by the governing board of the

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3165 county or municipality in which the project will be located,  
 3166 which recommends the applicant be approved as a qualified  
 3167 applicant, and which indicates that the necessary commitments of  
 3168 local financial support for the applicant exist. Before ~~Prior to~~  
 3169 the adoption of the resolution, the county commission may review  
 3170 the proposed public or private sources of such support and  
 3171 determine whether the proposed sources of local financial  
 3172 support can be provided or, for any applicant whose project is  
 3173 located in a county designated by the Rural Economic Development  
 3174 Initiative, a resolution adopted by the county commissioners of  
 3175 such county requesting that the applicant's project be exempt  
 3176 from the local financial support requirement.

3177 12. Any additional information requested by the department  
 3178 ~~the Office~~.

3179 (c) Applications for certification based on the conversion  
 3180 of defense production jobs to nondefense production jobs must be  
 3181 submitted to the department ~~the Office~~ as prescribed by the  
 3182 department ~~the Office~~ and must include, but are not limited to,  
 3183 the following information:

3184 1. The applicant's federal employer identification number,  
 3185 the applicant's Florida sales tax registration number, and a  
 3186 signature of an officer of the applicant.

3187 2. The permanent location of the manufacturing,  
 3188 assembling, fabricating, research, development, or design  
 3189 facility in this state at which the project is or is to be  
 3190 located.

3191 3. The Department of Defense contract numbers of the  
 3192 contract under which the defense production jobs will be

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3193 converted to nondefense production jobs.

3194 4. The date the contract was executed, and the date the  
 3195 contract is due to expire or is expected to expire, or was  
 3196 canceled.

3197 5. The commencement date for the nondefense production  
 3198 operations in this state.

3199 6. The number of net new full-time equivalent Florida jobs  
 3200 included in the nondefense production project as of December 31  
 3201 of each year and the average wage of such jobs.

3202 7. The total number of full-time equivalent employees  
 3203 employed by the applicant in this state.

3204 8. The percentage of the applicant's gross receipts  
 3205 derived from Department of Defense contracts during the 5  
 3206 taxable years immediately preceding the date the application is  
 3207 submitted.

3208 9. The number of full-time equivalent jobs in this state  
 3209 to be retained by the project.

3210 10. A brief statement concerning the applicant's need for  
 3211 tax refunds, and the proposed uses of such refunds by the  
 3212 applicant.

3213 11. A resolution adopted by the governing board of the  
 3214 county or municipality in which the project will be located,  
 3215 which recommends the applicant be approved as a qualified  
 3216 applicant, and which indicates that the necessary commitments of  
 3217 local financial support for the applicant exist. Before ~~Prior to~~  
 3218 the adoption of the resolution, the county commission may review  
 3219 the proposed public or private sources of such support and  
 3220 determine whether the proposed sources of local financial

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3221 support can be provided or, for any applicant whose project is  
 3222 located in a county designated by the Rural Economic Development  
 3223 Initiative, a resolution adopted by the county commissioners of  
 3224 such county requesting that the applicant's project be exempt  
 3225 from the local financial support requirement.

3226 12. Any additional information requested by the department  
 3227 ~~the Office~~.

3228 (d) Applications for certification based on a contract for  
 3229 reuse of a defense-related facility must be submitted to the  
 3230 department ~~the Office~~ as prescribed by the department ~~the office~~  
 3231 and must include, but are not limited to, the following  
 3232 information:

3233 1. The applicant's Florida sales tax registration number  
 3234 and a signature of an officer of the applicant.

3235 2. The permanent location of the manufacturing,  
 3236 assembling, fabricating, research, development, or design  
 3237 facility in this state at which the project is or is to be  
 3238 located.

3239 3. The business entity holding a valid Department of  
 3240 Defense contract or branch of the Armed Forces of the United  
 3241 States that previously occupied the facility, and the date such  
 3242 entity last occupied the facility.

3243 4. A copy of the contract to reuse the facility, or such  
 3244 alternative proof as may be prescribed by the department ~~the~~  
 3245 ~~office~~ that the applicant is seeking to contract for the reuse  
 3246 of such facility.

3247 5. The date the contract to reuse the facility was  
 3248 executed or is expected to be executed, and the date the

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3249 | contract is due to expire or is expected to expire.  
 3250 |         6. The commencement date for project operations under the  
 3251 | contract in this state.  
 3252 |         7. The number of net new full-time equivalent Florida jobs  
 3253 | included in the project as of December 31 of each year and the  
 3254 | average wage of such jobs.  
 3255 |         8. The total number of full-time equivalent employees  
 3256 | employed by the applicant in this state.  
 3257 |         9. The number of full-time equivalent jobs in this state  
 3258 | to be retained by the project.  
 3259 |         10. A brief statement concerning the applicant's need for  
 3260 | tax refunds, and the proposed uses of such refunds by the  
 3261 | applicant.  
 3262 |         11. A resolution adopted by the governing board of the  
 3263 | county or municipality in which the project will be located,  
 3264 | which recommends the applicant be approved as a qualified  
 3265 | applicant, and which indicates that the necessary commitments of  
 3266 | local financial support for the applicant exist. Before ~~Prior to~~  
 3267 | the adoption of the resolution, the county commission may review  
 3268 | the proposed public or private sources of such support and  
 3269 | determine whether the proposed sources of local financial  
 3270 | support can be provided or, for any applicant whose project is  
 3271 | located in a county designated by the Rural Economic Development  
 3272 | Initiative, a resolution adopted by the county commissioners of  
 3273 | such county requesting that the applicant's project be exempt  
 3274 | from the local financial support requirement.  
 3275 |         12. Any additional information requested by the department  
 3276 | ~~the Office~~.

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3277 (e) To qualify for review by the department ~~the Office~~,  
 3278 the application of an applicant must, at a minimum, establish  
 3279 the following to the satisfaction of the department ~~the office~~:

3280 1. The jobs proposed to be provided under the application,  
 3281 pursuant to subparagraph (b)6., subparagraph (c)6., or  
 3282 subparagraph (j)6., must pay an estimated annual average wage  
 3283 equaling at least 115 percent of the average wage in the area  
 3284 where the project is to be located.

3285 2. The consolidation of a Department of Defense contract  
 3286 must result in a net increase of at least 25 percent in the  
 3287 number of jobs at the applicant's facilities in this state or  
 3288 the addition of at least 80 jobs at the applicant's facilities  
 3289 in this state.

3290 3. The conversion of defense production jobs to nondefense  
 3291 production jobs must result in net increases in nondefense  
 3292 employment at the applicant's facilities in this state.

3293 4. The Department of Defense contract or the space flight  
 3294 business contract cannot allow the business to include the costs  
 3295 of relocation or retooling in its base as allowable costs under  
 3296 a cost-plus, or similar, contract.

3297 5. A business unit of the applicant must have derived not  
 3298 less than 60 percent of its gross receipts in this state from  
 3299 Department of Defense contracts or space flight business  
 3300 contracts over the applicant's last fiscal year, and must have  
 3301 derived not less than an average of 60 percent of its gross  
 3302 receipts in this state from Department of Defense contracts or  
 3303 space flight business contracts over the 5 years preceding the  
 3304 date an application is submitted pursuant to this section. This

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3305 subparagraph does not apply to any application for certification  
 3306 based on a contract for reuse of a defense-related facility.

3307 6. The reuse of a defense-related facility must result in  
 3308 the creation of at least 100 jobs at such facility.

3309 7. A new space flight business contract or the  
 3310 consolidation of a space flight business contract must result in  
 3311 net increases in space flight business employment at the  
 3312 applicant's facilities in this state.

3313 (f) Each application meeting the requirements of  
 3314 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)  
 3315 and (e), or paragraphs (e) and (j) must be submitted to the  
 3316 office for a determination of eligibility. The department ~~the~~  
 3317 ~~Office~~ shall review and evaluate each application based on, but  
 3318 not limited to, the following criteria:

3319 1. Expected contributions to the state strategic economic  
 3320 development plan adopted by Enterprise Florida, Inc., taking  
 3321 into account the extent to which the project contributes to the  
 3322 state's high-technology base, and the long-term impact of the  
 3323 project and the applicant on the state's economy.

3324 2. The economic benefit of the jobs created or retained by  
 3325 the project in this state, taking into account the cost and  
 3326 average wage of each job created or retained, and the potential  
 3327 risk to existing jobs.

3328 3. The amount of capital investment to be made by the  
 3329 applicant in this state.

3330 4. The local commitment and support for the project and  
 3331 applicant.

3332 5. The impact of the project on the local community,

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3333 taking into account the unemployment rate for the county where  
 3334 the project will be located.

3335 6. The dependence of the local community on the defense  
 3336 industry or space flight business.

3337 7. The impact of any tax refunds granted pursuant to this  
 3338 section on the viability of the project and the probability that  
 3339 the project will occur in this state if such tax refunds are  
 3340 granted to the applicant, taking into account the expected long-  
 3341 term commitment of the applicant to economic growth and  
 3342 employment in this state.

3343 8. The length of the project, or the expected long-term  
 3344 commitment to this state resulting from the project.

3345 (g) Applications shall be reviewed and certified pursuant  
 3346 to s. 288.061. If appropriate, the Governor ~~director~~ shall enter  
 3347 into a written agreement with the qualified applicant pursuant  
 3348 to subsection (4).

3349 (h) The department ~~The director~~ may not certify any  
 3350 applicant as a qualified applicant when the value of tax refunds  
 3351 to be included in that letter of certification exceeds the  
 3352 available amount of authority to certify new businesses as  
 3353 determined in s. 288.095(3). A letter of certification that  
 3354 approves an application must specify the maximum amount of a tax  
 3355 refund that is to be available to the contractor for each fiscal  
 3356 year and the total amount of tax refunds for all fiscal years.

3357 (i) This section does not create a presumption that an  
 3358 applicant should receive any tax refunds under this section.

3359 (j) Applications for certification based upon a new space  
 3360 flight business contract or the consolidation of a space flight



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3361 business contract must be submitted to the department ~~the office~~  
 3362 as prescribed by the department ~~the office~~ and must include, but  
 3363 are not limited to, the following information:

3364 1. The applicant's federal employer identification number,  
 3365 the applicant's Florida sales tax registration number, and a  
 3366 signature of an officer of the applicant.

3367 2. The permanent location of the space flight business  
 3368 facility in this state where the project is or will be located.

3369 3. The new space flight business contract number, the  
 3370 space flight business contract numbers of the contract to be  
 3371 consolidated, or the request-for-proposal number of a proposed  
 3372 space flight business contract.

3373 4. The date the contract was executed and the date the  
 3374 contract is due to expire, is expected to expire, or was  
 3375 canceled.

3376 5. The commencement date for project operations under the  
 3377 contract in this state.

3378 6. The number of net new full-time equivalent Florida jobs  
 3379 included in the project as of December 31 of each year and the  
 3380 average wage of such jobs.

3381 7. The total number of full-time equivalent employees  
 3382 employed by the applicant in this state.

3383 8. The percentage of the applicant's gross receipts  
 3384 derived from space flight business contracts during the 5  
 3385 taxable years immediately preceding the date the application is  
 3386 submitted.

3387 9. The number of full-time equivalent jobs in this state  
 3388 to be retained by the project.

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3389 | 10. A brief statement concerning the applicant's need for  
 3390 | tax refunds and the proposed uses of such refunds by the  
 3391 | applicant.

3392 | 11. A resolution adopted by the governing board of the  
 3393 | county or municipality in which the project will be located  
 3394 | which recommends the applicant be approved as a qualified  
 3395 | applicant and indicates that the necessary commitments of local  
 3396 | financial support for the applicant exist. Before ~~Prior to~~ the  
 3397 | adoption of the resolution, the county commission may review the  
 3398 | proposed public or private sources of such support and determine  
 3399 | whether the proposed sources of local financial support can be  
 3400 | provided or, for any applicant whose project is located in a  
 3401 | county designated by the Rural Economic Development Initiative,  
 3402 | a resolution adopted by the county commissioners of such county  
 3403 | requesting that the applicant's project be exempt from the local  
 3404 | financial support requirement.

3405 | 12. Any additional information requested by the department  
 3406 | ~~the office~~.

3407 | (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

3408 | (a) A qualified applicant shall enter into a written  
 3409 | agreement with the Governor Office ~~Office~~ containing, but not limited  
 3410 | to, the following:

3411 | 1. The total number of full-time equivalent jobs in this  
 3412 | state that are or will be dedicated to the qualified applicant's  
 3413 | project, the average wage of such jobs, the definitions that  
 3414 | will apply for measuring the achievement of these terms during  
 3415 | the pendency of the agreement, and a time schedule or plan for  
 3416 | when such jobs will be in place and active in this state.

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3417           2. The maximum amount of a refund that the qualified  
 3418 applicant is eligible to receive for each fiscal year, based on  
 3419 the job creation or retention and maintenance schedule specified  
 3420 in subparagraph 1.

3421           3. An agreement with the Governor ~~Office~~ allowing the  
 3422 department ~~the Office~~ to review and verify the financial and  
 3423 personnel records of the qualified applicant to ascertain  
 3424 whether the qualified applicant is complying with the  
 3425 requirements of this section.

3426           4. The date by which, in each fiscal year, the qualified  
 3427 applicant may file a claim pursuant to subsection (5) to be  
 3428 considered to receive a tax refund in the following fiscal year.

3429           5. That local financial support shall be annually  
 3430 available and will be paid to the Economic Development Trust  
 3431 Fund.

3432           (b) Compliance with the terms and conditions of the  
 3433 agreement is a condition precedent for receipt of tax refunds  
 3434 each year. The failure to comply with the terms and conditions  
 3435 of the agreement shall result in the loss of eligibility for  
 3436 receipt of all tax refunds previously authorized pursuant to  
 3437 this section, and the revocation of the certification as a  
 3438 qualified applicant by the department ~~the director~~, unless the  
 3439 qualified applicant is eligible to receive and elects to accept  
 3440 a prorated refund under paragraph (5)(g) or the department ~~the~~  
 3441 ~~Office~~ grants the qualified applicant an economic-stimulus  
 3442 exemption.

3443           1. A qualified applicant may submit, in writing, a request  
 3444 to the department ~~the Office~~ for an economic-stimulus exemption.

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3445 The request must provide quantitative evidence demonstrating how  
 3446 negative economic conditions in the qualified applicant's  
 3447 industry, the effects of the impact of a named hurricane or  
 3448 tropical storm, or specific acts of terrorism affecting the  
 3449 qualified applicant have prevented the qualified applicant from  
 3450 complying with the terms and conditions of its tax refund  
 3451 agreement.

3452 2. Upon receipt of a request under subparagraph 1., the  
 3453 department ~~the director~~ shall have 45 days to notify the  
 3454 requesting qualified applicant, in writing, if its exemption has  
 3455 been granted or denied by the Governor. In determining if an  
 3456 exemption should be granted, the department ~~the director~~ shall  
 3457 consider the extent to which negative economic conditions in the  
 3458 requesting qualified applicant's industry, the effects of the  
 3459 impact of a named hurricane or tropical storm, or specific acts  
 3460 of terrorism affecting the qualified applicant have prevented  
 3461 the qualified applicant from complying with the terms and  
 3462 conditions of its tax refund agreement.

3463 3. As a condition for receiving a prorated refund under  
 3464 paragraph (5) (g) or an economic-stimulus exemption under this  
 3465 paragraph, a qualified applicant must agree to renegotiate its  
 3466 tax refund agreement with the Governor ~~Office~~ to, at a minimum,  
 3467 ensure that the terms of the agreement comply with current law  
 3468 and the ~~Office~~ procedures of the department governing  
 3469 application for and award of tax refunds. Upon approving the  
 3470 award of a prorated refund or granting an economic-stimulus  
 3471 exemption, the Governor, through the department, ~~Office~~ shall  
 3472 renegotiate the tax refund agreement with the qualified

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3473 applicant as required by this subparagraph. When amending the  
 3474 agreement of a qualified applicant receiving an economic-  
 3475 stimulus exemption, the department ~~the Office~~ may extend the  
 3476 duration of the agreement for a period not to exceed 2 years.

3477 ~~4. A qualified applicant may submit a request for an~~  
 3478 ~~economic stimulus exemption to the Office in lieu of any tax~~  
 3479 ~~refund claim scheduled to be submitted after January 1, 2005,~~  
 3480 ~~but before July 1, 2006.~~

3481 ~~4.5.~~ A qualified applicant that receives an economic-  
 3482 stimulus exemption may not receive a tax refund for the period  
 3483 covered by the exemption.

3484 (c) The agreement shall be signed by the Governor ~~director~~  
 3485 and the authorized officer of the qualified applicant.

3486 (d) The agreement must contain the following legend,  
 3487 clearly printed on its face in bold type of not less than 10  
 3488 points:

3489  
 3490 "This agreement is neither a general obligation of the  
 3491 State of Florida, nor is it backed by the full faith  
 3492 and credit of the State of Florida. Payment of tax  
 3493 refunds are conditioned on and subject to specific  
 3494 annual appropriations by the Florida Legislature of  
 3495 funds sufficient to pay amounts authorized in s.  
 3496 288.1045, Florida Statutes."

3497  
 3498 (5) ANNUAL CLAIM FOR REFUND.—  
 3499 (a) To be eligible to claim any scheduled tax refund,  
 3500 qualified applicants who have entered into a written agreement

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3501 with the Governor ~~Office~~ pursuant to subsection (4) and who have  
 3502 entered into a valid new Department of Defense contract, entered  
 3503 into a valid new space flight business contract, commenced the  
 3504 consolidation of a space flight business contract, commenced the  
 3505 consolidation of a Department of Defense contract, commenced the  
 3506 conversion of defense production jobs to nondefense production  
 3507 jobs, or entered into a valid contract for reuse of a defense-  
 3508 related facility must apply by January 31 of each fiscal year to  
 3509 the department ~~the Office~~ for tax refunds scheduled to be paid  
 3510 from the appropriation for the fiscal year that begins on July 1  
 3511 following the January 31 claims-submission date. The department  
 3512 ~~The Office~~ may, upon written request, grant a 30-day extension  
 3513 of the filing date. The application must include a notarized  
 3514 signature of an officer of the applicant.

3515 (d) The Governor, through the department, ~~director,~~ with  
 3516 assistance from ~~the Office,~~ the Department of Revenue, ~~and the~~  
 3517 ~~Agency for Workforce Innovation,~~ shall, by June 30 following the  
 3518 scheduled date for submitting the tax refund claim, specify by  
 3519 written order the approval or disapproval of the tax refund  
 3520 claim and, if approved, the amount of the tax refund that is  
 3521 authorized to be paid to the qualified applicant for the annual  
 3522 tax refund. The department ~~The Office~~ may grant an extension of  
 3523 this date upon the request of the qualified applicant for the  
 3524 purpose of filing additional information in support of the  
 3525 claim.

3526 (e) The total amount of tax refunds approved by the  
 3527 Governor ~~director~~ under this section in any fiscal year may not  
 3528 exceed the amount authorized under s. 288.095(3).

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3529 (g) A prorated tax refund, less a 5 percent penalty, shall  
 3530 be approved for a qualified applicant provided all other  
 3531 applicable requirements have been satisfied and the applicant  
 3532 proves to the satisfaction of the department ~~the director~~ that  
 3533 it has achieved at least 80 percent of its projected employment  
 3534 and that the average wage paid by the qualified applicant is at  
 3535 least 90 percent of the average wage specified in the tax refund  
 3536 agreement, but in no case less than 115 percent of the average  
 3537 private sector wage in the area available at the time of  
 3538 certification. The prorated tax refund shall be calculated by  
 3539 multiplying the tax refund amount for which the qualified  
 3540 applicant would have been eligible, if all applicable  
 3541 requirements had been satisfied, by the percentage of the  
 3542 average employment specified in the tax refund agreement which  
 3543 was achieved, and by the percentage of the average wages  
 3544 specified in the tax refund agreement which was achieved.

3545 (6) ADMINISTRATION.—

3546 (a) The department ~~The Office~~ may adopt rules pursuant to  
 3547 chapter 120 for the administration of this section.

3548 (b) The department ~~The Office~~ may verify information  
 3549 provided in any claim submitted for tax credits under this  
 3550 section with regard to employment and wage levels or the payment  
 3551 of the taxes with the appropriate agency or authority including  
 3552 the Department of Revenue, the department ~~the Agency for~~  
 3553 ~~Workforce Innovation~~, or any local government or authority.

3554 (c) To facilitate the process of monitoring and auditing  
 3555 applications made under this program, the department ~~the Office~~  
 3556 may provide a list of qualified applicants to the Department of

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3557 Revenue, ~~to the Agency for Workforce Innovation,~~ or to any local  
 3558 government or authority. The department ~~the Office~~ may request  
 3559 the assistance of said entities with respect to monitoring jobs,  
 3560 wages, and the payment of the taxes listed in subsection (2).

3561 ~~(7) Notwithstanding paragraphs (4) (a) and (5) (c), the~~  
 3562 ~~Office may approve a waiver of the local financial support~~  
 3563 ~~requirement for a business located in any of the following~~  
 3564 ~~counties in which businesses received emergency loans~~  
 3565 ~~administered by the Office in response to the named hurricanes~~  
 3566 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~  
 3567 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~  
 3568 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~  
 3569 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~  
 3570 ~~waiver may be granted only if the Office determines that the~~  
 3571 ~~local financial support cannot be provided or that doing so~~  
 3572 ~~would effect a demonstrable hardship on the unit of local~~  
 3573 ~~government providing the local financial support. If the Office~~  
 3574 ~~grants a waiver of the local financial support requirement, the~~  
 3575 ~~state shall pay 100 percent of the refund due to an eligible~~  
 3576 ~~business. The waiver shall apply for tax refund applications~~  
 3577 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

3578 ~~(7)(8)~~ EXPIRATION.—An applicant may not be certified as  
 3579 qualified under this section after June 30, 2014. A tax refund  
 3580 agreement existing on that date shall continue in effect in  
 3581 accordance with its terms.

3582 Section 43. Present paragraphs (d), (f), (n), (p), (q),  
 3583 (r), and (t) of subsection (2), paragraphs (a), (b), and (f) of  
 3584 subsection (3), subsection (4), paragraphs (a), (b), and (c) of



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3585 subsection (5), paragraphs (a), (c), (f), and (g) of subsection  
 3586 (6), and subsection (7) of section 288.106, Florida Statutes,  
 3587 are amended, and present paragraphs (g) through (m) of  
 3588 subsection (2) are redesignated as paragraphs (f) through (i),  
 3589 present paragraphs (o) and (p) are redesignated (m) and (n) and  
 3590 present paragraphs (r) through (u) are redesignated as  
 3591 paragraphs (o) through (r), respectively, to read:

3592 288.106 Tax refund program for qualified target industry  
 3593 businesses.—

3594 (2) DEFINITIONS.—As used in this section:

3595 (d) "Business" means an employing unit, as defined in s.  
 3596 443.036, that is registered for unemployment compensation  
 3597 purposes with the state agency providing unemployment tax  
 3598 collection services ~~under contract with the Agency for Workforce~~  
 3599 ~~Innovation through an interagency agreement pursuant to s.~~  
 3600 ~~443.1316,~~ or a subcategory or division of an employing unit that  
 3601 is accepted by the state agency providing unemployment tax  
 3602 collection services as a reporting unit.

3603 ~~(f) "Director" means the Director of the Office of~~  
 3604 ~~Tourism, Trade, and Economic Development.~~

3605 ~~(n) "Office" means the Office of Tourism, Trade, and~~  
 3606 ~~Economic Development.~~

3607 (n)-(p) "Qualified target industry business" means a target  
 3608 industry business approved by the department ~~the Office~~ to be  
 3609 eligible for tax refunds under this section.

3610 ~~(g) "Return on investment" means the gain in state~~  
 3611 ~~revenues as a percentage of the state's investment. The state's~~  
 3612 ~~investment includes state grants, tax exemptions, tax refunds,~~

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3613 ~~tax credits, and other state incentives.~~

3614 (o)~~(r)~~ "Rural city" means a city having a population of  
 3615 10,000 or fewer, or a city having a population of greater than  
 3616 10,000 but fewer than 20,000 that has been determined by the  
 3617 department ~~the Office~~ to have economic characteristics such as,  
 3618 but not limited to, a significant percentage of residents on  
 3619 public assistance, a significant percentage of residents with  
 3620 income below the poverty level, or a significant percentage of  
 3621 the city's employment base in agriculture-related industries.

3622 (q)~~(t)~~ "Target industry business" means a corporate  
 3623 headquarters business or any business that is engaged in one of  
 3624 the target industries identified pursuant to the following  
 3625 criteria developed by the department ~~the Office~~ in consultation  
 3626 with Enterprise Florida, Inc.:

3627 1. Future growth.—Industry forecasts should indicate  
 3628 strong expectation for future growth in both employment and  
 3629 output, according to the most recent available data. Special  
 3630 consideration should be given to businesses that export goods  
 3631 to, or provide services in, international markets and businesses  
 3632 that replace domestic and international imports of goods or  
 3633 services.

3634 2. Stability.—The industry should not be subject to  
 3635 periodic layoffs, whether due to seasonality or sensitivity to  
 3636 volatile economic variables such as weather. The industry should  
 3637 also be relatively resistant to recession, so that the demand  
 3638 for products of this industry is not typically subject to  
 3639 decline during an economic downturn.

3640 3. High wage.—The industry should pay relatively high

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3641 wages compared to statewide or area averages.  
 3642 4. Market and resource independent.—The location of  
 3643 industry businesses should not be dependent on Florida markets  
 3644 or resources as indicated by industry analysis, except for  
 3645 businesses in the renewable energy industry.  
 3646 5. Industrial base diversification and strengthening.—The  
 3647 industry should contribute toward expanding or diversifying the  
 3648 state's or area's economic base, as indicated by analysis of  
 3649 employment and output shares compared to national and regional  
 3650 trends. Special consideration should be given to industries that  
 3651 strengthen regional economies by adding value to basic products  
 3652 or building regional industrial clusters as indicated by  
 3653 industry analysis. Special consideration should also be given to  
 3654 the development of strong industrial clusters that include  
 3655 defense and homeland security businesses.  
 3656 6. Positive economic impact benefits.—The industry is  
 3657 expected to have strong positive economic impacts on or benefits  
 3658 to the state or regional economies.  
 3659  
 3660 The term does not include any business engaged in retail  
 3661 industry activities; any electrical utility company; any  
 3662 phosphate or other solid minerals severance, mining, or  
 3663 processing operation; any oil or gas exploration or production  
 3664 operation; or any business subject to regulation by the Division  
 3665 of Hotels and Restaurants of the Department of Business and  
 3666 Professional Regulation. Any business within NAICS code 5611 or  
 3667 5614, office administrative services and business support  
 3668 services, respectively, may be considered a target industry

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3669 business only after the local governing body and Enterprise  
 3670 Florida, Inc., make a determination that the community where the  
 3671 business may locate has conditions affecting the fiscal and  
 3672 economic viability of the local community or area, including but  
 3673 not limited to, factors such as low per capita income, high  
 3674 unemployment, high underemployment, and a lack of year-round  
 3675 stable employment opportunities, and such conditions may be  
 3676 improved by the location of such a business to the community. By  
 3677 January 1 of every 3rd year, beginning January 1, 2011, the  
 3678 department ~~the Office~~, in consultation with Enterprise Florida,  
 3679 Inc., economic development organizations, the State University  
 3680 System, local governments, employee and employer organizations,  
 3681 market analysts, and economists, shall review and, as  
 3682 appropriate, revise the list of such target industries and  
 3683 submit the list to the Governor, the President of the Senate,  
 3684 and the Speaker of the House of Representatives.

3685 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

3686 (a) There shall be allowed, from the account, a refund to  
 3687 a qualified target industry business for the amount of eligible  
 3688 taxes certified by the department ~~the Office~~ that were paid by  
 3689 the business. The total amount of refunds for all fiscal years  
 3690 for each qualified target industry business must be determined  
 3691 pursuant to subsection (4). The annual amount of a refund to a  
 3692 qualified target industry business must be determined pursuant  
 3693 to subsection (6).

3694 (b)1. Upon approval by the Governor Office, a qualified  
 3695 target industry business shall be allowed tax refund payments  
 3696 equal to \$3,000 multiplied by the number of jobs specified in

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3697 the tax refund agreement under subparagraph (5)(a)1., or equal  
 3698 to \$6,000 multiplied by the number of jobs if the project is  
 3699 located in a rural community or an enterprise zone.

3700 2. A qualified target industry business shall be allowed  
 3701 additional tax refund payments equal to \$1,000 multiplied by the  
 3702 number of jobs specified in the tax refund agreement under  
 3703 subparagraph (5)(a)1. if such jobs pay an annual average wage of  
 3704 at least 150 percent of the average private sector wage in the  
 3705 area, or equal to \$2,000 multiplied by the number of jobs if  
 3706 such jobs pay an annual average wage of at least 200 percent of  
 3707 the average private sector wage in the area.

3708 3. A qualified target industry business shall be allowed  
 3709 tax refund payments in addition to the other payments authorized  
 3710 in this paragraph equal to \$1,000 multiplied by the number of  
 3711 jobs specified in the tax refund agreement under subparagraph  
 3712 (5)(a)1. if the local financial support is equal to that of the  
 3713 state's incentive award under subparagraph 1.

3714 4. In addition to the other tax refund payments authorized  
 3715 in this paragraph, a qualified target industry business shall be  
 3716 allowed a tax refund payment equal to \$2,000 multiplied by the  
 3717 number of jobs specified in the tax refund agreement under  
 3718 subparagraph (5)(a)1. if the business:

3719 a. Falls within one of the high-impact sectors designated  
 3720 under s. 288.108; or

3721 b. Increases exports of its goods through a seaport or  
 3722 airport in the state by at least 10 percent in value or tonnage  
 3723 in each of the years that the business receives a tax refund  
 3724 under this section. For purposes of this sub-subparagraph,

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3725 seaports in the state are limited to the ports of Jacksonville,  
 3726 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm  
 3727 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,  
 3728 Pensacola, Fernandina, and Key West.

3729 (f) Refunds made available under this section may not be  
 3730 expended in connection with the relocation of a business from  
 3731 one community to another community in the state unless the  
 3732 department ~~the Office~~ determines that, without such relocation,  
 3733 the business will move outside the state or determines that the  
 3734 business has a compelling economic rationale for relocation and  
 3735 that the relocation will create additional jobs.

3736 (4) APPLICATION AND APPROVAL PROCESS.—

3737 (a) To apply for certification as a qualified target  
 3738 industry business under this section, the business must file an  
 3739 application with the department ~~the Office~~ before the business  
 3740 decides to locate in this state or before the business decides  
 3741 to expand its existing operations in this state. The application  
 3742 must include, but need not be limited to, the following  
 3743 information:

3744 1. The applicant's federal employer identification number  
 3745 and, if applicable, state sales tax registration number.

3746 2. The proposed permanent location of the applicant's  
 3747 facility in this state at which the project is to be located.

3748 3. A description of the type of business activity or  
 3749 product covered by the project, including a minimum of a five-  
 3750 digit NAICS code for all activities included in the project. As  
 3751 used in this paragraph, "NAICS" means those classifications  
 3752 contained in the North American Industry Classification System,

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3753 as published in 2007 by the Office of Management and Budget,  
 3754 Executive Office of the President, and updated periodically.  
 3755 4. The proposed number of net new full-time equivalent  
 3756 Florida jobs at the qualified target industry business as of  
 3757 December 31 of each year included in the project and the average  
 3758 wage of those jobs. If more than one type of business activity  
 3759 or product is included in the project, the number of jobs and  
 3760 average wage for those jobs must be separately stated for each  
 3761 type of business activity or product.  
 3762 5. The total number of full-time equivalent employees  
 3763 employed by the applicant in this state, if applicable.  
 3764 6. The anticipated commencement date of the project.  
 3765 7. A brief statement explaining the role that the  
 3766 estimated tax refunds to be requested will play in the decision  
 3767 of the applicant to locate or expand in this state.  
 3768 8. An estimate of the proportion of the sales resulting  
 3769 from the project that will be made outside this state.  
 3770 9. An estimate of the proportion of the cost of the  
 3771 machinery and equipment, and any other resources necessary in  
 3772 the development of its product or service, to be used by the  
 3773 business in its Florida operations which will be purchased  
 3774 outside this state.  
 3775 10. A resolution adopted by the governing board of the  
 3776 county or municipality in which the project will be located,  
 3777 which resolution recommends that the project be approved as a  
 3778 qualified target industry business and specifies that the  
 3779 commitments of local financial support necessary for the target  
 3780 industry business exist. Before the passage of such resolution,

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3781 the office may also accept an official letter from an authorized  
 3782 local economic development agency that endorses the proposed  
 3783 target industry project and pledges that sources of local  
 3784 financial support for such project exist. For the purposes of  
 3785 making pledges of local financial support under this  
 3786 subparagraph, the authorized local economic development agency  
 3787 shall be officially designated by the passage of a one-time  
 3788 resolution by the local governing board.

3789 11. Any additional information requested by the department  
 3790 ~~the Office~~.

3791 (b) To qualify for review by the department ~~the Office~~,  
 3792 the application of a target industry business must, at a  
 3793 minimum, establish the following to the satisfaction of the  
 3794 office:

3795 1.a. The jobs proposed to be created under the  
 3796 application, pursuant to subparagraph (a)4., must pay an  
 3797 estimated annual average wage equaling at least 115 percent of  
 3798 the average private sector wage in the area where the business  
 3799 is to be located or the statewide private sector average wage.  
 3800 The governing board of the county where the qualified target  
 3801 industry business is to be located shall notify the department  
 3802 ~~the Office~~ and Enterprise Florida, Inc., which calculation of  
 3803 the average private sector wage in the area must be used as the  
 3804 basis for the business's wage commitment. In determining the  
 3805 average annual wage, the department ~~the Office~~ shall include  
 3806 only new proposed jobs, and wages for existing jobs shall be  
 3807 excluded from this calculation.

3808 b. The Governor ~~Office~~ may waive the average wage



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3809 requirement at the request of the local governing body  
 3810 recommending the project ~~and Enterprise Florida, Inc.~~ The  
 3811 Governor Office may waive the wage requirement for a project  
 3812 located in a brownfield area designated under s. 376.80, in a  
 3813 rural city, in a rural community, in an enterprise zone, or for  
 3814 a manufacturing project at any location in the state if the jobs  
 3815 proposed to be created pay an estimated annual average wage  
 3816 equaling at least 100 percent of the average private sector wage  
 3817 in the area where the business is to be located, only if the  
 3818 merits of the individual project or the specific circumstances  
 3819 in the community in relationship to the project warrant such  
 3820 action. If the local governing body and Enterprise Florida,  
 3821 Inc., make such a recommendation, it must be transmitted in  
 3822 writing, and the specific justification for the waiver  
 3823 recommendation must be explained. If the Governor Office elects  
 3824 to waive the wage requirement, the waiver must be stated in  
 3825 writing, and the reasons for granting the waiver must be  
 3826 explained.

3827         2. The target industry business's project must result in  
 3828 the creation of at least 10 jobs at the project and, in the case  
 3829 of an expansion of an existing business, must result in a net  
 3830 increase in employment of at least 10 percent at the business.  
 3831 At the request of the local governing body recommending the  
 3832 project ~~and Enterprise Florida, Inc.~~, the Governor Office may  
 3833 waive this requirement for a business in a rural community or  
 3834 enterprise zone if the merits of the individual project or the  
 3835 specific circumstances in the community in relationship to the  
 3836 project warrant such action. If the local governing body and

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3837 Enterprise Florida, Inc., make such a request, the request must  
 3838 be transmitted in writing, and the specific justification for  
 3839 the request must be explained. If the Governor ~~Office~~ elects to  
 3840 grant the request, the grant must be stated in writing, and the  
 3841 reason for granting the request must be explained.

3842 3. The business activity or product for the applicant's  
 3843 project must be within an industry identified by the department  
 3844 ~~the Office~~ as a target industry business that contributes to the  
 3845 economic growth of the state and the area in which the business  
 3846 is located, that produces a higher standard of living for  
 3847 residents of this state in the new global economy, or that can  
 3848 be shown to make an equivalent contribution to the area's and  
 3849 state's economic progress.

3850 (c) Each application meeting the requirements of paragraph  
 3851 (b) must be submitted to the department ~~the Office~~ for  
 3852 determination of eligibility. The department ~~the Office~~ shall  
 3853 review and evaluate each application based on, but not limited  
 3854 to, the following criteria:

3855 1. Expected contributions to the state's economy,  
 3856 consistent with the state strategic economic development plan  
 3857 prepared by the department ~~adopted by Enterprise Florida, Inc.~~

3858 2. The economic benefits ~~return on investment~~ of the  
 3859 proposed award of tax refunds under this section and the  
 3860 economic benefits of ~~return on investment for~~ state incentives  
 3861 proposed for the project. The term "economic benefits" has the  
 3862 same meaning as in s. 288.005(1). The Office of Economic and  
 3863 Demographic Research shall review and evaluate the methodology  
 3864 and model used to calculate the economic benefits ~~return on~~

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3865 ~~investment~~ and shall report its findings by September 1 of every  
 3866 3rd year, ~~beginning September 1, 2010,~~ to the President of the  
 3867 Senate and the Speaker of the House of Representatives.

3868 3. The amount of capital investment to be made by the  
 3869 applicant in this state.

3870 4. The local financial commitment and support for the  
 3871 project.

3872 5. The effect of the project on the unemployment rate in  
 3873 the county where the project will be located.

3874 6. The effect of the award on the viability of the project  
 3875 and the probability that the project would be undertaken in this  
 3876 state if such tax refunds are granted to the applicant.

3877 7. The expected long-term commitment of the applicant to  
 3878 economic growth and employment in this state resulting from the  
 3879 project.

3880 8. A review of the business's past activities in this  
 3881 state or other states, including whether such business has been  
 3882 subjected to criminal or civil fines and penalties. This  
 3883 subparagraph does not require the disclosure of confidential  
 3884 information.

3885 (d) Applications shall be reviewed and certified pursuant  
 3886 to s. 288.061. The department ~~The Office~~ shall include in its  
 3887 review projections of the tax refunds the business would be  
 3888 eligible to receive in each fiscal year based on the creation  
 3889 and maintenance of the net new Florida jobs specified in  
 3890 subparagraph (a)4. as of December 31 of the preceding state  
 3891 fiscal year. If appropriate, the Governor ~~Office~~ shall enter  
 3892 into a written agreement with the qualified target industry

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3893 business pursuant to subsection (5).

3894 (e) The department ~~the Office~~ may not certify any target  
 3895 industry business as a qualified target industry business if the  
 3896 value of tax refunds to be included in that letter of  
 3897 certification exceeds the available amount of authority to  
 3898 certify new businesses as determined in s. 288.095(3). However,  
 3899 if the commitments of local financial support represent less  
 3900 than 20 percent of the eligible tax refund payments, or to  
 3901 otherwise preserve the viability and fiscal integrity of the  
 3902 program, the office may certify a qualified target industry  
 3903 business to receive tax refund payments of less than the  
 3904 allowable amounts specified in paragraph (3)(b). A letter of  
 3905 certification that approves an application must specify the  
 3906 maximum amount of tax refund that will be available to the  
 3907 qualified industry business in each fiscal year and the total  
 3908 amount of tax refunds that will be available to the business for  
 3909 all fiscal years.

3910 (f) This section does not create a presumption that an  
 3911 applicant will receive any tax refunds under this section.  
 3912 However, the department ~~the Office~~ may issue nonbinding opinion  
 3913 letters, upon the request of prospective applicants, as to the  
 3914 applicants' eligibility and the potential amount of refunds.

3915 (5) TAX REFUND AGREEMENT.—

3916 (a) Each qualified target industry business must enter  
 3917 into a written agreement with the Governor ~~Office~~ that  
 3918 specifies, at a minimum:

3919 1. The total number of full-time equivalent jobs in this  
 3920 state that will be dedicated to the project, the average wage of

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3921 those jobs, the definitions that will apply for measuring the  
 3922 achievement of these terms during the pendency of the agreement,  
 3923 and a time schedule or plan for when such jobs will be in place  
 3924 and active in this state.

3925 2. The maximum amount of tax refunds that the qualified  
 3926 target industry business is eligible to receive on the project  
 3927 and the maximum amount of a tax refund that the qualified target  
 3928 industry business is eligible to receive for each fiscal year,  
 3929 based on the job creation and maintenance schedule specified in  
 3930 subparagraph 1.

3931 3. That the department ~~the Office~~ may review and verify  
 3932 the financial and personnel records of the qualified target  
 3933 industry business to ascertain whether that business is in  
 3934 compliance with this section.

3935 4. The date by which, in each fiscal year, the qualified  
 3936 target industry business may file a claim under subsection (6)  
 3937 to be considered to receive a tax refund in the following fiscal  
 3938 year.

3939 5. That local financial support will be annually available  
 3940 and will be paid to the account. The Governor ~~Office~~ may not  
 3941 enter into a written agreement with a qualified target industry  
 3942 business if the local financial support resolution is not passed  
 3943 by the local governing body within 90 days after the department  
 3944 ~~the Office~~ has issued the letter of certification under  
 3945 subsection (4).

3946 6. That the department ~~the Office~~ may conduct a review of  
 3947 the business to evaluate whether the business is continuing to  
 3948 contribute to the area's or state's economy.

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3949           7. That in the event the business does not complete the  
3950 agreement, the business will provide the department ~~the Office~~  
3951 with the reasons the business was unable to complete the  
3952 agreement.

3953           (b) Compliance with the terms and conditions of the  
3954 agreement is a condition precedent for the receipt of a tax  
3955 refund each year. The failure to comply with the terms and  
3956 conditions of the tax refund agreement results in the loss of  
3957 eligibility for receipt of all tax refunds previously authorized  
3958 under this section and the revocation by the department ~~the~~  
3959 ~~Office~~ of the certification of the business entity as a  
3960 qualified target industry business, unless the business is  
3961 eligible to receive and elects to accept a prorated refund under  
3962 paragraph (6) (e) or the department ~~the Office~~ grants the  
3963 business an economic recovery extension.

3964           1. A qualified target industry business may submit a  
3965 request to the department ~~the Office~~ for an economic recovery  
3966 extension. The request must provide quantitative evidence  
3967 demonstrating how negative economic conditions in the business's  
3968 industry, the effects of a named hurricane or tropical storm, or  
3969 specific acts of terrorism affecting the qualified target  
3970 industry business have prevented the business from complying  
3971 with the terms and conditions of its tax refund agreement.

3972           2. Upon receipt of a request under subparagraph 1., the  
3973 department ~~the Office~~ has 45 days to notify the requesting  
3974 business, in writing, whether its extension has been granted or  
3975 denied. In determining whether an extension should be granted,  
3976 the department ~~the Office~~ shall consider the extent to which

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3977 negative economic conditions in the requesting business's  
 3978 industry have occurred in the state or the effects of a named  
 3979 hurricane or tropical storm or specific acts of terrorism  
 3980 affecting the qualified target industry business have prevented  
 3981 the business from complying with the terms and conditions of its  
 3982 tax refund agreement. The department ~~the Office~~ shall consider  
 3983 current employment statistics for this state by industry,  
 3984 including whether the business's industry had substantial job  
 3985 loss during the prior year, when determining whether an  
 3986 extension shall be granted.

3987 3. As a condition for receiving a prorated refund under  
 3988 paragraph (6)(e) or an economic recovery extension under this  
 3989 paragraph, a qualified target industry business must agree to  
 3990 renegotiate its tax refund agreement with the Governor ~~Office~~  
 3991 to, at a minimum, ensure that the terms of the agreement comply  
 3992 with current law and office procedures governing application for  
 3993 and award of tax refunds. Upon approving the award of a prorated  
 3994 refund or granting an economic recovery extension, the Governor,  
 3995 through the department, ~~Office~~ shall renegotiate the tax refund  
 3996 agreement with the business as required by this subparagraph.  
 3997 When amending the agreement of a business receiving an economic  
 3998 recovery extension, the Governor, through the department, ~~Office~~  
 3999 may extend the duration of the agreement for a period not to  
 4000 exceed 2 years.

4001 4. A qualified target industry business may submit a  
 4002 request for an economic recovery extension to the department ~~the~~  
 4003 ~~Office~~ in lieu of any tax refund claim scheduled to be submitted  
 4004 after January 1, 2009, but before July 1, 2012.

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4005           5. A qualified target industry business that receives an  
4006 economic recovery extension may not receive a tax refund for the  
4007 period covered by the extension.

4008           (c) The agreement must be signed by the Governor ~~director~~  
4009 and by an authorized officer of the qualified target industry  
4010 business within 120 days after the issuance of the letter of  
4011 certification under subsection (4), but not before passage and  
4012 receipt of the resolution of local financial support. The  
4013 department ~~The Office~~ may grant an extension of this period at  
4014 the written request of the qualified target industry business.

4015           (6) ANNUAL CLAIM FOR REFUND.—

4016           (a) To be eligible to claim any scheduled tax refund, a  
4017 qualified target industry business that has entered into a tax  
4018 refund agreement with the Governor ~~Office~~ under subsection (5)  
4019 must apply by January 31 of each fiscal year to the office for  
4020 the tax refund scheduled to be paid from the appropriation for  
4021 the fiscal year that begins on July 1 following the January 31  
4022 claims-submission date. The department ~~The Office~~ may, upon  
4023 written request, grant a 30-day extension of the filing date.

4024           (c) The department ~~the Office~~ may waive the requirement  
4025 for proof of taxes paid in future years for a qualified target  
4026 industry business that provides the department ~~the office~~ with  
4027 proof that, in a single year, the business has paid an amount of  
4028 state taxes from the categories in paragraph (3)(d) that is at  
4029 least equal to the total amount of tax refunds that the business  
4030 may receive through successful completion of its tax refund  
4031 agreement.

4032           (f) The Governor ~~Office~~, with such assistance as may be



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4033 required from the Department of Revenue ~~or the Agency for~~  
 4034 ~~Workforce Innovation~~, shall, by June 30 following the scheduled  
 4035 date for submission of the tax refund claim, specify by written  
 4036 order the approval or disapproval of the tax refund claim and,  
 4037 if approved, the amount of the tax refund that is authorized to  
 4038 be paid to the qualified target industry business for the annual  
 4039 tax refund. The department ~~the Office~~ may grant an extension of  
 4040 this date on the request of the qualified target industry  
 4041 business for the purpose of filing additional information in  
 4042 support of the claim.

4043 (g) The total amount of tax refund claims approved  
 4044 by the Governor ~~Office~~ under this section in any fiscal year  
 4045 must not exceed the amount authorized under s. 288.095(3).

4046 (7) ADMINISTRATION.—

4047 (a) The department ~~the Office~~ may verify information  
 4048 provided in any claim submitted for tax credits under this  
 4049 section with regard to employment and wage levels or the payment  
 4050 of the taxes to the appropriate agency or authority, including  
 4051 the Department of Revenue, ~~the Agency for Workforce Innovation,~~  
 4052 or any local government or authority.

4053 (b) To facilitate the process of monitoring and auditing  
 4054 applications made under this section, the department ~~the Office~~  
 4055 may provide a list of qualified target industry businesses to  
 4056 the Department of Revenue, ~~to the Agency for Workforce~~  
 4057 ~~Innovation,~~ or to any local government or authority. The  
 4058 department ~~The Office~~ may request the assistance of those  
 4059 entities with respect to monitoring jobs, wages, and the payment  
 4060 of the taxes listed in subsection (3).

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4061 (c) Funds specifically appropriated for tax refunds for  
 4062 qualified target industry businesses under this section may not  
 4063 be used by the department ~~the Office~~ for any purpose other than  
 4064 the payment of tax refunds authorized by this section.

4065 (d) Beginning with tax refund agreements signed after July  
 4066 1, 2010, the department ~~the Office~~ shall attempt to ascertain  
 4067 the causes for any business's failure to complete its agreement  
 4068 and shall report its findings and recommendations to the  
 4069 Governor, the President of the Senate, and the Speaker of the  
 4070 House of Representatives. The report shall be submitted by  
 4071 December 1 of each year beginning in 2011.

4072 Section 44. Paragraphs (d) and (g) of subsection (1),  
 4073 subsection (2), paragraphs (a), (b), (f), (g), (h), and (i) of  
 4074 subsection (4), and subsection (5) of section 288.107, Florida  
 4075 Statutes, are amended, and present paragraphs (e) through (h) of  
 4076 subsection (1) are redesignated as paragraphs (d) through (f),  
 4077 to read:

4078 288.107 Brownfield redevelopment bonus refunds.—

4079 (1) DEFINITIONS.—As used in this section:

4080 ~~(d) "Director" means the director of the Office of~~  
 4081 ~~Tourism, Trade, and Economic Development.~~

4082 ~~(g) "Office" means The Office of Tourism, Trade, and~~  
 4083 ~~Economic Development.~~

4084 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds  
 4085 shall be approved by the Governor ~~Office~~ as specified in the  
 4086 final order and allowed from the account as follows:

4087 (a) A bonus refund of \$2,500 shall be allowed to any  
 4088 qualified target industry business as defined in s. 288.106 for

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4089 | each new Florida job created in a brownfield area that is  
 4090 | claimed on the qualified target industry business's annual  
 4091 | refund claim authorized in s. 288.106(6).

4092 |       (b) A bonus refund of up to \$2,500 shall be allowed to any  
 4093 | other eligible business as defined in subparagraph (1)(e)2. for  
 4094 | each new Florida job created in a brownfield area that is  
 4095 | claimed under an annual claim procedure similar to the annual  
 4096 | refund claim authorized in s. 288.106(6). The amount of the  
 4097 | refund shall be equal to 20 percent of the average annual wage  
 4098 | for the jobs created.

4099 |       (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

4100 |       (a) To be eligible to receive a bonus refund for new  
 4101 | Florida jobs created in a brownfield area, a business must have  
 4102 | been certified as a qualified target industry business under s.  
 4103 | 288.106 or eligible business as defined in paragraph (1)(e) and  
 4104 | must have indicated on the qualified target industry business  
 4105 | tax refund application form submitted in accordance with s.  
 4106 | 288.106(4) or other similar agreement for other eligible  
 4107 | business as defined in paragraph (1)(e) that the project for  
 4108 | which the application is submitted is or will be located in a  
 4109 | brownfield area and that the business is applying for  
 4110 | certification as a qualified brownfield business under this  
 4111 | section, and must have signed a qualified target industry  
 4112 | business tax refund agreement with the Governor ~~Office~~ that  
 4113 | indicates that the business has been certified as a qualified  
 4114 | target industry business located in a brownfield area and  
 4115 | specifies the schedule of brownfield redevelopment bonus refunds  
 4116 | that the business may be eligible to receive in each fiscal

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4117 year.

4118 (b) To be considered to receive an eligible brownfield  
 4119 redevelopment bonus refund payment, the business meeting the  
 4120 requirements of paragraph (a) must submit a claim once each  
 4121 fiscal year on a claim form approved by the department ~~the~~  
 4122 ~~Office~~ which indicates the location of the brownfield, the  
 4123 address of the business facility's brownfield location, the name  
 4124 of the brownfield in which it is located, the number of jobs  
 4125 created, and the average wage of the jobs created by the  
 4126 business within the brownfield as defined in s. 288.106 or other  
 4127 eligible business as defined in paragraph (1) (e) and the  
 4128 administrative rules and policies for that section.

4129 (f) Applications shall be reviewed and certified pursuant  
 4130 to s. 288.061. The department ~~The Office~~ shall review all  
 4131 applications submitted under s. 288.106 or other similar  
 4132 application forms for other eligible businesses as defined in  
 4133 paragraph (1) (e) which indicate that the proposed project will  
 4134 be located in a brownfield and determine, with the assistance of  
 4135 the Department of Environmental Protection, that the project  
 4136 location is within a brownfield as provided in this act.

4137 (g) The department ~~Office~~ shall approve all claims for a  
 4138 brownfield redevelopment bonus refund payment that are found to  
 4139 meet the requirements of paragraphs (b) and (d).

4140 (h) The department ~~The director~~, with such assistance as  
 4141 may be required from ~~the Office~~ and the Department of  
 4142 Environmental Protection, shall specify by written final order  
 4143 the amount of the brownfield redevelopment bonus refund that is  
 4144 authorized for the qualified target industry business for the

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4145 | fiscal year within 30 days after the date that the claim for the  
 4146 | annual tax refund is received by the department ~~the office~~.

4147 |       (i) The total amount of the bonus refunds approved by the  
 4148 | Governor ~~director~~ under this section in any fiscal year must not  
 4149 | exceed the total amount appropriated to the Economic Development  
 4150 | Incentives Account for this purpose for the fiscal year. In the  
 4151 | event that the Legislature does not appropriate an amount  
 4152 | sufficient to satisfy projections by the department ~~the Office~~  
 4153 | for brownfield redevelopment bonus refunds under this section in  
 4154 | a fiscal year, the Governor, through the department, ~~Office~~  
 4155 | shall, not later than July 15 of such year, determine the  
 4156 | proportion of each brownfield redevelopment bonus refund claim  
 4157 | which shall be paid by dividing the amount appropriated for tax  
 4158 | refunds for the fiscal year by the projected total of brownfield  
 4159 | redevelopment bonus refund claims for the fiscal year. The  
 4160 | amount of each claim for a brownfield redevelopment bonus tax  
 4161 | refund shall be multiplied by the resulting quotient. If, after  
 4162 | the payment of all such refund claims, funds remain in the  
 4163 | Economic Development Incentives Account for brownfield  
 4164 | redevelopment tax refunds, the department ~~the Office~~ shall  
 4165 | recalculate the proportion for each refund claim and adjust the  
 4166 | amount of each claim accordingly.

4167 |       (5) ADMINISTRATION.—

4168 |       (a) The department ~~the Office~~ may verify information  
 4169 | provided in any claim submitted for tax credits under this  
 4170 | section with regard to employment and wage levels or the payment  
 4171 | of the taxes to the appropriate agency or authority, including  
 4172 | the Department of Revenue, ~~the Agency for Workforce Innovation,~~

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4173 or any local government or authority.

4174 (b) To facilitate the process of monitoring and auditing  
 4175 applications made under this program, the department ~~the Office~~  
 4176 may provide a list of qualified target industry businesses to  
 4177 the Department of Revenue, ~~to the Agency for Workforce~~  
 4178 ~~Innovation~~, to the Department of Environmental Protection, or to  
 4179 any local government authority. The department ~~the office~~ may  
 4180 request the assistance of those entities with respect to  
 4181 monitoring the payment of the taxes listed in s. 288.106(3).

4182 Section 45. Subsection (2), paragraphs (b), (d), and (e)  
 4183 of subsection (3), subsection (4), paragraphs (a) and (c) of  
 4184 subsection (5), and subsections (6) and (7) of section 288.108,  
 4185 Florida Statutes, are amended, to read:

4186 288.108 High-impact business.—

4187 (2) DEFINITIONS.—As used in this section, the term:

4188 (a) ~~(h)~~ "Commencement of operations" means that the  
 4189 qualified high-impact business has begun to actively operate the  
 4190 principal function for which the facility was constructed as  
 4191 determined by the office and specified in the qualified high-  
 4192 impact business agreement.

4193 (b) ~~(e)~~ "Cumulative investment" means the total investment  
 4194 in buildings and equipment made by a qualified high-impact  
 4195 business since the beginning of construction of such facility.

4196 (c) ~~(a)~~ "Eligible high-impact business" means a business in  
 4197 one of the high-impact sectors identified by Enterprise Florida,  
 4198 Inc., and certified by the department ~~Office of Tourism, Trade,~~  
 4199 ~~and Economic Development~~ as provided in subsection (5), which is  
 4200 making a cumulative investment in the state of at least \$50

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4201 million and creating at least 50 new full-time equivalent jobs  
 4202 in the state or a research and development facility making a  
 4203 cumulative investment of at least \$25 million and creating at  
 4204 least 25 new full-time equivalent jobs. Such investment and  
 4205 employment must be achieved in a period not to exceed 3 years  
 4206 after the date the business is certified as a qualified high-  
 4207 impact business.

4208 ~~(c) "Office" means the Office of Tourism, Trade, and~~  
 4209 ~~Economic Development.~~

4210 ~~(d) "Director" means the director of the Office of~~  
 4211 ~~Tourism, Trade, and Economic Development.~~

4212 (d)~~(f)~~ "Fiscal year" means the fiscal year of the state.

4213 (e)~~(g)~~ "Jobs" means full-time equivalent positions,  
 4214 including, but not limited to, positions obtained from a  
 4215 temporary employment agency or employee leasing company or  
 4216 through a union agreement or coemployment under a professional  
 4217 employer organization agreement, that result directly from a  
 4218 project in this state. The term does not include temporary  
 4219 construction jobs involved in the construction of the project  
 4220 facility.

4221 (f)~~(b)~~ "Qualified high-impact business" means a business  
 4222 in one of the high-impact sectors that has been certified by the  
 4223 department ~~office~~ as a qualified high-impact business to receive  
 4224 a high-impact sector performance grant.

4225 (g)~~(i)~~ "Research and development" means basic and applied  
 4226 research in science or engineering, as well as the design,  
 4227 development, and testing of prototypes or processes of new or  
 4228 improved products. Research and development does not mean market

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4229 research, routine consumer product testing, sales research,  
 4230 research in the social sciences or psychology, nontechnological  
 4231 activities or technical services.

4232 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE  
 4233 AMOUNTS.—

4234 (b) The department ~~The Office~~ may, ~~in consultation with~~  
 4235 ~~Enterprise Florida, Inc.,~~ negotiate qualified high-impact  
 4236 business performance grant awards for any single qualified high-  
 4237 impact business. In negotiating such awards, the department ~~the~~  
 4238 ~~Office~~ shall consider the following guidelines in conjunction  
 4239 with other relevant applicant impact and cost information and  
 4240 analysis as required in subsection (5).

4241 1. A qualified high-impact business making a cumulative  
 4242 investment of \$50 million and creating 50 jobs may be eligible  
 4243 for a total qualified high-impact business performance grant of  
 4244 \$500,000 to \$1 million.

4245 2. A qualified high-impact business making a cumulative  
 4246 investment of \$100 million and creating 100 jobs may be eligible  
 4247 for a total qualified high-impact business performance grant of  
 4248 \$1 million to \$2 million.

4249 3. A qualified high-impact business making a cumulative  
 4250 investment of \$800 million and creating 800 jobs may be eligible  
 4251 for a qualified high-impact business performance grant of \$10  
 4252 million to \$12 million.

4253 4. A qualified high-impact business engaged in research  
 4254 and development making a cumulative investment of \$25 million  
 4255 and creating 25 jobs may be eligible for a total qualified high-  
 4256 impact business performance grant of \$700,000 to \$1 million.



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4257           5. A qualified high-impact business engaged in research  
 4258 and development making a cumulative investment of \$75 million,  
 4259 and creating 75 jobs may be eligible for a total qualified high-  
 4260 impact business performance grant of \$2 million to \$3 million.

4261           6. A qualified high-impact business engaged in research  
 4262 and development making a cumulative investment of \$150 million,  
 4263 and creating 150 jobs may be eligible for a qualified high-  
 4264 impact business performance grant of \$3.5 million to \$4.5  
 4265 million.

4266           (d) The balance of the performance grant award shall be  
 4267 paid to the qualified high-impact business upon the business's  
 4268 certification that full operations have commenced and that the  
 4269 full investment and employment goals specified in the qualified  
 4270 high-impact business agreement have been met and verified by the  
 4271 department ~~the Office of Tourism, Trade, and Economic~~  
 4272 ~~Development~~. The verification must occur not later than 60 days  
 4273 after the qualified high-impact business has provided the  
 4274 certification specified in this paragraph.

4275           (e) The department ~~The office~~ may, upon a showing of  
 4276 reasonable cause for delay and significant progress toward the  
 4277 achievement of the investment and employment goals specified in  
 4278 the qualified high-impact business agreement, extend the date  
 4279 for commencement of operations, not to exceed an additional 2  
 4280 years beyond the limit specified in paragraph (2) (c) (2) (a), but  
 4281 in no case may any high-impact sector performance grant payment  
 4282 be made to the business until the scheduled goals have been  
 4283 achieved.

4284           (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~

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4285 AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE  
4286 GRANTS.—

4287 (a) The total amount of active performance grants  
4288 scheduled for payment by the department ~~office~~ in any single  
4289 fiscal year may not exceed the lesser of \$30 million or the  
4290 amount appropriated by the Legislature for that fiscal year for  
4291 qualified high-impact business performance grants. If the  
4292 scheduled grant payments are not made in the year for which they  
4293 were scheduled in the qualified high-impact business agreement  
4294 and are rescheduled as authorized in paragraph (3) (e), they are,  
4295 for purposes of this paragraph, deemed to have been paid in the  
4296 year in which they were originally scheduled in the qualified  
4297 high-impact business agreement.

4298 (b) If the Legislature does not appropriate an amount  
4299 sufficient to satisfy the qualified high-impact business  
4300 performance grant payments scheduled for any fiscal year, the  
4301 Governor, through the department, ~~Office~~ shall, not later than  
4302 July 15 of that year, determine the proportion of each grant  
4303 payment which may be paid by dividing the amount appropriated  
4304 for qualified high-impact business performance grant payments  
4305 for the fiscal year by the total performance grant payments  
4306 scheduled in all performance grant agreements for the fiscal  
4307 year. The amount of each grant scheduled for payment in that  
4308 fiscal year must be multiplied by the resulting quotient. All  
4309 businesses affected by this calculation must be notified by  
4310 August 1 of each fiscal year. If, after the payment of all the  
4311 refund claims, funds remain in the appropriation for payment of  
4312 qualified high-impact business performance grants, the

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4313 department ~~the Office~~ shall recalculate the proportion for each  
 4314 performance grant payment and adjust the amount of each claim  
 4315 accordingly.

4316 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

4317 (a) The department shall review an application pursuant to  
 4318 s. 288.061 which is received from any eligible business, as  
 4319 defined in subsection (2), shall apply to Enterprise Florida,  
 4320 Inc., for consideration as a qualified high-impact business  
 4321 before the business has made a decision to locate or expand a  
 4322 facility in this state. A business must provide ~~The application,~~  
 4323 ~~developed by the Office of Tourism, Trade, and Economic~~  
 4324 ~~Development, in consultation with Enterprise Florida, Inc., must~~  
 4325 ~~include, but is not limited to,~~ the following information:

4326 1. A complete description of the type of facility,  
 4327 business operations, and product or service associated with the  
 4328 project.

4329 2. The number of full-time equivalent jobs that will be  
 4330 created by the project and the average annual wage of those  
 4331 jobs.

4332 3. The cumulative amount of investment to be dedicated to  
 4333 this project within 3 years.

4334 4. A statement concerning any special impacts the facility  
 4335 is expected to stimulate in the sector, the state, or regional  
 4336 economy and in state universities and community colleges.

4337 5. A statement concerning the role the grant will play in  
 4338 the decision of the applicant business to locate or expand in  
 4339 this state.

4340 6. Any additional information requested by the department

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4341 ~~Enterprise Florida, Inc., and the Office of Tourism, Trade, and~~  
 4342 ~~Economic Development.~~

4343 (c) The Governor ~~director~~ and the qualified high-impact  
 4344 business shall enter into a performance grant agreement setting  
 4345 forth the conditions for payment of the qualified high-impact  
 4346 business performance grant. The agreement shall include the  
 4347 total amount of the qualified high-impact business facility  
 4348 performance grant award, the performance conditions that must be  
 4349 met to obtain the award, including the employment, average  
 4350 salary, investment, the methodology for determining if the  
 4351 conditions have been met, and the schedule of performance grant  
 4352 payments.

4353 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

4354 (a) Enterprise Florida, Inc., shall, by January 1, of  
 4355 every third year, beginning January 1, 2011, initiate the  
 4356 process of reviewing and, if appropriate, selecting a new high-  
 4357 impact sector for designation or recommending the deactivation  
 4358 of a designated high-impact sector. The process of reviewing  
 4359 designated high-impact sectors or recommending the deactivation  
 4360 of a designated high-impact sector shall be in consultation with  
 4361 the office, economic development organizations, the State  
 4362 University System, local governments, employee and employer  
 4363 organizations, market analysts, and economists.

4364 (b) The department ~~the Office~~ has authority, ~~only~~ after  
 4365 recommendation from Enterprise Florida, Inc., to designate a  
 4366 high-impact sector or to deauthorize a designated high-impact  
 4367 sector.

4368 (c) To begin the process of selecting and designating a

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4369 new high-impact sector, Enterprise Florida, Inc., shall  
 4370 undertake a thorough study of the proposed sector. This study  
 4371 must consider the definition of the sector, including the types  
 4372 of facilities which characterize the sector that might qualify  
 4373 for a high-impact performance grant and whether a powerful  
 4374 incentive like the high-impact performance grant is needed to  
 4375 induce major facilities in the sector to locate or grow in this  
 4376 state; the benefits that major facilities in the sector have or  
 4377 could have on the state's economy and the relative significance  
 4378 of those benefits; the needs of the sector and major sector  
 4379 facilities, including natural, public, and human resources and  
 4380 benefits and costs with regard to these resources; the sector's  
 4381 current and future markets; the current fiscal and potential  
 4382 fiscal impacts of the sector, to both the state and its  
 4383 communities; any geographic opportunities or limitations with  
 4384 regard to the sector, including areas of the state most likely  
 4385 to benefit from the sector and areas unlikely to benefit from  
 4386 the sector; the state's advantages or disadvantages with regard  
 4387 to the sector; and the long-term expectations for the industry  
 4388 on a global level and in the state. If Enterprise Florida, Inc.,  
 4389 finds favorable conditions for the designation of the sector as  
 4390 a high-impact sector, it shall include in the study  
 4391 recommendations for a complete and comprehensive sector  
 4392 strategy, including appropriate marketing and workforce  
 4393 strategies for the entire sector and any recommendations that  
 4394 Enterprise Florida, Inc., may have for statutory or policy  
 4395 changes needed to improve the state's business climate and to  
 4396 attract and grow Florida businesses, particularly small

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4397 businesses, in the proposed sector. The study shall reflect the  
 4398 finding of the sector-business network specified in paragraph  
 4399 (d).

4400 (d) In conjunction with the study required in paragraph  
 4401 (c), Enterprise Florida, Inc., shall develop and consult with a  
 4402 network of sector businesses. While this network may include  
 4403 non-Florida businesses, it must include any businesses currently  
 4404 within the state. If the number of Florida businesses in the  
 4405 sector is large, a representative cross-section of Florida  
 4406 sector businesses may form the core of this network.

4407 ~~(e) The study and its findings and recommendations and the~~  
 4408 ~~recommendations gathered from the sector-business network must~~  
 4409 ~~be discussed and considered during the meeting required in s.~~  
 4410 ~~14.2015(2)(e).~~

4411 (e)~~(f)~~ If after consideration of the completed study  
 4412 required in paragraph (c) and the input derived from  
 4413 consultation with the sector-business network in paragraph (d)  
 4414 and the quarterly meeting as required in paragraph (e), the  
 4415 board of directors of Enterprise Florida, Inc., finds that the  
 4416 sector will have exceptionally large and widespread benefits to  
 4417 the state and its citizens, relative to any public costs; that  
 4418 the sector is characterized by the types of facilities that  
 4419 require exceptionally large investments and provide employment  
 4420 opportunities to a relatively large number of workers in high-  
 4421 quality, high-income jobs that might qualify for a high-impact  
 4422 performance grant; and that given the competition for such  
 4423 businesses it may be necessary for the state to be able to offer  
 4424 a large inducement, such as a high-impact performance grant, to

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4425 attract such a business to the state or to encourage businesses  
 4426 to continue to grow in the state, the board of directors of  
 4427 Enterprise Florida, Inc., may recommend that the department ~~the~~  
 4428 ~~office~~ consider the designation of the sector as a high-impact  
 4429 business sector.

4430 ~~(f)-(g)~~ Upon receiving a recommendation from the board of  
 4431 directors of Enterprise Florida, Inc., together with the study  
 4432 required in paragraph (c) and a summary of the findings and  
 4433 recommendations of the sector-business network required in  
 4434 paragraph (d), ~~including a list of all meetings of the sector~~  
 4435 ~~network and participants in those meetings and the findings and~~  
 4436 ~~recommendations from the quarterly meeting as required in~~  
 4437 ~~paragraph (e)~~, the department ~~the Office~~ shall after a thorough  
 4438 evaluation of the study and accompanying materials report its  
 4439 findings and either concur in the recommendation of Enterprise  
 4440 Florida, Inc., and designate the sector as a high-impact  
 4441 business sector or notify Enterprise Florida, Inc., that it does  
 4442 not concur and deny the board's request for designation or  
 4443 return the recommendation and study to Enterprise Florida, Inc.,  
 4444 for further evaluation. In any case, the department ~~the~~  
 4445 ~~director's~~ decision must be in writing and justify the reasons  
 4446 for the decision.

4447 ~~(g)-(h)~~ If the department ~~the Office~~ designates the sector  
 4448 as a high-impact sector, it shall, within 30 days, notify the  
 4449 Governor, the President of the Senate, and the Speaker of the  
 4450 House of Representatives of its decision and provide a complete  
 4451 report on its decision, including copies of the material  
 4452 provided by Enterprise Florida, Inc., and the department ~~the~~

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4453 ~~Office of Tourism, Trade, and Economic Development's~~ evaluation  
 4454 and comment on any statutory or policy changes recommended by  
 4455 Enterprise Florida, Inc.

4456 (h) ~~(i)~~ For the purposes of this subsection, a high-impact  
 4457 sector consists of the silicon technology sector that Enterprise  
 4458 Florida, Inc., has found to be focused around the type of high-  
 4459 impact businesses for which the incentive created in this  
 4460 subsection is required and will create the kinds of sector and  
 4461 economy wide benefits that justify the use of state resources to  
 4462 encourage these investments and require substantial inducements  
 4463 to compete with the incentive packages offered by other states  
 4464 and nations.

4465 (7) RULEMAKING.—The department ~~Office~~ may adopt rules  
 4466 necessary to carry out the provisions of this section.

4467 Section 46. Section 288.1081, Florida Statutes, is amended  
 4468 to read:

4469 288.1081 Economic Gardening Business Loan Pilot Program.—

4470 (1) There is created within the department ~~the Office of~~  
 4471 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening  
 4472 Business Loan Pilot Program. The purpose of the pilot program is  
 4473 to stimulate investment in Florida's economy by providing loans  
 4474 to expanding businesses in the state. As used in this section,  
 4475 the term "department" means the Department of Economic  
 4476 Opportunity "~~office~~" ~~means the Office of Tourism, Trade, and~~  
 4477 ~~Economic Development.~~

4478 (2) The Legislature finds that it is vital to the overall  
 4479 health and growth of the state's economy to promote favorable  
 4480 conditions for expanding Florida businesses that demonstrate the



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4481 ability to grow. The Legislature further finds that, due to the  
 4482 current extraordinary economic challenges confronting the state,  
 4483 there exists a public purpose in expending state resources to  
 4484 stimulate investment in Florida's economy. It is therefore the  
 4485 intent of the Legislature that resources be provided for the  
 4486 pilot program.

4487 (3) (a) To be eligible for a loan under the pilot program,  
 4488 an applicant must be a business eligible for assistance under  
 4489 the Economic Gardening Technical Assistance ~~Pilot~~ Program as  
 4490 provided in s. 288.1082(4) (a).

4491 (b) A loan applicant must submit a written application to  
 4492 the loan administrator in the format prescribed by the loan  
 4493 administrator. The application must include:

4494 1. The applicant's federal employer identification number,  
 4495 unemployment account number, and sales or other tax registration  
 4496 number.

4497 2. The street address of the applicant's principal place  
 4498 of business in this state.

4499 3. A description of the type of economic activity,  
 4500 product, or research and development undertaken by the  
 4501 applicant, including the six-digit North American Industry  
 4502 Classification System code for each type of economic activity  
 4503 conducted by the applicant.

4504 4. The applicant's annual revenue, number of employees,  
 4505 number of full-time equivalent employees, and other information  
 4506 necessary to verify the applicant's eligibility for the ~~pilot~~  
 4507 program under s. 288.1082(4) (a).

4508 5. The projected investment in the business, if any, which

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4509 the applicant proposes in conjunction with the loan.  
 4510 6. The total investment in the business from all sources,  
 4511 if any, which the applicant proposes in conjunction with the  
 4512 loan.  
 4513 7. The number of net new full-time equivalent jobs that,  
 4514 as a result of the loan, the applicant proposes to create in  
 4515 this state as of December 31 of each year and the average annual  
 4516 wage of the proposed jobs.  
 4517 8. The total number of full-time equivalent employees the  
 4518 applicant currently employs in this state.  
 4519 9. The date that the applicant anticipates it needs the  
 4520 loan.  
 4521 10. A detailed explanation of why the loan is needed to  
 4522 assist the applicant in expanding jobs in the state.  
 4523 11. A statement that all of the applicant's available  
 4524 corporate assets are pledged as collateral for the amount of the  
 4525 loan.  
 4526 12. A statement that the applicant, upon receiving the  
 4527 loan, agrees not to seek additional long-term debt without prior  
 4528 approval of the loan administrator.  
 4529 13. A statement that the loan is a joint obligation of the  
 4530 business and of each person who owns at least 20 percent of the  
 4531 business.  
 4532 14. Any additional information requested by the department  
 4533 ~~the office~~ or the loan administrator.  
 4534 (c) The loan administrator, after verifying the accuracy  
 4535 of a submitted application, shall award the loan to the  
 4536 applicant if the administrator determines that the applicant, as

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4537 compared to other applicants submitting applications, is in the  
 4538 best position to use the loan to continue making a successful  
 4539 long-term business commitment to the state. The loan  
 4540 administrator also shall consider the following factors:

4541 1. Whether the applicant has applied for or received  
 4542 incentives from local governments;

4543 2. Whether the applicant has applied for or received  
 4544 waivers of taxes, impact fees, or other fees or charges by local  
 4545 governments; and

4546 3. What other sources of investments or financing for the  
 4547 project that is the subject of the loan application will be  
 4548 available to the applicant.

4549 (d) A borrower awarded a loan under this section and the  
 4550 loan administrator must enter into a loan agreement that  
 4551 provides for the borrower's repayment of the loan.

4552 (4) The following terms apply to a loan received under the  
 4553 ~~pilot~~ program:

4554 (a) The maximum amount of the loan is \$250,000.

4555 (b) The proceeds of the loan may be used for working  
 4556 capital purchases, employee training, or salaries for newly  
 4557 created jobs in the state.

4558 (c) The security interest for the loan's collateral  
 4559 covering all of the borrower's available corporate assets to  
 4560 cover the amount of the loan must be perfected by recording a  
 4561 lien under the Uniform Commercial Code.

4562 (d) The period of the loan is 4 years.

4563 (e) The interest rate of the loan is 2 percent. However,  
 4564 if the borrower does not create the projected number of jobs

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4565 within the terms of the loan agreement, the interest rate shall  
 4566 be increased for the remaining period of the loan to the prime  
 4567 rate published in the Wall Street Journal, as of the date  
 4568 specified in the loan agreement, plus 4 percentage points. The  
 4569 loan agreement may provide flexibility in meeting the projected  
 4570 number of jobs for delays due to governmental regulatory issues,  
 4571 including, but not limited to, permitting.

4572 (f) For the first 12 months of the loan, payment is due  
 4573 for interest only, payable during the twelfth month. Thereafter,  
 4574 payment for interest and principal is due each month until the  
 4575 loan is paid in full. Interest and principal payments are based  
 4576 on the unpaid balance of the total loan amount.

4577 (5) (a) The department ~~the Office~~ may designate one or more  
 4578 qualified entities to serve as loan administrators for the pilot  
 4579 program. A loan administrator must:

4580 1. Be a Florida corporation not for profit incorporated  
 4581 under chapter 617 which has its principal place of business in  
 4582 the state.

4583 2. Have 5 years of verifiable experience of lending to  
 4584 businesses in this state.

4585 3. Submit an application to the department ~~the Office~~ on  
 4586 forms prescribed by the department ~~the Office~~. The application  
 4587 must include the loan administrator's business plan for its  
 4588 proposed lending activities under the pilot program, including,  
 4589 but not limited to, a description of its outreach efforts,  
 4590 underwriting, credit policies and procedures, credit decision  
 4591 processes, monitoring policies and procedures, and collection  
 4592 practices; the membership of its board of directors; and samples

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4593 of its currently used loan documentation. The application must  
 4594 also include a detailed description and supporting documentation  
 4595 of the nature of the loan administrator's partnerships with  
 4596 local or regional economic and business development  
 4597 organizations.

4598 (b) The department ~~The Office~~, upon selecting a loan  
 4599 administrator, shall enter into a grant agreement with the  
 4600 administrator to issue the available loans to eligible  
 4601 applicants. The grant agreement must specify the aggregate  
 4602 amount of the loans authorized for award by the loan  
 4603 administrator. The term of the grant agreement must be at least  
 4604 4 years, except that the department ~~the Office~~ may terminate the  
 4605 agreement earlier if the loan administrator fails to meet  
 4606 minimum performance standards set by the department ~~the office~~.  
 4607 The grant agreement may be amended by mutual consent of both  
 4608 parties.

4609 (c) The department ~~The Office~~ shall disburse from the  
 4610 Economic Development Trust Fund to the loan administrator the  
 4611 appropriations provided for the pilot program. Disbursements to  
 4612 the loan administrator must not exceed the aggregate amount of  
 4613 the loans authorized in the grant agreement. The department ~~the~~  
 4614 ~~Office~~ may not disburse more than 50 percent of the aggregate  
 4615 amount of the loans authorized in the grant agreement until the  
 4616 department ~~the Office~~ verifies the borrowers' use of the loan  
 4617 proceeds and the loan administrator's successful credit  
 4618 decisionmaking policies.

4619 (e) A loan administrator, after collecting the servicing  
 4620 fee in accordance with paragraph (d), shall remit the borrower's

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4621 collected interest, principal payments, and charges for late  
 4622 payments to the department ~~office~~ on a quarterly basis. If the  
 4623 borrower defaults on the loan, the loan administrator shall  
 4624 initiate collection efforts to seek repayment of the loan. The  
 4625 loan administrator, upon collecting payments for a defaulted  
 4626 loan, shall remit the payments to the department ~~the office~~ but,  
 4627 to the extent authorized in the grant agreement, may deduct the  
 4628 costs of the administrator's collection efforts. The department  
 4629 ~~Office~~ shall deposit all funds received under this paragraph in  
 4630 the General Revenue Fund.

4631 (f) A loan administrator shall submit quarterly reports to  
 4632 the department ~~the Office~~ which include the information required  
 4633 in the grant agreement. A quarterly report must include, at a  
 4634 minimum, the number of full-time equivalent jobs created as a  
 4635 result of the loans, the amount of wages paid to employees in  
 4636 the newly created jobs, and the locations and types of economic  
 4637 activity undertaken by the borrowers.

4638 (6) All notes, mortgages, security agreements, letters of  
 4639 credit, or other instruments that are given to secure the  
 4640 repayment of loans issued in connection with the financing of  
 4641 any loan under the program, without regard to the status of any  
 4642 party thereto as a private party, are exempt from taxation by  
 4643 the state and its political subdivisions. The exemption granted  
 4644 in this subsection does not apply to any tax imposed by chapter  
 4645 220 on interest, income, or profits on debt obligations owned by  
 4646 corporations.

4647 (7) The department ~~The Office~~ shall adopt rules under ss.  
 4648 120.536(1) and 120.54 to administer this section. To the extent

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4649 necessary to expedite implementation of the pilot program, the  
 4650 Office may adopt initial emergency rules for the pilot program  
 4651 in accordance with s. 120.54(4).

4652 (8) On June 30 and December 31 of each year, the  
 4653 department, beginning in 2009, ~~the Office~~ shall submit a report  
 4654 to the Governor, the President of the Senate, and the Speaker of  
 4655 the House of Representatives which describes in detail the use  
 4656 of the loan funds. The report must include, at a minimum, the  
 4657 number of businesses receiving loans, the number of full-time  
 4658 equivalent jobs created as a result of the loans, the amount of  
 4659 wages paid to employees in the newly created jobs, the locations  
 4660 and types of economic activity undertaken by the borrowers, the  
 4661 amounts of loan repayments made to date, and the default rate of  
 4662 borrowers.

4663 (9) Unexpended balances of appropriations provided for the  
 4664 pilot program shall not revert to the fund from which the  
 4665 appropriation was made at the end of a fiscal year but shall be  
 4666 retained in the Economic Development Trust Fund and be carried  
 4667 forward for expenditure for the pilot program during the  
 4668 following fiscal year. A loan administrator may not award a new  
 4669 loan or enter into a loan agreement after June 30, 2011.  
 4670 Balances of appropriations provided for the ~~pilot~~ program which  
 4671 remain unexpended as of July 1, 2011, shall revert to the  
 4672 General Revenue Fund.

4673 (10) This section is repealed July 1, 2016, unless  
 4674 reviewed and reenacted by the Legislature before that date.

4675 Section 47. Section 288.1082, Florida Statutes, is amended  
 4676 to read:

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4677 288.1082 Economic Gardening Technical Assistance Pilot  
 4678 Program.—

4679 (1) There is created within the department ~~The Office of~~  
 4680 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening  
 4681 Technical Assistance Pilot Program. The purpose of the pilot  
 4682 program is to stimulate investment in Florida's economy by  
 4683 providing technical assistance for expanding businesses in the  
 4684 state. ~~As used in this section, the term "Office" means the~~  
 4685 ~~Office of Tourism, Trade, and Economic Development.~~

4686 (2) The department ~~Office~~ shall contract with one or more  
 4687 entities to administer the pilot program under this section. The  
 4688 department ~~Office~~ shall award each contract in accordance with  
 4689 the competitive bidding requirements in s. 287.057 to an entity  
 4690 that demonstrates the ability to implement the pilot program on  
 4691 a statewide basis, has an outreach plan, and has the ability to  
 4692 provide counseling services, access to technology and  
 4693 information, marketing services and advice, business management  
 4694 support, and other similar services. In selecting these  
 4695 entities, the department ~~the Office~~ also must consider whether  
 4696 the entities will qualify for matching funds to provide the  
 4697 technical assistance.

4698 (3) A contracted entity administering the pilot program  
 4699 shall provide technical assistance for eligible businesses which  
 4700 includes, but is not limited to:

4701 (a) Access to free or affordable information services and  
 4702 consulting services, including information on markets,  
 4703 customers, and competitors, such as business databases,  
 4704 geographic information systems, and search engine marketing.



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4705 (b) Development of business connections, including  
 4706 interaction and exchange among business owners and resource  
 4707 providers, such as trade associations, think tanks, academic  
 4708 institutions, business roundtables, peer-to-peer learning  
 4709 sessions, and mentoring programs.

4710 (4) (a) To be eligible for assistance under the pilot  
 4711 program, a business must be a for-profit, privately held,  
 4712 investment-grade business that employs at least 10 persons but  
 4713 not more than 50 persons, has maintained its principal place of  
 4714 business in the state for at least the previous 2 years,  
 4715 generates at least \$1 million but not more than \$25 million in  
 4716 annual revenue, qualifies for the tax refund program for  
 4717 qualified target industry businesses under s. 288.106, and,  
 4718 during 3 of the previous 5 years, has increased both its number  
 4719 of full-time equivalent employees in this state and its gross  
 4720 revenues.

4721 (b) A contracted entity administering the pilot program,  
 4722 in selecting the eligible businesses to receive assistance,  
 4723 shall choose businesses in more than one industry cluster and,  
 4724 to the maximum extent practicable, shall choose businesses that  
 4725 are geographically distributed throughout Florida or are in  
 4726 partnership with businesses that are geographically distributed  
 4727 throughout Florida.

4728 (5) (a) A business receiving assistance under the pilot  
 4729 program must enter into an agreement with the contracted entity  
 4730 administering the program to establish the business's commitment  
 4731 to participation in the pilot program. The agreement must  
 4732 require, at a minimum, that the business:

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4733 1. Attend a minimum number of meetings between the  
 4734 business and the contracted entity administering the pilot  
 4735 program.

4736 2. Report job creation data in the manner prescribed by  
 4737 the contracted entity administering the pilot program.

4738 3. Provide financial data in the manner prescribed by the  
 4739 contracted entity administering the program.

4740 (b) The department ~~The office~~ or the contracted entity  
 4741 administering the pilot program may prescribe in the agreement  
 4742 additional reporting requirements that are necessary to track  
 4743 the progress of the business and monitor the business's  
 4744 implementation of the assistance. The contracted entity shall  
 4745 report the information to the department ~~the office~~ on a  
 4746 quarterly basis.

4747 (6) A contracted entity administering the pilot program is  
 4748 authorized to promote the general business interests or  
 4749 industrial interests of the state.

4750 (7) The department ~~The Office~~ shall review the progress of  
 4751 a contracted entity administering the pilot program at least  
 4752 once each 6 months and shall determine whether the contracted  
 4753 entity is meeting its contractual obligations for administering  
 4754 the pilot program. The department ~~The Office~~ may terminate and  
 4755 rebid a contract if the contracted entity does not meet its  
 4756 contractual obligations.

4757 (8) On December 31 of each year, the department, beginning  
 4758 in 2009, ~~the Office~~ shall submit a report to the Governor, the  
 4759 President of the Senate, and the Speaker of the House of  
 4760 Representatives which describes in detail the progress of the

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4761 pilot program. The report must include, at a minimum, the number  
 4762 of businesses receiving assistance, the number of full-time  
 4763 equivalent jobs created as a result of the assistance, if any,  
 4764 the amount of wages paid to employees in the newly created jobs,  
 4765 and the locations and types of economic activity undertaken by  
 4766 the businesses.

4767 (9) The department ~~the Office~~ may adopt rules under ss.  
 4768 120.536(1) and 120.54 to administer this section.

4769 Section 48. Subsection (1), paragraph (f) of subsection  
 4770 (2), and subsections (4), (5), and (9) of section 288.1083,  
 4771 Florida Statutes, are amended, and present paragraph (g) of  
 4772 subsection (2) is redesignated as paragraph (f), to read:

4773 288.1083 Manufacturing and Spaceport Investment Incentive  
 4774 Program.—

4775 (1) The Manufacturing and Spaceport Investment Incentive  
 4776 Program is created within the Department of Economic Opportunity  
 4777 ~~The Office of Tourism, Trade, and Economic Development~~. The  
 4778 purpose of the program is to encourage capital investment and  
 4779 job creation in manufacturing and spaceport activities in this  
 4780 state.

4781 (2) As used in this section, the term:

4782 ~~(f) "Office" means The Office of Tourism, Trade, and~~  
 4783 ~~Economic Development.~~

4784 (4) To receive a refund, a business entity must first  
 4785 apply to the Department of Economic Opportunity ~~the Office~~ for a  
 4786 tax refund allocation. The entity shall provide such information  
 4787 in the application as reasonably required by the Department of  
 4788 Economic Opportunity ~~the Office~~. Further, the business entity

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4789 shall provide such information as is required by the Department  
 4790 of Economic Opportunity ~~the Office~~ to establish the cost  
 4791 incurred and actual sales and use tax paid to purchase eligible  
 4792 equipment located and placed into service in this state during  
 4793 its taxable year that began in 2008.

4794 (a) Within 30 days after the Department of Economic  
 4795 Opportunity ~~the Office~~ receives an application for a refund, the  
 4796 Governor ~~Office~~ shall approve or disapprove the application.

4797 (b) Refund allocations made during the 2010-2011 fiscal  
 4798 year shall be awarded in the same order in which applications  
 4799 are received. Eligible entities may apply to the Department of  
 4800 Economic Opportunity ~~the Office~~ beginning July 1, 2010, for  
 4801 refunds attributable to eligible equipment purchases made during  
 4802 the 2010-2011 fiscal year. For the 2010-2011 fiscal year, the  
 4803 Department of Economic Opportunity ~~the Office~~ shall allocate the  
 4804 maximum amount of \$50,000 per entity until the entire \$19  
 4805 million available for refund in state fiscal year 2010-2011 has  
 4806 been allocated. If the total amount available for allocation  
 4807 during the 2010-2011 fiscal year is allocated, the Department of  
 4808 Economic Opportunity ~~the Office~~ shall continue taking  
 4809 applications. Each applicant shall be informed of its place in  
 4810 the queue and whether the applicant received an allocation of  
 4811 the eligible funds.

4812 (c) Refund allocations made during the 2011-2012 fiscal  
 4813 year shall first be given to any applicants remaining in the  
 4814 queue from the prior fiscal year. The Department of Economic  
 4815 Opportunity ~~The Office~~ shall allocate the maximum amount of  
 4816 \$50,000 per entity, first to those applicants that remained in

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4817 | the queue from 2010-2011 for eligible purchases in 2010-2011,  
 4818 | then to applicants for 2011-2012 in the order applications are  
 4819 | received for eligible purchases in 2011-2012. the Department of  
 4820 | Economic Opportunity ~~The Office~~ shall allocate the maximum  
 4821 | amount of \$50,000 per entity until the entire \$24 million  
 4822 | available to be allocated for refund in the 2011-2012 fiscal  
 4823 | year is allocated. If the total amount available for refund in  
 4824 | 2011-2012 has been allocated, the Department of Economic  
 4825 | Opportunity ~~The Office~~ shall continue to accept applications  
 4826 | from eligible entities in the 2011-2012 fiscal year for refunds  
 4827 | attributable to eligible equipment purchases made during the  
 4828 | 2011-2012 fiscal year. Refund allocations made during the 2011-  
 4829 | 2012 fiscal year shall be awarded in the same order in which  
 4830 | applications are received. Upon submitting an application, each  
 4831 | applicant shall be informed of its place in the queue and  
 4832 | whether the applicant has received an allocation of the eligible  
 4833 | funds.

4834 | (5) Upon completion of eligible equipment purchases, a  
 4835 | business entity that received a refund allocation from the  
 4836 | Department of Economic Opportunity ~~the Office~~ must apply to the  
 4837 | Governor ~~office~~ for certification of a refund. For eligible  
 4838 | equipment purchases made during the 2010-2011 fiscal year, the  
 4839 | application for certification must be made no later than  
 4840 | September 1, 2011. For eligible equipment purchases made during  
 4841 | the 2011-2012 fiscal year, the application for certification  
 4842 | must be made no later than September 1, 2012. The application  
 4843 | shall provide such documentation as is reasonably required by  
 4844 | the Department of Economic Opportunity ~~the Office~~ to calculate

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4845 the refund amount, including documentation necessary to confirm  
 4846 the cost of eligible equipment purchases supporting the claim of  
 4847 the sales and use tax paid thereon. Further, the business entity  
 4848 shall provide such documentation as required by the Department  
 4849 of Economic Opportunity ~~the Office~~ to establish the entity's  
 4850 base year purchases. If, upon reviewing the application, the  
 4851 Department of Economic Opportunity, ~~Office~~ determines that  
 4852 eligible equipment purchases did not occur, that the amount of  
 4853 tax claimed to have been paid or remitted on the eligible  
 4854 equipment purchases is not supported by the documentation  
 4855 provided, or that the information provided ~~to the Office~~ was  
 4856 otherwise inaccurate, the amount of the refund allocation not  
 4857 substantiated shall not be certified. Otherwise, the Department  
 4858 of Economic Opportunity ~~the Office~~ shall recommend to the  
 4859 Governor ~~determine and certify~~ the amount of the refund to  
 4860 certify to the eligible entity and to the department within 30  
 4861 days after the department ~~the office~~ receives the application  
 4862 for certification.

4863 (9) The Department of Economic Opportunity ~~the Office~~  
 4864 shall adopt emergency rules governing applications for, issuance  
 4865 of, and procedures for allocation and certification and may  
 4866 establish guidelines as to the requisites for demonstrating base  
 4867 year purchases and eligible equipment purchases.

4868 Section 49. Subsections (2), (3), and (5) of section  
 4869 288.1088, Florida Statutes, are amended to read:

4870 288.1088 Quick Action Closing Fund.—

4871 (2) There is created within the Department of Economic  
 4872 Opportunity ~~The Office of Tourism, Trade, and Economic~~

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4873 ~~Development~~ the Quick Action Closing Fund. Projects eligible for  
 4874 receipt of funds from the Quick Action Closing Fund shall:

4875 (a) Be in an industry as referenced in s. 288.106.  
 4876 (b) Have a positive economic benefit ~~payback~~ ratio of at  
 4877 least 5 to 1.

4878 (c) Be an inducement to the project's location or  
 4879 expansion in the state.

4880 (d) Pay an average annual wage of at least 125 percent of  
 4881 the areawide or statewide private sector average wage.

4882 (e) Be supported by the local community in which the  
 4883 project is to be located.

4884 (3) (a) The Department of Economic Opportunity Enterprise  
 4885 ~~Florida, Inc.,~~ shall review applications pursuant to s. 288.061  
 4886 and determine the eligibility of each project consistent with  
 4887 the criteria in subsection (2). Waiver of Enterprise Florida,  
 4888 ~~Inc., in consultation with the Office of Tourism, Trade, and~~  
 4889 ~~Economic Development, may waive these criteria~~ may be considered  
 4890 under the following conditions:

- 4891 1. Based on extraordinary circumstances;
- 4892 2. In order to mitigate the impact of the conclusion of  
 4893 the space shuttle program; or
- 4894 3. In rural areas of critical economic concern if the  
 4895 project would significantly benefit the local or regional  
 4896 economy.

4897 (b) The Department of Economic Opportunity Enterprise  
 4898 ~~Florida, Inc.,~~ shall evaluate individual proposals for high-  
 4899 impact business facilities ~~and forward recommendations regarding~~  
 4900 ~~the use of moneys in the fund for such facilities to the~~

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4901 ~~director of the Office of Tourism, Trade, and Economic~~  
 4902 ~~Development.~~ Such evaluation and ~~recommendation~~ must include,  
 4903 but need not be limited to:

4904       1. A description of the type of facility or  
 4905 infrastructure, its operations, and the associated product or  
 4906 service associated with the facility.

4907       2. The number of full-time-equivalent jobs that will be  
 4908 created by the facility and the total estimated average annual  
 4909 wages of those jobs or, in the case of privately developed rural  
 4910 infrastructure, the types of business activities and jobs  
 4911 stimulated by the investment.

4912       3. The cumulative amount of investment to be dedicated to  
 4913 the facility within a specified period.

4914       4. A statement of any special impacts the facility is  
 4915 expected to stimulate in a particular business sector in the  
 4916 state or regional economy or in the state's universities and  
 4917 community colleges.

4918       5. A statement of the role the incentive is expected to  
 4919 play in the decision of the applicant business to locate or  
 4920 expand in this state or for the private investor to provide  
 4921 critical rural infrastructure.

4922       6. A report evaluating the quality and value of the  
 4923 company submitting a proposal. The report must include:

4924           a. A financial analysis of the company, including an  
 4925 evaluation of the company's short-term liquidity ratio as  
 4926 measured by its assets to liability, the company's profitability  
 4927 ratio, and the company's long-term solvency as measured by its  
 4928 debt-to-equity ratio;



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4929 |           b. The historical market performance of the company;  
 4930 |           c. A review of any independent evaluations of the company;  
 4931 |           d. A review of the latest audit of the company's financial  
 4932 | statement and the related auditor's management letter; and  
 4933 |           e. A review of any other types of audits that are related  
 4934 | to the internal and management controls of the company.  
 4935 |           (c) The Commissioner of Economic Opportunity ~~Within 22~~  
 4936 | ~~calendar days after receiving the evaluation and recommendation~~  
 4937 | ~~from Enterprise Florida, Inc., the director of the Office of~~  
 4938 | ~~Tourism, Trade, and Economic Development~~ shall recommend to the  
 4939 | Governor the approval or disapproval of a project for receipt of  
 4940 | funds from the Quick Action Closing Fund. In recommending a  
 4941 | project, the commissioner ~~the director~~ shall include proposed  
 4942 | performance conditions that the project must meet to obtain  
 4943 | incentive funds. The Governor may approve project awards up to  
 4944 | \$5 million. For any project award that exceeds \$5 million, the  
 4945 | Governor shall ~~provide the evaluation of projects recommended~~  
 4946 | ~~for approval to the President of the Senate and the Speaker of~~  
 4947 | ~~the House of Representatives~~ and consult with the President of  
 4948 | the Senate and the Speaker of the House of Representatives  
 4949 | before giving final approval for the ~~a~~ project. Such  
 4950 | consultation shall be accomplished by ~~At least 14 days before~~  
 4951 | ~~releasing funds for a project,~~ the Executive Office of the  
 4952 | Governor, recommending ~~shall recommend~~ approval of the project  
 4953 | ~~and the release of funds~~ by delivering notice of such action  
 4954 | pursuant to the legislative consultation and review requirements  
 4955 | set forth in s. 216.177. The recommendation must include  
 4956 | proposed performance conditions that the project must meet in

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4957 | order to obtain funds. If the chair or vice chair of the  
 4958 | Legislative Budget Commission or the President of the Senate or  
 4959 | the Speaker of the House of Representatives ~~timely~~ advises the  
 4960 | Executive Office of the Governor, in writing, within 3 working  
 4961 | days of receipt of the notice that such action or proposed  
 4962 | action exceeds the delegated authority of the Executive Office  
 4963 | of the Governor or is contrary to legislative policy or intent,  
 4964 | the Executive Office of the Governor shall void the action  
 4965 | ~~release of funds~~ and instruct the Department of Economic  
 4966 | Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 4967 | ~~Development~~ to immediately change such action or proposed action  
 4968 | until the Legislative Budget Commission or the Legislature  
 4969 | addresses the issue. ~~Notwithstanding such requirement, any~~  
 4970 | ~~project exceeding \$2,000,000 must be approved by the Legislative~~  
 4971 | ~~Budget Commission prior to the funds being released.~~

4972 | (d) Upon the approval of the project, ~~the~~ Governor, ~~the~~  
 4973 | ~~director of the Office of Tourism, Trade, and Economic~~  
 4974 | ~~Development~~ and the business shall enter into a contract that  
 4975 | sets forth the conditions for payment of moneys from the fund.  
 4976 | The contract must include the total amount of funds awarded; the  
 4977 | performance conditions that must be met to obtain the award,  
 4978 | including, but not limited to, net new employment in the state,  
 4979 | average salary, and total capital investment; demonstrate a  
 4980 | baseline of current service and a measure of enhanced  
 4981 | capability; the methodology for validating performance; the  
 4982 | schedule of payments from the fund; and sanctions for failure to  
 4983 | meet performance conditions. The contract must provide that  
 4984 | payment of moneys from the fund is contingent upon sufficient

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4985 appropriation of funds by the Legislature.

4986 (e) The Department of Economic Opportunity Enterprise  
 4987 ~~Florida, Inc.,~~ shall validate contractor performance. Such  
 4988 validation shall be reported within 6 months after completion of  
 4989 the contract to the Governor, President of the Senate, and the  
 4990 Speaker of the House of Representatives.

4991 ~~(5) Funds appropriated by the Legislature for purposes of~~  
 4992 ~~implementing this section shall be placed in reserve and may~~  
 4993 ~~only be released pursuant to the legislative consultation and~~  
 4994 ~~review requirements set forth in this section.~~

4995 Section 50. Subsection (1), paragraphs (b), (f), and (o)  
 4996 of subsection (2), and subsections (3), (4), (5), (6), (7), (8),  
 4997 (9), (11), and (12) of section 288.1089, Florida Statutes, are  
 4998 amended, and present paragraphs (g) through (s) of subsection  
 4999 (2) are redesignated as paragraphs (f) through (r),  
 5000 respectively, to read:

5001 288.1089 Innovation Incentive Program.—

5002 (1) The Innovation Incentive Program is created within the  
 5003 Department of Economic Opportunity ~~The Office of Tourism, Trade,~~  
 5004 ~~and Economic Development~~ to ensure that sufficient resources are  
 5005 available to allow the state to respond expeditiously to  
 5006 extraordinary economic opportunities and to compete effectively  
 5007 for high-value research and development, innovation business,  
 5008 and alternative and renewal energy projects.

5009 (2) As used in this section, the term:

5010 (b) "Average private sector wage" means the statewide  
 5011 average wage in the private sector or the average of all private  
 5012 sector wages in the county or in the standard metropolitan area

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5013 in which the project is located as determined by the Department  
 5014 of Economic Opportunity Agency for Workforce Innovation.

5015 ~~(f) "Director" means the director of the Office of~~  
 5016 ~~Tourism, Trade, and Economic Development.~~

5017 (o) "Department" means the Department of Economic  
 5018 Opportunity "Office" means the Office of Tourism, Trade, and  
 5019 Economic Development.

5020 (3) To be eligible for consideration for an innovation  
 5021 incentive award, an innovation business, a research and  
 5022 development entity, or an alternative and renewable energy  
 5023 company must submit a written application to the Department of  
 5024 Economic Opportunity Enterprise Florida, Inc., before making a  
 5025 decision to locate new operations in this state or expand an  
 5026 existing operation in this state. The application must include,  
 5027 but not be limited to:

5028 (a) The applicant's federal employer identification  
 5029 number, unemployment account number, and state sales tax  
 5030 registration number. If such numbers are not available at the  
 5031 time of application, they must be submitted to the department  
 5032 ~~the office~~ in writing before ~~prior to~~ the disbursement of any  
 5033 payments under this section.

5034 (b) The location in this state at which the project is  
 5035 located or is to be located.

5036 (c) A description of the type of business activity,  
 5037 product, or research and development undertaken by the  
 5038 applicant, including six-digit North American Industry  
 5039 Classification System codes for all activities included in the  
 5040 project.

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5041 (d) The applicant's projected investment in the project.

5042 (e) The total investment, from all sources, in the  
5043 project.

5044 (f) The number of net new full-time equivalent jobs in  
5045 this state the applicant anticipates having created as of  
5046 December 31 of each year in the project and the average annual  
5047 wage of such jobs.

5048 (g) The total number of full-time equivalent employees  
5049 currently employed by the applicant in this state, if  
5050 applicable.

5051 (h) The anticipated commencement date of the project.

5052 (i) A detailed explanation of why the innovation incentive  
5053 is needed to induce the applicant to expand or locate in the  
5054 state and whether an award would cause the applicant to locate  
5055 or expand in this state.

5056 (j) If applicable, an estimate of the proportion of the  
5057 revenues resulting from the project that will be generated  
5058 outside this state.

5059 (4) To qualify for review by the department ~~the Office,~~  
5060 the applicant must, at a minimum, establish the following to the  
5061 satisfaction of the department ~~Enterprise Florida, Inc., and the~~  
5062 ~~Office:~~

5063 (a) The jobs created by the project must pay an estimated  
5064 annual average wage equaling at least 130 percent of the average  
5065 private sector wage. The Governor ~~Office~~ may waive this average  
5066 wage requirement ~~at the request of Enterprise Florida, Inc.,~~ for  
5067 a project located in a rural area, a brownfield area, or an  
5068 enterprise zone, when the merits of the individual project or

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5069 the specific circumstances in the community in relationship to  
 5070 the project warrant such action. A recommendation for waiver by  
 5071 the department ~~Enterprise Florida, Inc.~~, must include a specific  
 5072 justification for the waiver and be transmitted to the Governor  
 5073 by the department ~~the Office~~ in writing. If the Governor  
 5074 ~~director~~ elects to waive the wage requirement, the waiver must  
 5075 be stated in writing and the reasons for granting the waiver  
 5076 must be explained.

5077 (b) A research and development project must:

5078 1. Serve as a catalyst for an emerging or evolving  
 5079 technology cluster.

5080 2. Demonstrate a plan for significant higher education  
 5081 collaboration.

5082 3. Provide the state, at a minimum, a break-even return on  
 5083 investment within a 20-year period.

5084 4. Be provided with a one-to-one match from the local  
 5085 community. The match requirement may be reduced or waived in  
 5086 rural areas of critical economic concern or reduced in rural  
 5087 areas, brownfield areas, and enterprise zones.

5088 (c) An innovation business project in this state, other  
 5089 than a research and development project, must:

5090 1.a. Result in the creation of at least 1,000 direct, new  
 5091 jobs at the business; or

5092 b. Result in the creation of at least 500 direct, new jobs  
 5093 if the project is located in a rural area, a brownfield area, or  
 5094 an enterprise zone.

5095 2. Have an activity or product that is within an industry  
 5096 that is designated as a target industry business under s.

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5097 288.106 or a designated sector under s. 288.108.

5098 3.a. Have a cumulative investment of at least \$500 million

5099 within a 5-year period; or

5100 b. Have a cumulative investment that exceeds \$250 million

5101 within a 10-year period if the project is located in a rural

5102 area, brownfield area, or an enterprise zone.

5103 4. Be provided with a one-to-one match from the local

5104 community. The match requirement may be reduced or waived in

5105 rural areas of critical economic concern or reduced in rural

5106 areas, brownfield areas, and enterprise zones.

5107 (d) For an alternative and renewable energy project in

5108 this state, the project must:

5109 1. Demonstrate a plan for significant collaboration with

5110 an institution of higher education;

5111 2. Provide the state, at a minimum, a break-even return on

5112 investment within a 20-year period;

5113 3. Include matching funds provided by the applicant or

5114 other available sources. The match requirement may be reduced or

5115 waived in rural areas of critical economic concern or reduced in

5116 rural areas, brownfield areas, and enterprise zones;

5117 4. Be located in this state; and

5118 5. Provide at least 35 direct, new jobs that pay an

5119 estimated annual average wage that equals at least 130 percent

5120 of the average private sector wage.

5121 (5) The department Enterprise Florida, Inc., shall review

5122 evaluate proposals pursuant s. 288.061 for all three categories

5123 of innovation incentive awards and transmit recommendations for

5124 awards to the Office. Before recommending a proposal to the

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5125 Governor, the department ~~making its recommendations on~~  
 5126 ~~alternative and renewable energy projects, Enterprise Florida,~~  
 5127 ~~Inc.,~~ shall solicit comments and recommendations from the  
 5128 Florida Energy and Climate Commission. For each project, the  
 5129 evaluation and recommendation to the Governor ~~office~~ must  
 5130 include, but need not be limited to:

5131 (a) A description of the project, its required facilities,  
 5132 and the associated product, service, or research and development  
 5133 associated with the project.

5134 (b) The percentage of match provided for the project.

5135 (c) The number of full-time equivalent jobs that will be  
 5136 created by the project, the total estimated average annual wages  
 5137 of such jobs, and the types of business activities and jobs  
 5138 likely to be stimulated by the project.

5139 (d) The cumulative investment to be dedicated to the  
 5140 project within 5 years and the total investment expected in the  
 5141 project if more than 5 years.

5142 (e) The projected economic and fiscal impacts on the local  
 5143 and state economies relative to investment.

5144 (f) A statement of any special impacts the project is  
 5145 expected to stimulate in a particular business sector in the  
 5146 state or regional economy or in the state's universities and  
 5147 community colleges.

5148 (g) A statement of any anticipated or proposed  
 5149 relationships with state universities.

5150 (h) A statement of the role the incentive is expected to  
 5151 play in the decision of the applicant to locate or expand in  
 5152 this state.



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5153 (i) A recommendation and explanation of the amount of the  
 5154 award needed to cause the applicant to expand or locate in this  
 5155 state.

5156 (j) A discussion of the efforts and commitments made by  
 5157 the local community in which the project is to be located to  
 5158 induce the applicant's location or expansion, taking into  
 5159 consideration local resources and abilities.

5160 (k) A recommendation for specific performance criteria the  
 5161 applicant would be expected to achieve in order to receive  
 5162 payments from the fund and penalties or sanctions for failure to  
 5163 meet or maintain performance conditions.

5164 (l) Additional evaluative criteria for a research and  
 5165 development facility project, including:

5166 1. A description of the extent to which the project has  
 5167 the potential to serve as catalyst for an emerging or evolving  
 5168 cluster.

5169 2. A description of the extent to which the project has or  
 5170 could have a long-term collaborative research and development  
 5171 relationship with one or more universities or community colleges  
 5172 in this state.

5173 3. A description of the existing or projected impact of  
 5174 the project on established clusters or targeted industry  
 5175 sectors.

5176 4. A description of the project's contribution to the  
 5177 diversity and resiliency of the innovation economy of this  
 5178 state.

5179 5. A description of the project's impact on special needs  
 5180 communities, including, but not limited to, rural areas,

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5181 | distressed urban areas, and enterprise zones.  
 5182 |       (m) Additional evaluative criteria for alternative and  
 5183 | renewable energy proposals, including:  
 5184 |       1. The availability of matching funds or other in-kind  
 5185 | contributions applied to the total project from an applicant.  
 5186 | The commission shall give greater preference to projects that  
 5187 | provide such matching funds or other in-kind contributions.  
 5188 |       2. The degree to which the project stimulates in-state  
 5189 | capital investment and economic development in metropolitan and  
 5190 | rural areas, including the creation of jobs and the future  
 5191 | development of a commercial market for renewable energy  
 5192 | technologies.  
 5193 |       3. The extent to which the proposed project has been  
 5194 | demonstrated to be technically feasible based on pilot project  
 5195 | demonstrations, laboratory testing, scientific modeling, or  
 5196 | engineering or chemical theory that supports the proposal.  
 5197 |       4. The degree to which the project incorporates an  
 5198 | innovative new technology or an innovative application of an  
 5199 | existing technology.  
 5200 |       5. The degree to which a project generates thermal,  
 5201 | mechanical, or electrical energy by means of a renewable energy  
 5202 | resource that has substantial long-term production potential.  
 5203 |       6. The degree to which a project demonstrates efficient  
 5204 | use of energy and material resources.  
 5205 |       7. The degree to which the project fosters overall  
 5206 | understanding and appreciation of renewable energy technologies.  
 5207 |       8. The ability to administer a complete project.  
 5208 |       9. Project duration and timeline for expenditures.

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5209 | 10. The geographic area in which the project is to be  
5210 | conducted in relation to other projects.

5211 | 11. The degree of public visibility and interaction.

5212 | (6) ~~In consultation with~~ The Department of Economic  
5213 | Opportunity Enterprise Florida, Inc., ~~the Office~~ may negotiate  
5214 | the proposed amount of an award for any applicant meeting the  
5215 | requirements of this section. In negotiating such award, the  
5216 | department ~~the office~~ shall consider the amount of the incentive  
5217 | needed to cause the applicant to locate or expand in this state  
5218 | in conjunction with other relevant applicant impact and cost  
5219 | information and analysis as described in this section.  
5220 | Particular emphasis shall be given to the potential for the  
5221 | project to stimulate additional private investment and high-  
5222 | quality employment opportunities in the area.

5223 | (7) Upon receipt of the evaluation and recommendation from  
5224 | the Department of Economic Opportunity, Enterprise Florida,  
5225 | Inc., ~~the director shall recommend to the Governor~~ shall the  
5226 | approve approval or deny disapproval of an award. In  
5227 | recommending approval of an award, the department ~~the director~~  
5228 | shall include proposed performance conditions that the applicant  
5229 | must meet in order to obtain incentive funds and any other  
5230 | conditions that must be met before the receipt of any incentive  
5231 | funds. The Governor shall consult with the President of the  
5232 | Senate and the Speaker of the House of Representatives before  
5233 | giving approval for an award. Upon review and approval of an  
5234 | award by the Legislative Budget Commission, the Executive Office  
5235 | of the Governor shall release the funds.

5236 | (8) (a) After the conditions set forth in subsection (7)

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5237 | have been met, the Governor, through the department, ~~the~~  
 5238 | ~~director~~ shall issue a letter certifying the applicant as  
 5239 | qualified for an award. The Governor ~~Office~~ and the award  
 5240 | recipient shall enter into an agreement that sets forth the  
 5241 | conditions for payment of the incentive funds. The agreement  
 5242 | must include, at a minimum:  
 5243 |       1. The total amount of funds awarded.  
 5244 |       2. The performance conditions that must be met in order to  
 5245 | obtain the award or portions of the award, including, but not  
 5246 | limited to, net new employment in the state, average wage, and  
 5247 | total cumulative investment.  
 5248 |       3. Demonstration of a baseline of current service and a  
 5249 | measure of enhanced capability.  
 5250 |       4. The methodology for validating performance.  
 5251 |       5. The schedule of payments.  
 5252 |       6. Sanctions for failure to meet performance conditions,  
 5253 | including any clawback provisions.  
 5254 |       (b) Additionally, agreements signed on or after July 1,  
 5255 | 2009, must include the following provisions:  
 5256 |       1. Notwithstanding subsection (4), a requirement that the  
 5257 | jobs created by the recipient of the incentive funds pay an  
 5258 | annual average wage at least equal to the relevant industry's  
 5259 | annual average wage or at least 130 percent of the average  
 5260 | private sector wage, whichever is greater.  
 5261 |       2. A reinvestment requirement. Each recipient of an award  
 5262 | shall reinvest up to 15 percent of net royalty revenues,  
 5263 | including revenues from spin-off companies and the revenues from  
 5264 | the sale of stock it receives from the licensing or transfer of

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5265 inventions, methods, processes, and other patentable discoveries  
 5266 conceived or reduced to practice using its facilities in Florida  
 5267 or its Florida-based employees, in whole or in part, and to  
 5268 which the recipient of the grant becomes entitled during the 20  
 5269 years following the effective date of its agreement with the  
 5270 Governor ~~office~~. Each recipient of an award also shall reinvest  
 5271 up to 15 percent of the gross revenues it receives from naming  
 5272 opportunities associated with any facility it builds in this  
 5273 state. Reinvestment payments shall commence no later than 6  
 5274 months after the recipient of the grant has received the final  
 5275 disbursement under the contract and shall continue until the  
 5276 maximum reinvestment, as specified in the contract, has been  
 5277 paid. Reinvestment payments shall be remitted to the department  
 5278 ~~office~~ for deposit in the Biomedical Research Trust Fund for  
 5279 companies specializing in biomedicine or life sciences, or in  
 5280 the Economic Development Trust Fund for companies specializing  
 5281 in fields other than biomedicine or the life sciences. If these  
 5282 trust funds no longer exist at the time of the reinvestment, the  
 5283 state's share of reinvestment shall be deposited in their  
 5284 successor trust funds as determined by law. Each recipient of an  
 5285 award shall annually submit a schedule of the shares of stock  
 5286 held by it as payment of the royalty required by this paragraph  
 5287 and report on any trades or activity concerning such stock. Each  
 5288 recipient's reinvestment obligations survive the expiration or  
 5289 termination of its agreement with the state.

5290 3. Requirements for the establishment of internship  
 5291 programs or other learning opportunities for educators and  
 5292 secondary, postsecondary, graduate, and doctoral students.

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5293 4. A requirement that the recipient submit quarterly  
 5294 reports and annual reports related to activities and performance  
 5295 to the department ~~the Office~~, according to standardized  
 5296 reporting periods.

5297 5. A requirement for an annual accounting to the  
 5298 Department of Economic Opportunity ~~Office~~ of the expenditure of  
 5299 funds disbursed under this section.

5300 6. A process for amending the agreement.

5301 (9) The department ~~Enterprise Florida, Inc.~~, shall  
 5302 validate ~~assist the Office in validating~~ the performance of an  
 5303 innovation business, a research and development facility, or an  
 5304 alternative and renewable energy business that has received an  
 5305 award. At the conclusion of the innovation incentive award  
 5306 agreement, or its earlier termination, the department ~~Enterprise~~  
 5307 ~~Florida, Inc.~~, shall, within 90 days, submit a report to the  
 5308 Governor, the President of the Senate, and the Speaker of the  
 5309 House of Representatives detailing whether the recipient of the  
 5310 innovation incentive grant achieved its specified outcomes.

5311 (11) (a) The department ~~Beginning January 5, 2010, and~~  
 5312 ~~every year thereafter~~, the Office shall submit to the Governor,  
 5313 the President of the Senate, and the Speaker of the House of  
 5314 Representatives, as part of the annual report, a report  
 5315 summarizing the activities and accomplishments of the recipients  
 5316 of grants from the Innovation Incentive Program during the  
 5317 previous 12 months and an evaluation ~~by the office~~ of whether  
 5318 the recipients are catalysts for additional direct and indirect  
 5319 economic development in Florida.

5320 (b) Beginning March 1, 2010, and every third year

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5321 thereafter, the Office of Program Policy Analysis and Government  
 5322 Accountability, in consultation with the Auditor General's  
 5323 Office, shall release a report evaluating the Innovation  
 5324 Incentive Program's progress toward creating clusters of high-  
 5325 wage, high-skilled, complementary industries that serve as  
 5326 catalysts for economic growth specifically in the regions in  
 5327 which they are located, and generally for the state as a whole.  
 5328 Such report should include critical analyses of quarterly and  
 5329 annual reports, annual audits, and other documents prepared by  
 5330 the Innovation Incentive Program awardees; relevant economic  
 5331 development reports prepared by the department, ~~the office,~~  
 5332 Enterprise Florida, Inc., and local or regional economic  
 5333 development organizations; interviews with the parties involved;  
 5334 and any other relevant data. Such report should also include  
 5335 legislative recommendations, if necessary, on how to improve the  
 5336 Innovation Incentive Program so that the program reaches its  
 5337 anticipated potential as a catalyst for direct and indirect  
 5338 economic development in this state.

5339 ~~(12) The Office may seek the assistance of the Office of~~  
 5340 ~~Program Policy Analysis and Government Accountability, the~~  
 5341 ~~Legislature's Office of Economic and Demographic Research, and~~  
 5342 ~~other entities for the purpose of developing performance~~  
 5343 ~~measures or techniques to quantify the synergistic economic~~  
 5344 ~~development impacts that awardees of grants are having within~~  
 5345 ~~their communities.~~

5346 Section 51. Section 288.1095, Florida Statutes, is amended  
 5347 to read:

5348 288.1095 Information concerning the One-Stop Permitting

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5349 System.—The department ~~The Office of Tourism, Trade, and~~  
 5350 ~~Economic Development~~ shall develop literature that explains the  
 5351 One-Stop Permitting System and identifies those counties that  
 5352 have been designated as Quick Permitting Counties. The  
 5353 literature must be updated at least once each year. To the  
 5354 maximum extent feasible, state agencies and Enterprise Florida,  
 5355 Inc., shall distribute such literature and inform the public of  
 5356 the One-Stop Permitting System and the Quick Permitting  
 5357 Counties. In addition, Enterprise Florida, Inc., shall provide  
 5358 this information to prospective, new, expanding, and relocating  
 5359 businesses seeking to conduct business in this state,  
 5360 municipalities, counties, economic-development organizations,  
 5361 and chambers of commerce.

5362 Section 52. Subsections (1), (2), and (3), paragraphs (d)  
 5363 and (e) of subsection (4), paragraph (a) of subsection (6), and  
 5364 subsection (8) of section 288.1162, Florida Statutes, are  
 5365 amended to read:

5366 288.1162 Professional sports franchises; duties.—

5367 (1) The Department of Economic Opportunity ~~Office of~~  
 5368 ~~Tourism, Trade, and Economic Development~~ shall serve as the  
 5369 state agency for screening applicants for state funding under s.  
 5370 212.20 and for certifying an applicant as a facility for a new  
 5371 or retained professional sports franchise.

5372 (2) The department ~~Office of Tourism, Trade, and Economic~~  
 5373 ~~Development~~ shall develop rules for the receipt and processing  
 5374 of applications for funding under s. 212.20.

5375 (3) As used in this section, the term:

5376 (a) "New professional sports franchise" means a



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5377 professional sports franchise that was not based in this state  
5378 before April 1, 1987.

5379 (b) "Retained professional sports franchise" means a  
5380 professional sports franchise that has had a league-authorized  
5381 location in this state on or before December 31, 1976, and has  
5382 continuously remained at that location, and has never been  
5383 located at a facility that has been previously certified under  
5384 any provision of this section.

5385 (4) Before certifying an applicant as a facility for a new  
5386 or retained professional sports franchise, the department ~~Office~~  
5387 ~~of Tourism, Trade, and Economic Development~~ must determine that:

5388 (d) The applicant has projections, verified by the  
5389 department ~~Office of Tourism, Trade, and Economic Development,~~  
5390 which demonstrate that the new or retained professional sports  
5391 franchise will attract a paid attendance of more than 300,000  
5392 annually.

5393 (e) The applicant has an independent analysis or study,  
5394 verified by the department ~~Office of Tourism, Trade, and~~  
5395 ~~Economic Development,~~ which demonstrates that the amount of the  
5396 revenues generated by the taxes imposed under chapter 212 with  
5397 respect to the use and operation of the professional sports  
5398 franchise facility will equal or exceed \$2 million annually.

5399 (6) (a) The Governor, through the department, ~~Office of~~  
5400 ~~Tourism, Trade, and Economic Development~~ shall notify the  
5401 Department of Revenue of any facility certified as a facility  
5402 for a new or retained professional sports franchise. The  
5403 Governor, through the department, ~~Office of Tourism, Trade, and~~  
5404 ~~Economic Development~~ shall certify no more than eight facilities

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5405 as facilities for a new professional sports franchise or as  
 5406 facilities for a retained professional sports franchise,  
 5407 including in the total any facilities certified by the former  
 5408 Department of Commerce before July 1, 1996. The Governor,  
 5409 through the department, ~~office~~ may make no more than one  
 5410 certification for any facility.

5411 (8) An applicant is not qualified for certification under  
 5412 this section if the franchise formed the basis for a previous  
 5413 certification, unless the previous certification was withdrawn  
 5414 by the facility or invalidated by the department ~~Office of~~  
 5415 ~~Tourism, Trade, and Economic Development~~ or the former  
 5416 Department of Commerce before any funds were distributed under  
 5417 s. 212.20. This subsection does not disqualify an applicant if  
 5418 the previous certification occurred between May 23, 1993, and  
 5419 May 25, 1993; however, any funds to be distributed under s.  
 5420 212.20 for the second certification shall be offset by the  
 5421 amount distributed to the previous certified facility.  
 5422 Distribution of funds for the second certification shall not be  
 5423 made until all amounts payable for the first certification are  
 5424 distributed.

5425 Section 53. Subsections (1), (2), (4), (5), (6), (7), and  
 5426 (8) of section 288.11621, Florida Statutes, are amended, to  
 5427 read:

5428 288.11621 Spring training baseball franchises.—

5429 (1) DEFINITIONS.—As used in this section, the term:

5430 (a) "Agreement" means a certified, signed lease between an  
 5431 applicant that applies for certification on or after July 1,  
 5432 2010, and the spring training franchise for the use of a

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5433 facility.

5434 (b) "Applicant" means a unit of local government as  
 5435 defined in s. 218.369, including local governments located in  
 5436 the same county that have partnered with a certified applicant  
 5437 before the effective date of this section or with an applicant  
 5438 for a new certification, for purposes of sharing in the  
 5439 responsibilities of a facility.

5440 (c) "Certified applicant" means a facility for a spring  
 5441 training franchise that was certified before July 1, 2010, under  
 5442 s. 288.1162(5), Florida Statutes 2009, or a unit of local  
 5443 government that is certified under this section.

5444 (d) "Facility" means a spring training stadium, playing  
 5445 fields, and appurtenances intended to support spring training  
 5446 activities.

5447 (e) "Local funds" and "local matching funds" mean funds  
 5448 provided by a county, municipality, or other local government.

5449 (f) "Department" means the Department of Economic  
 5450 Opportunity.

5451 ~~(f) "Office" means The Office of Tourism, Trade, and~~  
 5452 ~~Economic Development.~~

5453 (2) CERTIFICATION PROCESS.—

5454 (a) Before certifying an applicant to receive state  
 5455 funding for a facility for a spring training franchise, the  
 5456 Governor, through the department, ~~Office~~ must verify that:

5457 1. The applicant is responsible for the acquisition,  
 5458 construction, management, or operation of the facility for a  
 5459 spring training franchise or holds title to the property on  
 5460 which the facility for a spring training franchise is located.

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5461           2. The applicant has a certified copy of a signed  
 5462 agreement with a spring training franchise for the use of the  
 5463 facility for a term of at least 20 years. The agreement also  
 5464 must require the franchise to reimburse the state for state  
 5465 funds expended by an applicant under this section if the  
 5466 franchise relocates before the agreement expires. The agreement  
 5467 may be contingent on an award of funds under this section and  
 5468 other conditions precedent.

5469           3. The applicant has made a financial commitment to  
 5470 provide 50 percent or more of the funds required by an agreement  
 5471 for the acquisition, construction, or renovation of the facility  
 5472 for a spring training franchise. The commitment may be  
 5473 contingent upon an award of funds under this section and other  
 5474 conditions precedent.

5475           4. The applicant demonstrates that the facility for a  
 5476 spring training franchise will attract a paid attendance of at  
 5477 least 50,000 annually to the spring training games.

5478           5. The facility for a spring training franchise is located  
 5479 in a county that levies a tourist development tax under s.  
 5480 125.0104.

5481           (b) The department ~~The office~~ shall competitively evaluate  
 5482 applications for state funding of a facility for a spring  
 5483 training franchise. The total number of certifications may not  
 5484 exceed 10 at any time. The evaluation criteria must include,  
 5485 with priority given in descending order to, the following items:

5486           1. The anticipated effect on the economy of the local  
 5487 community where the spring training facility is to be built,  
 5488 including projections on paid attendance, local and state tax

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5489 collections generated by spring training games, and direct and  
 5490 indirect job creation resulting from the spring training  
 5491 activities. Priority shall be given to applicants who can  
 5492 demonstrate the largest projected economic impact.

5493 2. The amount of the local matching funds committed to a  
 5494 facility relative to the amount of state funding sought, with  
 5495 priority given to applicants that commit the largest amount of  
 5496 local matching funds relative to the amount of state funding  
 5497 sought.

5498 3. The potential for the facility to serve multiple uses.

5499 4. The intended use of the funds by the applicant, with  
 5500 priority given to the funds being used to acquire a facility,  
 5501 construct a new facility, or renovate an existing facility.

5502 5. The length of time that a spring training franchise has  
 5503 been under an agreement to conduct spring training activities  
 5504 within an applicant's geographic location or jurisdiction, with  
 5505 priority given to applicants having agreements with the same  
 5506 franchise for the longest period of time.

5507 6. The length of time that an applicant's facility has  
 5508 been used by one or more spring training franchises, with  
 5509 priority given to applicants whose facilities have been in  
 5510 continuous use as facilities for spring training the longest.

5511 7. The term remaining on a lease between an applicant and  
 5512 a spring training franchise for a facility, with priority given  
 5513 to applicants having the shortest lease terms remaining.

5514 8. The length of time that a spring training franchise  
 5515 agrees to use an applicant's facility if an application is  
 5516 granted under this section, with priority given to applicants

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5517 | having agreements for the longest future use.  
 5518 |       9. The net increase of total active recreation space owned  
 5519 | by the applicant after an acquisition of land for the facility,  
 5520 | with priority given to applicants having the largest percentage  
 5521 | increase of total active recreation space that will be available  
 5522 | for public use.  
 5523 |       10. The location of the facility in a brownfield, an  
 5524 | enterprise zone, a community redevelopment area, or other area  
 5525 | of targeted development or revitalization included in an urban  
 5526 | infill redevelopment plan, with priority given to applicants  
 5527 | having facilities located in these areas.  
 5528 |       (c) Each applicant certified on or after July 1, 2010,  
 5529 | shall enter into an agreement with the Governor ~~office~~ that:  
 5530 |       1. Specifies the amount of the state incentive funding to  
 5531 | be distributed.  
 5532 |       2. States the criteria that the certified applicant must  
 5533 | meet in order to remain certified.  
 5534 |       3. States that the certified applicant is subject to  
 5535 | decertification if the certified applicant fails to comply with  
 5536 | this section or the agreement.  
 5537 |       4. States that the department ~~Office~~ may recover state  
 5538 | incentive funds if the certified applicant is decertified.  
 5539 |       5. Specifies information that the certified applicant must  
 5540 | report to the department ~~Office~~.  
 5541 |       6. Includes any provision deemed prudent by the department  
 5542 | ~~Office~~.  
 5543 |       (4) ANNUAL REPORTS.—On or before September 1 of each year,  
 5544 | a certified applicant shall submit to the department ~~Office~~ a

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5545 | report that includes, but is not limited to:  
 5546 |       (a) A copy of its most recent annual audit.  
 5547 |       (b) A detailed report on all local and state funds  
 5548 | expended to date on the project being financed under this  
 5549 | section.  
 5550 |       (c) A copy of the contract between the certified local  
 5551 | governmental entity and the spring training team.  
 5552 |       (d) A cost-benefit analysis of the team's impact on the  
 5553 | community.  
 5554 |       (e) Evidence that the certified applicant continues to  
 5555 | meet the criteria in effect when the applicant was certified.  
 5556 |       (5) DECERTIFICATION.—  
 5557 |       (a) The Governor, through the department, ~~Office~~ shall  
 5558 | decertify a certified applicant upon the request of the  
 5559 | certified applicant.  
 5560 |       (b) The Governor, through the department, ~~Office~~ shall  
 5561 | decertify a certified applicant if the certified applicant does  
 5562 | not:  
 5563 |           1. Have a valid agreement with a spring training  
 5564 | franchise; or  
 5565 |           2. Satisfy its commitment to provide local matching funds  
 5566 | to the facility.  
 5567 |  
 5568 | However, decertification proceedings against a local government  
 5569 | certified before July 1, 2010, shall be delayed until 12 months  
 5570 | after the expiration of the local government's existing  
 5571 | agreement with a spring training franchise, and without a new  
 5572 | agreement being signed, if the certified local government can

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5573 demonstrate to the department ~~office~~ that it is in active  
 5574 negotiations with a major league spring training franchise,  
 5575 other than the franchise that was the basis for the original  
 5576 certification.

5577 (c) A certified applicant has 60 days after it receives a  
 5578 notice of intent to decertify from the Governor, through the  
 5579 department, Office to petition ~~the office's director~~ for review  
 5580 of the decertification. Within 45 days after receipt of the  
 5581 request for review, the Governor, through the department,  
 5582 ~~director~~ must notify a certified applicant of the outcome of the  
 5583 review.

5584 (d) The Governor, through the department, Office shall  
 5585 notify the Department of Revenue that a certified applicant is  
 5586 decertified within 10 days after the order of decertification  
 5587 becomes final. The Department of Revenue shall immediately stop  
 5588 the payment of any funds under this section that were not  
 5589 encumbered by the certified applicant under subparagraph  
 5590 (3) (a)2.

5591 (e) The department ~~Office~~ shall order a decertified  
 5592 applicant to repay all of the unencumbered state funds that the  
 5593 local government received under this section and any interest  
 5594 that accrued on those funds. The repayment must be made within  
 5595 60 days after the decertification order becomes final. These  
 5596 funds shall be deposited into the General Revenue Fund.

5597 (f) A local government as defined in s. 218.369 may not be  
 5598 decertified by the Governor if it has paid or pledged for the  
 5599 payment of debt service on, or to fund debt service reserve  
 5600 funds, arbitrage rebate obligations, or other amounts payable



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5601 with respect thereto, bonds issued for the acquisition,  
 5602 construction, reconstruction, or renovation of the facility for  
 5603 which the local government was certified, or for the  
 5604 reimbursement of such costs or the refinancing of bonds issued  
 5605 for the acquisition, construction, reconstruction, or renovation  
 5606 of the facility for which the local government was certified, or  
 5607 for the reimbursement of such costs or the refinancing of bonds  
 5608 issued for such purpose. This subsection does not preclude or  
 5609 restrict the ability of a certified local government to  
 5610 refinance, refund, or defease such bonds.

5611 (6) ADDITIONAL CERTIFICATIONS.—If the Governor, through  
 5612 the department, Office decertifies a unit of local government,  
 5613 the department Office may accept applications for an additional  
 5614 certification. A unit of local government may not be certified  
 5615 for more than one spring training franchise at any time.

5616 (7) STRATEGIC PLANNING.—

5617 (a) The department Office shall request assistance from  
 5618 Enterprise Florida, Inc., the Florida Sports Foundation and the  
 5619 Florida Grapefruit League Association to develop a comprehensive  
 5620 strategic plan to:

- 5621 1. Finance spring training facilities.
- 5622 2. Monitor and oversee the use of state funds awarded to  
 5623 applicants.
- 5624 3. Identify the financial impact that spring training has  
 5625 on the state and ways in which to maintain or improve that  
 5626 impact.
- 5627 4. Identify opportunities to develop public-private  
 5628 partnerships to engage in marketing activities and advertise

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5629 spring training baseball.

5630 5. Identify efforts made by other states to maintain or  
5631 develop partnerships with baseball spring training teams.

5632 6. Develop recommendations for the Legislature to sustain  
5633 or improve this state's spring training tradition.

5634 (b) The department ~~office~~ shall submit a copy of the  
5635 strategic plan to the Governor, the President of the Senate, and  
5636 the Speaker of the House of Representatives by December 31,  
5637 2010.

5638 (8) RULEMAKING.— The department ~~office~~ shall adopt rules  
5639 to implement the certification, decertification, and  
5640 decertification review processes required by this section.

5641 Section 54. Subsections (1), (2), and (4) of section  
5642 288.1168, Florida Statutes, are amended to read:

5643 288.1168 Professional golf hall of fame facility.—

5644 (1) The Department of Economic Opportunity ~~Department of~~  
5645 ~~Commerce~~ shall serve as the state agency for screening  
5646 applicants for state funding pursuant to s. 212.20 and the  
5647 Governor for certifying one applicant as the professional golf  
5648 hall of fame facility in the state.

5649 (2) Before ~~Prior to~~ certifying the professional golf hall  
5650 of fame facility, the Governor, through the Department of  
5651 Economic Opportunity, ~~Department of Commerce~~ must determine  
5652 that:

5653 (a) The professional golf hall of fame facility is the  
5654 only professional golf hall of fame in the United States  
5655 recognized by the PGA Tour, Inc.

5656 (b) The applicant is a unit of local government as defined

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5657 | in s. 218.369 or a private sector group that has contracted to  
 5658 | construct or operate the professional golf hall of fame facility  
 5659 | on land owned by a unit of local government.

5660 | (c) The municipality in which the professional golf hall  
 5661 | of fame facility is located, or the county if the facility is  
 5662 | located in an unincorporated area, has certified by resolution  
 5663 | after a public hearing that the application serves a public  
 5664 | purpose.

5665 | (d) There are existing projections that the professional  
 5666 | golf hall of fame facility will attract a paid attendance of  
 5667 | more than 300,000 annually.

5668 | (e) There is an independent analysis or study, using  
 5669 | methodology approved by the department, which demonstrates that  
 5670 | the amount of the revenues generated by the taxes imposed under  
 5671 | chapter 212 with respect to the use and operation of the  
 5672 | professional golf hall of fame facility will equal or exceed \$2  
 5673 | million annually.

5674 | (f) The applicant has submitted an agreement to provide \$2  
 5675 | million annually in national and international media promotion  
 5676 | of the professional golf hall of fame facility, Florida, and  
 5677 | Florida tourism, through the PGA Tour, Inc., or its affiliates,  
 5678 | at the then-current commercial rate, during the period of time  
 5679 | that the facility receives funds pursuant to s. 212.20. The  
 5680 | Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
 5681 | ~~Economic Development~~ and the PGA Tour, Inc., or its affiliates,  
 5682 | must agree annually on a reasonable percentage of advertising  
 5683 | specifically allocated for generic Florida advertising. The  
 5684 | Department of Economic Opportunity ~~Office of Tourism, Trade, and~~

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5685 ~~Economic Development~~ shall have final approval of all generic  
 5686 advertising. Failure on the part of the PGA Tour, Inc., or its  
 5687 affiliates to annually provide the advertising as provided in  
 5688 this paragraph or subsection (6) shall result in the termination  
 5689 of funding as provided in s. 212.20.

5690 (g) Documentation exists that demonstrates that the  
 5691 applicant has provided, is capable of providing, or has  
 5692 financial or other commitments to provide more than one-half of  
 5693 the costs incurred or related to the improvement and development  
 5694 of the facility.

5695 (h) The application is signed by an official senior  
 5696 executive of the applicant and is notarized according to Florida  
 5697 law providing for penalties for falsification.

5698 (4) Upon determining that an applicant is or is not  
 5699 certifiable, the Governor, through the Department of Economic  
 5700 Opportunity, Secretary of Commerce shall notify the applicant of  
 5701 his or her status by means of an official letter. If  
 5702 certifiable, the Governor, through the department, secretary  
 5703 shall notify the executive director of the Department of Revenue  
 5704 and the applicant of such certification by means of an official  
 5705 letter granting certification. From the date of such  
 5706 certification, the applicant shall have 5 years to open the  
 5707 professional golf hall of fame facility to the public and notify  
 5708 the department Office of Tourism, Trade, and Economic  
 5709 ~~Development~~ of such opening. The Department of Revenue shall not  
 5710 begin distributing funds until 30 days following notice by the  
 5711 division Office of Tourism, Trade, and Economic Development that  
 5712 the professional golf hall of fame facility is open to the

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5713 public.

5714 Section 55. Section 288.1169, Florida Statutes, is amended

5715 to read:

5716 288.1169 International Game Fish Association World Center

5717 facility.—

5718 (1) The Department of Economic Opportunity ~~The Department~~

5719 ~~of Commerce~~ shall serve as the state agency approving applicants

5720 for funding pursuant to s. 212.20 and the Governor for

5721 certifying the applicant as the International Game Fish

5722 Association World Center facility. For purposes of this section,

5723 "facility" means the International Game Fish Association World

5724 Center, and "project" means the International Game Fish

5725 Association World Center and new colocated improvements by

5726 private sector concerns who have made cash or in-kind

5727 contributions to the facility of \$1 million or more.

5728 (2) Before ~~Prior to~~ certifying this facility, the

5729 Governor, through the department must determine that:

5730 (a) The International Game Fish Association World Center

5731 is the only fishing museum, Hall of Fame, and international

5732 administrative headquarters in the United States recognized by

5733 the International Game Fish Association, and that one or more

5734 private sector concerns have committed to donate to the

5735 International Game Fish Association land upon which the

5736 International Game Fish Association World Center will operate.

5737 (b) International Game Fish Association is a not-for-

5738 profit Florida corporation that has contracted to construct and

5739 operate the facility.

5740 (c) The municipality in which the facility is located, or

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5741 | the county if the facility is located in an unincorporated area,  
 5742 | has certified by resolution after a public hearing that the  
 5743 | facility serves a public purpose.

5744 | (d) There are existing projections that the International  
 5745 | Game Fish Association World Center facility and the colocated  
 5746 | facilities of private sector concerns will attract an attendance  
 5747 | of more than 1.8 million annually.

5748 | (e) There is an independent analysis or study, using  
 5749 | methodology approved by the department, which demonstrates that  
 5750 | the amount of the revenues generated by the taxes imposed under  
 5751 | chapter 212 with respect to the use and operation of the project  
 5752 | will exceed \$1 million annually.

5753 | (f) There are existing projections that the project will  
 5754 | attract more than 300,000 persons annually who are not residents  
 5755 | of the state.

5756 | (g) The applicant has submitted an agreement to provide  
 5757 | \$500,000 annually in national and international media promotion  
 5758 | of the facility, at the then-current commercial rates, during  
 5759 | the period of time that the facility receives funds pursuant to  
 5760 | s. 212.20. Failure on the part of the applicant to annually  
 5761 | provide the advertising as provided in this paragraph shall  
 5762 | result in the termination of the funding as provided in s.  
 5763 | 212.20. The applicant can discharge its obligation under this  
 5764 | paragraph by contracting with other persons, including private  
 5765 | sector concerns who participate in the project.

5766 | (h) Documentation exists that demonstrates that the  
 5767 | applicant has provided, and is capable of providing, or has  
 5768 | financial or other commitments to provide, more than one-half of

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5769 | the cost incurred or related to the improvements and the  
 5770 | development of the facility.  
 5771 |       (i) The application is signed by senior officials of the  
 5772 | International Game Fish Association and is notarized according  
 5773 | to Florida law providing for penalties for falsification.  
 5774 |       (3) The applicant may use funds provided pursuant to s.  
 5775 | 212.20 for the purpose of paying for the construction,  
 5776 | reconstruction, renovation, promotion, or operation of the  
 5777 | facility, or to pay or pledge for payment of debt service on, or  
 5778 | to fund debt service reserve funds, arbitrage rebate  
 5779 | obligations, or other amounts payable with respect to, bonds  
 5780 | issued for the construction, reconstruction, or renovation of  
 5781 | the facility or for the reimbursement of such costs or by  
 5782 | refinancing of bonds issued for such purposes.  
 5783 |       (4) Upon determining that an applicant is or is not  
 5784 | certifiable, the Governor, through the Department of Economic  
 5785 | Opportunity, Department of Commerce shall notify the applicant  
 5786 | of its status by means of an official letter. If certifiable,  
 5787 | the Governor, through the Department of Economic Opportunity,  
 5788 | Department of Commerce shall notify the executive director of  
 5789 | the Department of Revenue and the applicant of such  
 5790 | certification by means of an official letter granting  
 5791 | certification. From the date of such certification, the  
 5792 | applicant shall have 5 years to open the facility to the public  
 5793 | and notify the Department of Economic Opportunity ~~the Department~~  
 5794 | ~~of Commerce~~ of such opening. The Department of Revenue shall not  
 5795 | begin distributing funds until 30 days following notice by the  
 5796 | Department of Economic Opportunity ~~the Department of Commerce~~

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5797 that the facility is open to the public.

5798 (5) The Department of Revenue may audit as provided in s.

5799 213.34 to verify that the contributions pursuant to this section

5800 have been expended as required by this section.

5801 (6) The Governor, through the Department of Economic

5802 Opportunity, Department of Commerce must recertify every 10

5803 years that the facility is open, that the International Game

5804 Fish Association World Center continues to be the only

5805 international administrative headquarters, fishing museum, and

5806 Hall of Fame in the United States recognized by the

5807 International Game Fish Association, and that the project is

5808 meeting the minimum projections for attendance or sales tax

5809 revenues as required at the time of original certification. If

5810 the facility is not recertified during this 10-year review as

5811 meeting the minimum projections, then funding shall be abated

5812 until certification criteria are met. If the project fails to

5813 generate \$1 million of annual revenues pursuant to paragraph

5814 (2) (e), the distribution of revenues pursuant to s.

5815 212.20(6) (d)6.d. shall be reduced to an amount equal to \$83,333

5816 multiplied by a fraction, the numerator of which is the actual

5817 revenues generated and the denominator of which is \$1 million.

5818 Such reduction remains in effect until revenues generated by the

5819 project in a 12-month period equal or exceed \$1 million.

5820 Section 56. Paragraphs (b) and (c) of subsection of

5821 subsection (1) of section 288.1171, Florida Statutes, are

5822 redesignated as paragraphs (c) and (d), respectively, present

5823 paragraph (d) is amended, new paragraph (b) is added to that

5824 subsection, and subsections (2) and (3) of that section are



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5825 amended, to read:

5826 288.1171 Motorsports entertainment complex; definitions;

5827 certification; duties.-

5828 (1) As used in this section, the term:

5829 (b) "Department" means the Department of Economic

5830 Opportunity.

5831 ~~(d) "Office" means The Office of Tourism, Trade, and~~

5832 ~~Economic Development of the Executive Office of the Governor.~~

5833 (2) The Department of Economic Opportunity ~~The Office of~~

5834 ~~Tourism, Trade, and Economic Development~~ shall serve as the

5835 state agency for screening applicants for local option funding

5836 under s. 218.64(3) and the Governor for certifying an applicant

5837 as a motorsports entertainment complex. The department ~~Office~~

5838 shall develop and adopt rules for the receipt and processing of

5839 applications for funding under s. 218.64(3). The Governor ~~Office~~

5840 shall make a determination regarding any application filed by an

5841 applicant not later than 120 days after the application is

5842 filed.

5843 (3) Before certifying an applicant as a motorsports

5844 entertainment complex, the Governor, through the department,

5845 ~~Office~~ must determine that:

5846 (a) A unit of local government holds title to the land on

5847 which the motorsports entertainment complex is located or holds

5848 title to the motorsports entertainment complex.

5849 (b) The municipality in which the motorsports

5850 entertainment complex is located, or the county if the

5851 motorsports entertainment complex is located in an

5852 unincorporated area, has certified by resolution after a public

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5853 hearing that the application serves a public purpose.

5854 Section 57. Section 288.122, Florida Statutes, is amended  
5855 to read:

5856 288.122 Tourism Promotional Trust Fund.—There is created  
5857 within the Department of Economic Opportunity ~~The Office of~~  
5858 ~~Tourism, Trade, and Economic Development of the Executive Office~~  
5859 ~~of the Governor~~ the Tourism Promotional Trust Fund. Moneys  
5860 deposited in the Tourism Promotional Trust Fund shall only be  
5861 used to support the authorized activities and operations ~~of the~~  
5862 ~~Florida Commission on Tourism,~~ and ~~to support~~ tourism promotion  
5863 and marketing activities, services, functions, and programs  
5864 administered by Enterprise Florida, Inc., ~~the Florida Commission~~  
5865 ~~on Tourism~~ through a contract with the Department of Economic  
5866 Opportunity ~~the commission's direct-support organization created~~  
5867 ~~under s. 288.1226.~~

5868 Section 58. Section 288.12265, Florida Statutes, is  
5869 amended to read:

5870 288.12265 Welcome centers.—

5871 (1) Responsibility for the welcome centers is assigned to  
5872 Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~  
5873 which shall ~~contract with the commission's direct-support~~  
5874 ~~organization~~ to employ all welcome center staff.

5875 (2) Enterprise Florida, Inc., ~~The Florida Commission on~~  
5876 ~~Tourism,~~ ~~through its direct-support organization,~~ shall  
5877 administer and operate the welcome centers. Pursuant to a  
5878 contract with the Department of Transportation, Enterprise  
5879 Florida, Inc., ~~the commission~~ shall be responsible for routine  
5880 repair, replacement, or improvement and the day-to-day

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5881 management of interior areas occupied by the welcome centers.  
 5882 All other repairs, replacements, or improvements to the welcome  
 5883 centers shall be the responsibility of the Department of  
 5884 Transportation.

5885 Section 59. Section 288.124, Florida Statutes, is amended  
 5886 to read:

5887 288.124 Convention grants program.—Enterprise Florida,  
 5888 Inc., ~~The Commission on Tourism~~ is authorized to establish a  
 5889 convention grants program and, pursuant thereto, to recommend to  
 5890 the Department of Economic Opportunity ~~The Office of Tourism,~~  
 5891 ~~Trade, and Economic Development~~ expenditures and contracts with  
 5892 local governments and nonprofit corporations or organizations  
 5893 for the purpose of attracting national conferences and  
 5894 conventions to Florida. Preference shall be given to local  
 5895 governments and nonprofit corporations or organizations seeking  
 5896 to attract minority conventions to Florida. Minority conventions  
 5897 are events that primarily involve minority persons, as defined  
 5898 in s. 288.703, who are residents or nonresidents of the state.  
 5899 The commission shall establish guidelines governing the award of  
 5900 grants and the administration of this program. The Governor,  
 5901 through the Department of Economic Opportunity, ~~The Office of~~  
 5902 ~~Tourism, Trade, and Economic Development~~ has final approval  
 5903 authority for any grants under this section. The total annual  
 5904 allocation of funds for this program shall not exceed \$40,000.

5905 Section 60. Subsection (1) of section 288.1251, Florida  
 5906 Statutes, is amended to read:

5907 288.1251 Promotion and development of entertainment  
 5908 industry; Office of Film and Entertainment; creation; purpose;

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5909 powers and duties.—  
 5910 (1) CREATION.—  
 5911 (a) There is ~~hereby~~ created within the Department of  
 5912 Economic Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 5913 ~~Development~~ the Office of Film and Entertainment for the purpose  
 5914 of developing, marketing, promoting, and providing services to  
 5915 the state's entertainment industry.  
 5916 (b) The Department of Economic Opportunity ~~The Office of~~  
 5917 ~~Tourism, Trade, and Economic Development~~ shall conduct a  
 5918 national search for a qualified person to fill the position of  
 5919 Commissioner of Film and Entertainment when the position is  
 5920 vacant. The Commissioner of Economic Opportunity ~~Executive~~  
 5921 ~~Director of the Office of Tourism, Trade, and Economic~~  
 5922 ~~Development~~ has the responsibility to hire the film  
 5923 commissioner. Qualifications for the film commissioner include,  
 5924 but are not limited to, the following:  
 5925 1. A working knowledge of the equipment, personnel,  
 5926 financial, and day-to-day production operations of the  
 5927 industries to be served by the Office of Film and Entertainment;  
 5928 2. Marketing and promotion experience related to the film  
 5929 and entertainment industries to be served;  
 5930 3. Experience working with a variety of individuals  
 5931 representing large and small entertainment-related businesses,  
 5932 industry associations, local community entertainment industry  
 5933 liaisons, and labor organizations; and  
 5934 4. Experience working with a variety of state and local  
 5935 governmental agencies.  
 5936 Section 61. Subsections (1) and (2), paragraph (e) of

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5937 subsection (3), and paragraphs (d), (f), (g), and (h) of  
 5938 subsection (5) of section 288.1252, Florida Statutes, are  
 5939 amended to read:

5940 288.1252 Florida Film and Entertainment Advisory Council;  
 5941 creation; purpose; membership; powers and duties.—

5942 (1) CREATION.—There is ~~hereby~~ created within the  
 5943 Department of Economic Opportunity ~~The Office of Tourism, Trade,~~  
 5944 ~~and Economic Development of the Executive Office of the~~  
 5945 ~~Governor~~, for administrative purposes only, the Florida Film and  
 5946 Entertainment Advisory Council.

5947 (2) PURPOSE.—The purpose of the council shall be to serve  
 5948 as an advisory body to the Department of Economic Opportunity  
 5949 ~~The Office of Tourism, Trade, and Economic Development~~ and to  
 5950 the Office of Film and Entertainment to provide these offices  
 5951 with industry insight and expertise related to developing,  
 5952 marketing, promoting, and providing service to the state's  
 5953 entertainment industry.

5954 (3) MEMBERSHIP.—

5955 (e) A representative of Enterprise Florida, Inc., and a  
 5956 representative of Workforce Florida, Inc., ~~and a representative~~  
 5957 ~~of VISIT Florida~~ shall serve ex officio as ~~ex officio~~, nonvoting  
 5958 members of the council, and shall be in addition to the 17  
 5959 appointed members of the council.

5960 (5) POWERS AND DUTIES.—The Florida Film and Entertainment  
 5961 Advisory Council shall have all the powers necessary or  
 5962 convenient to carry out and effectuate the purposes and  
 5963 provisions of this act, including, but not limited to, the power  
 5964 to:

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5965 (d) Consider and study the needs of the entertainment  
 5966 industry for the purpose of advising the film commissioner and  
 5967 the Department of Economic Opportunity ~~The Office of Tourism,~~  
 5968 ~~Trade, and Economic Development.~~

5969 (f) Consider all matters submitted to it by the film  
 5970 commissioner and the Department of Economic Opportunity ~~the~~  
 5971 ~~Office of Tourism, Trade, and Economic Development.~~

5972 (g) Advise and consult with the film commissioner and the  
 5973 Department of Economic Opportunity ~~The Office of Tourism, Trade,~~  
 5974 ~~and Economic Development,~~ at their request or upon its own  
 5975 initiative, regarding the promulgation, administration, and  
 5976 enforcement of all laws and rules relating to the entertainment  
 5977 industry.

5978 (h) Suggest policies and practices for the conduct of  
 5979 business by the Office of Film and Entertainment or by the  
 5980 Department of Economic Opportunity ~~The Office of Tourism, Trade,~~  
 5981 ~~and Economic Development~~ that will improve internal operations  
 5982 affecting the entertainment industry and will enhance the  
 5983 economic development initiatives of the state for the industry.

5984 Section 62. Subsections (1), (2), (3), and (4) of section  
 5985 288.1253, Florida Statutes, are amended to read:

5986 288.1253 Travel and entertainment expenses.—

5987 (1) As used in this section, the term "travel expenses"  
 5988 means the actual, necessary, and reasonable costs of  
 5989 transportation, meals, lodging, and incidental expenses normally  
 5990 incurred by an employee of the Office of Film and Entertainment,  
 5991 which costs are defined and prescribed by rules adopted by the  
 5992 Department of Economic Opportunity ~~The Office of Tourism, Trade,~~

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5993 | ~~and Economic Development~~, subject to approval by the Chief  
 5994 | Financial Officer.

5995 |       (2) Notwithstanding ~~the provisions of s. 112.061, the~~  
 5996 | Department of Economic Opportunity ~~The Office of Tourism, Trade,~~  
 5997 | ~~and Economic Development~~ shall adopt rules by which it may make  
 5998 | expenditures by reimbursement to: the Governor, the Lieutenant  
 5999 | Governor, security staff of the Governor or Lieutenant Governor,  
 6000 | the Commissioner of Film and Entertainment, or staff of the  
 6001 | Office of Film and Entertainment for travel expenses or  
 6002 | entertainment expenses incurred by such individuals solely and  
 6003 | exclusively in connection with the performance of the statutory  
 6004 | duties of the Office of Film and Entertainment. The rules are  
 6005 | subject to approval by the Chief Financial Officer before  
 6006 | adoption. The rules shall require the submission of paid  
 6007 | receipts, or other proof of expenditure prescribed by the Chief  
 6008 | Financial Officer, with any claim for reimbursement.

6009 |       (3) The Department of Economic Opportunity ~~The Office of~~  
 6010 | ~~Tourism, Trade, and Economic Development~~ shall prepare an annual  
 6011 | report of the expenditures of the Office of Film and  
 6012 | Entertainment and provide such report to the Legislature no  
 6013 | later than December 30 of each year for the expenditures of the  
 6014 | previous fiscal year. The report shall consist of a summary of  
 6015 | all travel, entertainment, and incidental expenses incurred  
 6016 | within the United States and all travel, entertainment, and  
 6017 | incidental expenses incurred outside the United States, as well  
 6018 | as a summary of all successful projects that developed from such  
 6019 | travel.

6020 |       (4) The Office of Film and Entertainment and its employees

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6021 and representatives, when authorized, may accept and use  
 6022 complimentary travel, accommodations, meeting space, meals,  
 6023 equipment, transportation, and any other goods or services  
 6024 necessary for or beneficial to the performance of the office's  
 6025 duties and purposes, so long as such acceptance or use is not in  
 6026 conflict with part III of chapter 112. the Department of  
 6027 Economic Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 6028 ~~Development~~ shall, by rule, develop internal controls to ensure  
 6029 that such goods or services accepted or used pursuant to this  
 6030 subsection are limited to those that will assist solely and  
 6031 exclusively in the furtherance of the department's ~~office's~~  
 6032 goals and are in compliance with part III of chapter 112.

6033 Section 63. Paragraph (a) of subsection (1), paragraphs  
 6034 (d), (f), and (g) of subsection (3), paragraphs (c) and (d) of  
 6035 subsection (4), paragraph (a) of subsection (5), and paragraph  
 6036 (b) of subsection (9) of section 288.1254, Florida Statutes, are  
 6037 amended to read:

6038 288.1254 Entertainment industry financial incentive  
 6039 program.—

6040 (1) DEFINITIONS.—As used in this section, the term:

6041 (a) "Certified production" means a qualified production  
 6042 that has tax credits allocated to it by The Department of  
 6043 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 6044 ~~Development~~ based on the production's estimated qualified  
 6045 expenditures, up to the production's maximum certified amount of  
 6046 tax credits, by the Department of Economic Opportunity ~~the~~  
 6047 ~~Office of Tourism, Trade, and Economic Development~~. The term  
 6048 does not include a production if its first day of principal



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6049 | photography or project start date in this state occurs before  
 6050 | the production is certified by the Department of Economic  
 6051 | Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 6052 | ~~Development~~, unless the production spans more than 1 fiscal  
 6053 | year, was a certified production on its first day of principal  
 6054 | photography or project start date in this state, and submits an  
 6055 | application for continuing the same production for the  
 6056 | subsequent fiscal year.

6057 | (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

6058 | (d) Certification.—The Office of Film and Entertainment  
 6059 | shall review the application within 15 business days after  
 6060 | receipt. Upon its determination that the application contains  
 6061 | all the information required by this subsection and meets the  
 6062 | criteria set out in this section, the Office of Film and  
 6063 | Entertainment shall qualify the applicant and recommend to the  
 6064 | Governor, through the Department of Economic Opportunity, Office  
 6065 | ~~of Tourism, Trade, and Economic Development~~ that the applicant  
 6066 | be certified for the maximum tax credit award amount. Within 5  
 6067 | business days after receipt of the recommendation, the Governor,  
 6068 | through the Department of Economic Opportunity, Office of  
 6069 | ~~Tourism, Trade, and Economic Development~~ shall reject the  
 6070 | recommendation or certify the maximum recommended tax credit  
 6071 | award, if any, to the applicant and to the executive director of  
 6072 | the Department of Revenue.

6073 | (f) Verification of actual qualified expenditures.—

6074 | 1. The Office of Film and Entertainment shall develop a  
 6075 | process to verify the actual qualified expenditures of a  
 6076 | certified production. The process must require:

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6077 a. A certified production to submit, in a timely manner  
 6078 after production ends in this state and after making all of its  
 6079 qualified expenditures in this state, data substantiating each  
 6080 qualified expenditure, including documentation on the net  
 6081 expenditure on equipment and other tangible personal property by  
 6082 the qualified production, to an independent certified public  
 6083 accountant licensed in this state;

6084 b. Such accountant to conduct a compliance audit, at the  
 6085 certified production's expense, to substantiate each qualified  
 6086 expenditure and submit the results as a report, along with the  
 6087 required substantiating data, to the Office of Film and  
 6088 Entertainment; and

6089 c. The Office of Film and Entertainment to review the  
 6090 accountant's submittal and report to the Department of Economic  
 6091 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 6092 ~~Development~~ the final verified amount of actual qualified  
 6093 expenditures made by the certified production.

6094 2. The Governor ~~Office of Tourism, Trade, and Economic~~  
 6095 ~~Development~~ shall determine and approve the final tax credit  
 6096 award amount to each certified applicant based on the final  
 6097 verified amount of actual qualified expenditures and shall,  
 6098 through the Department of Economic Opportunity, notify the  
 6099 executive director of the Department of Revenue in writing that  
 6100 the certified production has met the requirements of the  
 6101 incentive program and of the final amount of the tax credit  
 6102 award. The final tax credit award amount may not exceed the  
 6103 maximum tax credit award amount certified under paragraph (d).

6104 (g) Promoting Florida.—The Office of Film and

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6105 Entertainment shall ensure that, as a condition of receiving a  
 6106 tax credit under this section, marketing materials promoting  
 6107 this state as a tourist destination or film and entertainment  
 6108 production destination are included, when appropriate, at no  
 6109 cost to the state, which must, at a minimum, include placement  
 6110 of a "Filmed in Florida" or "Produced in Florida" logo in the  
 6111 end credits. The placement of a "Filmed in Florida" or "Produced  
 6112 in Florida" logo on all packaging material and hard media is  
 6113 also required, unless such placement is prohibited by licensing  
 6114 or other contractual obligations. The size and placement of such  
 6115 logo shall be commensurate to other logos used. If no logos are  
 6116 used, the statement "Filmed in Florida using Florida's  
 6117 Entertainment Industry Financial Incentive," or a similar  
 6118 statement approved by the Office of Film and Entertainment,  
 6119 shall be used. The Office of Film and Entertainment shall  
 6120 provide a logo and supply it for the purposes specified in this  
 6121 paragraph. A 30-second "Visit Florida" promotional video must  
 6122 also be included on all optical disc formats of a film, unless  
 6123 such placement is prohibited by licensing or other contractual  
 6124 obligations. The 30-second promotional video shall be approved  
 6125 and provided by Enterprise Florida, Inc., ~~The Florida Tourism~~  
 6126 ~~Industry Marketing Corporation~~ in consultation with the  
 6127 Commissioner of Film and Entertainment.

6128 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;  
 6129 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;  
 6130 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND  
 6131 ACQUISITIONS.—

6132 (c) Withdrawal of tax credit eligibility.—A qualified or

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6133 certified production must continue on a reasonable schedule,  
 6134 which includes beginning principal photography or the production  
 6135 project in this state no more than 45 calendar days before or  
 6136 after the principal photography or project start date provided  
 6137 in the production's program application. The Department of  
 6138 Economic Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 6139 ~~Development~~ shall withdraw the eligibility of a qualified or  
 6140 certified production that does not continue on a reasonable  
 6141 schedule.

6142 (d) Election and distribution of tax credits.—

6143 1. A certified production company receiving a tax credit  
 6144 award under this section shall, at the time the credit is  
 6145 awarded by the Governor ~~Office of Tourism, Trade, and Economic~~  
 6146 ~~Development~~ after production is completed and all requirements  
 6147 to receive a credit award have been met, make an irrevocable  
 6148 election to apply the credit against taxes due under chapter  
 6149 220, against state taxes collected or accrued under chapter 212,  
 6150 or against a stated combination of the two taxes. The election  
 6151 is binding upon any distributee, successor, transferee, or  
 6152 purchaser. The Department of Economic Opportunity ~~the Office of~~  
 6153 ~~Tourism, Trade, and Economic Development~~ shall notify the  
 6154 Department of Revenue of any election made pursuant to this  
 6155 paragraph.

6156 2. A qualified production company is eligible for tax  
 6157 credits against its sales and use tax liabilities and corporate  
 6158 income tax liabilities as provided in this section. However, tax  
 6159 credits awarded under this section may not be claimed against  
 6160 sales and use tax liabilities or corporate income tax

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6161 liabilities for any tax period beginning before July 1, 2011,  
6162 regardless of when the credits are applied for or awarded.

6163 (5) TRANSFER OF TAX CREDITS.—

6164 (a) Authorization.—Upon application to the Office of Film  
6165 and Entertainment and approval by the Governor, through the  
6166 Department of Economic Opportunity, ~~the Office of Tourism,~~  
6167 ~~Trade, and Economic Development~~, a certified production company,  
6168 or a partner or member that has received a distribution under  
6169 paragraph (4)(g), may elect to transfer, in whole or in part,  
6170 any unused credit amount granted under this section. An election  
6171 to transfer any unused tax credit amount under chapter 212 or  
6172 chapter 220 must be made no later than 5 years after the date  
6173 the credit is awarded, after which period the credit expires and  
6174 may not be used. The Department of Economic Opportunity ~~The~~  
6175 ~~Office of Tourism, Trade, and Economic Development~~ shall notify  
6176 the Department of Revenue of the election and transfer.

6177 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX  
6178 CREDITS; FRAUDULENT CLAIMS.—

6179 (b) Revocation of tax credits.—The Governor, through the  
6180 Department of Economic Opportunity, ~~Office of Tourism, Trade,~~  
6181 ~~and Economic Development~~ may revoke or modify any written  
6182 decision qualifying, certifying, or otherwise granting  
6183 eligibility for tax credits under this section if it is  
6184 discovered that the tax credit applicant submitted any false  
6185 statement, representation, or certification in any application,  
6186 record, report, plan, or other document filed in an attempt to  
6187 receive tax credits under this section. The Department of  
6188 Economic Opportunity ~~The Office of Tourism, Trade, and Economic~~

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6189 ~~Development~~ shall immediately notify the Department of Revenue  
 6190 of any revoked or modified orders affecting previously granted  
 6191 tax credits. Additionally, the applicant must notify the  
 6192 Department of Revenue of any change in its tax credit claimed.

6193 Section 64. Section 288.7015, Florida Statutes, is amended  
 6194 to read:

6195 288.7015 Appointment of rules ombudsman; duties.—The  
 6196 Governor shall appoint a rules ombudsman, as defined in s.  
 6197 288.703, in the Executive Office of the Governor, for  
 6198 considering the impact of agency rules on the state's citizens  
 6199 and businesses. In carrying out duties as provided by law, the  
 6200 ombudsman shall consult with Enterprise Florida, Inc., at which  
 6201 point the Department of Economic Opportunity ~~the office~~ may  
 6202 recommend to improve the regulatory environment of this state.

6203 The duties of the rules ombudsman are to:

6204 (1) Carry out the responsibility provided in s. 120.54(2),  
 6205 with respect to small businesses.

6206 (2) Review state agency rules that adversely or  
 6207 disproportionately impact businesses, particularly those  
 6208 relating to small and minority businesses.

6209 (3) Make recommendations on any existing or proposed rules  
 6210 to alleviate unnecessary or disproportionate adverse effects to  
 6211 businesses.

6212 (4) Each state agency shall cooperate fully with the rules  
 6213 ombudsman in identifying such rules. Further, each agency shall  
 6214 take the necessary steps to waive, modify, or otherwise minimize  
 6215 such adverse effects of any such rules. However, nothing in this  
 6216 section authorizes any state agency to waive, modify, provide

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6217 exceptions to, or otherwise alter any rule that is:  
 6218 (a) Expressly required to implement or enforce any  
 6219 statutory provision or the express legislative intent thereof;  
 6220 (b) Designed to protect persons against discrimination on  
 6221 the basis of race, color, national origin, religion, sex, age,  
 6222 handicap, or marital status; or  
 6223 (c) Likely to prevent a significant risk or danger to the  
 6224 public health, the public safety, or the environment of the  
 6225 state.  
 6226 (5) The modification or waiver of any such rule pursuant  
 6227 to this section must be accomplished in accordance with the  
 6228 provisions of chapter 120.  
 6229 Section 65. Section 288.705, Florida Statutes, is amended  
 6230 to read:  
 6231 288.705 Statewide contracts register.—All state agencies  
 6232 shall in a timely manner provide the Florida Small Business  
 6233 Development Center Procurement System with all formal  
 6234 solicitations for contractual services, supplies, and  
 6235 commodities. The Small Business Development Center shall  
 6236 coordinate with Minority Business Development Centers to compile  
 6237 and distribute this information to small and minority businesses  
 6238 requesting such service for the period of time necessary to  
 6239 familiarize the business with the market represented by state  
 6240 agencies. On or before February 1 of each year, the Small  
 6241 Business Development Center shall report to the Department of  
 6242 Economic Opportunity ~~the Agency for Workforce Innovation~~ on the  
 6243 use of the statewide contracts register. The report shall  
 6244 include, but not be limited to, information relating to:

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6245 (1) The total number of solicitations received from state  
6246 agencies during the calendar year.

6247 (2) The number of solicitations received from each state  
6248 agency during the calendar year.

6249 (3) The method of distributing solicitation information to  
6250 businesses requesting such service.

6251 (4) The total number of businesses using the service.

6252 (5) The percentage of businesses using the service which  
6253 are owned and controlled by minorities.

6254 (6) The percentage of service-disabled veteran business  
6255 enterprises using the service.

6256 Section 66. Subsection (12) of section 288.706, Florida  
6257 Statutes, is amended to read:

6258 288.706 Florida Minority Business Loan Mobilization  
6259 Program.—

6260 (12) The Department of Management Services shall  
6261 collaborate with Enterprise Florida, Inc., ~~the Florida Black~~  
6262 ~~Business Investment Board, Inc.~~, and the Department of Economic  
6263 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
6264 ~~Development~~ to assist in the development and enhancement of  
6265 black business enterprises.

6266 Section 67. Subsection (2) of section 288.7094, Florida  
6267 Statutes, is amended to read:

6268 288.7094 Black business investment corporations.—

6269 (2) A black business investment corporation that meets the  
6270 requirements of s. 288.7102(4) is eligible to participate in the  
6271 Black Business Loan Program and shall receive priority  
6272 consideration by the Department of Economic Opportunity ~~the~~



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6273 ~~Office of Tourism, Trade, and Economic Development~~ for  
 6274 participation in the program.  
 6275 Section 68. Section 288.7102, Florida Statutes, is amended  
 6276 to read:  
 6277 288.7102 Black Business Loan Program.—  
 6278 (1) The Black Business Loan Program is established within  
 6279 ~~in the Department of Economic Opportunity, which Office of~~  
 6280 ~~Tourism, Trade, and Economic Development. Under the program, the~~  
 6281 ~~office~~ shall annually certify eligible recipients and  
 6282 subsequently disburse funds appropriated by the Legislature,  
 6283 through such eligible recipients, to black business enterprises  
 6284 that cannot obtain capital through conventional lending  
 6285 institutions but that could otherwise compete successfully in  
 6286 the private sector.  
 6287 (2) The Department of Economic Opportunity ~~The office~~  
 6288 shall establish an application and annual certification process  
 6289 for entities seeking funds to participate in providing loans,  
 6290 loan guarantees, or investments in black business enterprises  
 6291 pursuant to the Florida Black Business Investment Act. The  
 6292 Department of Economic Opportunity ~~The office~~ shall process all  
 6293 applications and recertifications submitted by June 1 on or  
 6294 before July 31.  
 6295 (3) If the Black Business Loan Program is appropriated any  
 6296 funding in a fiscal year, the Governor, through the Department  
 6297 of Economic Opportunity, ~~Office~~ shall distribute an equal amount  
 6298 of the appropriation, calculated as the total annual  
 6299 appropriation divided by the total number of program recipients  
 6300 certified on or before July 31 of that fiscal year.

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6301           (4) To be eligible to receive funds and provide loans,  
 6302 loan guarantees, or investments under this section, a recipient  
 6303 must:

6304           (a) Be a corporation registered in the state.

6305           (b) For an existing recipient, annually submit to the  
 6306 Department of Economic Opportunity ~~the office~~ a financial audit  
 6307 performed by an independent certified public account for the  
 6308 most recently completed fiscal year, which audit does not reveal  
 6309 any material weaknesses or instances of material noncompliance.

6310           (c) For a new recipient:

6311           1. Demonstrate that its board of directors includes  
 6312 citizens of the state experienced in the development of black  
 6313 business enterprises.

6314           2. Demonstrate that the recipient has a business plan that  
 6315 allows the recipient to operate in a manner consistent with the  
 6316 requirements of Enterprise Florida, Inc., ss. 288.707-288.714  
 6317 and the rules of the Department of Economic Opportunity ~~the~~  
 6318 ~~office~~.

6319           3. Demonstrate that the recipient has the technical skills  
 6320 to analyze and evaluate applications by black business  
 6321 enterprises for loans, loan guarantees, or investments.

6322           4. Demonstrate that the recipient has established viable  
 6323 partnerships with public and private funding sources, economic  
 6324 development agencies, and workforce development and job referral  
 6325 networks.

6326           5. Demonstrate that the recipient can provide a private  
 6327 match equal to 20 percent of the amount of funds provided by the  
 6328 Governor through the department ~~office~~.

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6329 (d) For an existing or new recipient, agree to maintain  
 6330 the recipient's books and records relating to funds received by  
 6331 the office according to generally accepted accounting principles  
 6332 and in accordance with the requirements of s. 215.97(7) and to  
 6333 make those books and records available to the Department of  
 6334 Economic Opportunity ~~the office~~ for inspection upon reasonable  
 6335 notice.

6336 (5) Each eligible recipient must meet the requirements of  
 6337 Enterprise Florida, Inc., ~~provisions of ss. 288.707-288.714,~~ the  
 6338 terms of the contract between the recipient and the Department  
 6339 of Economic Opportunity ~~the Office,~~ and any other applicable  
 6340 state or federal laws. An entity may not receive funds ~~under ss.~~  
 6341 ~~288.707-288.714~~ unless the entity meets annual certification  
 6342 requirements.

6343 (6) Upon approval by the Department of Economic  
 6344 Opportunity ~~the Office~~ and before release of the funds as  
 6345 provided in this section, the Governor, through the Department  
 6346 of Economic Opportunity, ~~Office~~ shall issue a letter certifying  
 6347 the applicant as qualified for an award. The Governor ~~Office~~ and  
 6348 the applicant shall enter into an agreement that sets forth the  
 6349 conditions for award of the funds. The agreement must include  
 6350 the total amount of funds awarded; the performance conditions  
 6351 that must be met once the funding has been awarded, including,  
 6352 but not limited to, compliance with all of the requirements of  
 6353 this section for eligible recipients of funds under this  
 6354 section; and sanctions for failure to meet performance  
 6355 conditions, including any provisions to recover awards.

6356 (7) The Department of Economic Opportunity ~~The Office,~~ in

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6357 | consultation with the board, shall adopt rules pursuant to ss.  
 6358 | 120.536(1) and 120.54 to implement this section.

6359 | (8) A black business investment corporation certified by  
 6360 | the Governor Office as an eligible recipient under this section  
 6361 | is authorized to use funds appropriated for the Black Business  
 6362 | Loan Program in any of the following forms:

6363 | (a) Purchases of stock, preferred or common, voting or  
 6364 | nonvoting; however, no more than 40 percent of the funds may be  
 6365 | used for direct investments in black business enterprises;

6366 | (b) Loans or loan guarantees, with or without recourse, in  
 6367 | either a subordinated or priority position; or

6368 | (c) Technical support to black business enterprises, not  
 6369 | to exceed 9 percent of the funds received, and direct  
 6370 | administrative costs, not to exceed 12 percent of the funds  
 6371 | received.

6372 | (9) It is the intent of the Legislature that if any one  
 6373 | type of investment mechanism authorized in subsection (8) is  
 6374 | held to be invalid, all other valid mechanisms remain available.

6375 | (10) All loans, loan guarantees, and investments, and any  
 6376 | income related thereto, shall be used to carry out the public  
 6377 | purpose of ~~ss. 288.707-288.714, which is~~ to develop black  
 6378 | business enterprises. This subsection does not preclude a  
 6379 | reasonable profit for the participating black business  
 6380 | investment corporation or for return of equity developed to the  
 6381 | state and participating financial institutions upon any  
 6382 | distribution of the assets or excess income of the investment  
 6383 | corporation.

6384 | Section 69. Section 288.714, Florida Statutes, is amended

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6385 to read:  
 6386 288.714 Quarterly and annual reports.—  
 6387 (1) Each recipient of state funds under s. 288.7102 shall  
 6388 provide to Enterprise Florida, Inc., ~~the Office~~ a quarterly  
 6389 report within 15 days after the end of each calendar quarter  
 6390 that includes a detailed summary of the recipient's performance  
 6391 of the duties imposed by s. 288.7102, including, but not limited  
 6392 to:  
 6393 (a) The dollar amount of all loans or loan guarantees made  
 6394 to black business enterprises, the percentages of the loans  
 6395 guaranteed, and the names and identification of the types of  
 6396 businesses served.  
 6397 (b) Loan performance information.  
 6398 (c) The amount and nature of all other financial  
 6399 assistance provided to black business enterprises.  
 6400 (d) The amount and nature of technical assistance provided  
 6401 to black business enterprises, including technical assistance  
 6402 services provided in areas in which such services are otherwise  
 6403 unavailable.  
 6404 (e) A balance sheet for the recipient, including an  
 6405 explanation of all investments and administrative and  
 6406 operational expenses.  
 6407 (f) A summary of all services provided to nonblack  
 6408 business enterprises, including the dollar value and nature of  
 6409 such services and the names and identification of the types of  
 6410 businesses served.  
 6411 (g) Any other information as required by policies adopted  
 6412 by Enterprise Florida, Inc. ~~the office~~.

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6413           (2) Enterprise Florida, Inc., ~~The Office~~ must compile a  
 6414 summary of all quarterly reports and provide a copy of the  
 6415 summary to the board within 30 days after the end of each  
 6416 calendar quarter that includes a detailed summary of the  
 6417 recipient's performance of the duties imposed by s. 288.7102.

6418           (3) ~~By August 31 of each year,~~ Enterprise Florida, Inc.,  
 6419 ~~the Office~~ shall as part of its annual report, provide to the  
 6420 Governor, the President of the Senate, and the Speaker of the  
 6421 House of Representatives a detailed report of the performance of  
 6422 the Black Business Loan Program. The report must include a  
 6423 cumulative summary of quarterly report data required by  
 6424 subsection (1).

6425           ~~(4) By August 31 of each year, the board shall provide to~~  
 6426 ~~the Governor, the President of the Senate, and the Speaker of~~  
 6427 ~~the House of Representatives a detailed report of the board's~~  
 6428 ~~performance, including:~~

6429           ~~(a) A description of the strategies implemented by the~~  
 6430 ~~board to increase private investment in black business~~  
 6431 ~~enterprises.~~

6432           ~~(b) A summary of the board's performance of its duties~~  
 6433 ~~under ss. 288.707-288.712.~~

6434           ~~(c) The most recent 5-year projection of the need for~~  
 6435 ~~capital by black business enterprises.~~

6436           ~~(d) Recommendations for legislative or other changes to~~  
 6437 ~~enhance the development and expansion of black business~~  
 6438 ~~enterprises in the state.~~

6439           ~~(e) A projection of the program's activities during the~~  
 6440 ~~next 12 months.~~

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6441 Section 70. Subsection (1) of section 288.773, Florida  
 6442 Statutes, is amended to read:  
 6443 288.773 Florida Export Finance Corporation.—The Florida  
 6444 Export Finance Corporation is hereby created as a corporation  
 6445 not for profit, to be incorporated under the provisions of  
 6446 chapter 617 and approved by the Department of State. The  
 6447 corporation is organized on a nonstock basis. The purpose of the  
 6448 corporation is to expand employment and income opportunities for  
 6449 residents of this state through increased exports of goods and  
 6450 services, by providing businesses domiciled in this state  
 6451 information and technical assistance on export opportunities,  
 6452 exporting techniques, and financial assistance through  
 6453 guarantees and direct loan originations for sale in support of  
 6454 export transactions. The corporation shall have the power and  
 6455 authority to carry out the following functions:

6456 (1) To coordinate the efforts of the corporation with  
 6457 programs and goals of the United States Export-Import Bank, the  
 6458 International Trade Administration of the United States  
 6459 Department of Commerce, the Foreign Credit Insurance  
 6460 Association, Enterprise Florida, Inc., ~~and its boards,~~ and other  
 6461 private and public programs and organizations, domestic and  
 6462 foreign, designed to provide export assistance and export-  
 6463 related financing.

6464 Section 71. Paragraph (b) of subsection (3) of section  
 6465 288.774, Florida Statutes, is amended to read:

6466 288.774 Powers and limitations.—

6467 (3)

6468 (b) In providing assistance, the board shall be guided by

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6469 the statewide economic development plan prepared ~~adopted~~ by the  
 6470 Department of Economic Opportunity ~~pursuant to s. 288.905.~~

6471 Section 72. Paragraph (a) of subsection (1) and paragraphs  
 6472 (a), (c), and (g) of subsection (3) of section 288.776, Florida  
 6473 Statutes, are amended to read:

6474 288.776 Board of directors; powers and duties.—

6475 (1) (a) The corporation shall have a board of directors  
 6476 consisting of 15 members representing all geographic areas of  
 6477 the state. Minority and gender representation must be considered  
 6478 when making appointments to the board. The board membership must  
 6479 include:

6480 1. A representative of the following businesses, all of  
 6481 which must be registered to do business in this state: a foreign  
 6482 bank, a state bank, a federal bank, an insurance company  
 6483 involved in covering trade financing risks, and a small or  
 6484 medium-sized exporter.

6485 2. The following persons or their designee: the President  
 6486 of Enterprise Florida, Inc., the Chief Financial Officer, the  
 6487 Secretary of State, a senior official of the United States  
 6488 Department of Commerce, and the chair of the advisory council to  
 6489 the Division of International Trade and Business Development of  
 6490 Enterprise Florida, Inc. ~~Florida Black Business Investment~~  
 6491 ~~Board.~~

6492 (3) The board shall:

6493 (a) Before ~~Prior to~~ the expenditure of funds from the  
 6494 export finance account, adopt bylaws, rules, and policies which  
 6495 are necessary to carry out the responsibilities under this part,  
 6496 particularly with respect to the implementation of the



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6497 corporation's programs to insure, coinsure, lend, provide loan  
 6498 guarantees, and make direct, guaranteed, or collateralized loans  
 6499 by the corporation to support export transactions. The  
 6500 corporation's bylaws, rules, and policies shall be reviewed and  
 6501 approved by Enterprise Florida, Inc., before ~~prior to~~ final  
 6502 adoption by the board.

6503 (c) Issue an annual report to Enterprise Florida, Inc., on  
 6504 the activities of the corporation, including an evaluation of  
 6505 activities and recommendations for change. The evaluation shall  
 6506 include the corporation's impact on the following:

6507 1. Participation of private banks and other private  
 6508 organizations and individuals in the corporation's export  
 6509 financing programs.

6510 2. Access of small and medium-sized businesses in this  
 6511 state to federal export financing programs.

6512 3. Export volume of the small and medium-sized businesses  
 6513 in this state accessing the corporation's programs.

6514 4. Other economic and social benefits to international  
 6515 programs in this state.

6516 (g) Consult with Enterprise Florida, Inc., ~~and its boards,~~  
 6517 or any state or federal agency, to ensure that the respective  
 6518 loan guarantee or working capital loan origination programs are  
 6519 not duplicative and that each program makes full use of, to the  
 6520 extent practicable, the resources of the other.

6521 Section 73. Section 288.7771, Florida Statutes, is amended  
 6522 to read:

6523 288.7771 Annual report of Florida Export Finance  
 6524 Corporation.— The corporation shall annually prepare and submit

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6525 to the Department of Economic Opportunity ~~Enterprise Florida,~~  
 6526 ~~Inc.~~, for inclusion in its annual report required by s. 288.095  
 6527 a complete and detailed report setting forth:

6528 (1) The report required in s. 288.776(3).

6529 (2) Its assets and liabilities at the end of its most  
 6530 recent fiscal year.

6531 Section 74. Section 288.816, Florida Statutes, is amended  
 6532 to read:

6533 288.816 Intergovernmental relations.—

6534 (1) The Department of Economic Opportunity ~~The Office of~~  
 6535 ~~Tourism, Trade, and Economic Development~~ shall be responsible  
 6536 for consular operations and the sister city and sister state  
 6537 program and shall serve as liaison with foreign, federal, and  
 6538 other state international organizations and with county and  
 6539 municipal governments in Florida.

6540 (2) The Department of Economic Opportunity ~~The Office of~~  
 6541 ~~Tourism, Trade, and Economic Development~~ shall be responsible  
 6542 for all consular relations between the state and all foreign  
 6543 governments doing business in Florida. The office shall monitor  
 6544 United States laws and directives to ensure that all federal  
 6545 treaties regarding foreign privileges and immunities are  
 6546 properly observed. The department ~~office~~ shall promulgate rules  
 6547 which shall:

6548 (a) Establish a viable system of registration for foreign  
 6549 government officials residing or having jurisdiction in the  
 6550 state. Emphasis shall be placed on maintaining active  
 6551 communication between the Department of Economic Opportunity ~~The~~  
 6552 ~~Office of Tourism, Trade, and Economic Development~~ and the

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6553 United States Department of State in order to be currently  
 6554 informed regarding foreign governmental personnel stationed in,  
 6555 or with official responsibilities for, Florida. Active dialogue  
 6556 shall also be maintained with foreign countries which  
 6557 historically have had dealings with Florida in order to keep  
 6558 them informed of the proper procedure for registering with the  
 6559 state.

6560 (b) Maintain and systematically update a current and  
 6561 accurate list of all such foreign governmental officials,  
 6562 consuls, or consulates.

6563 (c) Issue certificates to such foreign governmental  
 6564 officials after verification pursuant to proper investigations  
 6565 through United States Department of State sources and the  
 6566 appropriate foreign government.

6567 (d) Verify entitlement to sales and use tax exemptions  
 6568 pursuant to United States Department of State guidelines and  
 6569 identification methods.

6570 (e) Verify entitlement to issuance of special motor  
 6571 vehicle license plates by the Division of Motor Vehicles of the  
 6572 Department of Highway Safety and Motor Vehicles to honorary  
 6573 consuls or such other officials representing foreign governments  
 6574 who are not entitled to issuance of special Consul Corps license  
 6575 plates by the United States Government.

6576 (f) Establish a system of communication to provide all  
 6577 state and local law enforcement agencies with information  
 6578 regarding proper procedures relating to the arrest or  
 6579 incarceration of a foreign citizen.

6580 (g) Request the Department of Law Enforcement to provide

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6581 transportation and protection services when necessary pursuant  
 6582 to s. 943.68.

6583 (h) Coordinate, when necessary, special activities between  
 6584 foreign governments and Florida state and local governments.  
 6585 These may include Consular Corps Day, Consular Corps  
 6586 conferences, and various other social, cultural, or educational  
 6587 activities.

6588 (i) Notify all newly arrived foreign governmental  
 6589 officials of the services offered by the Department of Economic  
 6590 Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 6591 ~~Development~~.

6592 (3) The Department of Economic Opportunity ~~The Office of~~  
 6593 ~~Tourism, Trade, and Economic Development~~ shall operate the  
 6594 sister city and sister state program and establish such new  
 6595 programs as needed to further global understanding through the  
 6596 interchange of people, ideas, and culture between Florida and  
 6597 the world. To accomplish this purpose, the department ~~office~~  
 6598 shall have the power and authority to:

6599 (a) Coordinate and carry out activities designed to  
 6600 encourage the state and its subdivisions to participate in  
 6601 sister city and sister state affiliations with foreign countries  
 6602 and their subdivisions. Such activities may include a State of  
 6603 Florida sister cities conference.

6604 (b) Encourage cooperation with and disseminate information  
 6605 pertaining to the Sister Cities International Program and any  
 6606 other program whose object is to promote linkages with foreign  
 6607 countries and their subdivisions.

6608 (c) Maximize any aid available from all levels of

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6609 government, public and private agencies, and other entities to  
 6610 facilitate such activities.

6611 (d) Establish a viable system of registration for sister  
 6612 city and sister state affiliations between the state and foreign  
 6613 countries and their subdivisions. Such system shall include a  
 6614 method to determine that sufficient ties are properly  
 6615 established as well as a method to supervise how these ties are  
 6616 maintained.

6617 (e) Maintain a current and accurate listing of all such  
 6618 affiliations. Sister city affiliations shall not be discouraged  
 6619 between the state and any country specified in s. 620(f)(1) of  
 6620 the federal Foreign Assistance Act of 1961, as amended, with  
 6621 whom the United States is currently conducting diplomatic  
 6622 relations unless a mandate from the United States Government  
 6623 expressly prohibits such affiliations.

6624 (4) The Department of Economic Opportunity ~~The Office of~~  
 6625 ~~Tourism, Trade, and Economic Development~~ shall serve as a  
 6626 contact for the state with the Florida Washington Office, the  
 6627 Florida Congressional Delegation, and United States Government  
 6628 agencies with respect to laws or policies which may affect the  
 6629 interests of the state in the area of international relations.  
 6630 All inquiries received regarding international economic trade  
 6631 development or reverse investment opportunities shall be  
 6632 referred to Enterprise Florida, Inc. In addition, the Department  
 6633 of Economic Opportunity ~~the office~~ shall serve as liaison with  
 6634 other states with respect to international programs of interest  
 6635 to Florida. The department ~~office~~ shall also investigate and  
 6636 make suggestions regarding possible areas of joint action or

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6637 regional cooperation with these states.

6638 (5) The Department of Economic Opportunity ~~The Office of~~  
 6639 ~~Tourism, Trade, and Economic Development~~ shall have the power  
 6640 and duty to encourage the relocation to Florida of consular  
 6641 offices and multilateral and international agencies and  
 6642 organizations.

6643 (6) The Division of International Trade and Business  
 6644 Development of Enterprise Florida, Inc., ~~Office of Tourism,~~  
 6645 ~~Trade, and Economic Development,~~ through membership on the board  
 6646 of directors of Enterprise Florida, Inc., shall help to  
 6647 contribute an international perspective to the state's  
 6648 development efforts.

6649 Section 75. Paragraph (a) of subsection (1) and subsection  
 6650 (2) of section 288.809, Florida Statutes, are amended to read:

6651 288.809 Florida Intergovernmental Relations Foundation;  
 6652 use of property; board of directors; audit.-

6653 (1) DEFINITIONS.—For the purposes of this section, the  
 6654 term:

6655 (a) "Florida Intergovernmental Relations Foundation" means  
 6656 a direct-support organization:

6657 1. Which is a corporation not for profit that is  
 6658 incorporated under the provisions of chapter 617 and approved by  
 6659 the Department of State;

6660 2. Which is organized and operated exclusively to solicit,  
 6661 receive, hold, invest, and administer property and, subject to  
 6662 the approval of the Department of Economic Opportunity ~~the~~  
 6663 ~~Office of Tourism, Trade, and Economic Development,~~ to make  
 6664 expenditures to or for the promotion of intergovernmental

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6665 relations programs; and  
 6666 3. Which the Department of Economic Opportunity ~~the Office~~  
 6667 ~~of Tourism, Trade, and Economic Development~~, after review, has  
 6668 certified to be operating in a manner consistent with the  
 6669 policies and goals of the department ~~office~~.

6670 (2) USE OF PROPERTY.—The Department of Economic  
 6671 Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 6672 ~~Development~~:

6673 (a) Is authorized to permit the use of property,  
 6674 facilities, and personal services of the Department of Economic  
 6675 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 6676 ~~Development~~ by the foundation, subject to the provisions of this  
 6677 section.

6678 (b) Shall prescribe conditions with which the foundation  
 6679 must comply in order to use property, facilities, or personal  
 6680 services of the department. Such conditions shall provide for  
 6681 budget and audit review and for oversight by the Department of  
 6682 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 6683 ~~Development~~.

6684 (c) Shall not permit the use of property, facilities, or  
 6685 personal services of the foundation if the foundation does not  
 6686 provide equal employment opportunities to all persons,  
 6687 regardless of race, color, national origin, sex, age, or  
 6688 religion.

6689 Section 76. Section 288.826, Florida Statutes, is amended  
 6690 to read:

6691 288.826 Florida International Trade and Promotion Trust  
 6692 Fund.—There is hereby established in the State Treasury the

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6693 Florida International Trade and Promotion Trust Fund. The moneys  
 6694 deposited into this trust fund shall be administered by the  
 6695 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
 6696 ~~and Economic Development~~ for the operation of Enterprise  
 6697 Florida, Inc., ~~and its boards~~ and for the operation of Florida  
 6698 international foreign offices under s. 288.012.

6699 Section 77. Section 288.901, Florida Statutes, is amended  
 6700 to read:

6701 (Substantial rewording of section. See  
 6702 s. 288.901, F.S., for present text.)

6703 288.901 Enterprise Florida, Inc.—

6704 (1) (a) There is created a not-for-profit corporation, to  
 6705 be known as "Enterprise Florida, Inc.," which shall be  
 6706 registered, incorporated, organized, and operated in compliance  
 6707 with chapter 617, and which shall not be a unit or entity of  
 6708 state government.

6709 (b) The Legislature finds that it is in the public  
 6710 interest and reflects the state's public policy that Enterprise  
 6711 Florida, Inc., operate in the most open and accessible manner  
 6712 consistent with its public purposes. To this end, the  
 6713 Legislature specifically declares that Enterprise Florida, Inc.,  
 6714 and its divisions, boards, and advisory councils, or similar  
 6715 entities created or managed by Enterprise Florida, Inc., are  
 6716 subject to the provisions of chapter 119, relating to public  
 6717 records and those provisions of chapter 286 relating to public  
 6718 meetings and records.

6719 (c) The Legislature further finds that it is in the public  
 6720 interest that the members of the board of directors of



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6721 Enterprise Florida, Inc., be subject to the requirements of ss.  
 6722 112.3135, 112.3143, and 112.313, excluding s. 112.313(2),  
 6723 notwithstanding the fact that the board members are not public  
 6724 officers or employees. For purposes of those sections, the board  
 6725 members are considered to be public officers or employees. The  
 6726 exemption set forth in s. 212.313(12) for advisory boards  
 6727 applies to the members of the board of directors of Enterprise  
 6728 Florida, Inc. Further, each member of the board of directors who  
 6729 is not otherwise required to file financial disclosures pursuant  
 6730 to s. 8, Art. II of the State Constitution or s. 112.3144, shall  
 6731 file disclosure of financial interests pursuant to s. 112.3145.

6732 (2) Enterprise Florida, Inc., shall act as an economic-  
 6733 development organization for the state, utilizing private-  
 6734 sector and public-sector expertise in collaboration with the  
 6735 Department of Economic Opportunity to:

6736 (a) Increase private investment in Florida;  
 6737 (b) Advance international and domestic trade  
 6738 opportunities;

6739 (c) Market the state both as a pro-business location for  
 6740 new investment and as an unparalleled tourist destination;

6741 (d) Revitalize Florida's space and aerospace industries  
 6742 and promote emerging complementary industries;

6743 (e) Promote opportunities for minority-owned businesses;  
 6744 and

6745 (f) Assist and market professional and amateur sport teams  
 6746 and sporting events in Florida.

6747 (3) Enterprise Florida, Inc., shall be governed by an 11-  
 6748 member board of directors. The Governor shall serve on the board

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6749 as the chair, and shall appoint four other members, subject to  
 6750 confirmation by the Senate. Three members shall be appointed by  
 6751 the President of the Senate, and three members shall be  
 6752 appointed by the Speaker of the House of Representatives.

6753 (a) In making their appointments, the Governor, the  
 6754 President of the Senate, and the Speaker of the House of  
 6755 Representatives shall ensure that the composition of the board  
 6756 of directors reflects the diversity of Florida's business  
 6757 community and is representative of the economic development  
 6758 goals in subsection (2). The board must include at least one  
 6759 representative for each of the following areas of expertise:  
 6760 international business, tourism marketing, the space or  
 6761 aerospace industry, managing or financing a minority-owned  
 6762 business, manufacturing, finance and accounting, and sports  
 6763 marketing.

6764 (b) The Governor, the President of the Senate, and the  
 6765 Speaker of the House of Representatives shall also consider  
 6766 appointees who reflect the state's racial, ethnic, and gender  
 6767 diversity, as well as the geographic distribution, of the  
 6768 population of the state.

6769 (c) Appointed members shall serve 4-year terms, except  
 6770 that initially, to provide for staggered terms, the Governor,  
 6771 the President of the Senate, and the Speaker of the House of  
 6772 Representatives shall each appoint one member to serve a 2-year  
 6773 term and one member to serve a 3-year term, with the remaining  
 6774 initial appointees serving 4-year terms. All subsequent  
 6775 appointments shall be for 4-year terms.

6776 (d) Initial appointments must be made by October 1, 2011,

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6777 and be eligible for confirmation at the earliest available  
 6778 Senate session.

6779 (e) Any member is eligible for reappointment, except that  
 6780 no member may serve more than two terms.

6781 (f) A vacancy on the board of directors shall be filled  
 6782 for the remainder of the unexpired term. Vacancies on the board  
 6783 shall be filled by appointment by the Governor, the President of  
 6784 the Senate, or the Speaker of the House of Representatives,  
 6785 respectively, depending on who appointed the member whose  
 6786 vacancy is to be filled or whose term has expired.

6787 (g) Appointed members may be removed by the Governor, the  
 6788 President of the Senate, or the Speaker of the House of  
 6789 Representatives, respectively, for cause. Absence from three  
 6790 consecutive meetings results in automatic removal.

6791 (4) In addition to the board members designated under  
 6792 subsection (3), the board of directors may by resolution appoint  
 6793 any number of at-large members to the board of directors from  
 6794 the private sector, each of whom may serve a term of up to 3  
 6795 years. At-large members shall have the powers and duties of  
 6796 other members of the board. An at-large member is eligible for  
 6797 reappointment but may not vote on his or her own reappointment.  
 6798 An at-large member shall be eligible to fill vacancies occurring  
 6799 among private sector appointees under subsection (3). At-large  
 6800 members may annually provide contributions to Enterprise  
 6801 Florida, Inc., in an amount determined by the 11-member board  
 6802 established in subsection (3). The contributions must be used to  
 6803 defray the operating expenses of Enterprise Florida, Inc., and  
 6804 help meet the required private match to the state's annual

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6805 appropriation.

6806 (5) (a) The Commissioner of Economic Opportunity shall

6807 serve ex officio as a nonvoting member of the board of

6808 directors.

6809 (b) Each division advisory council chair shall serve ex

6810 officio as a nonvoting member of the board of directors.

6811 (c) The chair of the Space Florida advisory council shall

6812 serve ex officio as a nonvoting member of the board of

6813 directors.

6814 (d) The president of the Workforce Florida, Inc. shall

6815 serve ex officio as a nonvoting member of the board of

6816 directors.

6817 (e) The chair of the Florida Housing Finance Corporation

6818 shall serve ex officio as a nonvoting member of the board of

6819 directors.

6820 (6) The board of directors shall biennially elect one of

6821 its members as vice chair. The board of directors shall meet at

6822 least four times each year, upon the call of the chair, at the

6823 request of the vice chair, or at the request of a majority of

6824 the membership. A majority of the total number of current voting

6825 directors shall constitute a quorum. The board of directors may

6826 take official action by a majority vote of the total members

6827 present at any meeting at which a quorum is present, if a

6828 majority of the 11 appointed members are present.

6829 (7) Members of the board of directors shall serve without

6830 compensation, but members of Enterprise Florida, Inc., and the

6831 advisory councils created in s. 288.920, may be reimbursed for

6832 all reasonable, necessary, and actual expenses, as determined by

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6833 the board of directors.

6834 (8) Enterprise Florida, Inc., may not endorse any  
 6835 candidate for any elected public office or contribute moneys to  
 6836 the campaign of any such candidate.

6837 Section 78. Section 288.9015, Florida Statutes, is amended  
 6838 to read:

6839 (Substantial rewording of section. See  
 6840 s. 288.9015, F.S., for present text.)

6841 288.9015 Powers of Enterprise Florida, Inc., and the board  
 6842 of directors.-

6843 (1) Enterprise Florida, Inc., shall integrate its efforts  
 6844 in business recruitment and expansion, job creation, marketing  
 6845 the state for tourism and sports, and promoting economic  
 6846 opportunities for minority-owned businesses and rural and  
 6847 distressed urban communities with those of the Commissioner of  
 6848 Economic Opportunity, to create an aggressive, agile, and  
 6849 collaborative effort to invigorate the state's economy.

6850 (2) The board of directors of Enterprise Florida, Inc.,  
 6851 shall have the power to:

6852 (a) Secure funding for its programs and activities, and  
 6853 for its boards from federal, state, local, and private sources  
 6854 and from fees charged for services and published materials.

6855 (b) Solicit, receive, hold, invest, and administer any  
 6856 grant, payment, or gift of funds or property and make  
 6857 expenditures consistent with the powers granted to it.

6858 (c) Make and enter into contracts and other instruments  
 6859 necessary or convenient for the exercise of its powers and  
 6860 functions. A contract executed by Enterprise Florida, Inc., with

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6861 a person or organization under which such person or organization  
 6862 agrees to perform economic development services or similar  
 6863 business assistance services on behalf of Enterprise Florida,  
 6864 Inc., or the state must include provisions requiring a  
 6865 performance report on the contracted activities and must account  
 6866 for proper use of funds provided under the contract, coordinate  
 6867 with other components of state and local economic development  
 6868 systems, and avoid duplication of existing state and local  
 6869 services and activities.

6870 (d) Elect or appoint such officers, employees, and agents  
 6871 as required for its activities and for its divisions, and pay  
 6872 such persons reasonable compensation.

6873 (e) Carry forward any unexpended state appropriations into  
 6874 succeeding fiscal years.

6875 (f) Except for the divisions and advisory councils created  
 6876 in s. 288.92, create and dissolve advisory divisions, working  
 6877 groups, task forces, or similar organizations, as necessary to  
 6878 carry out its mission. Members of advisory councils, working  
 6879 groups, task forces, or similar organizations created by  
 6880 Enterprise Florida, Inc., shall serve without compensation, but  
 6881 may be reimbursed for reasonable, necessary, and actual  
 6882 expenses, as determined by the board of directors of Enterprise  
 6883 Florida, Inc.

6884 (g) Sue and be sued, and appear and defend in all actions  
 6885 and proceedings, in its corporate name to the same extent as a  
 6886 natural person.

6887 (h) Adopt, use, and alter a common corporate seal for  
 6888 Enterprise Florida, Inc., and its divisions. Notwithstanding any

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6889 provisions of chapter 617 to the contrary, this seal is not  
 6890 required to contain the words "corporation not-for-profit."

6891 (i) Adopt, amend, and repeal bylaws, not inconsistent with  
 6892 the powers granted to it or the articles of incorporation, for  
 6893 the administration of the activities of Enterprise Florida,  
 6894 Inc., and the exercise of its corporate powers.

6895 (j) Acquire, enjoy, use, and dispose of patents,  
 6896 copyrights, and trademarks and any licenses, royalties, and  
 6897 other rights or interests thereunder or therein.

6898 (k) Use the state seal, notwithstanding the provisions of  
 6899 s. 15.03, when appropriate, for standard corporate identity  
 6900 applications. Use of the state seal is not intended to replace  
 6901 use of a corporate seal as provided in this section.

6902 (l) Procure insurance or require bond against any loss in  
 6903 connection with the property of Enterprise Florida, Inc., and  
 6904 its divisions, in such amounts and from such insurers as is  
 6905 necessary or desirable.

6906 (3) The powers granted to Enterprise Florida, Inc., shall  
 6907 be liberally construed in order that Enterprise Florida, Inc.,  
 6908 may pursue and succeed in its responsibilities under this part.

6909 (4) Under no circumstances may the credit of the State of  
 6910 Florida be pledged on behalf of Enterprise Florida, Inc.

6911 (5) In addition to any indemnification available under  
 6912 chapter 617, Enterprise Florida, Inc., may indemnify, and  
 6913 purchase and maintain insurance on behalf of, its directors,  
 6914 officers, and employees of Enterprise Florida, Inc., and its  
 6915 divisions against any personal liability or accountability by  
 6916 reason of actions taken while acting within the scope of their

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6917 authority.  
 6918 Section 79. Section 288.903, Florida Statutes, is amended  
 6919 to read:  
 6920 (Substantial rewording of section. See  
 6921 s. 288.903, F.S., for present text.)  
 6922 288.903 Duties of Enterprise Florida, Inc.—Enterprise  
 6923 Florida, Inc., shall have the following duties:  
 6924 (1) Responsibly and prudently manage all public and  
 6925 private funds received, and ensure that the use of such funds is  
 6926 in accordance with all applicable laws, bylaws, or contractual  
 6927 requirements.  
 6928 (2) Administer the entities or programs created pursuant  
 6929 to part IX of chapter 288, ss. 288.9622–288.9624, and ss.  
 6930 288.95155 and 288.9519 and the Cypress Equity Fund.  
 6931 (3) Prepare an annual report pursuant to s. 288.906 and an  
 6932 annual incentives report pursuant to s. 288.907.  
 6933 (4) Assist the Department of Economic Opportunity with the  
 6934 development of an annual and a long-range strategic business  
 6935 blueprint for economic development required under s. 20.60.  
 6936 (5) In coordination with Workforce Florida, Inc., identify  
 6937 education and training programs that will ensure Florida  
 6938 businesses have access to a skilled and competent workforce  
 6939 necessary to compete successfully in the domestic and global  
 6940 marketplace.  
 6941 Section 80. Section 288.904, Florida Statutes, is amended  
 6942 to read:  
 6943 (Substantial rewording of section. See  
 6944 s. 288.904, F.S., for present text.)



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6945 288.904 Funding for Enterprise Florida, Inc.; return on  
 6946 the public's investment.—

6947 (1) (a) The Legislature finds that it is a priority to  
 6948 maximize private-sector support in operating Enterprise Florida,  
 6949 Inc., and its divisions, as an endorsement of their value and as  
 6950 an enhancement of their efforts. Thus, the state appropriations  
 6951 for operational funding must be matched with private-sector  
 6952 support equal to at least 100 percent of the state operational  
 6953 funding.

6954 (b) Private-sector support in operating Enterprise  
 6955 Florida, Inc., and its divisions includes:

6956 1. Cash given directly to Enterprise Florida, Inc., for  
 6957 its operations, including contributions from at-large members of  
 6958 the board of directors;

6959 2. Cash donations from the divisions' advisory councils or  
 6960 from organizations assisted by the divisions;

6961 3. Cash jointly raised by Enterprise Florida, Inc., and a  
 6962 private local economic development organization, a group of such  
 6963 organizations, or a statewide private business organization that  
 6964 supports collaborative projects;

6965 4. Cash generated by fees charged for products or services  
 6966 of Enterprise Florida, Inc., and its divisions by sponsorship of  
 6967 events, missions, programs, and publications; and

6968 5. Copayments, stock, warrants, royalties, or other  
 6969 private resources dedicated to Enterprise Florida, Inc., or its  
 6970 divisions.

6971 (2) Specifically for the marketing and advertising  
 6972 activities of the Division of Tourism Marketing, a one-to-one

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6973 match is required of private to public contributions within 4  
 6974 calendar years after the implementation date of the marketing  
 6975 plan pursuant to s. 288.923. For purposes of calculating the  
 6976 required one-to-one match, matching private funds shall be  
 6977 divided into four categories as follows:

6978 (a) Direct cash contributions, which include, but are not  
 6979 limited to, cash derived from strategic alliances, contributions  
 6980 of stocks and bonds, and partnership contributions.

6981 (b) Fees for services, which include, but are not limited  
 6982 to, event participation, research, and brochure placement and  
 6983 transparencies.

6984 (c) Cooperative advertising, which is the value based on  
 6985 cost of contributed productions, air time, and print space.

6986 (d) In-kind contributions, which include, but are not  
 6987 limited to, the value of strategic alliance services  
 6988 contributed, the value of loaned employees, discounted service  
 6989 fees, items contributed for use in promotions, and radio or  
 6990 television air time or print space for promotions. The value of  
 6991 air time or print space shall be calculated by taking the actual  
 6992 time or space and multiplying by the nonnegotiated unit price  
 6993 for that specific time or space which is known as the media  
 6994 equivalency value. In order to avoid duplication in determining  
 6995 media equivalency value, only the value of the promotion itself  
 6996 shall be included; the value of the items contributed for the  
 6997 promotion shall not be included.

6998  
 6999 Documentation for the components of the four categories of  
 7000 private match shall be kept on file for inspection as determined

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7001 necessary.  
 7002 (3) (a) The state's operating investment in Enterprise  
 7003 Florida, Inc., and its divisions is the budget contracted by the  
 7004 Department of Economic Opportunity to Enterprise Florida, Inc.,  
 7005 less any funding that is directed by the Legislature to be  
 7006 subcontracted to a specific recipient entity.

7007 (b) The board of directors of Enterprise Florida, Inc.,  
 7008 shall adopt for each upcoming fiscal year an operating budget  
 7009 for the organization, including its divisions, that specifies  
 7010 the intended uses of the state's operating investment and a plan  
 7011 for securing private-sector support.

7012 (4) The Legislature intends to review the performance of  
 7013 Enterprise Florida, Inc., in achieving the performance standards  
 7014 stated in its annual agreement with the Department of Economic  
 7015 Opportunity to determine whether the public is receiving a  
 7016 positive return on its investment in Enterprise Florida, Inc.,  
 7017 and its divisions. It also is the intent of the Legislature that  
 7018 Enterprise Florida, Inc., coordinates its operations with local  
 7019 economic development organizations to maximize the state and  
 7020 local return-on-investment to create jobs for Floridians.

7021 Section 81. Section 288.905, Florida Statutes, is amended  
 7022 to read:

7023 (Substantial rewording of section. See  
 7024 s. 288.905, F.S., for present text.)  
 7025 288.905 President and employees of Enterprise Florida,  
 7026 Inc.—

7027 (1) (a) The Commissioner of Economic Opportunity shall  
 7028 serve ex officio as president of Enterprise Florida, Inc. The

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7029 board of directors may establish and execute an annual contract  
 7030 with the president that prescribes specific, measurable  
 7031 performance outcomes for the president, the satisfaction of  
 7032 which provides the basis for the award of privately-funded  
 7033 performance bonuses.

7034 (b) The president is the chief administrative and  
 7035 operational officer of the board of directors and of Enterprise  
 7036 Florida, Inc., and shall direct and supervise the administrative  
 7037 affairs of the board of directors and any divisions, councils,  
 7038 or boards. The board of directors may delegate to the president  
 7039 those powers and responsibilities it deems appropriate,  
 7040 including the employment and management of all employees of  
 7041 Enterprise Florida, Inc.

7042 (2) An employee of Enterprise Florida, Inc., may not  
 7043 receive compensation for employment which exceeds \$130,000 per  
 7044 fiscal year unless the board of directors and the employee  
 7045 execute a contract that prescribes specific, measurable  
 7046 performance outcomes for the employee, the satisfaction of which  
 7047 provides the basis for the award of privately-funded performance  
 7048 bonuses that increase the employee's total compensation to a  
 7049 level that exceeds \$130,000 per fiscal year.

7050 Section 82. Section 288.906, Florida Statutes, is amended  
 7051 to read:

7052 288.906 Annual report of Enterprise Florida, Inc., and its  
 7053 divisions; audits.-

7054 (1) Before ~~Prior to~~ December 1 of each year, Enterprise  
 7055 Florida, Inc., shall submit to the Governor, the President of  
 7056 the Senate, the Speaker of the House of Representatives, the

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7057 Senate Minority Leader, and the House Minority Leader a complete  
7058 and detailed report including, but not limited to:

7059 (a)~~(1)~~ A description of the operations and accomplishments  
7060 of Enterprise Florida, Inc., and its divisions, boards, and  
7061 advisory divisions ~~committees~~ or similar entities ~~groups~~ created  
7062 by Enterprise Florida, Inc., and an identification of any major  
7063 trends, initiatives, or developments affecting the performance  
7064 of any program or activity. The individual annual reports  
7065 prepared by each division shall be included as addenda.

7066 (b)~~(2)~~ An evaluation of progress ~~towards~~ toward achieving  
7067 organizational goals and specific performance outcomes, both  
7068 short-term and long-term, established pursuant to ~~s. 288.905~~  
7069 this part or under the agreement with the Department of Economic  
7070 Opportunity.

7071 (c)~~(3)~~ Methods for implementing and funding the operations  
7072 of Enterprise Florida, Inc., and its ~~boards~~ divisions, including  
7073 the private-sector support required under s. 288.904.

7074 (d)~~(4)~~ A description of the operations and accomplishments  
7075 of Enterprise Florida, Inc., and its ~~boards~~ divisions with  
7076 respect to aggressively marketing Florida's rural communities  
7077 and distressed urban communities as locations for potential new  
7078 investment and job creation, aggressively assisting in the  
7079 creation, retention, and expansion of existing businesses and  
7080 job growth in these communities, and aggressively assisting  
7081 these communities in the identification and development of new  
7082 economic development opportunities.

7083 (e)~~(5)~~ A description and evaluation of the operations and  
7084 accomplishments of Enterprise Florida, Inc., and its ~~boards~~

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7085 divisions with respect to interaction with local and private  
 7086 economic development organizations, including ~~an~~ the  
 7087 identification of each organization that is a primary partner  
 7088 and any specific programs or activities which promoted the  
 7089 activities of such organizations and an identification of any  
 7090 specific programs or activities ~~which~~ that promoted a  
 7091 comprehensive and coordinated approach to economic development  
 7092 in this state.

7093 (f) ~~(6)~~ An assessment of job creation that directly  
 7094 benefits participants in the welfare transition program or other  
 7095 programs designed to put long-term unemployed persons back to  
 7096 work.

7097 (g) The results of a customer-satisfaction survey of  
 7098 businesses served. The survey shall be conducted by an  
 7099 independent entity with expertise in survey research that is  
 7100 under contract with Enterprise Florida, Inc., to develop,  
 7101 analyze, and report the results.

7102 (h) ~~(7)~~ An annual compliance and financial audit of  
 7103 accounts and records by an independent certified public  
 7104 accountant at the end of its most recent fiscal year performed  
 7105 in accordance with rules adopted by the Auditor General.

7106 (2) The detailed report required by this ~~subsection~~  
 7107 section shall also include the information identified in  
 7108 subsection (1) ~~subsections (1)-(7)~~, if applicable, for ~~any board~~  
 7109 each division established within ~~the corporate structure of~~  
 7110 Enterprise Florida, Inc.

7111 Section 83. Section 288.907, Florida Statutes, is created  
 7112 to read:

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7113           288.907 Annual incentives report.-  
 7114           (1) In addition to the annual report required under s.  
 7115 288.906, Enterprise Florida, Inc., by December 30 of each year,  
 7116 shall provide the Governor, the President of the Senate, and the  
 7117 Speaker of the House of Representatives a detailed incentives  
 7118 report quantifying the economic benefits for all of the economic  
 7119 development incentive programs marketed by Enterprise Florida,  
 7120 Inc.  
 7121           (a) The annual incentives report must include for each  
 7122 incentive program:  
 7123           1. A brief description of the incentive program.  
 7124           2. The amount of awards granted, by year, since inception.  
 7125           3. The economic benefits, as defined in s. 288.005(1),  
 7126 based on the actual amount of private capital invested, actual  
 7127 number of jobs created, and actual wages paid for incentive  
 7128 agreements completed during the previous 3 years.  
 7129           4. The report shall also include the actual amount of  
 7130 private capital invested, actual number of direct jobs created,  
 7131 and actual wages paid for incentive agreements completed during  
 7132 the previous 3 years for each target industry sector.  
 7133           (b) For projects completed during the previous state  
 7134 fiscal year, the report must include:  
 7135           1. The number of economic development incentive  
 7136 applications received.  
 7137           2. The number of recommendations made to the Governor by  
 7138 Enterprise Florida, Inc., including the number recommended for  
 7139 approval and the number recommended for denial.  
 7140           3. The number of final decisions issued by the Governor

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7141 for approval and for denial.

7142 4. The projects for which a tax refund, tax credit, or

7143 cash grant agreement was executed, identifying:

7144 a. The number of jobs committed to be created.

7145 b. The amount of capital investments committed to be made.

7146 c. The annual average wage committed to be paid.

7147 d. The amount of state economic development incentives

7148 committed to the project from each incentive program under the

7149 project's terms of agreement with the Governor.

7150 e. The amount and type of local matching funds committed

7151 to the project.

7152 (c) For economic development projects that received tax

7153 refunds, tax credits, or cash grants under the terms of an

7154 agreement for incentives, the report must identify:

7155 1. The number of direct jobs actually created.

7156 2. The amount of capital investments actually made.

7157 3. The annual average wage paid.

7158 (d) For a project receiving economic development

7159 incentives approved by the Governor and receiving federal or

7160 local incentives, the report must include a description of the

7161 federal or local incentives, if available.

7162 (e) The report must state the number of withdrawn or

7163 terminated projects that did not fulfill the terms of their

7164 agreements with the Governor and consequently are not receiving

7165 incentives.

7166 (f) The report must include an analysis of the economic

7167 benefits, as defined in s. 288.005(1), of tax refunds, tax

7168 credits, or other payments made to projects locating or



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7169 expanding in state enterprise zones, rural communities,  
 7170 brownfield areas, or distressed urban communities.

7171 (g) The report must identify the target industry  
 7172 businesses and high-impact businesses.

7173 (h) The report must describe the trends relating to  
 7174 business interest in, and usage of, the various incentives, and  
 7175 the number of minority-owned or woman-owned businesses receiving  
 7176 incentives.

7177 (i) The report must identify incentive programs not  
 7178 utilized.

7179 (2) The Division of Strategic Business Development within  
 7180 the Department of Economic Opportunity shall assist Enterprise  
 7181 Florida, Inc., in the preparation of the annual incentives  
 7182 report.

7183 Section 84. Subsection (3) is added to section 288.911,  
 7184 Florida Statutes, to read:

7185 288.911 Creation and implementation of a marketing and  
 7186 image campaign.—

7187 (3) Enterprise Florida, Inc., may register the fictitious  
 7188 name "VISIT Florida" pursuant to 865.09 for use in its  
 7189 activities related to promotion of the state as a tourist  
 7190 destination.

7191 Section 85. Section 288.912, Florida Statutes, is created  
 7192 to read:

7193 288.912 Inventory of communities seeking to recruit  
 7194 businesses.—By September 30 of each year, a county or  
 7195 municipality that has a population of at least 25,000 or its  
 7196 local economic development organization must submit to the

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7197 Department of Economic Opportunity, a brief overview of the  
 7198 strengths, services, and economic development incentives that  
 7199 its community offers. The county or municipality or its local  
 7200 economic development organization must also identify any  
 7201 industries that it is encouraging to locate or relocate to its  
 7202 area of the state.

7203 Section 86. Section 288.920, Florida Statutes, is created  
 7204 to read:

7205 288.920 Divisions and advisory councils of Enterprise  
 7206 Florida, Inc.—

7207 (1) Enterprise Florida, Inc., shall establish the  
 7208 following divisions and assign to each distinct responsibilities  
 7209 and complementary missions:

7210 (a) Division of International Trade and Business  
 7211 Development;

7212 (b) Division of Business Retention and Recruitment;

7213 (c) Division of Tourism Marketing;

7214 (d) Division of Minority Business Development; and

7215 (e) Division of Sports Industry Development.

7216 (2) (a) The president of Enterprise Florida, Inc., as  
 7217 deemed appropriate by its board of directors, shall hire and  
 7218 establish the annual compensation of the employees of the  
 7219 divisions of Enterprise Florida, Inc. Such employees may be  
 7220 eligible for performance bonuses pursuant to s. 288.905(3).

7221 (b) The board of directors of Enterprise Florida, Inc.,  
 7222 may organize the divisions and, to the greatest extent  
 7223 practicable, minimize costs by requiring that the divisions  
 7224 share administrative staff.

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7225 (3) Each division shall have an advisory council composed  
 7226 of residents of the state who have expertise in the respective  
 7227 division's responsibilities. Enterprise Florida, Inc., may  
 7228 submit nominations of persons to serve on each advisory council  
 7229 to the Governor, who shall appoint the members of each advisory  
 7230 council. Each advisory council shall select a chair from among  
 7231 its members.

7232 (4) Each advisory council member shall serve for a term of  
 7233 2 years. A member may not serve more than two consecutive terms.  
 7234 The Governor may remove any member for cause and shall fill all  
 7235 vacancies

7236 (5) Advisory council members shall serve without  
 7237 compensation, but may be reimbursed for all reasonable,  
 7238 necessary, and actual expenses, as determined by the board of  
 7239 directors of Enterprise Florida, Inc.

7240 Section 87. Section 288.921, Florida Statutes, is created  
 7241 to read:

7242 288.921 Division of International Trade and Business  
 7243 Development; responsibilities; advisory council.-

7244 (1) The Division of International Trade and Business  
 7245 Development is established within Enterprise Florida, Inc.

7246 (2) The division shall be responsible for:

7247 (a) Developing business leads that generate increased  
 7248 foreign investment in the state;

7249 (b) Developing programs, such as international trade  
 7250 shows, that establish viable overseas markets for Florida  
 7251 products and services;

7252 (c) Facilitate the development and implementation of

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7253 strategies to secure financing for exporting Florida products  
 7254 and services;  
 7255 (d) Promote opportunities for international joint-venture  
 7256 relationships, using the resources of academic, business, and  
 7257 other institutions;  
 7258 (e) Coordinate and facilitate trade assistance for Florida  
 7259 businesses;  
 7260 (f) Participate in discussions and planning exercises with  
 7261 the Florida Seaport Transportation and Economic Development  
 7262 Council, the Department of Transportation, and the statewide  
 7263 transportation logistics and intermodal mobility organizations  
 7264 regarding proposed improvements to the state's infrastructure to  
 7265 attract and manage international cargo and commerce.  
 7266 (3) A 15-member advisory council shall be appointed,  
 7267 pursuant to s. 288.920, to submit recommendations to the board  
 7268 of directors of Enterprise Florida, Inc., on matters pertaining  
 7269 to international trade and business development; and projects to  
 7270 be undertaken by the division.  
 7271 Section 88. Section 288.922, Florida Statutes, is created  
 7272 to read:  
 7273 288.922 Division of Business Retention and Recruitment;  
 7274 responsibilities; advisory council.—  
 7275 (1) The Division for Business Retention and Recruitment is  
 7276 established with Enterprise Florida, Inc.  
 7277 (2) The division shall coordinate with the Commissioner of  
 7278 Economic Opportunity and Enterprise Florida, Inc., to generate  
 7279 business leads on companies interested in relocating to the  
 7280 state and Florida-based companies interested in expanding or

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7281 diversifying their operations within the state. In performing  
 7282 its duties, the division should:

7283 (a) Consider the inventory of communities seeking to  
 7284 recruit businesses submitted pursuant to s. 288.912.

7285 (b) Identify community needs associated with retaining  
 7286 existing businesses and recruiting new businesses, including the  
 7287 use of public-private funds to serve workforce housing needs  
 7288 that are affordable to local business employees, identifying  
 7289 developable lands with minimal planning and permitting concerns  
 7290 and available infrastructure.

7291 (3) By October 15 of each year, the division shall submit  
 7292 an annual report to the board of directors of Enterprise  
 7293 Florida, Inc., which details the division's activities during  
 7294 the previous fiscal year and provides recommendations for  
 7295 revising the provisions of law which relate to business  
 7296 retention and recruitment.

7297 (4) A 15-member advisory council shall be appointed,  
 7298 pursuant to s. 288.920, to submit recommendations to the board of  
 7299 directors of Enterprise Florida, Inc., on matters pertaining to  
 7300 innovative methods of business development and recruitment  
 7301 efforts; changes to existing economic development incentives,  
 7302 including the elimination of inactive incentives or  
 7303 implementation of new incentives; and target industries for  
 7304 recruitment or retention.

7305 Section 89. Section 288.923, Florida Statutes, is created  
 7306 to read:

7307 288.923 Division of Tourism Marketing; definitions;  
 7308 responsibilities; advisory council.—

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7309           (1) The Division of Tourism Marketing is established  
 7310 within Enterprise Florida, Inc.

7311           (2) As used in this section, the term:

7312           (a) "Tourism marketing" means any efforts exercised to  
 7313 attract domestic and international visitors from outside the  
 7314 state to destinations in the state and to stimulate state-  
 7315 resident tourism to areas within the state.

7316           (b) "Tourist" means any person who participates in trade  
 7317 or recreation activities outside the county of his or her  
 7318 permanent residence or who rents or leases transient living  
 7319 quarters or accommodations as described in s. 125.0104(3)(a).

7320           (c) "County destination marketing organization" means a  
 7321 public or private agency that is funded by local option tourist  
 7322 development tax revenues under s. 125.0104, or local option  
 7323 convention development tax revenues under s. 212.0305, and is  
 7324 officially designated by a county commission to market and  
 7325 promote the area for tourism or convention business or, in any  
 7326 county which has not levied such taxes, a public or private  
 7327 agency that is officially designated by the county commission to  
 7328 market and promote the area for tourism or convention business.

7329           (3) The division's responsibilities and duties include,  
 7330 but are not limited to:

7331           (a) Advising the president of Enterprise Florida, Inc., on  
 7332 development of domestic and international tourism marketing  
 7333 campaigns featuring Florida;

7334           (b) Developing and implementing, in conjunction with its  
 7335 private partners, an annual tourism marketing campaign that  
 7336 targets each region of the state, each season of the year, and

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7337 traditional as well as new tourist populations; and  
 7338 (c) Developing a 4-year marketing plan explicitly  
 7339 explaining how the division intends to:  
 7340 1. Sustain overall tourism growth in Florida;  
 7341 2. Expand to new or under-represented tourist markets;  
 7342 3. Solidify traditional and loyal tourist markets;  
 7343 4. Coordinate efforts with county destination marketing  
 7344 organizations, other local government marketing groups,  
 7345 privately owned attractions and destinations, and other private-  
 7346 sector partners to create a seamless, four-season advertising  
 7347 campaign for the state and its regions;  
 7348 5. Develop innovative techniques or promotions to build  
 7349 repeat visitation by targeted segments of the tourist  
 7350 population;  
 7351 6. Consider innovative sources of private funding for  
 7352 tourism marketing; and  
 7353 7. Develop and update periodically an emergency response  
 7354 component to address natural and man-made disasters from a  
 7355 marketing stand point.  
 7356  
 7357 The plan shall be annual in construction and ongoing in nature.  
 7358 Any annual revisions of such a plan shall carry forward the  
 7359 concepts of the remaining 3-year portion of that plan and  
 7360 consider a continuum portion to preserve the 4-year time-frame  
 7361 of the plan. The plan also shall include recommendations for  
 7362 specific performance standards and measurable outcomes for the  
 7363 division. The Commissioner of Economic Opportunity, in  
 7364 consultation with the board of directors of Enterprise Florida,

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7365 Inc., shall base the actual performance metrics on these  
 7366 recommendations.

7367 (d) Drafting and submitting an annual report by October 15  
 7368 of each year which details the division's activities during the  
 7369 prior fiscal year, and any recommendations for improving current  
 7370 statutes related to tourism marketing.

7371 (4) A 15-member advisory council shall be appointed,  
 7372 pursuant to s. 288.920, to make recommendations to the board of  
 7373 directors of Enterprise Florida, Inc., on matters pertaining to  
 7374 ways to improve or enhance Florida's tourism marketing efforts;  
 7375 research on tourist populations and trends; and innovative  
 7376 tourism funding proposals.

7377 Section 90. Section 288.925, Florida Statutes, is created  
 7378 to read:

7379 288.925 The Division of Minority Business Investment;  
 7380 responsibilities; advisory council.-

7381 (1) The Division of Minority Business Development is  
 7382 established within Enterprise Florida, Inc.

7383 (2) The division's primary mission is to assist in the  
 7384 development and expansion of minority business enterprises by:

7385 (a) Administering the Black Business Loan Program in s.  
 7386 288.7102 and assisting in the creation of a long-range strategic  
 7387 policy for that program.

7388 (b) Evaluating the unmet need for capital by black  
 7389 business enterprises in the state, and providing a 5-year  
 7390 projection of the need for capital by minority business  
 7391 enterprises. The division may contract with an independent  
 7392 entity to prepare the projection once every 5 years.



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7393           (c) Developing strategies to increase financial  
 7394 institution investment in minority business enterprises.  
 7395           (d) Advising the Department of Economic Opportunity and  
 7396 Enterprise Florida, Inc., about the needs of minority business  
 7397 enterprises.  
 7398           (e) Creating partnerships among federal, state, and local  
 7399 governments, private enterprises, and national organizations to  
 7400 aid in the development and expansion of black business  
 7401 enterprises.  
 7402           (f) Acting as a clearinghouse of information by providing  
 7403 a network of information resources for minority business  
 7404 enterprises and facilitate the provision of technical assistance  
 7405 in communities in which such services are otherwise underserved.  
 7406           (g) Aiding the development and expansion of minority  
 7407 business enterprises by leveraging federal, state, local, and  
 7408 private funds to be held by the Enterprise Florida, Inc., board  
 7409 of directors for uses pursuant to this section and s. 288.7102.  
 7410           (h) Marketing services to minority business enterprises,  
 7411 including the Black Business Loan Program.  
 7412           (i) Submitting an annual report by October 15 of each year  
 7413 to the Enterprise Florida, Inc., board of directors that details  
 7414 the previous fiscal year's activities, including activities of  
 7415 the black business investment corporations that make the loans  
 7416 to qualified businesses, pursuant to s. 288.7102; the most  
 7417 recent 5 year projection of the need for capital by black  
 7418 business enterprises, identifiable trends from the previous  
 7419 fiscal year's loan activity; and any recommended changes to the  
 7420 current program.

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7421 (3) A 15-member advisory council shall be appointed,  
 7422 pursuant to s. 288.920, to make recommendations to the  
 7423 Enterprise Florida, Inc., board of directors on such matters as  
 7424 how to improve minority business access to capital; and  
 7425 recommendations on how to provide technical assistance and other  
 7426 business resources to minority-owned businesses. Members of the  
 7427 advisory council must have experience in business, including  
 7428 financial services, banking, or economic development. At least  
 7429 one of the appointees must have experience in venture capital.

7430 Section 91. Section 288.1229, Florida Statutes, is  
 7431 transferred, renumbered as section 288.926, Florida Statutes,  
 7432 and amended to read:

7433 (Substantial rewording of section. See  
 7434 s. 288.1229, F.S., for present text.)

7435 288.926 Division of Sports Industry Development;  
 7436 responsibilities; duties; advisory council.-

7437 (1) The Division of Sports Industry Development is  
 7438 established within Enterprise Florida, Inc.

7439 (2) The division is responsible for:

7440 (a) The promotion and development of professional and  
 7441 amateur sports industries and related industries for the purpose  
 7442 of improving the economic presence of these industries in  
 7443 Florida.

7444 (b) The promotion of amateur athletic participation for  
 7445 the citizens of Florida, and the promotion of Florida as a host  
 7446 for national and international amateur athletic competitions for  
 7447 the purpose of encouraging and increasing the direct and  
 7448 ancillary economic benefits of amateur athletic events and

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7449 competitions.  
 7450 (c) The retention of professional sports franchises,  
 7451 including the spring training operations of Major League  
 7452 Baseball.  
 7453 (d) The drafting and submitting an annual report by  
 7454 October 15 of each year to Enterprise Florida, Inc., that  
 7455 details the division's activities for the prior fiscal year and  
 7456 any recommendations for improving current statutes related to  
 7457 sports and related industries.  
 7458 (3) The division shall have the following duties:  
 7459 (a) Developing, fostering, and coordinating services and  
 7460 programs for amateur sports for all Floridians.  
 7461 (b) Sponsoring amateur sports workshops, clinics,  
 7462 conferences, and other similar activities.  
 7463 (c) Giving recognition to outstanding developments and  
 7464 achievements in, and contributions to, amateur sports.  
 7465 (d) Encouraging, supporting, and assisting local  
 7466 governments and communities in the development of or hosting of  
 7467 local amateur athletic events and competitions.  
 7468 (e) Promoting this state as a host for national and  
 7469 international amateur athletic competitions.  
 7470 (f) Continuing the amateur sports programs previously  
 7471 conducted by the Florida Governor's Council on Physical Fitness  
 7472 and Amateur Sports created under the former s. 14.22.  
 7473 (g) Encouraging and continuing the use of volunteers in  
 7474 its amateur sports programs to the maximum extent possible.  
 7475 (h) Developing, fostering, and coordinating services and  
 7476 programs designed to encourage the participation of Florida's

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7477 youth in Olympic sports activities and competitions.  
 7478 (i) Fostering and coordinating services and programs  
 7479 designed to contribute to the physical fitness of the citizens  
 7480 of Florida.  
 7481 (j) Developing a statewide program of amateur athletic  
 7482 competition to be known as the "Sunshine State Games." The  
 7483 Sunshine State Games shall be patterned after the Summer  
 7484 Olympics with variations as necessitated by availability of  
 7485 facilities, equipment, and expertise. The games shall be  
 7486 designed to encourage the participation of athletes representing  
 7487 a broad range of age groups, skill levels, and Florida  
 7488 communities. Participants shall be residents of this state.  
 7489 Regional competitions shall be held throughout the state, and  
 7490 the top qualifiers in each sport shall proceed to the final  
 7491 competitions to be held at a site in the state with the  
 7492 necessary facilities and equipment for conducting the  
 7493 competitions.  
 7494 (4) The Executive Office of the Governor is authorized to  
 7495 permit the use of property, facilities, and personnel services  
 7496 of or at any State University System facility or institution by  
 7497 the division for operating the Sunshine State Games. For the  
 7498 purposes of this paragraph, personnel services includes full-  
 7499 time or part-time personnel as well as payroll processing. Any  
 7500 funds or property held in trust by the Sunshine State Games  
 7501 Foundation, Inc., and the Florida Governor's Council on Physical  
 7502 Fitness and Amateur Sports shall revert to the division upon  
 7503 expiration or cancellation of the contract with the Sunshine  
 7504 State Games Foundation, Inc., and the Florida Governor's Council

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7505 on Physical Fitness and Amateur Sports, to be used for the  
 7506 promotion of amateur sports in Florida.

7507 (5) (a) A 15-member advisory council shall be appointed,  
 7508 pursuant to s. 288.920, to make recommendations to the  
 7509 Enterprise Florida, Inc., board of directors on the activities  
 7510 of the division.

7511 (b) Applicants for the advisory council must have either a  
 7512 background in community service in, or financial support of, the  
 7513 sports industry, professional sports, or organized amateur  
 7514 athletics. They also should be knowledgeable about or active in  
 7515 professional or organized amateur sports. Additionally, the  
 7516 advisory council's membership must be representative of all  
 7517 geographical regions of the state and reflect the state's ethnic  
 7518 and gender diversity.

7519 Section 92. Section 288.95155, Florida Statutes, is  
 7520 amended to read:

7521 288.95155 Florida Small Business Technology Growth  
 7522 Program.—

7523 (1) The Florida Small Business Technology Growth Program  
 7524 is hereby established to provide financial assistance to  
 7525 businesses in this state having high job growth and emerging  
 7526 technology potential and fewer than 100 employees. The program  
 7527 shall be administered and managed by Enterprise Florida, Inc.

7528 (2) ~~(a)~~ Enterprise Florida, Inc., shall establish a  
 7529 separate small business technology growth account in the Florida  
 7530 Technology Research Investment Fund for purposes of this  
 7531 section. Moneys in the account shall consist of appropriations  
 7532 by the Legislature, proceeds of any collateral used to secure

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7533 | such assistance, transfers, fees assessed for providing or  
 7534 | processing such financial assistance, grants, interest earnings,  
 7535 | and earnings on financial assistance.

7536 | ~~(b) For the 2009-2010 fiscal year only, Enterprise~~  
 7537 | ~~Florida, Inc., shall advance up to \$600,000 from the account to~~  
 7538 | ~~the Institute for Commercialization of Public Research for its~~  
 7539 | ~~operations. This paragraph expires July 1, 2010.~~

7540 | (3) Pursuant to s. 216.351, the amount of any moneys  
 7541 | appropriated to the account which are unused at the end of the  
 7542 | fiscal year shall not be subject to reversion under s. 216.301.  
 7543 | All moneys in the account are continuously appropriated to the  
 7544 | account and may be used for loan guarantees, letter of credit  
 7545 | guarantees, cash reserves for loan and letter of credit  
 7546 | guarantees, payments of claims pursuant to contracts for  
 7547 | guarantees, subordinated loans, loans with warrants, royalty  
 7548 | investments, equity investments, and operations of the program.  
 7549 | Any claim against the program shall be paid solely from the  
 7550 | account. Neither the credit nor the taxing power of the state  
 7551 | shall be pledged to secure the account or moneys in the account,  
 7552 | other than from moneys appropriated or assigned to the account,  
 7553 | and the state shall not be liable or obligated in any way for  
 7554 | any claims against the account or against Enterprise Florida,  
 7555 | Inc.

7556 | (4) Awards of assistance from the program shall be  
 7557 | finalized subject to the policies and procedures of Enterprise  
 7558 | Florida, Inc. Enterprise Florida, Inc., shall leverage at least  
 7559 | one dollar of matching investment for each dollar awarded from  
 7560 | the program. Enterprise Florida, Inc., shall give the highest

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7561 priority to moderate-risk and high-risk ventures that offer the  
 7562 greatest opportunity for compelling economic development impact.  
 7563 Enterprise Florida, Inc., shall establish for each award a risk-  
 7564 reward timetable that profiles the risks of the assistance,  
 7565 estimates the potential economic development impact, and  
 7566 establishes a timetable for reviewing the success or failure of  
 7567 the assistance. By December 31 of each year, Enterprise Florida,  
 7568 Inc., shall evaluate, on a portfolio basis, the results of all  
 7569 awards of assistance made from the program during the year.

7570 (5) Enterprise Florida, Inc., shall prepare for inclusion  
 7571 in the department's ~~and include in its~~ annual report required by  
 7572 s. 288.095 a report on the financial status of the program. The  
 7573 report must specify the assets and liabilities of the program  
 7574 within the current fiscal year and must include a portfolio  
 7575 update that lists all of the businesses assisted, the private  
 7576 dollars leveraged by each business assisted, and the growth in  
 7577 sales and in employment of each business assisted.

7578 Section 93. Paragraph (e) of subsection (2), paragraph (a)  
 7579 of subsection (4), subsection (7), paragraph (b) of subsection  
 7580 (8), subsection (9), paragraph (1) of subsection (10), and  
 7581 subsection (15) of section 288.955, Florida Statutes, are  
 7582 amended, and present subsections (16) and (17) of that section  
 7583 are renumbered as subsections (15) and (16), respectively, to  
 7584 read:

7585 288.955 Scripps Florida Funding Corporation.—

7586 (2) CREATION.—

7587 (e) The Department of Economic Opportunity ~~The Office of~~  
 7588 ~~Tourism, Trade, and Economic Development~~ shall provide

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7589 administrative support to the corporation as requested by the  
 7590 corporation. In the event of the dissolution of the corporation,  
 7591 the Department of Economic Opportunity ~~the office~~ shall be the  
 7592 corporation's successor in interest and shall assume all rights,  
 7593 duties, and obligations of the corporation under any contract to  
 7594 which the corporation is then a party and under law.

7595 (4) BOARD; MEMBERSHIP.—The corporation shall be governed  
 7596 by a board of directors.

7597 (a) The board of directors shall consist of nine voting  
 7598 members, of whom the Governor shall appoint three, the President  
 7599 of the Senate shall appoint three, and the Speaker of the House  
 7600 of Representatives shall appoint three. The Commissioner of  
 7601 Economic Opportunity or the commissioner's designee ~~director of~~  
 7602 ~~the Office of Tourism, Trade, and Economic Development or the~~  
 7603 ~~director's designee~~ shall serve ex officio as a ~~an ex officio~~,  
 7604 nonvoting member of the board of directors.

7605 (7) INVESTMENT OF FUNDS.—The corporation must enter into  
 7606 an agreement with the State Board of Administration under which  
 7607 funds received by the corporation from the Department of  
 7608 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 7609 ~~Development~~ which are not disbursed to the grantee shall be  
 7610 invested by the State Board of Administration on behalf of the  
 7611 corporation. Funds shall be invested in suitable instruments  
 7612 authorized under s. 215.47 and specified in investment  
 7613 guidelines established and agreed to by the State Board of  
 7614 Administration and the corporation.

7615 (8) CONTRACT.—

7616 (b) The contract, at a minimum, must contain provisions:



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7617 |           1. Specifying the procedures and schedules that govern the  
7618 | disbursement of funds under this section and specifying the  
7619 | conditions or deliverables that the grantee must satisfy before  
7620 | the release of each disbursement.

7621 |           2. Requiring the grantee to submit to the corporation a  
7622 | business plan in a form and manner prescribed by the  
7623 | corporation.

7624 |           3. Prohibiting The Scripps Research Institute or the  
7625 | grantee from establishing other biomedical science or research  
7626 | facilities in any state other than this state or California for  
7627 | a period of 12 years from the commencement of the contract.  
7628 | Nothing in this subparagraph shall prohibit the grantee from  
7629 | establishing or engaging in normal collaborative activities with  
7630 | other organizations.

7631 |           4. Governing the ownership of or security interests in  
7632 | real property and personal property, including, but not limited  
7633 | to, research equipment, obtained through the financial support  
7634 | of state or local government, including a provision that in the  
7635 | event of a breach of the contract or in the event the grantee  
7636 | ceases operations in this state, such property purchased with  
7637 | state funds shall revert to the state and such property  
7638 | purchased with local funds shall revert to the local governing  
7639 | authority.

7640 |           5. Requiring the grantee to be an equal opportunity  
7641 | employer.

7642 |           6. Requiring the grantee to maintain a policy of awarding  
7643 | preference in employment to residents of this state, as defined  
7644 | by law, except for professional scientific staff positions

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7645 requiring a doctoral degree, postdoctoral training positions,  
7646 and graduate student positions.

7647 7. Requiring the grantee to maintain a policy of making  
7648 purchases from vendors in this state, to the extent it is cost-  
7649 effective and scientifically sound.

7650 8. Requiring the grantee to use the Internet-based job-  
7651 listing system of the Department of Economic Opportunity ~~the~~  
7652 ~~Agency for Workforce Innovation~~ in advertising employment  
7653 opportunities.

7654 9. Requiring the grantee to establish accredited science  
7655 degree programs.

7656 10. Requiring the grantee to establish internship programs  
7657 to create learning opportunities for educators and secondary,  
7658 postsecondary, graduate, and doctoral students.

7659 11. Requiring the grantee to submit data to the  
7660 corporation on the activities and performance during each fiscal  
7661 year and to provide to the corporation an annual accounting of  
7662 the expenditure of funds disbursed under this section.

7663 12. Establishing that the corporation shall review the  
7664 activities of the grantee to assess the grantee's financial and  
7665 operational compliance with the provisions of the contract and  
7666 with relevant provisions of law.

7667 13. Authorizing the grantee, when feasible, to use  
7668 information submitted by it to the Federal Government or to  
7669 other organizations awarding research grants to the grantee to  
7670 help meet reporting requirements imposed under this section or  
7671 the contract, if the information satisfies the reporting  
7672 standards of this section and the contract.

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7673 |           14. Requiring the grantee during the first 7 years of the  
7674 | contract to create 545 positions and to acquire associated  
7675 | research equipment for the grantee's facility in this state, and  
7676 | pay for related maintenance of the equipment, in a total amount  
7677 | of not less than \$45 million.

7678 |           15. Requiring the grantee to progress in the creation of  
7679 | the total number of jobs prescribed in subparagraph 14. on the  
7680 | following schedule: At least 38 positions in the 1st year, 168  
7681 | positions in the 2nd year, 280 positions in the 3rd year, 367  
7682 | positions in the 4th year, 436 positions in the 5th year, 500  
7683 | positions in the 6th year, and 545 positions in the 7th year.  
7684 | The board may allow the grantee to deviate downward from such  
7685 | employee levels by 25 percent in any year, to allow the grantee  
7686 | flexibility in achieving the objectives set forth in the  
7687 | business plan provided to the corporation; however, the grantee  
7688 | must have no fewer than 545 positions by the end of the 7th  
7689 | year.

7690 |           16. Requiring the grantee to allow the corporation to  
7691 | retain an independent certified public accountant licensed in  
7692 | this state pursuant to chapter 473 to inspect the records of the  
7693 | grantee in order to audit the expenditure of funds disbursed to  
7694 | the grantee. The independent certified public accountant shall  
7695 | not disclose any confidential or proprietary scientific  
7696 | information of the grantee.

7697 |           17. Requiring the grantee to purchase liability insurance  
7698 | and governing the coverage level of such insurance.

7699 |           (9) PERFORMANCE EXPECTATIONS.—In addition to the  
7700 | provisions prescribed in subsection (8), the contract between

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7701 the corporation and the grantee shall include a provision that  
 7702 the grantee, in cooperation with the Department of Economic  
 7703 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 7704 ~~Development~~, shall report to the corporation on performance  
 7705 expectations that reflect the aspirations of the Governor and  
 7706 the Legislature for the benefits accruing to this state as a  
 7707 result of the funds appropriated pursuant to this section. These  
 7708 shall include, but are not limited to, performance expectations  
 7709 addressing:

7710 (a) The number and dollar value of research grants  
 7711 obtained from the Federal Government or sources other than this  
 7712 state.

7713 (b) The percentage of total research dollars received by  
 7714 The Scripps Research Institute from sources other than this  
 7715 state which is used to conduct research activities by the  
 7716 grantee in this state.

7717 (c) The number or value of patents obtained by the  
 7718 grantee.

7719 (d) The number or value of licensing agreements executed  
 7720 by the grantee.

7721 (e) The extent to which research conducted by the grantee  
 7722 results in commercial applications.

7723 (f) The number of collaborative agreements reached and  
 7724 maintained with colleges and universities in this state and with  
 7725 research institutions in this state, including agreements that  
 7726 foster participation in research opportunities by public and  
 7727 private colleges and universities and research institutions in  
 7728 this state with significant minority populations, including

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7729 | historically black colleges and universities.  
 7730 |       (g) The number of collaborative partnerships established  
 7731 | and maintained with businesses in this state.  
 7732 |       (h) The total amount of funding received by the grantee  
 7733 | from sources other than the State of Florida.  
 7734 |       (i) The number or value of spin-off businesses created in  
 7735 | this state as a result of commercialization of the research of  
 7736 | the grantee.  
 7737 |       (j) The number or value of businesses recruited to this  
 7738 | state by the grantee.  
 7739 |       (k) The establishment and implementation of policies to  
 7740 | promote supplier diversity using the guidelines developed by the  
 7741 | Office of Supplier Diversity under s. 287.09451 and to comply  
 7742 | with the ordinances, including any small business ordinances,  
 7743 | enacted by the county and which are applicable to the biomedical  
 7744 | research institution and campus located in this state.  
 7745 |       (l) The designation by the grantee of a representative to  
 7746 | coordinate with the Office of Supplier Diversity.  
 7747 |       (m) The establishment and implementation of a program to  
 7748 | conduct workforce recruitment activities at public and private  
 7749 | colleges and universities and community colleges in this state  
 7750 | which request the participation of the grantee.  
 7751 |  
 7752 | The contract shall require the grantee to provide information to  
 7753 | the corporation on the progress in meeting these performance  
 7754 | expectations on an annual basis. It is the intent of the  
 7755 | Legislature that, in fulfilling its obligation to work with  
 7756 | Florida's public and private colleges and universities, Scripps

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7757 Florida work with such colleges and universities regardless of  
7758 size.

7759 (10) DISBURSEMENT CONDITIONS.—In addition to the  
7760 provisions prescribed in subsection (8), the contract between  
7761 the corporation and the grantee shall include disbursement  
7762 conditions that must be satisfied by the grantee as a condition  
7763 for the continued disbursement of funds under this section.  
7764 These disbursement conditions shall be negotiated between the  
7765 corporation and the grantee and shall not be designed to impede  
7766 the ability of the grantee to attain full operational status.  
7767 The disbursement conditions may be appropriately varied as to  
7768 timeframes, numbers, values, and percentages. The disbursement  
7769 conditions shall include, but are not limited to, the following  
7770 areas:

7771 (1) Beginning June 2004, the grantee shall commence  
7772 collaboration efforts with the Department of Economic  
7773 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
7774 ~~Development~~ by complying with reasonable requests for  
7775 cooperation in economic development efforts in the  
7776 biomed/biotech industry. No later than July 2004, the grantee  
7777 shall designate a person who shall be charged with assisting in  
7778 these collaborative efforts.

7779 ~~(15) PROGRAM EVALUATION.—~~

7780 ~~(a) Before January 1, 2007, the Office of Program Policy~~  
7781 ~~Analysis and Government Accountability shall conduct a~~  
7782 ~~performance audit of the Office of Tourism, Trade, and Economic~~  
7783 ~~Development and the corporation relating to the provisions of~~  
7784 ~~this section. The audit shall assess the implementation and~~

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7785 ~~outecomes of activities under this section. At a minimum, the~~  
 7786 ~~audit shall address:~~

7787 ~~1. Performance of the Office of Tourism, Trade, and~~  
 7788 ~~Economic Development in disbursing funds appropriated under this~~  
 7789 ~~section.~~

7790 ~~2. Performance of the corporation in managing and~~  
 7791 ~~enforcing the contract with the grantee.~~

7792 ~~3. Compliance by the corporation with the provisions of~~  
 7793 ~~this section and the provisions of the contract.~~

7794 ~~4. Economic activity generated through funds disbursed~~  
 7795 ~~under the contract.~~

7796 ~~(b) Before January 1, 2010, the Office of Program Policy~~  
 7797 ~~Analysis and Government Accountability shall update the report~~  
 7798 ~~required under this subsection. In addition to addressing the~~  
 7799 ~~items prescribed in paragraph (a), the updated report shall~~  
 7800 ~~include a recommendation on whether the Legislature should~~  
 7801 ~~retain the statutory authority for the corporation.~~

7802

7803 ~~A report of each audit's findings and recommendations shall be~~  
 7804 ~~submitted to the Governor, the President of the Senate, and the~~  
 7805 ~~Speaker of the House of Representatives. In completing the~~  
 7806 ~~performance audits required under this subsection, the Office of~~  
 7807 ~~Program Policy Analysis and Government Accountability shall~~  
 7808 ~~maximize the use of reports submitted by the grantee to the~~  
 7809 ~~Federal Government or to other organizations awarding research~~  
 7810 ~~grants to the grantee.~~

7811 ~~Section 94. Subsection (2) of section 288.9604, Florida~~  
 7812 ~~Statutes, is amended to read:~~

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7813 288.9604 Creation of the authority.-  
 7814 (2) The Governor, subject to confirmation by the Senate,  
 7815 shall appoint the board of directors of the corporation, who  
 7816 shall be five in number. The terms of office for the directors  
 7817 shall be for 4 years from the date of their appointment. A  
 7818 vacancy occurring during a term shall be filled for the  
 7819 unexpired term. A director shall be eligible for reappointment.  
 7820 At least three of the directors of the corporation shall be  
 7821 bankers who have been selected by the Governor from a list of  
 7822 bankers who were nominated by Enterprise Florida, Inc., and one  
 7823 of the directors shall be an economic development specialist.  
 7824 ~~The chairperson of the Florida Black Business Investment Board~~  
 7825 ~~shall be an ex officio member of the board of the corporation.~~

7826 Section 95. Paragraph (v) of subsection (2) of section  
 7827 288.9605, Florida Statutes, is amended to read:

7828 288.9605 Corporation powers.-

7829 (2) The corporation is authorized and empowered to:

7830 (v) Enter into investment agreements with Enterprise  
 7831 Florida, Inc., ~~the Florida Black Business Investment Board~~  
 7832 concerning the issuance of bonds and other forms of indebtedness  
 7833 and capital ~~for the purposes of ss. 288.707-288.714.~~

7834 Section 96. Subsection (1) of section 288.9606, Florida  
 7835 Statutes, is amended to read:

7836 288.9606 Issue of revenue bonds.-

7837 (1) When authorized by a public agency pursuant to s.  
 7838 163.01(7), the corporation has power in its corporate capacity,  
 7839 in its discretion, to issue revenue bonds or other evidences of  
 7840 indebtedness which a public agency has the power to issue, from



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7841 time to time to finance the undertaking of any purpose of this  
 7842 act ~~and ss. 288.707-288.714~~, including, without limiting the  
 7843 generality thereof, the payment of principal and interest upon  
 7844 any advances for surveys and plans or preliminary loans, and has  
 7845 the power to issue refunding bonds for the payment or retirement  
 7846 of bonds previously issued. Bonds issued pursuant to this  
 7847 section shall bear the name "Florida Development Finance  
 7848 Corporation Revenue Bonds." The security for such bonds may be  
 7849 based upon such revenues as are legally available. In  
 7850 anticipation of the sale of such revenue bonds, the corporation  
 7851 may issue bond anticipation notes and may renew such notes from  
 7852 time to time, but the maximum maturity of any such note,  
 7853 including renewals thereof, may not exceed 5 years from the date  
 7854 of issuance of the original note. Such notes shall be paid from  
 7855 any revenues of the corporation available therefor and not  
 7856 otherwise pledged or from the proceeds of sale of the revenue  
 7857 bonds in anticipation of which they were issued. Any bond, note,  
 7858 or other form of indebtedness issued pursuant to this act shall  
 7859 mature no later than the end of the 30th fiscal year after the  
 7860 fiscal year in which the bond, note, or other form of  
 7861 indebtedness was issued.

7862 Section 97. Subsection (1) of section 288.9624, Florida  
 7863 Statutes, are amended to read:

7864 288.9624 Florida Opportunity Fund; creation; duties.—

7865 (1)(a) Enterprise Florida, Inc., shall facilitate the  
 7866 creation of the Florida Opportunity Fund, a private, not-for-  
 7867 profit corporation organized and operated under chapter 617.  
 7868 Enterprise Florida, Inc., shall be the fund's sole shareholder

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7869 or member. The fund is not a public corporation or  
 7870 instrumentality of the state. The fund shall manage its business  
 7871 affairs and conduct business consistent with its organizational  
 7872 documents and the purposes set forth in this section.  
 7873 Notwithstanding the powers granted under chapter 617, the  
 7874 corporation may not amend, modify, or repeal a bylaw or article  
 7875 of incorporation without the express written consent of  
 7876 Enterprise Florida, Inc.

7877 ~~(b) The vice chair of Enterprise Florida, Inc., shall~~  
 7878 ~~select from among its sitting board of directors a five person~~  
 7879 ~~appointment committee. The appointment committee shall select~~  
 7880 ~~five initial members of a board of directors for the fund.~~

7881 (b)(e) The persons elected to the ~~initial~~ board of  
 7882 directors ~~by the appointment committee~~ shall include persons who  
 7883 have expertise in the area of the selection and supervision of  
 7884 early stage investment managers or in the fiduciary management  
 7885 of investment funds and other areas of expertise as considered  
 7886 appropriate ~~by the appointment committee.~~

7887 (c)(d) After election of the initial board of directors,  
 7888 vacancies on the board shall be filled by vote of the board of  
 7889 directors of Enterprise Florida, Inc., and board members shall  
 7890 serve terms as provided in the fund's organizational documents.  
 7891 Within 90 days before an anticipated vacancy by expiration of  
 7892 the term of a board member, the board of directors of the fund  
 7893 shall submit a list of three eligible nominees, which may  
 7894 include the incumbent, to the board of directors of Enterprise  
 7895 Florida, Inc. The board of directors of Enterprise Florida,  
 7896 Inc., may appoint a board member from the nominee list or

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7897 request a new list of three nominees not included on the  
 7898 previous list from which to appoint.  
 7899 (d)-(e) Members of the board are subject to any  
 7900 restrictions on conflicts of interest specified in the  
 7901 organizational documents and may not have an interest in any  
 7902 venture capital investment selected by the fund under ss.  
 7903 288.9621-288.9624.  
 7904 (e)-(f) Members of the board shall serve without  
 7905 compensation, but members, the president of the board, and other  
 7906 board employees may be reimbursed for all reasonable, necessary,  
 7907 and actual expenses as determined and approved by the board  
 7908 pursuant to s. 112.061.  
 7909 (f)-(g) The fund shall have all powers granted under its  
 7910 organizational documents and shall indemnify members to the  
 7911 broadest extent permissible under the laws of this state.  
 7912 Section 98. Subsections (3), (8), and (9) of section  
 7913 288.975, Florida Statutes, are amended to read:  
 7914 288.975 Military base reuse plans.—  
 7915 (3) No later than 6 months after the designation of a  
 7916 military base for closure by the Federal Government, each host  
 7917 local government shall notify the Department of Economic  
 7918 Opportunity ~~secretary of the Department of Community Affairs and~~  
 7919 ~~the director of the Office of Tourism, Trade, and Economic~~  
 7920 ~~Development~~ in writing, by hand delivery or return receipt  
 7921 requested, as to whether it intends to use the optional  
 7922 provisions provided in this act. If a host local government does  
 7923 not opt to use the provisions of this act, land use planning and  
 7924 regulation pertaining to base reuse activities within those host

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7925 local governments shall be subject to all applicable statutory  
 7926 requirements, including those contained within chapters 163 and  
 7927 380.

7928 (8) At the request of a host local government, the  
 7929 Department of Economic Opportunity ~~The Office of Tourism, Trade,~~  
 7930 ~~and Economic Development~~ shall coordinate a presubmission  
 7931 workshop concerning a military base reuse plan within the  
 7932 boundaries of the host jurisdiction. Agencies that shall  
 7933 participate in the workshop shall include any affected local  
 7934 governments; the Department of Environmental Protection; the  
 7935 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
 7936 ~~and Economic Development; the Department of Community Affairs;~~  
 7937 the Department of Transportation; the Department of Health; the  
 7938 Department of Children and Family Services; the Department of  
 7939 Juvenile Justice; the Department of Agriculture and Consumer  
 7940 Services; the Department of State; the Fish and Wildlife  
 7941 Conservation Commission; and any applicable water management  
 7942 districts and regional planning councils. The purposes of the  
 7943 workshop shall be to assist the host local government to  
 7944 understand issues of concern to the above listed entities  
 7945 pertaining to the military base site and to identify  
 7946 opportunities for better coordination of planning and review  
 7947 efforts with the information and analyses generated by the  
 7948 federal environmental impact statement process and the federal  
 7949 community base reuse planning process.

7950 (9) If a host local government elects to use the optional  
 7951 provisions of this act, it shall, no later than 12 months after  
 7952 notifying the agencies of its intent pursuant to subsection (3)

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7953 either:

7954 (a) Send a copy of the proposed military base reuse plan

7955 for review to any affected local governments; the Department of

7956 Environmental Protection; the Department of Economic Opportunity

7957 ~~the Office of Tourism, Trade, and Economic Development; the~~

7958 ~~Department of Community Affairs;~~ the Department of

7959 Transportation; the Department of Health; the Department of

7960 Children and Family Services; the Department of Juvenile

7961 Justice; the Department of Agriculture and Consumer Services;

7962 the Department of State; the Fish and Wildlife Conservation

7963 Commission; and any applicable water management districts and

7964 regional planning councils, or

7965 (b) Petition the Department of Economic Opportunity ~~the~~

7966 ~~secretary of the Department of Community Affairs~~ for an

7967 extension of the deadline for submitting a proposed reuse plan.

7968 Such an extension request must be justified by changes or delays

7969 in the closure process by the federal Department of Defense or

7970 for reasons otherwise deemed to promote the orderly and

7971 beneficial planning of the subject military base reuse. The

7972 Department of Economic Opportunity ~~The secretary of the~~

7973 ~~Department of Community Affairs~~ may grant extensions to the

7974 required submission date of the reuse plan.

7975 Section 99. Paragraph (b) of subsection (1), paragraphs

7976 (a) and (c) of subsection (2) and subsections (3), (4), (5),

7977 (6), (7), and (9) of section 288.980, Florida Statutes, are

7978 amended to read:

7979 288.980 Military base retention; legislative intent;

7980 grants program.—

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7981 (1)

7982 (b) The Florida Defense Alliance, an organization within

7983 Enterprise Florida, is designated as the organization to ensure

7984 that Florida, its resident military bases and missions, and its

7985 military host communities are in competitive positions as the

7986 United States continues its defense realignment and downsizing.

7987 The defense alliance shall serve as an overall advisory body for

7988 Enterprise Florida defense-related activity. The Florida Defense

7989 Alliance may receive funding from appropriations made for that

7990 purpose administered by the Department of Economic Opportunity

7991 ~~the Office of Tourism, Trade, and Economic Development.~~

7992 (2) (a) The Governor, through the Department of Economic

7993 Opportunity, Office of Tourism, Trade, and Economic Development

7994 is authorized to award grants from any funds available to it to

7995 support activities related to the retention of military

7996 installations potentially affected by federal base closure or

7997 realignment.

7998 (c) Except for grants issued pursuant to the Florida

7999 Military Installation Reuse Planning and Marketing Grant Program

8000 as described in paragraph (3) (c), the amount of any grant

8001 provided to an applicant may not exceed \$250,000. The Department

8002 of Economic Opportunity ~~The Office of Tourism, Trade, and~~

8003 ~~Economic Development~~ shall require that an applicant:

8004 1. Represent a local government with a military

8005 installation or military installations that could be adversely

8006 affected by federal base realignment or closure.

8007 2. Agree to match at least 30 percent of any grant

8008 awarded.

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8009 | 3. Prepare a coordinated program or plan of action  
 8010 | delineating how the eligible project will be administered and  
 8011 | accomplished.

8012 | 4. Provide documentation describing the potential for  
 8013 | realignment or closure of a military installation located in the  
 8014 | applicant's community and the adverse impacts such realignment  
 8015 | or closure will have on the applicant's community.

8016 | (3) The Florida Economic Reinvestment Initiative is  
 8017 | established to respond to the need for this state and defense-  
 8018 | dependent communities in this state to develop alternative  
 8019 | economic diversification strategies to lessen reliance on  
 8020 | national defense dollars in the wake of base closures and  
 8021 | reduced federal defense expenditures and the need to formulate  
 8022 | specific base reuse plans and identify any specific  
 8023 | infrastructure needed to facilitate reuse. The initiative shall  
 8024 | consist of the following three distinct grant programs to be  
 8025 | administered by the Department of Economic Opportunity ~~the~~  
 8026 | ~~Office of Tourism, Trade, and Economic Development:~~

8027 | (a) The Florida Defense Planning Grant Program, through  
 8028 | which funds shall be used to analyze the extent to which the  
 8029 | state is dependent on defense dollars and defense infrastructure  
 8030 | and prepare alternative economic development strategies. The  
 8031 | state shall work in conjunction with defense-dependent  
 8032 | communities in developing strategies and approaches that will  
 8033 | help communities make the transition from a defense economy to a  
 8034 | nondefense economy. Grant awards may not exceed \$250,000 per  
 8035 | applicant and shall be available on a competitive basis.

8036 | (b) The Florida Defense Implementation Grant Program,

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8037 through which funds shall be made available to defense-dependent  
 8038 communities to implement the diversification strategies  
 8039 developed pursuant to paragraph (a). Eligible applicants include  
 8040 defense-dependent counties and cities, and local economic  
 8041 development councils located within such communities. Grant  
 8042 awards may not exceed \$100,000 per applicant and shall be  
 8043 available on a competitive basis. Awards shall be matched on a  
 8044 one-to-one basis.

8045  
 8046 Applications for grants under this subsection must include a  
 8047 coordinated program of work or plan of action delineating how  
 8048 the eligible project will be administered and accomplished,  
 8049 which must include a plan for ensuring close cooperation between  
 8050 civilian and military authorities in the conduct of the funded  
 8051 activities and a plan for public involvement.

8052 (4) The Defense Infrastructure Grant Program is created.  
 8053 The Governor, through the Department of Economic Opportunity,  
 8054 ~~director of the Office of Tourism, Trade, and Economic~~  
 8055 ~~Development~~ shall coordinate and implement this program, the  
 8056 purpose of which is to support local infrastructure projects  
 8057 deemed to have a positive impact on the military value of  
 8058 installations within the state. Funds awarded by the Governor  
 8059 are to be used for projects that benefit both the local  
 8060 community and the military installation. It is not the intent,  
 8061 however, to fund on-base military construction projects.  
 8062 Infrastructure projects to be funded under this program include,  
 8063 but are not limited to, those related to encroachment,  
 8064 transportation and access, utilities, communications, housing,



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8065 environment, and security. Grant requests will be accepted only  
 8066 from economic development applicants serving in the official  
 8067 capacity of a governing board of a county, municipality, special  
 8068 district, or state agency that will have the authority to  
 8069 maintain the project upon completion. An applicant must  
 8070 represent a community or county in which a military installation  
 8071 is located. There is no limit as to the amount of any grant  
 8072 awarded to an applicant. A match by the county or local  
 8073 community may be required. The Department of Economic  
 8074 Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 8075 ~~Development~~ shall establish guidelines to implement the purpose  
 8076 of this subsection.

8077 (5) (a) The Defense-Related Business Adjustment Program is  
 8078 hereby created. The Governor, through the Department of Economic  
 8079 Opportunity, ~~Director of the Office of Tourism, Trade, and~~  
 8080 ~~Economic Development~~ shall coordinate the development of the  
 8081 Defense-Related Business Adjustment Program. Funds shall be  
 8082 available to assist defense-related companies in the creation of  
 8083 increased commercial technology development through investments  
 8084 in technology. Such technology must have a direct impact on  
 8085 critical state needs for the purpose of generating investment-  
 8086 grade technologies and encouraging the partnership of the  
 8087 private sector and government defense-related business  
 8088 adjustment. The following areas shall receive precedence in  
 8089 consideration for funding commercial technology development: law  
 8090 enforcement or corrections, environmental protection,  
 8091 transportation, education, and health care. Travel and costs  
 8092 incidental thereto, and staff salaries, are not considered an

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8093 "activity" for which grant funds may be awarded.  
 8094 (b) The Department of Economic Opportunity ~~The Office~~  
 8095 shall require that an applicant:  
 8096 1. Be a defense-related business that could be adversely  
 8097 affected by federal base realignment or closure or reduced  
 8098 defense expenditures.  
 8099 2. Agree to match at least 50 percent of any funds awarded  
 8100 by the department in cash or in-kind services. Such match shall  
 8101 be directly related to activities for which the funds are being  
 8102 sought.  
 8103 3. Prepare a coordinated program or plan delineating how  
 8104 the funds will be administered.  
 8105 4. Provide documentation describing how defense-related  
 8106 realignment or closure will adversely impact defense-related  
 8107 companies.  
 8108 (6) The Retention of Military Installations Program is  
 8109 created. The Department of Economic Opportunity ~~Director of the~~  
 8110 ~~Office of Tourism, Trade, and Economic Development~~ shall  
 8111 coordinate and implement this program. ~~The sum of \$1.2 million~~  
 8112 ~~is appropriated from the General Revenue Fund for fiscal year~~  
 8113 ~~1999-2000 to the Office of Tourism, Trade, and Economic~~  
 8114 ~~Development to implement this program for military installations~~  
 8115 ~~located in counties with a population greater than 824,000. The~~  
 8116 ~~funds shall be used to assist military installations potentially~~  
 8117 ~~affected by federal base closure or realignment in covering~~  
 8118 ~~current operating costs in an effort to retain the installation~~  
 8119 ~~in this state. An eligible military installation for this~~  
 8120 ~~program shall include a provider of simulation solutions for~~

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8121 ~~war-fighting experimentation, testing, and training which~~  
 8122 ~~employs at least 500 civilian and military employees and has~~  
 8123 ~~been operating in the state for a period of more than 10 years.~~

8124 (7) The Governor, through the Department of Economic  
 8125 Opportunity, ~~director~~ may award nonfederal matching funds  
 8126 specifically appropriated for construction, maintenance, and  
 8127 analysis of a Florida defense workforce database. Such funds  
 8128 will be used to create a registry of worker skills that can be  
 8129 used to match the worker needs of companies that are relocating  
 8130 to this state or to assist workers in relocating to other areas  
 8131 within this state where similar or related employment is  
 8132 available.

8133 (9) The Department of Economic Opportunity ~~The Office of~~  
 8134 ~~Tourism, Trade, and Economic Development~~ shall establish  
 8135 guidelines to implement and carry out the purpose and intent of  
 8136 this section.

8137 Section 100. Paragraphs (a), (e), and (f) of subsection  
 8138 (2) of section 288.984, Florida Statutes, are amended to read:

8139 288.984 Florida Council on Military Base and Mission  
 8140 Support.—The Florida Council on Military Base and Mission  
 8141 Support is established. The council shall provide oversight and  
 8142 direction for initiatives, claims, and actions taken on behalf  
 8143 of the state, its agencies, and political subdivisions under  
 8144 this part.

8145 (2) MEMBERSHIP.—

8146 (a) The council shall be composed of nine members. The  
 8147 President of the Senate, the Speaker of the House of  
 8148 Representatives, and the Governor shall each appoint three

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8149 members as follows:

8150 1. The President of the Senate shall appoint one member of  
 8151 the Senate, one community representative from a community-based  
 8152 defense support organization, and one member who is a retired  
 8153 military general or flag-rank officer residing in this state or  
 8154 an executive officer of a defense contracting firm doing  
 8155 significant business in this state.

8156 2. The Speaker of the House of Representatives shall  
 8157 appoint one member of the House of Representatives, one  
 8158 community representative from a community-based defense support  
 8159 organization, and one member who is a retired military general  
 8160 or flag-rank officer residing in this state or an executive  
 8161 officer of a defense contracting firm doing significant business  
 8162 in this state.

8163 3. The Governor shall appoint the Commissioner of Economic  
 8164 Opportunity or the commissioner's designee, a board member of  
 8165 Enterprise Florida, Inc., ~~director or designee of the Office of~~  
 8166 ~~Tourism, Trade, and Economic Development, the vice chairperson~~  
 8167 ~~or designee of Enterprise Florida, Inc.,~~ and one at-large  
 8168 member.

8169 (e) The Department of Economic Opportunity ~~The Office of~~  
 8170 ~~Tourism, Trade, and Economic Development~~ shall provide  
 8171 administrative support to the council.

8172 (f) ~~The Secretary of Community Affairs or his or her~~  
 8173 ~~designee,~~ the Secretary of Environmental Protection or his or  
 8174 her designee, the Secretary of Transportation or his or her  
 8175 designee, the Adjutant General of the state or his or her  
 8176 designee, and the executive director of the Department of

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8177 Veterans' Affairs or his or her designee shall attend meetings  
 8178 held by the council and provide assistance, information, and  
 8179 support as requested by the council.

8180 Section 101. Subsections (6) through (10) of section  
 8181 288.9913, Florida Statutes, are renumbered as subsections (5)  
 8182 through (9), respectively, and present subsection (5) of that  
 8183 section is amended to read:

8184 288.9913 Definitions.—As used in ss. 288.991-288.9922, the  
 8185 term:

8186 ~~(5) "Office" means the Office of Tourism, Trade, and~~  
 8187 ~~Economic Development.~~

8188 Section 102. Subsections (1), (2), and (3), and paragraphs  
 8189 (a) and (b) of subsection (4), and subsection (6) of section  
 8190 288.9914, Florida Statutes, are amended to read:

8191 288.9914 Certification of qualified investments;  
 8192 investment issuance reporting.—

8193 (1) ELIGIBLE INDUSTRIES.—

8194 (a) The Department of Economic Opportunity ~~The office~~, in  
 8195 consultation with Enterprise Florida, Inc., shall designate  
 8196 industries using the North American Industry Classification  
 8197 System which are eligible to receive low-income community  
 8198 investments. The designated industries must be those industries  
 8199 that have the greatest potential to create strong positive  
 8200 impacts on or benefits to the state, regional, and local  
 8201 economies.

8202 (b) A qualified community development entity may not make  
 8203 a qualified low-income community investment in a business unless  
 8204 the principal activities of the business are within an eligible

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8205 industry. The Governor ~~Office~~ may waive this limitation if the  
 8206 Department of Economic Opportunity ~~office~~ determines that the  
 8207 investment will have a positive impact on a community.

8208 (2) APPLICATION.—A qualified community development entity  
 8209 must submit an application to the Governor, through the  
 8210 Department of Economic Opportunity, ~~Office~~ to approve a proposed  
 8211 investment as a qualified investment. The application must  
 8212 include:

8213 (a) The name, address, and tax identification number of  
 8214 the qualified community development entity.

8215 (b) Proof of certification as a qualified community  
 8216 development entity under 26 U.S.C. s. 45D.

8217 (c) A copy of an allocation agreement executed by the  
 8218 entity, or its controlling entity, and the Community Development  
 8219 Financial Institutions Fund, which authorizes the entity to  
 8220 serve businesses in this state.

8221 (d) A verified statement by the chief executive officer of  
 8222 the entity that the allocation agreement remains in effect.

8223 (e) A description of the proposed amount, structure, and  
 8224 purchaser of an equity investment or long-term debt security.

8225 (f) The name and tax identification number of any person  
 8226 authorized to claim a tax credit earned as a result of the  
 8227 purchase of the proposed qualified investment.

8228 (g) A detailed explanation of the proposed use of the  
 8229 proceeds from a proposed qualified investment.

8230 (h) A nonrefundable application fee of \$1,000, payable to  
 8231 the Department of Economic Opportunity ~~the office~~.

8232 (i) A statement that the entity will invest only in the

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8233 industries designated by the Department of Economic Opportunity  
 8234 ~~the office.~~

8235 (j) The entity's plans for the development of  
 8236 relationships with community-based organizations, local  
 8237 community development offices and organizations, and economic  
 8238 development organizations. The entity must also explain steps it  
 8239 has taken to implement its plans to develop these relationships.

8240 (k) A statement that the entity will not invest in a  
 8241 qualified active low-income community business unless the  
 8242 business will create or retain jobs that pay an average wage of  
 8243 at least 115 percent of the federal poverty income guidelines  
 8244 for a family of four.

8245 (3) REVIEW.—

8246 (a) The Department of Economic Opportunity ~~The office~~  
 8247 shall review applications to approve an investment as a  
 8248 qualified investment in the order received. The Governor,  
 8249 through the Department of Economic Opportunity, ~~office~~ shall  
 8250 approve or deny an application within 30 days after receipt.

8251 (b) If the Governor ~~office~~ intends to deny the  
 8252 application, the Department of Economic Opportunity ~~office~~ shall  
 8253 inform the applicant of the basis of the proposed denial. The  
 8254 applicant shall have 15 days after it receives the notice of the  
 8255 intent to deny the application to submit a revised application  
 8256 to the Department of Economic Opportunity ~~the office~~. The  
 8257 Governor, through the Department of Economic Opportunity, ~~office~~  
 8258 shall issue a final order approving or denying the revised  
 8259 application within 30 days after receipt.

8260 (c) The Governor ~~office~~ may not approve a cumulative

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8261 amount of qualified investments that may result in the claim of  
 8262 more than \$97.5 million in tax credits during the existence of  
 8263 the program or more than \$20 million in tax credits in a single  
 8264 state fiscal year. However, the potential for a taxpayer to  
 8265 carry forward an unused tax credit may not be considered in  
 8266 calculating the annual limit.

8267 (4) APPROVAL.—

8268 (a) The Governor, through the Department of Economic  
 8269 Opportunity, office shall provide a copy of the final order  
 8270 approving an investment as a qualified investment to the  
 8271 qualified community development entity and to the department.  
 8272 The notice shall include the identity of the taxpayers who are  
 8273 eligible to claim the tax credits and the amount that may be  
 8274 claimed by each taxpayer.

8275 (b) The Governor, through Department of Economic  
 8276 Opportunity, office shall approve an application for part of the  
 8277 amount of the proposed investment if the amount of tax credits  
 8278 available is insufficient.

8279 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The  
 8280 qualified community development entity must provide the  
 8281 Department of Economic Opportunity ~~the office~~ with evidence of  
 8282 the receipt of the cash in exchange for the qualified investment  
 8283 within 30 business days after receipt.

8284 Section 103. Subsection (2) of section 288.9916, Florida  
 8285 Statutes, is amended to read:

8286 288.9916 New markets tax credit.—

8287 (2) A tax credit earned under this section may not be sold  
 8288 or transferred, except as provided in this subsection.



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8289 (a) A partner, member, or shareholder of a partnership,  
 8290 limited liability company, S-corporation, or other "pass-  
 8291 through" entity may claim the tax credit pursuant to an  
 8292 agreement among the partners, members, or shareholders. Any  
 8293 change in the allocation of a tax credit under the agreement  
 8294 must be reported to the Department of Economic Opportunity  
 8295 ~~office~~ and to the Department of Revenue.

8296 (b) Eligibility to claim a tax credit transfers to  
 8297 subsequent purchasers of a qualified investment. Such transfers  
 8298 must be reported to the Department of Economic Opportunity ~~the~~  
 8299 ~~office~~ and to the Department of Revenue along with the identity,  
 8300 tax identification number, and tax credit amount allocated to a  
 8301 taxpayer pursuant to paragraph (a). The notice of transfer also  
 8302 must state whether unused tax credits are being transferred and  
 8303 the amount of unused tax credits being transferred.

8304 Section 104. Section 288.9917, Florida Statutes, is  
 8305 amended to read:

8306 288.9917 Community development entity reporting after a  
 8307 credit allowance date; certification of tax credit amount.—

8308 (1) A qualified community development entity that has  
 8309 issued a qualified investment shall submit the following to the  
 8310 Department of Economic Opportunity ~~the office~~ within 30 days  
 8311 after each credit allowance date:

8312 (a) A list of all qualified active low-income community  
 8313 businesses in which a qualified low-income community investment  
 8314 was made since the last credit allowance date. The list shall  
 8315 also describe the type and amount of investment in each business  
 8316 and the address of the principal location of each business. The

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8317 list must be verified by the chief executive officer of the  
8318 community development entity.

8319 (b) Bank records, wire transfer records, or similar  
8320 documents that provide evidence of the qualified low-income  
8321 community investments made since the last credit allowance date.

8322 (c) A verified statement by the chief financial or  
8323 accounting officer of the community development entity that no  
8324 redemption or principal repayment was made with respect to the  
8325 qualified investment since the previous credit allowance date.

8326 (d) Information relating to the recapture of the federal  
8327 new markets tax credit since the last credit allowance date.

8328 (2) The Governor, through the Department of Economic  
8329 Opportunity, office shall certify in writing to the qualified  
8330 community development entity and to the Department of Revenue  
8331 the amount of the tax credit authorized for each taxpayer  
8332 eligible to claim the tax credit in the tax year containing the  
8333 last credit allowance date.

8334 Section 105. Section 288.9918, Florida Statutes, is  
8335 amended to read:

8336 288.9918 Annual reporting by a community development  
8337 entity.—A community development entity that has issued a  
8338 qualified investment shall submit an annual report to the  
8339 Department of Economic Opportunity ~~the office~~ by April 30 after  
8340 the end of each year which includes a credit allowance date. The  
8341 report shall include:

8342 (1) The entity's annual financial statements for the  
8343 preceding tax year, audited by an independent certified public  
8344 accountant.

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8345 (2) The identity of the types of industries, identified by  
 8346 the North American Industry Classification System Code, in which  
 8347 qualified low-income community investments were made.

8348 (3) The names of the counties in which the qualified  
 8349 active low-income businesses are located which received  
 8350 qualified low-income community investments.

8351 (4) The number of jobs created and retained by qualified  
 8352 active low-income community businesses receiving qualified low-  
 8353 income community investments, including verification that the  
 8354 average wages paid meet or exceed 115 percent of the federal  
 8355 poverty income guidelines for a family of four.

8356 (5) A description of the relationships that the entity has  
 8357 established with community-based organizations and local  
 8358 community development offices and organizations and a summary of  
 8359 the outcomes resulting from those relationships.

8360 (6) Other information and documentation required by the  
 8361 Department of Economic Opportunity ~~the office~~ to verify  
 8362 continued certification as a qualified community development  
 8363 entity under 26 U.S.C. s. 45D.

8364 Section 106. Section 288.9919, Florida Statutes, is  
 8365 amended to read:

8366 288.9919 Audits and examinations; penalties.—

8367 (1) AUDITS.—A community development entity that issues an  
 8368 investment approved by the Department of Economic Opportunity  
 8369 ~~the office~~ as a qualified investment shall be deemed a recipient  
 8370 of state financial assistance under s. 215.97, the Florida  
 8371 Single Audit Act. However, an entity that makes a qualified  
 8372 investment or receives a qualified low-income community

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8373 investment is not a subrecipient for the purposes of s. 215.97.

8374 (2) EXAMINATIONS.—The Department of Economic Opportunity  
 8375 ~~the office~~ may conduct examinations to verify compliance with  
 8376 the New Markets Development Program Act.

8377 Section 107. Section 288.9920, Florida Statutes, is  
 8378 amended to read:

8379 288.9920 Recapture and penalties.—

8380 (1) Notwithstanding s. 95.091, the Governor, through the  
 8381 Department of Economic Opportunity, ~~office~~ shall direct the  
 8382 Department of Revenue, at any time before December 31, 2022, to  
 8383 recapture all or a portion of a tax credit authorized pursuant  
 8384 to the New Markets Development Program Act if one or more of the  
 8385 following occur:

8386 (a) The Federal Government recaptures any portion of the  
 8387 federal new markets tax credit. The recapture by the department  
 8388 shall equal the recapture by the Federal Government.

8389 (b) The qualified community development entity redeems or  
 8390 makes a principal repayment on a qualified investment before the  
 8391 final allowance date. The recapture by the department shall  
 8392 equal the redemption or principal repayment divided by the  
 8393 purchase price and multiplied by the tax credit authorized to a  
 8394 taxpayer for the qualified investment.

8395 (c)1. The qualified community development entity fails to  
 8396 invest at least 85 percent of the purchase price in qualified  
 8397 low-income community investments within 12 months after the  
 8398 issuance of a qualified investment; or

8399 2. The qualified community development entity fails to  
 8400 maintain 85 percent of the purchase price in qualified low-

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8401 income community investments until the last credit allowance  
8402 date for a qualified investment.

8403  
8404 For the purposes of this paragraph, an investment by a qualified  
8405 community development entity includes principal recovered from  
8406 an investment for 12 months after its recovery or principal  
8407 recovered after the sixth credit allowance date. Principal held  
8408 for longer than 12 months or recovered before the sixth credit  
8409 allowance date is not an investment unless it is reinvested in a  
8410 qualified low-income community investment.

8411 (d) The qualified community development entity fails to  
8412 provide the Department of Economic Opportunity ~~the office~~ with  
8413 information, reports, or documentation required by the New  
8414 Markets Development Program Act.

8415 (e) The Department of Economic Opportunity ~~The office~~  
8416 determines that a taxpayer received tax credits to which the  
8417 taxpayer was not entitled.

8418 (2) The Governor, through the Department of Economic  
8419 Opportunity, ~~office~~ shall provide notice to the qualified  
8420 community development entity and the department of a proposed  
8421 recapture of a tax credit. The entity shall have 6 months  
8422 following the receipt of the notice to cure a deficiency  
8423 identified in the notice and avoid recapture. The Governor,  
8424 through the Department of Economic Opportunity, ~~office~~ shall  
8425 issue a final order of recapture if the entity fails to cure a  
8426 deficiency within the 6-month period. The final order of  
8427 recapture shall be provided to the entity, the department, and a  
8428 taxpayer otherwise authorized to claim the tax credit. Only one

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8429 correction is permitted for each qualified equity investment  
 8430 during the 7-year credit period. Recaptured funds shall be  
 8431 deposited into the General Revenue Fund.

8432 (3) An entity that submits fraudulent information to the  
 8433 Department of Economic Opportunity ~~the office~~ is liable for the  
 8434 costs associated with the investigation and prosecution of the  
 8435 fraudulent claim plus a penalty in an amount equal to double the  
 8436 tax credits claimed by investors in the entity's qualified  
 8437 investments. This penalty is in addition to any other penalty  
 8438 that may be imposed by law.

8439 Section 108. Section 288.9921, Florida Statutes, is  
 8440 amended to read:

8441 288.9921 Rulemaking.—The Department of Economic  
 8442 Opportunity ~~the Office~~ and the Department of Revenue may adopt  
 8443 rules pursuant to ss. 120.536(1) and 120.54 to administer ss.  
 8444 288.991-288.9920.

8445 Section 109. Subsection (5) of section 290.004, Florida  
 8446 Statutes, is amended, and present subsections (6) and (7) of  
 8447 that section are renumbered as subsections (5) and (6),  
 8448 respectively, to read:

8449 290.004 Definitions relating to Florida Enterprise Zone  
 8450 Act.—As used in ss. 290.001-290.016:

8451 ~~(5) "Office" means The Office of Tourism, Trade, and~~  
 8452 ~~Economic Development.~~

8453 Section 110. Subsection (1) and paragraphs (a) and (b) of  
 8454 subsection (6) of section 290.0055, Florida Statutes, are  
 8455 amended to read:

8456 290.0055 Local nominating procedure.—

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8457 (1) If, pursuant to s. 290.0065, an opportunity exists for  
 8458 designation of a new enterprise zone, any county or  
 8459 municipality, or a county and one or more municipalities  
 8460 together, may apply to the Department of Economic Opportunity  
 8461 ~~the office~~ for the designation of an area as an enterprise zone  
 8462 after completion of the following:

8463 (a) The adoption by the governing body or bodies of a  
 8464 resolution which:

8465 1. Finds that an area exists in such county or  
 8466 municipality, or in both the county and one or more  
 8467 municipalities, which chronically exhibits extreme and  
 8468 unacceptable levels of poverty, unemployment, physical  
 8469 deterioration, and economic disinvestment;

8470 2. Determines that the rehabilitation, conservation, or  
 8471 redevelopment, or a combination thereof, of such area is  
 8472 necessary in the interest of the public health, safety, and  
 8473 welfare of the residents of such county or municipality, or such  
 8474 county and one or more municipalities; and

8475 3. Determines that the revitalization of such area can  
 8476 occur only if the private sector can be induced to invest its  
 8477 own resources in productive enterprises that build or rebuild  
 8478 the economic viability of the area.

8479 (b) The creation of an enterprise zone development agency  
 8480 pursuant to s. 290.0056.

8481 (c) The creation and adoption of a strategic plan pursuant  
 8482 to s. 290.0057.

8483 (6) (a) The Department of Economic Opportunity ~~The office~~  
 8484 may approve a change in the boundary of any enterprise zone

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8485 | which was designated pursuant to s. 290.0065. A boundary change  
 8486 | must continue to satisfy the requirements of subsections (3),  
 8487 | (4), and (5).

8488 |       (b) Upon a recommendation by the enterprise zone  
 8489 | development agency, the governing body of the jurisdiction which  
 8490 | authorized the application for an enterprise zone may apply to  
 8491 | the Department of Economic Opportunity ~~the Office~~ for a change  
 8492 | in boundary once every 3 years by adopting a resolution that:

8493 |       1. States with particularity the reasons for the change;  
 8494 | and

8495 |       2. Describes specifically and, to the extent required by  
 8496 | the Department of Economic Opportunity ~~the office~~, the boundary  
 8497 | change to be made.

8498 |       Section 111. Subsections (11) and (12) of section  
 8499 | 290.0056, Florida Statutes, are amended to read:

8500 |       290.0056 Enterprise zone development agency.—

8501 |       (11) Before ~~Prior to~~ December 1 of each year, the agency  
 8502 | shall submit to the Department of Economic Opportunity ~~the~~  
 8503 | ~~Office of Tourism, Trade, and Economic Development~~ a complete  
 8504 | and detailed written report setting forth:

8505 |       (a) Its operations and accomplishments during the fiscal  
 8506 | year.

8507 |       (b) The accomplishments and progress concerning the  
 8508 | implementation of the strategic plan or measurable goals, and  
 8509 | any updates to the strategic plan or measurable goals.

8510 |       (c) The number and type of businesses assisted by the  
 8511 | agency during the fiscal year.

8512 |       (d) The number of jobs created within the enterprise zone



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8513 during the fiscal year.

8514 (e) The usage and revenue impact of state and local  
8515 incentives granted during the calendar year.

8516 (f) Any other information required by the Department of  
8517 Economic Opportunity ~~the office~~.

8518 (12) In the event that the nominated area selected by the  
8519 governing body is not designated a state enterprise zone, the  
8520 governing body may dissolve the agency after receiving  
8521 notification from the Department of Economic Opportunity ~~the~~  
8522 ~~office~~ that the area was not designated as an enterprise zone.

8523 Section 112. Subsections (2) and (4), paragraph (a) of  
8524 subsection (6), and subsection (7) of section 290.0065, Florida  
8525 Statutes, are amended to read:

8526 290.0065 State designation of enterprise zones.—

8527 (2) If, pursuant to subsection (4), the Department of  
8528 Economic Opportunity ~~the office~~ does not redesignate an  
8529 enterprise zone, a governing body of a county or municipality or  
8530 the governing bodies of a county and one or more municipalities  
8531 jointly, pursuant to s. 290.0055, may apply for designation of  
8532 an enterprise zone to take the place of the enterprise zone not  
8533 redesignated and request designation of an enterprise zone. The  
8534 Department of Economic Opportunity ~~the Office~~, in consultation  
8535 with Enterprise Florida, Inc., shall determine which areas  
8536 nominated by such governing bodies meet the criteria outlined in  
8537 s. 290.0055 and are the most appropriate for designation as  
8538 state enterprise zones. Each application made pursuant to s.  
8539 290.0055 shall be ranked competitively based on the pervasive  
8540 poverty, unemployment, and general distress of the area; the

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8541 strategic plan, including local fiscal and regulatory  
 8542 incentives, prepared pursuant to s. 290.0057; and the prospects  
 8543 for new investment and economic development in the area.  
 8544 Pervasive poverty, unemployment, and general distress shall be  
 8545 weighted 35 percent; strategic plan and local fiscal and  
 8546 regulatory incentives shall be weighted 40 percent; and  
 8547 prospects for new investment and economic development in the  
 8548 area shall be weighted 25 percent.

8549 (4) (a) Notwithstanding s. 290.0055, the Department of  
 8550 Economic Opportunity ~~the office~~ may redesignate any state  
 8551 enterprise zone having an effective date on or before January 1,  
 8552 2005, as a state enterprise zone upon completion and submittal  
 8553 to the office by the governing body for an enterprise zone of  
 8554 the following:

8555 1. An updated zone profile for the enterprise zone based  
 8556 on the most recent census data that complies with s. 290.0055,  
 8557 except that pervasive poverty criteria may be set aside for  
 8558 rural enterprise zones.

8559 2. A resolution passed by the governing body for that  
 8560 enterprise zone requesting redesignation and explaining the  
 8561 reasons the conditions of the zone merit redesignation.

8562 3. Measurable goals for the enterprise zone developed by  
 8563 the enterprise zone development agency, which may be the goals  
 8564 established in the enterprise zone's strategic plan.

8565  
 8566 The governing body may also submit a request for a boundary  
 8567 change in an enterprise zone in the same application to the  
 8568 Department of Economic Opportunity ~~the office~~ as long as the new

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8569 area complies with the requirements of s. 290.0055, except that  
 8570 pervasive poverty criteria may be set aside for rural enterprise  
 8571 zones.

8572 (b) In consultation with Enterprise Florida, Inc., the  
 8573 Department of Economic Opportunity ~~the office~~ shall, based on  
 8574 the enterprise zone profile and the grounds for redesignation  
 8575 expressed in the resolution, determine whether the enterprise  
 8576 zone merits redesignation. The Department of Economic  
 8577 Opportunity ~~the office~~ may also examine and consider the  
 8578 following:

8579 1. Progress made, if any, in the enterprise zone's  
 8580 strategic plan.

8581 2. Use of enterprise zone incentives during the life of  
 8582 the enterprise zone.

8583  
 8584 If the Department of Economic Opportunity ~~office~~ determines that  
 8585 the enterprise zone merits redesignation, the Department of  
 8586 Economic Opportunity ~~the office~~ shall notify the governing body  
 8587 in writing of its approval of redesignation.

8588 (c) If the enterprise zone is redesignated, the Department  
 8589 of Economic Opportunity ~~the office~~ shall determine if the  
 8590 measurable goals submitted are reasonable. If the Department of  
 8591 Economic Opportunity ~~the office~~ determines that the goals are  
 8592 reasonable, it ~~the office~~ shall notify the governing body in  
 8593 writing that the goals have been approved.

8594 (d) If the Department of Economic Opportunity ~~the office~~  
 8595 denies redesignation of an enterprise zone, it ~~the Office~~ shall  
 8596 notify the governing body in writing of the denial. Any county

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8597 or municipality having jurisdiction over an area denied  
 8598 redesignation as a state enterprise zone pursuant to this  
 8599 subsection may not apply for designation of that area for 1 year  
 8600 following the date of denial.

8601 (6) (a) The Department of Economic Opportunity ~~the office~~,  
 8602 in consultation with Enterprise Florida, Inc., may develop  
 8603 guidelines necessary for the approval of areas under this  
 8604 section by the director.

8605 (7) Upon approval by the Department of Economic  
 8606 Opportunity ~~the director~~ of a resolution authorizing an area to  
 8607 be an enterprise zone pursuant to this section, the Department  
 8608 of Economic Opportunity ~~the office~~ shall assign a unique  
 8609 identifying number to that resolution. The Department of  
 8610 Economic Opportunity ~~the office~~ shall provide the Department of  
 8611 Revenue and Enterprise Florida, Inc., with a copy of each  
 8612 resolution approved, together with its identifying number.

8613 Section 113. Subsection (1) of section 290.0066, Florida  
 8614 Statutes, is amended to read:

8615 290.0066 Revocation of enterprise zone designation.—

8616 (1) The Department of Economic Opportunity ~~The director~~  
 8617 may revoke the designation of an enterprise zone if the  
 8618 department ~~director~~ determines that the governing body or  
 8619 bodies:

8620 (a) Have failed to make progress in achieving the  
 8621 benchmarks set forth in the strategic plan or measurable goals;  
 8622 or

8623 (b) Have not complied substantially with the strategic  
 8624 plan or measurable goals.

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8625 Section 114. Section 290.00710, Florida Statutes, is  
 8626 amended to read:  
 8627 290.00710 Enterprise zone designation for the City of  
 8628 Lakeland.—The City of Lakeland may apply to the Department of  
 8629 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8630 ~~Development~~ for designation of one enterprise zone for an area  
 8631 within the City of Lakeland, which zone shall encompass an area  
 8632 up to 10 square miles. The application must be submitted by  
 8633 December 31, 2005, and must comply with the requirements of s.  
 8634 290.0055. Notwithstanding s. 290.0065, limiting the total number  
 8635 of enterprise zones designated and the number of enterprise  
 8636 zones within a population category, the Department of Economic  
 8637 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8638 ~~Development~~ may designate one enterprise zone under this  
 8639 section. The Department of Economic Opportunity ~~The Office of~~  
 8640 ~~Tourism, Trade, and Economic Development~~ shall establish the  
 8641 initial effective date of the enterprise zone designated  
 8642 pursuant to this section.

8643 Section 115. Section 290.0072, Florida Statutes, is  
 8644 amended to read:  
 8645 290.0072 Enterprise zone designation for the City of  
 8646 Winter Haven.—The City of Winter Haven may apply to the  
 8647 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
 8648 ~~and Economic Development~~ for designation of one enterprise zone  
 8649 for an area within the City of Winter Haven, which zone shall  
 8650 encompass an area up to 5 square miles. Notwithstanding s.  
 8651 290.0065 limiting the total number of enterprise zones  
 8652 designated and the number of enterprise zones within a

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8653 | population category, the Department of Economic Opportunity ~~the~~  
 8654 | ~~Office of Tourism, Trade, and Economic Development~~ may designate  
 8655 | one enterprise zone under this section. The Department of  
 8656 | Economic Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 8657 | ~~Development~~ shall establish the initial effective date of the  
 8658 | enterprise zone designated pursuant to this section.

8659 |       Section 116. Section 290.00725, Florida Statutes, is  
 8660 | amended to read:

8661 |       290.00725 Enterprise zone designation for the City of  
 8662 | Ocala.—The City of Ocala may apply to the Department of Economic  
 8663 | Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8664 | ~~Development~~ for designation of one enterprise zone for an area  
 8665 | within the western portion of the city, which zone shall  
 8666 | encompass an area up to 5 square miles. The application must be  
 8667 | submitted by December 31, 2009, and must comply with the  
 8668 | requirements of s. 290.0055. Notwithstanding s. 290.0065  
 8669 | limiting the total number of enterprise zones designated and the  
 8670 | number of enterprise zones within a population category, the  
 8671 | Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
 8672 | ~~and Economic Development~~ may designate one enterprise zone under  
 8673 | this section. The Department of Economic Opportunity ~~The Office~~  
 8674 | ~~of Tourism, Trade, and Economic Development~~ shall establish the  
 8675 | initial effective date of the enterprise zone designated under  
 8676 | this section.

8677 |       Section 117. Section 290.0073, Florida Statutes, is  
 8678 | amended to read:

8679 |       290.0073 Enterprise zone designation for Indian River  
 8680 | County, the City of Vero Beach, and the City of Sebastian.—

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8681 Indian River County, the City of Vero Beach, and the City of  
 8682 Sebastian may jointly apply to the Department of Economic  
 8683 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8684 ~~Development~~ for designation of one enterprise zone encompassing  
 8685 an area not to exceed 10 square miles. The application must be  
 8686 submitted by December 31, 2005, and must comply with the  
 8687 requirements of s. 290.0055. Notwithstanding the provisions of  
 8688 s. 290.0065 limiting the total number of enterprise zones  
 8689 designated and the number of enterprise zones within a  
 8690 population category, the Department of Economic Opportunity ~~the~~  
 8691 ~~Office of Tourism, Trade, and Economic Development~~ may designate  
 8692 one enterprise zone under this section. The Department of  
 8693 Economic Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 8694 ~~Development~~ shall establish the initial effective date of the  
 8695 enterprise zone designated pursuant to this section.

8696 Section 118. Section 290.0074, Florida Statutes, is  
 8697 amended to read:

8698 290.0074 Enterprise zone designation for Sumter County.—  
 8699 Sumter County may apply to the Department of Economic  
 8700 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8701 ~~Development~~ for designation of one enterprise zone encompassing  
 8702 an area not to exceed 10 square miles. The application must be  
 8703 submitted by December 31, 2005. Notwithstanding the provisions  
 8704 of s. 290.0065 limiting the total number of enterprise zones  
 8705 designated and the number of enterprise zones within a  
 8706 population category, the Department of Economic Opportunity ~~the~~  
 8707 ~~Office of Tourism, Trade, and Economic Development~~ may designate  
 8708 one enterprise zone under this section. The Department of

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8709 Economic Opportunity ~~The Office of Tourism, Trade and Economic~~  
 8710 ~~Development~~ shall establish the initial effective date of the  
 8711 enterprise zone designated pursuant to this section.

8712 Section 119. Section 290.0077, Florida Statutes, is  
 8713 amended to read:

8714 290.0077 Enterprise zone designation for Orange County and  
 8715 the municipality of Apopka.—Orange County and the municipality  
 8716 of Apopka may jointly apply to the Department of Economic  
 8717 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8718 ~~Development~~ for designation of one enterprise zone. The  
 8719 application must be submitted by December 31, 2005, and must  
 8720 comply with the requirements of s. 290.0055. Notwithstanding the  
 8721 provisions of s. 290.0065 limiting the total number of  
 8722 enterprise zones designated and the number of enterprise zones  
 8723 within a population category, the Department of Economic  
 8724 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8725 ~~Development~~ may designate one enterprise zone under this  
 8726 section. The Department of Economic Opportunity ~~The Office of~~  
 8727 ~~Tourism, Trade, and Economic Development~~ shall establish the  
 8728 initial effective date of the enterprise zone designated  
 8729 pursuant to this section.

8730 Section 120. Section 290.014, Florida Statutes, is amended  
 8731 to read:

8732 290.014 Annual reports on enterprise zones.—

8733 (1) By February 1 of each year, the Department of Revenue  
 8734 shall submit an annual report to the Department of Economic  
 8735 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8736 ~~Development~~ detailing the usage and revenue impact by county of



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8737 | the state incentives listed in s. 290.007.  
 8738 |       (2) By March 1 of each year, the Department of Economic  
 8739 | Opportunity ~~the office~~ shall submit an annual report to the  
 8740 | Governor, the Speaker of the House of Representatives, and the  
 8741 | President of the Senate. The report shall include the  
 8742 | information provided by the Department of Revenue pursuant to  
 8743 | subsection (1) and the information provided by enterprise zone  
 8744 | development agencies pursuant to s. 290.0056. In addition, the  
 8745 | report shall include an analysis of the activities and  
 8746 | accomplishments of each enterprise zone.

8747 |       Section 121. Subsections (3), (5), (8), (9), (10), and  
 8748 | (11) of section 311.09, Florida Statutes, are amended to read:  
 8749 |       311.09 Florida Seaport Transportation and Economic  
 8750 | Development Council.—

8751 |       (3) The council shall prepare a 5-year Florida Seaport  
 8752 | Mission Plan defining the goals and objectives of the council  
 8753 | concerning the development of port facilities and an intermodal  
 8754 | transportation system consistent with the goals of the Florida  
 8755 | Transportation Plan developed pursuant to s. 339.155. The  
 8756 | Florida Seaport Mission Plan shall include specific  
 8757 | recommendations for the construction of transportation  
 8758 | facilities connecting any port to another transportation mode  
 8759 | and for the efficient, cost-effective development of  
 8760 | transportation facilities or port facilities for the purpose of  
 8761 | enhancing international trade, promoting cargo flow, increasing  
 8762 | cruise passenger movements, increasing port revenues, and  
 8763 | providing economic benefits to the state. The council shall  
 8764 | update the 5-year Florida Seaport Mission Plan annually and

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8765 shall submit the plan no later than February 1 of each year to  
 8766 the President of the Senate, ~~the~~ the Speaker of the House of  
 8767 Representatives, ~~the~~ the Department of Economic Opportunity, ~~the~~  
 8768 ~~Office of Tourism, Trade, and Economic Development;~~ and the  
 8769 Department of Transportation; ~~and the Department of Community~~  
 8770 ~~Affairs~~. The council shall develop programs, based on an  
 8771 examination of existing programs in Florida and other states,  
 8772 for the training of minorities and secondary school students in  
 8773 job skills associated with employment opportunities in the  
 8774 maritime industry, and report on progress and recommendations  
 8775 for further action to the President of the Senate and the  
 8776 Speaker of the House of Representatives annually.

8777 (5) The council shall review and approve or disapprove  
 8778 each project eligible to be funded pursuant to the Florida  
 8779 Seaport Transportation and Economic Development Program. The  
 8780 council shall annually submit to the Secretary of Transportation  
 8781 ~~and~~ the Commissioner of Economic Opportunity or the  
 8782 commissioner's designee, ~~director of the Office of Tourism,~~  
 8783 ~~Trade, and Economic Development;~~ ~~and the Secretary of Community~~  
 8784 ~~Affairs~~ a list of projects which have been approved by the  
 8785 council. The list shall specify the recommended funding level  
 8786 for each project; and, if staged implementation of the project  
 8787 is appropriate, the funding requirements for each stage shall be  
 8788 specified.

8789 (8) The Department of Economic Opportunity ~~The Office of~~  
 8790 ~~Tourism, Trade, and Economic Development,~~ in consultation with  
 8791 Enterprise Florida, Inc., shall review the list of projects  
 8792 approved by the council to evaluate the economic benefit of the

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8793 project and to determine whether the project is consistent with  
 8794 the Florida Seaport Mission Plan. The Department of Economic  
 8795 Opportunity ~~The Office of Tourism, Trade, and Economic~~  
 8796 ~~Development~~ shall review the economic benefits of each project  
 8797 based upon the rules adopted pursuant to subsection (4). The  
 8798 Department of Economic Opportunity ~~The Office of Tourism, Trade,~~  
 8799 ~~and Economic Development~~ shall identify those projects which it  
 8800 has determined do not offer an economic benefit to the state or  
 8801 are not consistent with the Florida Seaport Mission Plan and  
 8802 shall notify the council of its findings.

8803 (9) The council shall review the findings of the  
 8804 Department of Economic Opportunity ~~the Department of Community~~  
 8805 ~~Affairs; the Office of Tourism, Trade, and Economic Development;~~  
 8806 and the Department of Transportation. Projects found to be  
 8807 inconsistent pursuant to subsections (6), (7), and (8) and  
 8808 projects which have been determined not to offer an economic  
 8809 benefit to the state pursuant to subsection (8) shall not be  
 8810 included in the list of projects to be funded.

8811 (10) The Department of Transportation shall include in its  
 8812 annual legislative budget request a Florida Seaport  
 8813 Transportation and Economic Development grant program for  
 8814 expenditure of funds of not less than \$8 million per year. Such  
 8815 budget shall include funding for projects approved by the  
 8816 council which have been determined by each agency to be  
 8817 consistent and which have been determined by the Department of  
 8818 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8819 ~~Development~~ to be economically beneficial. The department shall  
 8820 include the specific approved seaport projects to be funded

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8821 | under this section during the ensuing fiscal year in the  
 8822 | tentative work program developed pursuant to s. 339.135(4). The  
 8823 | total amount of funding to be allocated to seaport projects  
 8824 | under s. 311.07 during the successive 4 fiscal years shall also  
 8825 | be included in the tentative work program developed pursuant to  
 8826 | s. 339.135(4). The council may submit to the department a list  
 8827 | of approved projects that could be made production-ready within  
 8828 | the next 2 years. The list shall be submitted by the department  
 8829 | as part of the needs and project list prepared pursuant to s.  
 8830 | 339.135(2)(b). However, the department shall, upon written  
 8831 | request of the Florida Seaport Transportation and Economic  
 8832 | Development Council, submit work program amendments pursuant to  
 8833 | s. 339.135(7) to the Governor within 10 days after the later of  
 8834 | the date the request is received by the department or the  
 8835 | effective date of the amendment, termination, or closure of the  
 8836 | applicable funding agreement between the department and the  
 8837 | affected seaport, as required to release the funds from the  
 8838 | existing commitment. Notwithstanding s. 339.135(7)(c), any work  
 8839 | program amendment to transfer prior year funds from one approved  
 8840 | seaport project to another seaport project is subject to the  
 8841 | procedures in s. 339.135(7)(d). Notwithstanding any provision of  
 8842 | law to the contrary, the department may transfer unexpended  
 8843 | budget between the seaport projects as identified in the  
 8844 | approved work program amendments.

8845 |         (11) The council shall meet at the call of its  
 8846 | chairperson, at the request of a majority of its membership, or  
 8847 | at such times as may be prescribed in its bylaws. However, the  
 8848 | council must meet at least semiannually. A majority of voting

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8849 members of the council constitutes a quorum for the purpose of  
 8850 transacting the business of the council. All members of the  
 8851 council are voting members. A vote of the majority of the voting  
 8852 members present is sufficient for any action of the council,  
 8853 except that a member representing the Department of  
 8854 Transportation, ~~the Department of Community Affairs,~~ or the  
 8855 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
 8856 ~~and Economic Development~~ may vote to overrule any action of the  
 8857 council approving a project pursuant to subsection (5). The  
 8858 bylaws of the council may require a greater vote for a  
 8859 particular action.

8860 Section 122. Section 311.11, Florida Statutes, is amended  
 8861 to read:

8862 311.11 Seaport Employment Training Grant Program.—

8863 (1) The Department of Economic Opportunity ~~The Office of~~  
 8864 ~~Tourism, Trade, and Economic Development,~~ in cooperation with  
 8865 the Florida Seaport Transportation and Economic Development  
 8866 Council, shall establish a Seaport Employment Training Grant  
 8867 Program within the Department of Economic Opportunity ~~the~~  
 8868 ~~Office.~~ The Governor ~~office~~ shall grant funds appropriated by  
 8869 the Legislature to the program for the purpose of stimulating  
 8870 and supporting seaport training and employment programs which  
 8871 will seek to match state and local training programs with  
 8872 identified job skills associated with employment opportunities  
 8873 in the port, maritime, and transportation industries, and for  
 8874 the purpose of providing such other training, educational, and  
 8875 information services as required to stimulate jobs in the  
 8876 described industries. Funds may be used for the purchase of

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8877 equipment to be used for training purposes, hiring instructors,  
 8878 and any other purpose associated with the training program. The  
 8879 ~~office's~~ contribution of the Department of Economic Opportunity  
 8880 to any specific training program may not exceed 50 percent of  
 8881 the total cost of the program. Matching contributions may  
 8882 include services in kind, including, but not limited to,  
 8883 training instructors, equipment usage, and training facilities.

8884 (2) The Department of Economic Opportunity ~~The Office~~  
 8885 shall adopt criteria to implement this section.

8886 Section 123. Subsection (2) of section 311.22, Florida  
 8887 Statutes, is amended to read:

8888 311.22 Additional authorization for funding certain  
 8889 dredging projects.—

8890 (2) The council shall adopt rules for evaluating the  
 8891 projects that may be funded pursuant to this section. The rules  
 8892 must provide criteria for evaluating the economic benefit of the  
 8893 project. The rules must include the creation of an  
 8894 administrative review process by the council which is similar to  
 8895 the process described in s. 311.09(5)-(12), and provide for a  
 8896 review by ~~the Department of Community Affairs,~~ the Department of  
 8897 Transportation, and the Department of Economic Opportunity ~~the~~  
 8898 ~~Office of Tourism, Trade, and Economic Development~~ of all  
 8899 projects submitted for funding under this section.

8900 Section 124. Paragraph (a) of subsection (6), paragraph  
 8901 (b) of subsection (9), subsection (60), and paragraph (b) of  
 8902 subsection (65) of section 320.08058, Florida Statutes, is  
 8903 amended to read:

8904 320.08058 Specialty license plates.—

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8905 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
 8906 PLATES.—  
 8907 (a) Because the United States Olympic Committee has  
 8908 selected this state to participate in a combined fundraising  
 8909 program that provides for one-half of all money raised through  
 8910 volunteer giving to stay in this state and be administered by  
 8911 Enterprise Florida, Inc., ~~the direct support organization~~  
 8912 ~~established under s. 288.1229~~ to support amateur sports, and  
 8913 because the United States Olympic Committee and ~~the~~ Enterprise  
 8914 Florida, Inc., ~~direct support organization~~ are nonprofit  
 8915 organizations dedicated to providing athletes with support and  
 8916 training and preparing athletes of all ages and skill levels for  
 8917 sports competition, and because ~~the~~ Enterprise Florida, Inc.,  
 8918 ~~direct support organization~~ assists in the bidding for sports  
 8919 competitions that provide significant impact to the economy of  
 8920 this state, and the Legislature supports the efforts of the  
 8921 United States Olympic Committee and ~~the~~ Enterprise Florida,  
 8922 Inc., ~~direct support organization,~~ the Legislature establishes a  
 8923 Florida United States Olympic Committee license plate for the  
 8924 purpose of providing a continuous funding source to support this  
 8925 worthwhile effort. Florida United States Olympic Committee  
 8926 license plates must contain the official United States Olympic  
 8927 Committee logo and must bear a design and colors that are  
 8928 approved by the department. The word "Florida" must be centered  
 8929 at the top of the plate.  
 8930 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—  
 8931 (b) The license plate annual use fees are to be annually  
 8932 distributed as follows:

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8933 1. Fifty-five percent of the proceeds from the Florida  
 8934 Professional Sports Team plate must be deposited into the  
 8935 Professional Sports Development Trust Fund within the Department  
 8936 of Economic Opportunity ~~the Office of Tourism, Trade, and~~  
 8937 ~~Economic Development~~. These funds must be used solely to attract  
 8938 and support major sports events in this state. As used in this  
 8939 subparagraph, the term "major sports events" means, but is not  
 8940 limited to, championship or all-star contests of Major League  
 8941 Baseball, the National Basketball Association, the National  
 8942 Football League, the National Hockey League, the men's and  
 8943 women's National Collegiate Athletic Association Final Four  
 8944 basketball championship, or a horseracing or dogracing Breeders'  
 8945 Cup. All funds must be used to support and promote major  
 8946 sporting events, and the uses must be approved by the Florida  
 8947 Sports Foundation.

8948 2. The remaining proceeds of the Florida Professional  
 8949 Sports Team license plate must be allocated to ~~the~~ Enterprise  
 8950 Florida, Inc. ~~Florida Sports Foundation, a direct support~~  
 8951 ~~organization of the Office of Tourism, Trade, and Economic~~  
 8952 ~~Development~~. These funds must be deposited into the Professional  
 8953 Sports Development Trust Fund within the Department of Economic  
 8954 Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8955 ~~Development~~. These funds must be used by ~~the~~ Enterprise Florida,  
 8956 Inc., Florida Sports Foundation to promote the economic  
 8957 development of the sports industry; to distribute licensing and  
 8958 royalty fees to participating professional sports teams; to  
 8959 promote education programs in Florida schools that provide an  
 8960 awareness of the benefits of physical activity and nutrition



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8961 standards; to partner with the Department of Education and the  
 8962 Department of Health to develop a program that recognizes  
 8963 schools whose students demonstrate excellent physical fitness or  
 8964 fitness improvement; to institute a grant program for  
 8965 communities bidding on minor sporting events that create an  
 8966 economic impact for the state; to distribute funds to Florida-  
 8967 based charities designated by Enterprise Florida, Inc., ~~the~~  
 8968 ~~Florida Sports Foundation~~ and the participating professional  
 8969 sports teams; and to fulfill the sports promotion  
 8970 responsibilities of the Department of Economic Opportunity ~~the~~  
 8971 ~~Office of Tourism, Trade, and Economic Development~~.

8972 3. ~~The Enterprise Florida, Inc., Florida Sports Foundation~~  
 8973 shall provide an annual financial audit in accordance with s.  
 8974 215.981 of its financial accounts and records by an independent  
 8975 certified public accountant pursuant to the contract established  
 8976 by the Department of Economic Opportunity ~~the Office of Tourism,~~  
 8977 ~~Trade, and Economic Development~~ as specified in s. 288.1229(5).  
 8978 The auditor shall submit the audit report to the Department of  
 8979 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 8980 ~~Development~~ for review and approval. If the audit report is  
 8981 approved, the Department of Economic Opportunity ~~the office~~  
 8982 shall certify the audit report to the Auditor General for  
 8983 review.

8984 4. Notwithstanding the provisions of subparagraphs 1. and  
 8985 2., proceeds from the Professional Sports Development Trust Fund  
 8986 may also be used for operational expenses of ~~the~~ Enterprise  
 8987 Florida, Inc., ~~Florida Sports Foundation~~ and financial support  
 8988 of the Sunshine State Games.

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8989 (60) FLORIDA NASCAR LICENSE PLATES.—  
 8990 (a) The department shall develop a Florida NASCAR license  
 8991 plate as provided in this section. Florida NASCAR license plates  
 8992 must bear the colors and design approved by the department. The  
 8993 word "Florida" must appear at the top of the plate, and the term  
 8994 "NASCAR" must appear at the bottom of the plate. The National  
 8995 Association for Stock Car Auto Racing, following consultation  
 8996 with ~~the~~ Enterprise Florida, Inc. ~~Florida Sports Foundation~~, may  
 8997 submit a sample plate for consideration by the department.  
 8998 (b) The license plate annual use fees shall be distributed  
 8999 to ~~the~~ Enterprise Florida, Inc. ~~Florida Sports Foundation~~, a  
 9000 ~~direct support organization of the Office of Tourism, Trade, and~~  
 9001 ~~Economic Development~~. The license plate annual use fees shall be  
 9002 annually allocated as follows:  
 9003 1. Up to 5 percent of the proceeds from the annual use  
 9004 fees may be used by ~~the~~ Enterprise Florida, Inc., ~~Florida Sports~~  
 9005 ~~Foundation~~ for the administration of the NASCAR license plate  
 9006 program.  
 9007 2. The National Association for Stock Car Auto Racing  
 9008 shall receive up to \$60,000 in proceeds from the annual use fees  
 9009 to be used to pay startup costs, including costs incurred in  
 9010 developing and issuing the plates. Thereafter, 10 percent of the  
 9011 proceeds from the annual use fees shall be provided to the  
 9012 association for the royalty rights for the use of its marks.  
 9013 3. The remaining proceeds from the annual use fees shall  
 9014 be distributed to ~~the~~ Enterprise Florida, Inc. ~~Florida Sports~~  
 9015 ~~Foundation~~. ~~The~~ Enterprise Florida, Inc., ~~Florida Sports~~  
 9016 ~~Foundation~~ will retain 15 percent to support its regional grant

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9017 program, attracting sporting events to Florida; 20 percent to  
 9018 support the marketing of motorsports-related tourism in the  
 9019 state; and 50 percent to be paid to the NASCAR Foundation, a s.  
 9020 501(c)(3) charitable organization, to support Florida-based  
 9021 charitable organizations.

9022 (c) ~~The Enterprise Florida, Inc., Florida Sports~~  
 9023 ~~Foundation~~ shall provide an annual financial audit in accordance  
 9024 with s. 215.981 of its financial accounts and records by an  
 9025 independent certified public accountant pursuant to the contract  
 9026 established by the Department of Economic Opportunity ~~the Office~~  
 9027 ~~of Tourism, Trade, and Economic Development as specified in s.~~  
 9028 ~~288.1229(5)~~. The auditor shall submit the audit report to the  
 9029 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
 9030 ~~and Economic Development~~ for review and approval. If the audit  
 9031 report is approved, the Department of Economic Opportunity ~~the~~  
 9032 ~~office~~ shall certify the audit report to the Auditor General for  
 9033 review.

9034 (65) FLORIDA TENNIS LICENSE PLATES.—

9035 (b) The department shall distribute the annual use fees to  
 9036 ~~the Enterprise Florida, Inc. Florida Sports Foundation, a~~  
 9037 ~~direct-support organization of the Office of Tourism, Trade, and~~  
 9038 ~~Economic Development~~. The license plate annual use fees shall be  
 9039 annually allocated as follows:

9040 1. Up to 5 percent of the proceeds from the annual use  
 9041 fees may be used by ~~the Enterprise Florida, Inc., Florida Sports~~  
 9042 ~~Foundation~~ to administer the license plate program.

9043 2. The United States Tennis Association Florida Section  
 9044 Foundation shall receive the first \$60,000 in proceeds from the

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9045 annual use fees to reimburse it for startup costs,  
 9046 administrative costs, and other costs it incurs in the  
 9047 development and approval process.

9048 3. Up to 5 percent of the proceeds from the annual use  
 9049 fees may be used for promoting and marketing the license plates.  
 9050 The remaining proceeds shall be available for grants by the  
 9051 United States Tennis Association Florida Section Foundation to  
 9052 nonprofit organizations to operate youth tennis programs and  
 9053 adaptive tennis programs for special populations of all ages,  
 9054 and for building, renovating, and maintaining public tennis  
 9055 courts.

9056 Section 125. Effective December 31, 2011, section  
 9057 331.3081, Florida Statutes, is amended to read:

9058 (Substantial rewording of section. See  
 9059 s. 331.3081, F.S., for present text.)

9060 331.3081 Board of Directors; advisory board.—

9061 (1) Space Florida shall be governed by the 11-member board  
 9062 of directors of Enterprise Florida, Inc., created under s.  
 9063 288.901(3), which does not include the board's at-large or  
 9064 nonvoting members.

9065 (2) Space Florida shall have a 15-member advisory council,  
 9066 appointed by the Governor from a list of nominations submitted  
 9067 by the board of directors. The advisory council shall be  
 9068 composed of Florida residents with expertise in the space  
 9069 industry, and each of the following areas of expertise or  
 9070 experience must be represented by at least one advisory council  
 9071 member: human space-flight programs, commercial launches into  
 9072 space; organized labor with experience working in the aerospace

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9073 industry, aerospace-related industries, a commercial company  
 9074 working under Federal Government contracts to conduct space-  
 9075 related business, an aerospace company whose primary client is  
 9076 the United States Department of Defense, and an alternative  
 9077 energy enterprise with potential for aerospace applications. The  
 9078 advisory council shall elect a member to serve as chair of the  
 9079 council. The advisory council shall make recommendations to the  
 9080 board of directors of Enterprise Florida, Inc., on the operation  
 9081 of Space Florida, including matters pertaining to ways to  
 9082 improve or enhance Florida's efforts to expand its existing  
 9083 space and aerospace industry, to improve management and use of  
 9084 Florida's state-owned real property assets related to space and  
 9085 aerospace, how best to retain and, if necessary, retrain  
 9086 Florida's highly skilled space and aerospace workforce, and how  
 9087 to strengthen bonds between this state, the National Aeronautics  
 9088 and Space Administration, and the United States Department of  
 9089 Defense, and private space and aerospace industries.

9090 (3) The term for an advisory council member is 2 years. A  
 9091 member may not serve more than two consecutive terms. The  
 9092 Governor may remove any member for cause and shall fill all  
 9093 vacancies that occur.

9094 (4) Advisory council members shall serve without  
 9095 compensation, but may be reimbursed for all reasonable,  
 9096 necessary, and actual expenses, as determined by the Enterprise  
 9097 Florida board of directors.

9098 Section 126. Paragraph (c) of subsection (2) of section  
 9099 331.310, Florida Statutes, is amended to read:

9100 331.310 Powers and duties of the board of directors.—

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9101 (2) The board of directors shall:

9102 (c) Appoint a person to act as the executive director  
 9103 ~~president~~ of Space Florida, having such official title,  
 9104 functions, duties, powers, and salary as the board may  
 9105 prescribe.

9106 Section 127. Paragraph (f) of subsection (1) of section  
 9107 339.08, Florida Statutes, is amended to read:

9108 339.08 Use of moneys in State Transportation Trust Fund.—

9109 (1) The department shall expend moneys in the State  
 9110 Transportation Trust Fund accruing to the department, in  
 9111 accordance with its annual budget. The use of such moneys shall  
 9112 be restricted to the following purposes:

9113 (f) To pay the cost of economic development transportation  
 9114 projects in accordance with s. 288.063.

9115 Section 128. Paragraph (h) of subsection (5) of section  
 9116 377.711, Florida Statutes, is amended to read:

9117 377.711 Florida party to Southern States Energy Compact.—  
 9118 The Southern States Energy Compact is enacted into law and  
 9119 entered into by the state as a party, and is of full force and  
 9120 effect between the state and any other states joining therein in  
 9121 accordance with the terms of the compact, which compact is  
 9122 substantially as follows:

9123 (5) POWERS.—The board shall have the power to:

9124 (h) Recommend such changes in, or amendments or additions  
 9125 to, the laws, codes, rules, regulations, administrative  
 9126 procedures and practices, or ordinances of the party states in  
 9127 any of the fields of its interest and competence as in its  
 9128 judgment may be appropriate. Any such recommendation shall be

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9129 made through the Department of Environmental Protection with due  
 9130 consideration of the desirability of uniformity and appropriate  
 9131 weight to any special circumstances that may justify variations  
 9132 to meet local conditions. ~~Any such recommendation shall be made,~~  
 9133 ~~in the case of Florida, through the Department of Commerce.~~

9134 Section 129. Subsection (3) of section 377.712, Florida  
 9135 Statutes, is amended to read:

9136 377.712 Florida participation.—

9137 (3) Departments ~~The department~~, agencies, and officers of  
 9138 this state, and its subdivisions are authorized to cooperate  
 9139 with the board in the furtherance of any of its activities  
 9140 pursuant to the compact, provided such proposed activities have  
 9141 been made known to, and have the approval of, either the  
 9142 Governor or the Department of Health.

9143 Section 130. Paragraph (e) of subsection (1) of section  
 9144 381.0054, Florida Statutes, is amended to read:

9145 381.0054 Healthy lifestyles promotion.—

9146 (1) The Department of Health shall promote healthy  
 9147 lifestyles to reduce the prevalence of excess weight gain and  
 9148 obesity in Florida by implementing appropriate physical activity  
 9149 and nutrition programs that are directed towards all Floridians  
 9150 by:

9151 (e) Partnering with the Department of Education, school  
 9152 districts, and Enterprise Florida, Inc., ~~the Florida Sports~~  
 9153 ~~Foundation~~ to develop a program that recognizes schools whose  
 9154 students demonstrate excellent physical fitness or fitness  
 9155 improvement.

9156 Section 131. Paragraphs (c), (d), and (e) of subsection

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9157 (2), paragraphs (b) and (c) of subsection (3), and subsections  
 9158 (4), (15), (17), and (18) of section 403.973, Florida Statutes,  
 9159 are amended to read:

9160 403.973 Expedited permitting; amendments to comprehensive  
 9161 plans.—

9162 (2) As used in this section, the term:

9163 ~~(c) "Office" means the Office of Tourism, Trade, and~~  
 9164 ~~Economic Development.~~

9165 (c) ~~(d)~~ "Permit applications" means state permits and  
 9166 licenses, and at the option of a participating local government,  
 9167 local development permits or orders.

9168 (d) ~~(e)~~ "Secretary" means the Secretary of Environmental  
 9169 Protection or his or her designee.

9170 (3)

9171 (b) On a case-by-case basis and at the request of a county  
 9172 or municipal government, the Department of Economic Opportunity  
 9173 ~~the office~~ may certify as eligible for expedited review a  
 9174 project not meeting the minimum job creation thresholds but  
 9175 creating a minimum of 10 jobs. The recommendation from the  
 9176 governing body of the county or municipality in which the  
 9177 project may be located is required in order for the Department  
 9178 of Economic Opportunity ~~the office~~ to certify that any project  
 9179 is eligible for expedited review under this paragraph. When  
 9180 considering projects that do not meet the minimum job creation  
 9181 thresholds but that are recommended by the governing body in  
 9182 which the project may be located, the Department of Economic  
 9183 Opportunity ~~the office~~ shall consider economic impact factors  
 9184 that include, but are not limited to:



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- 9185 | 1. The proposed wage and skill levels relative to those  
 9186 | existing in the area in which the project may be located;  
 9187 | 2. The project's potential to diversify and strengthen the  
 9188 | area's economy;  
 9189 | 3. The amount of capital investment; and  
 9190 | 4. The number of jobs that will be made available for  
 9191 | persons served by the welfare transition program.

9192 | (c) At the request of a county or municipal government,  
 9193 | the Department of Economic Opportunity ~~the office~~ or a Quick  
 9194 | Permitting County may certify projects located in counties where  
 9195 | the ratio of new jobs per participant in the welfare transition  
 9196 | program, as determined by Workforce Florida, Inc., is less than  
 9197 | one or otherwise critical, as eligible for the expedited  
 9198 | permitting process. Such projects must meet the numerical job  
 9199 | creation criteria of this subsection, but the jobs created by  
 9200 | the project do not have to be high-wage jobs that diversify the  
 9201 | state's economy.

9202 | (4) The regional teams shall be established through the  
 9203 | execution of memoranda of agreement developed by the applicant  
 9204 | and the secretary, with input solicited from the Department of  
 9205 | Economic Opportunity ~~the office~~ and the respective heads of ~~the~~  
 9206 | ~~Department of Community Affairs,~~ the Department of  
 9207 | Transportation and its district offices, the Department of  
 9208 | Agriculture and Consumer Services, the Fish and Wildlife  
 9209 | Conservation Commission, appropriate regional planning councils,  
 9210 | appropriate water management districts, and voluntarily  
 9211 | participating municipalities and counties. The memoranda of  
 9212 | agreement should also accommodate participation in this

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9213 expedited process by other local governments and federal  
 9214 agencies as circumstances warrant.

9215 (15) The Department of Economic Opportunity ~~The office,~~  
 9216 working with the agencies providing cooperative assistance and  
 9217 input regarding the memoranda of agreement, shall review sites  
 9218 proposed for the location of facilities eligible for the  
 9219 Innovation Incentive Program under s. 288.1089. Within 20 days  
 9220 after the request for the review by the Department of Economic  
 9221 Opportunity ~~the office,~~ the agencies shall provide to the  
 9222 Department of Economic Opportunity ~~the office~~ a statement as to  
 9223 each site's necessary permits under local, state, and federal  
 9224 law and an identification of significant permitting issues,  
 9225 which if unresolved, may result in the denial of an agency  
 9226 permit or approval or any significant delay caused by the  
 9227 permitting process.

9228 (17) The Department of Economic Opportunity ~~The office~~  
 9229 shall be responsible for certifying a business as eligible for  
 9230 undergoing expedited review under this section. Enterprise  
 9231 Florida, Inc., a county or municipal government, or the Rural  
 9232 Economic Development Initiative may recommend to the Department  
 9233 of Economic Opportunity ~~the Office of Tourism, Trade, and~~  
 9234 ~~Economic Development~~ that a project meeting the minimum job  
 9235 creation threshold undergo expedited review.

9236 (18) The Department of Economic Opportunity ~~The office,~~  
 9237 working with the Rural Economic Development Initiative and the  
 9238 agencies participating in the memoranda of agreement, shall  
 9239 provide technical assistance in preparing permit applications  
 9240 and local comprehensive plan amendments for counties having a

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9241 population of fewer than 75,000 residents, or counties having  
 9242 fewer than 125,000 residents which are contiguous to counties  
 9243 having fewer than 75,000 residents. Additional assistance may  
 9244 include, but not be limited to, guidance in land development  
 9245 regulations and permitting processes, working cooperatively with  
 9246 state, regional, and local entities to identify areas within  
 9247 these counties which may be suitable or adaptable for  
 9248 preclearance review of specified types of land uses and other  
 9249 activities requiring permits.

9250 Section 132. Section 570.96, Florida Statutes, is amended  
 9251 to read:

9252 570.96 Agritourism.—The Department of Agriculture and  
 9253 Consumer Services may provide marketing advice, technical  
 9254 expertise, promotional support, and product development related  
 9255 to agritourism to assist the following in their agritourism  
 9256 initiatives: Enterprise Florida, Inc. ~~the Florida Commission on~~  
 9257 ~~Tourism~~; convention and visitor bureaus; tourist development  
 9258 councils; economic development organizations; and local  
 9259 governments. In carrying out this responsibility, the department  
 9260 shall focus its agritourism efforts on rural and urban  
 9261 communities.

9262 Section 133. Subsection (1) of section 597.006, Florida  
 9263 Statutes, is amended to read:

9264 597.006 Aquaculture Interagency Coordinating Council.—

9265 (1) CREATION.—The Legislature finds and declares that  
 9266 there is a need for interagency coordination with regard to  
 9267 aquaculture by the following agencies: the Department of  
 9268 Agriculture and Consumer Services; the Department of Economic

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9269 Opportunity; ~~the Office of Tourism, Trade, and Economic~~  
 9270 ~~Development; the Department of Community Affairs;~~ the Department  
 9271 of Environmental Protection; ~~the Department of Labor and~~  
 9272 ~~Employment Security;~~ the Fish and Wildlife Conservation  
 9273 Commission; the statewide consortium of universities under the  
 9274 Florida Institute of Oceanography; Florida Agricultural and  
 9275 Mechanical University; the Institute of Food and Agricultural  
 9276 Sciences at the University of Florida; and the Florida Sea Grant  
 9277 Program. It is therefore the intent of the Legislature to hereby  
 9278 create an Aquaculture Interagency Coordinating Council to act as  
 9279 an advisory body as defined in s. 20.03(9).

9280 Section 134. Paragraph (d) of subsection (2) of section  
 9281 624.5105, Florida Statutes, is amended to read:

9282 624.5105 Community contribution tax credit; authorization;  
 9283 limitations; eligibility and application requirements;  
 9284 administration; definitions; expiration.—

9285 (2) ELIGIBILITY REQUIREMENTS.—

9286 (d) The project shall be located in an area designated as  
 9287 an enterprise zone or a Front Porch Community ~~pursuant to s.~~  
 9288 ~~20.18(6)~~. Any project designed to construct or rehabilitate  
 9289 housing for low-income or very-low-income households as defined  
 9290 in s. 420.9071(19) and (28) is exempt from the area requirement  
 9291 of this paragraph.

9292 Section 135. Section 625.3255, Florida Statutes, is  
 9293 amended to read:

9294 625.3255 Capital participation instrument.—An insurer may  
 9295 invest in any capital participation instrument or evidence of  
 9296 indebtedness issued by Enterprise Florida, Inc., ~~the Florida~~

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9297 ~~Black Business Investment Board~~ pursuant to the Florida Small  
 9298 and Minority Business Assistance Act.  
 9299 Section 136. Paragraph (b) of subsection (4) of section  
 9300 657.042, Florida Statutes, is amended to read:  
 9301 657.042 Investment powers and limitations.—A credit union  
 9302 may invest its funds subject to the following definitions,  
 9303 restrictions, and limitations:  
 9304 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF  
 9305 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of  
 9306 the credit union may be invested in any of the following:  
 9307 (b) Any capital participation instrument or evidence of  
 9308 indebtedness issued by Enterprise Florida, Inc., ~~the Florida~~  
 9309 ~~Black Business Investment Board~~ pursuant to the Florida Small  
 9310 and Minority Business Assistance Act.  
 9311 Section 137. Paragraph (g) of subsection (4) of section  
 9312 658.67, Florida Statutes, is amended to read:  
 9313 658.67 Investment powers and limitations.—A bank may  
 9314 invest its funds, and a trust company may invest its corporate  
 9315 funds, subject to the following definitions, restrictions, and  
 9316 limitations:  
 9317 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR  
 9318 LESS OF CAPITAL ACCOUNTS.—  
 9319 (g) Up to 10 percent of the capital accounts of a bank or  
 9320 trust company may be invested in any capital participation  
 9321 instrument or evidence of indebtedness issued by ~~the~~ Enterprise  
 9322 Florida, Inc., ~~Florida Black Business Investment Board~~ pursuant  
 9323 to the Florida Small and Minority Business Assistance Act.  
 9324 Section 138. Subsections (2) and (3) of section 1003.492,

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9325 Florida Statutes, are amended to read:  
 9326 1003.492 Industry-certified career education programs.—  
 9327 (2) The State Board of Education shall use the expertise  
 9328 of Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to  
 9329 develop and adopt rules pursuant to ss. 120.536(1) and 120.54  
 9330 for implementing an industry certification process. Industry  
 9331 certification shall be defined by the Department of Economic  
 9332 Opportunity ~~the Agency for Workforce Innovation,~~ based upon the  
 9333 highest available national standards for specific industry  
 9334 certification, to ensure student skill proficiency and to  
 9335 address emerging labor market and industry trends. A regional  
 9336 workforce board or a career and professional academy may apply  
 9337 to Workforce Florida, Inc., to request additions to the approved  
 9338 list of industry certifications based on high-demand job  
 9339 requirements in the regional economy. The list of industry  
 9340 certifications approved by Workforce Florida, Inc., and the  
 9341 Department of Education shall be published and updated annually  
 9342 by a date certain, to be included in the adopted rule.  
 9343 (3) The Department of Education shall collect student  
 9344 achievement and performance data in industry-certified career  
 9345 education programs and shall work with Workforce Florida, Inc.,  
 9346 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.  
 9347 The data collection and analyses shall examine the performance  
 9348 of participating students over time. Performance factors shall  
 9349 include, but not be limited to, graduation rates, retention  
 9350 rates, Florida Bright Futures Scholarship awards, additional  
 9351 educational attainment, employment records, earnings, industry  
 9352 certification, and employer satisfaction. The results of this

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9353 study shall be submitted to the President of the Senate and the  
 9354 Speaker of the House of Representatives annually by December 31.

9355 Section 139. Paragraphs (f) and (k) of subsection (4) of  
 9356 section 1003.493, Florida Statutes, is amended to read:

9357 1003.493 Career and professional academies.—

9358 (4) Each career and professional academy must:

9359 (f) Provide instruction in careers designated as high  
 9360 growth, high demand, and high pay by the local workforce  
 9361 development board, the chamber of commerce, or the Department of  
 9362 Economic Opportunity ~~the Agency for Workforce Innovation.~~

9363 (k) Include an evaluation plan developed jointly with the  
 9364 Department of Education and the local workforce board. The  
 9365 evaluation plan must include an assessment tool based on  
 9366 national industry standards, such as the Career Academy National  
 9367 Standards of Practice, and outcome measures, including, but not  
 9368 limited to, achievement of national industry certifications  
 9369 identified in the Industry Certification Funding List, pursuant  
 9370 to rules adopted by the State Board of Education, graduation  
 9371 rates, enrollment in postsecondary education, business and  
 9372 industry satisfaction, employment and earnings, awards of  
 9373 postsecondary credit and scholarships, and student achievement  
 9374 levels and learning gains on statewide assessments administered  
 9375 under s. 1008.22(3)(c). The Department of Education shall use  
 9376 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in  
 9377 identifying industry experts to participate in developing and  
 9378 implementing such assessments.

9379 Section 140. Paragraph (c) of subsection (5) of section  
 9380 1004.226, Florida Statutes, is amended to read:

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9381 1004.226 The 21st Century Technology, Research, and  
 9382 Scholarship Enhancement Act.—  
 9383 (5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—  
 9384 (c) The board, in consultation with senior administrators  
 9385 of state universities, state university foundation directors,  
 9386 the Department of Economic Opportunity, ~~the Office of Tourism,~~  
 9387 ~~Trade, and Economic Development,~~ the board of directors of  
 9388 Enterprise Florida, Inc., and leading members of private  
 9389 industry, shall develop and recommend to the Board of Governors  
 9390 criteria for the 21st Century World Class Scholars Program. Such  
 9391 criteria shall address, at a minimum, the following:  
 9392 1. The presence of distinguished faculty members,  
 9393 including whether the university has a substantial history of  
 9394 external funding, along with the strong potential for attracting  
 9395 a scholar of national or international eminence.  
 9396 2. The presence of academically outstanding students,  
 9397 along with the promise and potential for attracting additional  
 9398 highly qualified students.  
 9399 3. The presence of adequate research and scholarly support  
 9400 services.  
 9401 4. The existence of an academic environment having  
 9402 appropriate infrastructure, including buildings, classrooms,  
 9403 libraries, laboratories, and specialized equipment, that is  
 9404 conducive to the conduct of the highest quality of scholarship  
 9405 and research.  
 9406 5. The demonstration of concordance with Florida's  
 9407 strategic plan for economic development or an emphasis on one or  
 9408 more emerging sciences or technologies that could favorably



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9409 | impact the state's economic future.  
 9410 |       Section 141. Sections 216.235 and 216.236, Florida  
 9411 | Statutes, are repealed.  
 9412 |       Section 142. Section 287.115, Florida Statutes, is  
 9413 | repealed.  
 9414 |       Section 143. Section 288.0251, Florida Statutes, is  
 9415 | repealed.  
 9416 |       Section 144. Section 288.038, Florida Statutes, is  
 9417 | repealed.  
 9418 |       Section 145. Section 288.12295, Florida Statutes, is  
 9419 | repealed.  
 9420 |       Section 146. Section 288.386, Florida Statutes, is  
 9421 | repealed.  
 9422 |       Section 147. Section 288.7011, Florida Statutes, is  
 9423 | repealed.  
 9424 |       Section 148. Section 288.90151, Florida Statutes, is  
 9425 | repealed.  
 9426 |       Section 149. Section 288.9415, Florida Statutes, is  
 9427 | repealed.  
 9428 |       Section 150. Section 288.9618, Florida Statutes, is  
 9429 | repealed.  
 9430 |       Section 151. Section 288.982, Florida Statutes, is  
 9431 | repealed.  
 9432 |       Section 152. Section 311.115, Florida Statutes, is  
 9433 | repealed.  
 9434 |       Section 153. Section 379.2353, Florida Statutes, is  
 9435 | repealed.  
 9436 |       Section 154. Section 409.944, 409.945, and 409.946,

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9437 Florida Statutes, are repealed.

9438       Section 155. Section 625.3255, Florida Statutes, is

9439 repealed.

9440       Section 156. Section 20.18, Florida Statutes, is repealed.

9441       Section 157. Transfers from the Department of Community

9442 Affairs.-

9443       (1) All powers, duties, functions, records, offices,

9444 personnel, associated administrative support positions,

9445 property, pending issues, and existing contracts, administrative

9446 authority, administrative rules, and unexpended balances of

9447 appropriations, allocations, and other funds relating to the

9448 following programs in the Department of Community Affairs are

9449 transferred by a type two transfer, as defined in s. 20.06(2),

9450 Florida Statutes, as follows:

9451       (a) The Division of Housing and Community Development is

9452 transferred to the Department of Economic Opportunity.

9453       (b) The Division of Community Planning is transferred to

9454 the Department of Economic Opportunity.

9455       (c) The Division of Emergency Management is transferred to

9456 the Executive Office of the Governor.

9457       (d) The Florida Building Commission is transferred to the

9458 Department of Business and Professional Regulation.

9459       (e) The responsibilities under the Florida Communities

9460 Trust, part III of chapter 380, Florida Statutes, are

9461 transferred to the Department of Environmental Protection.

9462       (f) The responsibilities under the Stan Mayfield Working

9463 Waterfronts Program authorized in s. 380.5105, Florida Statutes,

9464 are transferred to the Department of Environmental Protection.

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- 9465        (g) The responsibilities of the Special District  
 9466 Information Program under chapter 189, Florida Statutes, are  
 9467 transferred to the Department of Financial Services.
- 9468        (h) The responsibilities of the Community Services Block  
 9469 Grant Programs are transferred to the Department of Children and  
 9470 Family Services.
- 9471        (2) The following trust funds are transferred:
- 9472        (a) From the Department of Community Affairs to the  
 9473 Department of Economic Opportunity:
- 9474        1. The State Housing Trust Fund, FLAIR number 52-2-255.  
 9475        2. The Local Government Housing Trust Fund, FLAIR number  
 9476 52-2-250.
- 9477        3. The Florida Small Cities Community Development Block  
 9478 Grant Trust Fund, FLAIR number 52-2-109.
- 9479        4. The Federal Grants Trust Fund, FLAIR number 52-2-261.  
 9480        5. The Grants and Donations Trust Fund, FLAIR number 52-2-  
 9481 339.
- 9482        6. The Energy Consumption Trust Fund, FLAIR number 52-2-  
 9483 174.
- 9484        7. The Low-Income Home Energy Assistance Trust Fund, FLAIR  
 9485 number 52-2-451.
- 9486        (b) From the Department of Community Affairs to the  
 9487 Executive Office of the Governor:
- 9488        1. The Emergency Management, Preparedness, and Assistance  
 9489 Trust Fund, FLAIR number 52-2-11.
- 9490        2. The U.S. Contributions Trust Fund, FLAIR number 52-2-  
 9491 750.
- 9492        3. The Operating Trust Fund, FLAIR number 52-2-510.

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9493        (c) From the Department of Community Affairs to the  
 9494 Department of Environmental Protection:  
 9495            1. The Florida Forever Program Trust Fund, FLAIR number  
 9496 52-2-349.  
 9497            2. The Florida Communities Trust Fund, FLAIR number 52-2-  
 9498 244.  
 9499        (d) From the Department of Community Affairs to the  
 9500 Department of Children and Family Services, the Community  
 9501 Services Block Grant Trust Fund, FLAIR number 52-2-118.  
 9502            (3) The Administrative Trust Fund, FLAIR number 52-2-021,  
 9503 within the Department of Community Affairs is terminated. All  
 9504 current balances remaining in the trust fund on the date of  
 9505 termination pursuant to this section shall be transferred to the  
 9506 Administrative Trust Fund within the Department of Economic  
 9507 Opportunity.  
 9508            (4) Any binding contract or interagency agreement existing  
 9509 on or before July 1, 2011, between the Department of Community  
 9510 Affairs or the Division of Emergency Management, or an entity or  
 9511 agent of the department or division, and any other agency,  
 9512 entity, or person shall continue as a binding contract or  
 9513 agreement for the remainder of the term of such contract or  
 9514 agreement with the successor department, agency, or entity  
 9515 responsible for the program, activity, or functions relative to  
 9516 the contract or agreement.  
 9517            (5) All powers, duties, functions, records, offices,  
 9518 personnel, property, pending issues, and existing contracts,  
 9519 administrative authority, administrative rules, and unexpended  
 9520 balances of appropriations, allocations, and other funds

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9521 relating to the Department of Community Affairs, and not  
 9522 specifically delineated for transfer within this section are  
 9523 transferred by a type two transfer to the Department of Economic  
 9524 Opportunity.

9525 Section 158. Section 14.2016, Florida Statutes, is created  
 9526 to read:

9527 14.2016 Division of Emergency Management.—The Division of  
 9528 Emergency Management is established within the Executive Office  
 9529 of the Governor. The division shall be a separate budget entity,  
 9530 as provided in the General Appropriations Act, and shall prepare  
 9531 and submit a budget request in accordance with chapter 216. The  
 9532 division is responsible for all professional, technical, and  
 9533 administrative support functions necessary to carry out its  
 9534 responsibilities under part I of chapter 252. The head of the  
 9535 division is the Director of Emergency Management, who shall be  
 9536 appointed by and serve at the pleasure of the Governor. The  
 9537 division shall administer programs to apply rapidly all  
 9538 available aid to communities stricken by an emergency as defined  
 9539 in s. 252.34 and, for this purpose, shall provide liaison with  
 9540 federal agencies and other public and private agencies.

9541 Section 159. Section 163.03, Florida Statutes, is amended  
 9542 to read:

9543 163.03 Commissioner of Economic Opportunity ~~Secretary of~~  
 9544 ~~Community Affairs~~; powers and duties; function of the Department  
 9545 of Economic Opportunity ~~Department of Community Affairs~~ with  
 9546 respect to federal grant-in-aid programs.—

9547 (1) The Commissioner of Economic Opportunity, or his or  
 9548 her designee, ~~Secretary of Community Affairs~~ shall:

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9549 (a) Supervise and administer the activities of the  
 9550 Department of Economic Opportunity ~~the department~~ and shall  
 9551 advise the Governor, the Cabinet, and the Legislature with  
 9552 respect to matters affecting community affairs and local  
 9553 government and participate in the formulation of policies which  
 9554 best use ~~utilize~~ the resources of state government for the  
 9555 benefit of local government.

9556 (b) Render services to local governments by assisting,  
 9557 upon request, in applying for and securing federal and state  
 9558 funds and by assisting the Executive Office of the Governor in  
 9559 coordinating the activities of the state with federal programs  
 9560 for assistance in and solution of urban problems.

9561 (c) Under the direction of the Governor, administer  
 9562 programs to apply rapidly all available aid to communities  
 9563 stricken by an emergency as defined in s. 252.34(3) ~~and, for~~  
 9564 ~~this purpose, provide liaison with federal agencies and other~~  
 9565 ~~public and private agencies.~~

9566 (d) When requested, administer programs which will assist  
 9567 the efforts of local governments in developing mutual and  
 9568 cooperative solutions to their common problems.

9569 (e) Conduct programs to encourage and promote the  
 9570 involvement of private enterprise in the solution of urban  
 9571 problems.

9572 (f) Conduct continuing programs of analysis and evaluation  
 9573 of local governments and recommend to the Governor programs and  
 9574 changes in the powers and organization of local government as  
 9575 may seem necessary to strengthen local governments.

9576 (g) Assist the Governor and the Cabinet in coordinating

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9577 and making more effective the activities and services of those  
 9578 departments and agencies of the state which may be of service to  
 9579 units of local government.

9580 (h) Provide consultative services and technical assistance  
 9581 to local officials in the fields of housing, redevelopment and  
 9582 renewal, local public improvement programs, planning and zoning,  
 9583 and other local programs and collect and disseminate information  
 9584 pertaining thereto, including information concerning federal,  
 9585 state, and private assistance programs and services.

9586 (i) Conduct research and studies, and prepare model  
 9587 ordinances and codes relating to the areas referred to herein.

9588 (j) Cooperate with other state agencies in the preparation  
 9589 of statewide plans relating to housing, redevelopment and  
 9590 renewal, human resources development, local planning and zoning,  
 9591 transportation and traffic, and other matters relating to the  
 9592 purposes of this section.

9593 (k) Accept funds from all sources to be used ~~utilized~~ in  
 9594 programs designed to combat juvenile crime, including the making  
 9595 of contributions to the National Youth Emergency Corps.

9596 (l) Be authorized to accept and disburse funds from all  
 9597 sources in order to carry out the following programs:

9598 1. Advisory and informational services to local  
 9599 governments.

9600 2. Community development training under Title VIII of the  
 9601 Housing Act of 1964.

9602 3. Local planning assistance under s. 701 of the Housing  
 9603 Act of 1954.

9604 4. Statewide planning assistance under s. 701 of the

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9605 Housing Act of 1954.

9606 5. Model cities technical assistance under s. 701 of the

9607 Housing Act of 1954.

9608 (m) Perform such other functions, duties, or

9609 responsibilities as may be hereafter assigned to him or her by

9610 law.

9611 (2) It is the intent of this section, with respect to

9612 federal grant-in-aid programs, that the Department of Economic

9613 Opportunity ~~the department~~ serve as the agency for disseminating

9614 information to local governments regarding the availability of

9615 federal grant-in-aid assistance to local governments in their

9616 efforts to secure federal grant-in-aid assistance, but only upon

9617 the request of such local governments, and for assisting local

9618 governments in maintaining liaison and communications with

9619 federal agencies concerning federal grant-in-aid programs.

9620 Nothing contained herein shall be construed to require consent,

9621 approval, or authorization from the Department of Economic

9622 Opportunity ~~the department~~ as a condition to any application for

9623 or acceptance of grants-in-aid from the United States

9624 Government.

9625 (3) The Department of Economic Opportunity ~~The department~~

9626 is authorized to adopt rules implementing the following grant

9627 programs, which rules shall be consistent with the laws,

9628 regulations, or guidelines governing the grant to the Department

9629 of Economic Opportunity ~~the department~~:

9630 ~~(a) Criminal justice grant programs administered by the~~

9631 ~~Bureau of Criminal Justice Assistance.~~

9632 ~~(b) Grants under the federal Outer Continental Shelf~~



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9633 ~~Program administered by the Bureau of Land and Water Management.~~

9634 ~~(a)(e)~~ Federal housing assistance programs.

9635 ~~(d)~~ Community Services Block Grant programs.

9636 ~~(e)~~ Federal weatherization grant programs.

9637 ~~(b)(f)~~ The Jobs Impact Program of the federal Community

9638 Development Block Grant.

9639 Section 160. Section 215.559, Florida Statutes, is amended

9640 to read:

9641 215.559 Hurricane Loss Mitigation Program.—

9642 ~~(1)~~ There is created A Hurricane Loss Mitigation Program

9643 is established within the Division of Emergency Management.

9644 (1) The Legislature shall annually appropriate \$10 million

9645 of the moneys authorized for appropriation under s.

9646 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the

9647 division ~~Department of Community Affairs~~ for the purposes set

9648 forth in this section. Of the amount:

9649 ~~(2)(a)~~ Seven million dollars ~~in funds provided in~~

9650 ~~subsection (1)~~ shall be used for programs to improve the wind

9651 resistance of residences and mobile homes, including loans,

9652 subsidies, grants, demonstration projects, and direct

9653 assistance; educating persons concerning the Florida Building

9654 Code cooperative programs with local governments and the Federal

9655 Government; and other efforts to prevent or reduce losses or

9656 reduce the cost of rebuilding after a disaster.

9657 (b) Three million dollars ~~in funds provided in subsection~~

9658 ~~(1)~~ shall be used to retrofit existing facilities used as public

9659 hurricane shelters. Each year the division shall ~~department must~~

9660 prioritize the use of these funds for projects included in the

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9661 annual report of the ~~September 1, 2000, version of the~~ Shelter  
 9662 Retrofit Report prepared in accordance with s. 252.385(3), ~~and~~  
 9663 ~~each annual report thereafter.~~ The division ~~department~~ must give  
 9664 funding priority to projects in regional planning council  
 9665 regions that have shelter deficits and to projects that maximize  
 9666 the use of state funds.

9667 (2) ~~(3)~~ (a) Forty percent of the total appropriation in  
 9668 paragraph (1) (a) ~~(2) (a)~~ shall be used to inspect and improve  
 9669 tie-downs for mobile homes.

9670 (b)1. ~~There is created~~ The Manufactured Housing and Mobile  
 9671 Home Mitigation and Enhancement Program is established. The  
 9672 program shall require the mitigation of damage to or the  
 9673 enhancement of homes for the areas of concern raised by the  
 9674 Department of Highway Safety and Motor Vehicles in the 2004-2005  
 9675 Hurricane Reports on the effects of the 2004 and 2005 hurricanes  
 9676 on manufactured and mobile homes in this state. The mitigation  
 9677 or enhancement must include, but need not be limited to,  
 9678 problems associated with weakened trusses, studs, and other  
 9679 structural components caused by wood rot or termite damage;  
 9680 site-built additions; or tie-down systems and may also address  
 9681 any other issues deemed appropriate by Tallahassee Community  
 9682 College, the Federation of Manufactured Home Owners of Florida,  
 9683 Inc., the Florida Manufactured Housing Association, and the  
 9684 Department of Highway Safety and Motor Vehicles. The program  
 9685 shall include an education and outreach component to ensure that  
 9686 owners of manufactured and mobile homes are aware of the  
 9687 benefits of participation.

9688 2. The program shall be a grant program that ensures that

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9689 | entire manufactured home communities and mobile home parks may  
 9690 | be improved wherever practicable. The moneys appropriated for  
 9691 | this program shall be distributed directly to Tallahassee  
 9692 | Community College for the uses set forth under this subsection.

9693 |         3. Upon evidence of completion of the program, the  
 9694 | Citizens Property Insurance Corporation shall grant, on a pro  
 9695 | rata basis, actuarially reasonable discounts, credits, or other  
 9696 | rate differentials or appropriate reductions in deductibles for  
 9697 | the properties of owners of manufactured homes or mobile homes  
 9698 | on which fixtures or construction techniques that have been  
 9699 | demonstrated to reduce the amount of loss in a windstorm have  
 9700 | been installed or implemented. The discount on the premium must  
 9701 | be applied to subsequent renewal premium amounts. Premiums of  
 9702 | the Citizens Property Insurance Corporation must reflect the  
 9703 | location of the home and the fact that the home has been  
 9704 | installed in compliance with building codes adopted after  
 9705 | Hurricane Andrew. Rates resulting from the completion of the  
 9706 | Manufactured Housing and Mobile Home Mitigation and Enhancement  
 9707 | Program are not considered competitive rates for the purposes of  
 9708 | s. 627.351(6) (d)1. and 2.

9709 |         4. On or before January 1 of each year, Tallahassee  
 9710 | Community College shall provide a report of activities under  
 9711 | this subsection to the Governor, the President of the Senate,  
 9712 | and the Speaker of the House of Representatives. The report must  
 9713 | set forth the number of homes that have taken advantage of the  
 9714 | program, the types of enhancements and improvements made to the  
 9715 | manufactured or mobile homes and attachments to such homes, and  
 9716 | whether there has been an increase in availability of insurance

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9717 products to owners of manufactured or mobile homes.  
 9718  
 9719 Tallahassee Community College shall develop the programs ~~set~~  
 9720 ~~forth~~ in this subsection in consultation with the Federation of  
 9721 Manufactured Home Owners of Florida, Inc., the Florida  
 9722 Manufactured Housing Association, and the Department of Highway  
 9723 Safety and Motor Vehicles. The moneys appropriated for the  
 9724 programs ~~set forth~~ in this subsection shall be distributed  
 9725 directly to Tallahassee Community College to be used as set  
 9726 forth in this subsection.  
 9727 (3) ~~(4)~~ Of moneys provided to the division ~~Department of~~  
 9728 ~~Community Affairs~~ in paragraph (1) (a) ~~(2) (a)~~, 10 percent shall  
 9729 be allocated to the Florida International University center  
 9730 dedicated to hurricane research. The center shall develop a  
 9731 preliminary work plan approved by the advisory council set forth  
 9732 in subsection (4) ~~(5)~~ to eliminate the state and local barriers  
 9733 to upgrading existing mobile homes and communities, research and  
 9734 develop a program for the recycling of existing older mobile  
 9735 homes, and support programs of research and development relating  
 9736 to hurricane loss reduction devices and techniques for site-  
 9737 built residences. The State University System also shall consult  
 9738 with ~~the Department of Community Affairs~~ and assist the division  
 9739 ~~department~~ with the report required under subsection (6) ~~(7)~~.  
 9740 (4) ~~(5)~~ Except for the programs ~~set forth~~ in subsection (3)  
 9741 ~~(4)~~, the division ~~Department of Community Affairs~~ shall develop  
 9742 the programs ~~set forth~~ in this section in consultation with an  
 9743 advisory council consisting of a representative designated by  
 9744 the Chief Financial Officer, a representative designated by the

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9745 Florida Home Builders Association, a representative designated  
 9746 by the Florida Insurance Council, a representative designated by  
 9747 the Federation of Manufactured Home Owners, a representative  
 9748 designated by the Florida Association of Counties, ~~and a~~  
 9749 representative designated by the Florida Manufactured Housing  
 9750 Association, and a representative designated by the Florida  
 9751 Building Commission.

9752 (5) ~~(6)~~ Moneys provided to the division ~~Department of~~  
 9753 ~~Community Affairs~~ under this section are intended to supplement,  
 9754 not supplant, the division's other funding sources of the  
 9755 ~~Department of Community Affairs and may not supplant other~~  
 9756 ~~funding sources of the Department of Community Affairs.~~

9757 (6) ~~(7)~~ On January 1st of each year, the division  
 9758 ~~Department of Community Affairs~~ shall provide a full report and  
 9759 accounting of activities under this section and an evaluation of  
 9760 such activities to the Speaker of the House of Representatives,  
 9761 the President of the Senate, and the Majority and Minority  
 9762 Leaders of the House of Representatives and the Senate. Upon  
 9763 completion of the report, the division ~~Department of Community~~  
 9764 ~~Affairs~~ shall deliver the report to the Office of Insurance  
 9765 Regulation. The Office of Insurance Regulation shall review the  
 9766 report and shall make such recommendations available to the  
 9767 insurance industry as the Office of Insurance Regulation deems  
 9768 appropriate. These recommendations may be used by insurers for  
 9769 potential discounts or rebates pursuant to s. 627.0629. The  
 9770 Office of Insurance Regulation shall make such ~~the~~  
 9771 recommendations within 1 year after receiving the report.

9772 ~~(8) (a) Notwithstanding any other provision of this section~~

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9773 ~~and for the 2010-2011 fiscal year only, the \$3 million~~  
 9774 ~~appropriation provided for in paragraph (2)(b) may be used for~~  
 9775 ~~hurricane shelters as identified in the General Appropriations~~  
 9776 ~~Act.~~

9777 ~~(b) This subsection expires June 30, 2011.~~

9778 ~~(7)(9)~~ This section is repealed June 30, 2021 ~~2011~~.

9779 Section 161. Subsection (2) of section 290.047, Florida  
 9780 Statutes, is amended to read:

9781 290.047 Establishment of grant ceilings and maximum  
 9782 administrative cost percentages; elimination of population bias;  
 9783 loans in default.—

9784 (2) The department shall establish grant ceilings for each  
 9785 program category by rule. ~~These ceilings shall bear some~~  
 9786 ~~relationship to an applicant's total population or its~~  
 9787 ~~population living below the federal poverty level. Population~~  
 9788 ~~ranges may be used in establishing these ceilings. In no case,~~  
 9789 ~~however, may a grant ceiling be set above \$750,000 or below~~  
 9790 ~~\$300,000.~~

9791 Section 162. Paragraph (d) of subsection (2) and paragraph  
 9792 (f) of subsection (5) of section 119.071, Florida Statutes, are  
 9793 amended to read:

9794 119.071 General exemptions from inspection or copying of  
 9795 public records.—

9796 (2) AGENCY INVESTIGATIONS.—

9797 (d) Any information revealing surveillance techniques or  
 9798 procedures or personnel is exempt from s. 119.07(1) and s.  
 9799 24(a), Art. I of the State Constitution. Any comprehensive  
 9800 inventory of state and local law enforcement resources compiled

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9801 pursuant to part I, chapter 23, and any comprehensive policies  
 9802 or plans compiled by a criminal justice agency pertaining to the  
 9803 mobilization, deployment, or tactical operations involved in  
 9804 responding to an emergency ~~emergencies~~, as defined in s.  
 9805 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 9806 the State Constitution and unavailable for inspection, except by  
 9807 personnel authorized by a state or local law enforcement agency,  
 9808 the office of the Governor, the Department of Legal Affairs, the  
 9809 Department of Law Enforcement, or the Division of Emergency  
 9810 Management ~~the Department of Community Affairs~~ as having an  
 9811 official need for access to the inventory or comprehensive  
 9812 policies or plans.

9813 (5) OTHER PERSONAL INFORMATION.—

9814 (f) Medical history records and information related to  
 9815 health or property insurance provided to the Department of  
 9816 Economic Opportunity ~~the Department of Community Affairs~~, the  
 9817 Florida Housing Finance Corporation, a county, a municipality,  
 9818 or a local housing finance agency by an applicant for or a  
 9819 participant in a federal, state, or local housing assistance  
 9820 program are confidential and exempt from s. 119.07(1) and s.  
 9821 24(a), Art. I of the State Constitution. Governmental entities  
 9822 or their agents shall have access to such confidential and  
 9823 exempt records and information for the purpose of auditing  
 9824 federal, state, or local housing programs or housing assistance  
 9825 programs. Such confidential and exempt records and information  
 9826 may be used in any administrative or judicial proceeding,  
 9827 provided such records are kept confidential and exempt unless  
 9828 otherwise ordered by a court.

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9829 | Section 163. Subsection (10) of section 161.54, Florida  
 9830 | Statutes, is amended to read:  
 9831 | 161.54 Definitions.—In construing ss. 161.52-161.58:  
 9832 | (10) "State land planning agency" means the Department of  
 9833 | Economic Opportunity ~~the Department of Community Affairs.~~  
 9834 | Section 164. Subsection (20) of section 163.3164, Florida  
 9835 | Statutes, is amended to read:  
 9836 | 163.3164 Local Government Comprehensive Planning and Land  
 9837 | Development Regulation Act; definitions.—As used in this act:  
 9838 | (20) "State land planning agency" means the Department of  
 9839 | Economic Opportunity ~~the Department of Community Affairs.~~  
 9840 | Section 165. Subsection (3) of section 163.3178, Florida  
 9841 | Statutes, is amended to read:  
 9842 | 163.3178 Coastal management.—  
 9843 | (3) Expansions to port harbors, spoil disposal sites,  
 9844 | navigation channels, turning basins, harbor berths, and other  
 9845 | related inwater harbor facilities of ports listed in s.  
 9846 | 403.021(9); port transportation facilities and projects listed  
 9847 | in s. 311.07(3)(b); intermodal transportation facilities  
 9848 | identified pursuant to s. 311.09(3); and facilities determined  
 9849 | by the state land planning agency ~~the Department of Community~~  
 9850 | ~~Affairs~~ and applicable general-purpose local government to be  
 9851 | port-related industrial or commercial projects located within 3  
 9852 | miles of or in a port master plan area which rely upon the use  
 9853 | of port and intermodal transportation facilities shall not be  
 9854 | designated as developments of regional impact if such  
 9855 | expansions, projects, or facilities are consistent with  
 9856 | comprehensive master plans that are in compliance with this



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9857 section.

9858 Section 166. Subsection (14) of section 163.3221, Florida

9859 Statutes, is amended to read:

9860 163.3221 Florida Local Government Development Agreement

9861 Act; definitions.—As used in ss. 163.3220-163.3243:

9862 (14) "State land planning agency" means the Department of

9863 Economic Opportunity ~~the Department of Community Affairs.~~

9864 Section 167. Paragraph (c) of subsection (1) and paragraph

9865 (a) of subsection (10) of section 201.15, Florida Statutes, as

9866 amended by chapter 2010-153, Laws of Florida, are amended to

9867 read:

9868 201.15 Distribution of taxes collected.—All taxes

9869 collected under this chapter are subject to the service charge

9870 imposed in s. 215.20(1). Prior to distribution under this

9871 section, the Department of Revenue shall deduct amounts

9872 necessary to pay the costs of the collection and enforcement of

9873 the tax levied by this chapter. Such costs and the service

9874 charge may not be levied against any portion of taxes pledged to

9875 debt service on bonds to the extent that the costs and service

9876 charge are required to pay any amounts relating to the bonds.

9877 After distributions are made pursuant to subsection (1), all of

9878 the costs of the collection and enforcement of the tax levied by

9879 this chapter and the service charge shall be available and

9880 transferred to the extent necessary to pay debt service and any

9881 other amounts payable with respect to bonds authorized before

9882 January 1, 2010, secured by revenues distributed pursuant to

9883 subsection (1). All taxes remaining after deduction of costs and

9884 the service charge shall be distributed as follows:

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9885 (1) Sixty-three and thirty-one hundredths percent of the  
 9886 remaining taxes shall be used for the following purposes:  
 9887 (c) After the required payments under paragraphs (a) and  
 9888 (b), the remainder shall be paid into the State Treasury to the  
 9889 credit of:  
 9890 1. The State Transportation Trust Fund in the Department  
 9891 of Transportation in the amount of the lesser of 38.2 percent of  
 9892 the remainder or \$541.75 million in each fiscal year, to be used  
 9893 for the following specified purposes, notwithstanding any other  
 9894 law to the contrary:  
 9895 a. For the purposes of capital funding for the New Starts  
 9896 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
 9897 specified in s. 341.051, 10 percent of these funds;  
 9898 b. For the purposes of the Small County Outreach Program  
 9899 specified in s. 339.2818, 5 percent of these funds. Effective  
 9900 July 1, 2014, the percentage allocated under this sub-  
 9901 subparagraph shall be increased to 10 percent;  
 9902 c. For the purposes of the Strategic Intermodal System  
 9903 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
 9904 of these funds after allocating for the New Starts Transit  
 9905 Program described in sub-subparagraph a. and the Small County  
 9906 Outreach Program described in sub-subparagraph b.; and  
 9907 d. For the purposes of the Transportation Regional  
 9908 Incentive Program specified in s. 339.2819, 25 percent of these  
 9909 funds after allocating for the New Starts Transit Program  
 9910 described in sub-subparagraph a. and the Small County Outreach  
 9911 Program described in sub-subparagraph b. Effective July 1, 2014,  
 9912 the first \$60 million of the funds allocated pursuant to this

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9913 sub-subparagraph shall be allocated annually to the Florida Rail  
 9914 Enterprise for the purposes established in s. 341.303(5).

9915 2. The Grants and Donations Trust Fund in the Department  
 9916 of Economic Opportunity ~~the Department of Community Affairs~~ in  
 9917 the amount of the lesser of .23 percent of the remainder or  
 9918 \$3.25 million in each fiscal year, with 92 percent to be used to  
 9919 fund technical assistance to local governments and school boards  
 9920 on the requirements and implementation of this act and the  
 9921 remaining amount to be used to fund the Century Commission  
 9922 established in s. 163.3247.

9923 3. The Ecosystem Management and Restoration Trust Fund in  
 9924 the amount of the lesser of 2.12 percent of the remainder or \$30  
 9925 million in each fiscal year, to be used for the preservation and  
 9926 repair of the state's beaches as provided in ss. 161.091-  
 9927 161.212.

9928 4. General Inspection Trust Fund in the amount of the  
 9929 lesser of .02 percent of the remainder or \$300,000 in each  
 9930 fiscal year to be used to fund oyster management and restoration  
 9931 programs as provided in s. 379.362(3).

9932  
 9933 Moneys distributed pursuant to this paragraph may not be pledged  
 9934 for debt service unless such pledge is approved by referendum of  
 9935 the voters.

9936 (10) The lesser of 8.66 percent of the remaining taxes or  
 9937 \$136 million in each fiscal year shall be paid into the State  
 9938 Treasury to the credit of the State Housing Trust Fund and used  
 9939 as follows:

9940 (a) Twelve and one-half percent of that amount shall be

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9941 deposited into the State Housing Trust Fund and be expended by  
 9942 the Department of Economic Opportunity ~~the Department of~~  
 9943 ~~Community Affairs~~ and by the Florida Housing Finance Corporation  
 9944 for the purposes for which the State Housing Trust Fund was  
 9945 created and exists by law.

9946 Section 168. Paragraph (j) of subsection (4) of section  
 9947 215.5586, Florida Statutes, is amended to read:

9948 215.5586 My Safe Florida Home Program.—There is  
 9949 established within the Department of Financial Services the My  
 9950 Safe Florida Home Program. The department shall provide fiscal  
 9951 accountability, contract management, and strategic leadership  
 9952 for the program, consistent with this section. This section does  
 9953 not create an entitlement for property owners or obligate the  
 9954 state in any way to fund the inspection or retrofitting of  
 9955 residential property in this state. Implementation of this  
 9956 program is subject to annual legislative appropriations. It is  
 9957 the intent of the Legislature that the My Safe Florida Home  
 9958 Program provide trained and certified inspectors to perform  
 9959 inspections for owners of site-built, single-family, residential  
 9960 properties and grants to eligible applicants as funding allows.  
 9961 The program shall develop and implement a comprehensive and  
 9962 coordinated approach for hurricane damage mitigation that may  
 9963 include the following:

9964 (4) ADVISORY COUNCIL.—There is created an advisory council  
 9965 to provide advice and assistance to the department regarding  
 9966 administration of the program. The advisory council shall  
 9967 consist of:

9968 (j) The director of the ~~Florida~~ Division of Emergency

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9969 Management.  
 9970  
 9971 Members appointed under paragraphs (a)-(d) shall serve at the  
 9972 pleasure of the Financial Services Commission. Members appointed  
 9973 under paragraphs (e) and (f) shall serve at the pleasure of the  
 9974 appointing officer. All other members shall serve ex officio as  
 9975 voting ~~ex officio~~ members. Members of the advisory council shall  
 9976 serve without compensation but may receive reimbursement as  
 9977 provided in s. 112.061 for per diem and travel expenses incurred  
 9978 in the performance of their official duties.

9979 Section 169. Subsection (1) of section 215.5588, Florida  
 9980 Statutes, is amended to read:

9981 215.5588 Florida Disaster Recovery Program.—

9982 (1) The Department of Economic Opportunity ~~Department of~~  
 9983 ~~Community Affairs~~ shall implement the 2006 Disaster Recovery  
 9984 Program from funds provided through the Emergency Supplemental  
 9985 Appropriations Act for Defense, the Global War on Terror, and  
 9986 Hurricane Recovery, 2006, for the purpose of assisting local  
 9987 governments in satisfying disaster recovery needs in the areas  
 9988 of low-income housing and infrastructure, with a primary focus  
 9989 on the hardening of single-family and multifamily housing units,  
 9990 not only to ensure that affordable housing can withstand the  
 9991 effects of hurricane-force winds, but also to mitigate the  
 9992 increasing costs of insurance, which may ultimately render  
 9993 existing affordable homes unaffordable or uninsurable. This  
 9994 section does not create an entitlement for local governments or  
 9995 property owners or obligate the state in any way to fund  
 9996 disaster recovery needs.

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9997 Section 170. Paragraph (d) of subsection (2) and paragraph  
 9998 (e) of subsection (4) of section 220.183, Florida Statutes, are  
 9999 amended to read:  
 10000 220.183 Community contribution tax credit.—  
 10001 (2) ELIGIBILITY REQUIREMENTS.—  
 10002 (d) The project shall be located in an area designated as  
 10003 an enterprise zone or a Front Porch Florida Community pursuant  
 10004 ~~to s. 20.18(6)~~. Any project designed to construct or  
 10005 rehabilitate housing for low-income or very-low-income  
 10006 households as defined in s. 420.9071(19) and (28) is exempt from  
 10007 the area requirement of this paragraph. This section does not  
 10008 preclude projects that propose to construct or rehabilitate  
 10009 housing for low-income or very-low-income households on  
 10010 scattered sites. Any project designed to provide increased  
 10011 access to high-speed broadband capabilities which includes  
 10012 coverage of a rural enterprise zone may locate the project's  
 10013 infrastructure in any area of a rural county.  
 10014 (4) ADMINISTRATION.—  
 10015 (e) The Department of Economic Opportunity ~~The Office of~~  
 10016 ~~Tourism, Trade, and Economic Development shall, in consultation~~  
 10017 ~~with the Department of Community Affairs,~~ the Florida Housing  
 10018 Finance Corporation, and the statewide and regional housing and  
 10019 financial intermediaries, shall market the availability of the  
 10020 community contribution tax credit program to community-based  
 10021 organizations.  
 10022 Section 171. Section 252.34, Florida Statutes, is amended  
 10023 to read:  
 10024 252.34 Definitions.—As used in this part ~~ss. 252.31—~~

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10025 | ~~252.60~~, the term:

10026 |       (1) "Disaster" means any natural, technological, or civil

10027 | emergency that causes damage of sufficient severity and

10028 | magnitude to result in a declaration of a state of emergency by

10029 | a county, the Governor, or the President of the United States.

10030 | Disasters are ~~shall be~~ identified by the severity of resulting

10031 | damage, as follows:

10032 |       (a) "Catastrophic disaster" means a disaster that will

10033 | require massive state and federal assistance, including

10034 | immediate military involvement.

10035 |       (b) "Major disaster" means a disaster that will likely

10036 | exceed local capabilities and require a broad range of state and

10037 | federal assistance.

10038 |       (c) "Minor disaster" means a disaster that is likely to be

10039 | within the response capabilities of local government and to

10040 | result in only a minimal need for state or federal assistance.

10041 |       (2) "Division" means the Division of Emergency Management

10042 | of the Executive Office of the Governor ~~of the Department of~~

10043 | ~~Community Affairs~~, or the successor to that division.

10044 |       (3) "Emergency" means any occurrence, or threat thereof,

10045 | whether natural, technological, or manmade, in war or in peace,

10046 | which results or may result in substantial injury or harm to the

10047 | population or substantial damage to or loss of property.

10048 |       (4) "Emergency management" means the preparation for, the

10049 | mitigation of, the response to, and the recovery from

10050 | emergencies and disasters. Specific emergency management

10051 | responsibilities include, but are not limited to:

10052 |       (a) Reduction of vulnerability of people and communities

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10053 of this state to damage, injury, and loss of life and property  
 10054 resulting from natural, technological, or manmade emergencies or  
 10055 hostile military or paramilitary action.

10056 (b) Preparation for prompt and efficient response and  
 10057 recovery to protect lives and property affected by emergencies.

10058 (c) Response to emergencies using all systems, plans, and  
 10059 resources necessary to preserve adequately the health, safety,  
 10060 and welfare of persons or property affected by the emergency.

10061 (d) Recovery from emergencies by providing for the rapid  
 10062 and orderly start of restoration and rehabilitation of persons  
 10063 and property affected by emergencies.

10064 (e) Provision of an emergency management system embodying  
 10065 all aspects of preemergency preparedness and postemergency  
 10066 response, recovery, and mitigation.

10067 (f) Assistance in anticipation, recognition, appraisal,  
 10068 prevention, and mitigation of emergencies which may be caused or  
 10069 aggravated by inadequate planning for, and regulation of, public  
 10070 and private facilities and land use.

10071 (5) "Local emergency management agency" means an  
 10072 organization created in accordance with ~~the provisions of~~ ss.  
 10073 252.31-252.90 to discharge the emergency management  
 10074 responsibilities and functions of a political subdivision.

10075 (6) "Manmade emergency" means an emergency caused by an  
 10076 action against persons or society, including, but not limited  
 10077 to, enemy attack, sabotage, terrorism, civil unrest, or other  
 10078 action impairing the orderly administration of government.

10079 (7) "Natural emergency" means an emergency caused by a  
 10080 natural event, including, but not limited to, a hurricane, a



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10081 storm, a flood, severe wave action, a drought, or an earthquake.

10082 (8) "Political subdivision" means any county or  
 10083 municipality created pursuant to law.

10084 (9) "Technological emergency" means an emergency caused by  
 10085 a technological failure or accident, including, but not limited  
 10086 to, an explosion, transportation accident, radiological  
 10087 accident, or chemical or other hazardous material incident.

10088 Section 172. Subsection (2) of section 252.355, Florida  
 10089 Statutes, is amended to read:

10090 252.355 Registry of persons with special needs; notice.—

10091 (2) The division ~~Department of Community Affairs~~ shall be  
 10092 the designated lead agency responsible for community education  
 10093 and outreach to the public, including special needs clients,  
 10094 regarding registration and special needs shelters and general  
 10095 information regarding shelter stays.

10096 Section 173. Section 252.371, Florida Statutes, is amended  
 10097 to read:

10098 252.371 Emergency Management, Preparedness, and Assistance  
 10099 Trust Fund.—There is created the Emergency Management,  
 10100 Preparedness, and Assistance Trust Fund to be administered by  
 10101 the division ~~Department of Community Affairs~~.

10102 Section 174. Subsection (1) of section 252.373, Florida  
 10103 Statutes, is amended to read:

10104 252.373 Allocation of funds; rules.—

10105 (1) Funds appropriated from the Emergency Management,  
 10106 Preparedness, and Assistance Trust Fund shall be allocated by  
 10107 the division ~~Department of Community Affairs~~ for the following  
 10108 purposes:

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10109 (a) To implement and administer state and local emergency  
 10110 management programs, including administration, training, and  
 10111 operations.

10112 (b) For grants and loans to state or regional agencies,  
 10113 local governments, and private organizations to implement  
 10114 projects that will further state and local emergency management  
 10115 objectives. These projects must include, but need not be limited  
 10116 to, projects that will promote public education on disaster  
 10117 preparedness and recovery issues, enhance coordination of relief  
 10118 efforts of statewide private sector organizations, and improve  
 10119 the training and operations capabilities of agencies assigned  
 10120 lead or support responsibilities in the state comprehensive  
 10121 emergency management plan, including the State Fire Marshal's  
 10122 Office for coordinating the Florida fire services. The division  
 10123 shall establish criteria and procedures for competitive  
 10124 allocation of these funds by rule. No more than 5 percent of any  
 10125 award made pursuant to this subparagraph may be used for  
 10126 administrative expenses. This competitive criteria must give  
 10127 priority consideration to hurricane evacuation shelter retrofit  
 10128 projects.

10129 (c) To meet any matching requirements imposed as a  
 10130 condition of receiving federal disaster relief assistance.

10131 Section 175. Subsection (5) of section 252.55, Florida  
 10132 Statutes, is amended to read:

10133 252.55 Civil Air Patrol, Florida Wing.—

10134 (5) The wing commander of the Florida Wing of the Civil  
 10135 Air Patrol shall biennially furnish the Division ~~Bureau~~ of  
 10136 Emergency Management a 2-year projection of the goals and

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10137 objectives of the Civil Air Patrol which shall be reported in  
 10138 the division's biennial report submitted pursuant to s. 252.35.  
 10139 Section 176. Subsection (4) of section 252.60, Florida  
 10140 Statutes, is amended to read:  
 10141 252.60 Radiological emergency preparedness.—  
 10142 (4) POWERS AND DUTIES.—In implementing the requirements of  
 10143 this section, the director of the division ~~secretary of the~~  
 10144 ~~department~~, or the director's ~~secretary's~~ designated  
 10145 representative, shall:  
 10146 (a) Negotiate and enter into such additional contracts and  
 10147 arrangements among the division, appropriate counties, and each  
 10148 operator to provide for the level of funding and the respective  
 10149 roles of each in the development, preparation, testing, and  
 10150 implementation of the plans.  
 10151 (b) Evaluate and determine the adequacy of the plans based  
 10152 upon consultations with the United States Nuclear Regulatory  
 10153 Commission and other agencies, as appropriate, and upon the  
 10154 results of such tests as may be conducted.  
 10155 (c) Limited to such funding as is available based upon the  
 10156 requirements of subsection (5), require the participation of  
 10157 appropriate counties and operators in the development,  
 10158 preparation, testing, or implementation of the plans as needed.  
 10159 (d) Determine the reasonableness and adequacy of the  
 10160 provisions, terms, and conditions of the plans and, in the event  
 10161 the appropriate counties and the operators cannot agree, resolve  
 10162 such differences and require compliance by the appropriate  
 10163 counties and the operators with the plans. In resolving such  
 10164 differences, the director ~~secretary~~ shall consider:

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10165 1. The requirements and parameters placed on the operators  
10166 by federal law and agencies;

10167 2. The reasonableness and adequacy of the funding for  
10168 appropriate counties from any sources of funds other than local  
10169 revenue sources; and

10170 3. The reasonableness and appropriateness of the costs to  
10171 the appropriate counties likely to be incurred in complying with  
10172 provisions, terms, and conditions of the plans.

10173 (e) Receive, expend, and disburse such funds as are made  
10174 available by each licensee pursuant to this section.

10175 (f) Limited to such funding as is available based upon the  
10176 requirements of subsection (5), coordinate all activities  
10177 undertaken pursuant to this section or required of appropriate  
10178 counties and operators by any federal or state agency.

10179 Section 177. Section 252.61, Florida Statutes, is amended  
10180 to read:

10181 252.61 List of persons for contact relating to release of  
10182 toxic substances into atmosphere.—The Division of Emergency  
10183 Management ~~Department of Community Affairs~~ shall maintain a list  
10184 of contact persons after the survey pursuant to s. 403.771 is  
10185 completed.

10186 Section 178. Section 252.82, Florida Statutes, is amended  
10187 to read:

10188 252.82 Definitions.—As used in this part, the term:

10189 (1) "Commission" means the State Hazardous Materials  
10190 Emergency Response Commission created pursuant to s. 301 of  
10191 EPCRA.

10192 (2) "Committee" means any local emergency planning

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10193 | committee established in the state pursuant to s. 301 of EPCRA.

10194 |       (3) "Division" means the Division of Emergency Management  
 10195 | of the Executive Office of the Governor.

10196 |       ~~(3) "Department" means the Department of Community~~  
 10197 | ~~Affairs.~~

10198 |       (4) "Facility" means facility as defined in s. 329 of  
 10199 | EPCRA. Vehicles placarded according to title 49 Code of Federal  
 10200 | Regulations are ~~shall~~ not be considered a facility except for  
 10201 | purposes of s. 304 of EPCRA.

10202 |       (5) "Hazardous material" means any hazardous chemical,  
 10203 | toxic chemical, or extremely hazardous substance, as defined in  
 10204 | s. 329 of EPCRA.

10205 |       (6) "EPCRA" means the Emergency Planning and Community  
 10206 | Right-to-Know Act of 1986, title III of the Superfund Amendments  
 10207 | and Reauthorization Act of 1986, Pub. L. No. 99-499, ss. 300-  
 10208 | 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations  
 10209 | adopted thereunder.

10210 |       (7) "Trust fund" means the Operating Trust Fund of the  
 10211 | division ~~Department of Community Affairs.~~

10212 |       Section 179. Section 252.83, Florida Statutes, is amended  
 10213 | to read:

10214 |       252.83 Powers and duties of the division ~~department.~~-

10215 |       (1) The division ~~department~~ shall have the authority:

10216 |       (a) To coordinate its activities under this part with its  
 10217 | other emergency management responsibilities, including its  
 10218 | responsibilities under part I of this chapter, and activities  
 10219 | and with the related activities of other agencies, keeping  
 10220 | separate accounts for all activities supported or partially

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10221 supported from the Operating Trust Fund.

10222 (b) To make rules, with the advice and consent of the

10223 commission, to implement this part.

10224 (2) The division ~~department~~ shall provide administrative

10225 support, including staff, facilities, materials, and services,

10226 to the commission and shall provide funding to the committees to

10227 enable the commission and the committees to perform their

10228 functions under EPCRA and this part.

10229 (3) The division ~~department~~ and the commission, to the

10230 extent possible, shall use the emergency planning capabilities

10231 of local governments to reduce duplication and paperwork to

10232 achieve the intent of this part. It is the intent of the

10233 Legislature that this part be implemented in the most cost-

10234 efficient manner possible, with the least possible financial

10235 impact on local government and the community.

10236 Section 180. Subsections (1), (3), (4), and (5) of section

10237 252.85, Florida Statutes, are amended to read:

10238 252.85 Fees.—

10239 (1) Any owner or operator of a facility required under s.

10240 302 or s. 312 of EPCRA, or by s. 252.87, to submit a

10241 notification or an annual inventory form to the commission shall

10242 be required to pay an annual registration fee. The fee for any

10243 company, including all facilities under common ownership or

10244 control, shall not be less than \$25 nor more than \$2,000. The

10245 division ~~department~~ shall establish a reduced fee, of not less

10246 than \$25 nor more than \$500, applicable to any owner or operator

10247 regulated under part I of chapter 368, chapter 527, or s.

10248 376.303, which does not have present any extremely hazardous

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10249 substance, as defined by EPCRA, in excess of a threshold  
 10250 planning quantity, as established by EPCRA. The division  
 10251 ~~department~~ shall establish a reduced fee of not less than \$25  
 10252 nor more than \$1,000, applicable to any owner or operator of a  
 10253 facility with a Standard Industrial Classification Code of 01,  
 10254 02, or 07, which is eligible for the "routine agricultural use"  
 10255 exemption provided in ss. 311 and 312 of EPCRA. The fee under  
 10256 this subsection shall be based on the number of employees  
 10257 employed within the state at facilities under the common  
 10258 ownership or control of such owner or operator, which number  
 10259 shall be determined, to the extent possible, in accordance with  
 10260 data supplied by the Department of Economic Opportunity or the  
 10261 Department of Revenue ~~the Department of Labor and Employment~~  
 10262 ~~Security~~. In order to avoid the duplicative reporting of  
 10263 seasonal and temporary agricultural employees, fees applicable  
 10264 to owners or operators of agricultural facilities, which are  
 10265 eligible for the "routine agricultural use" reporting exemption  
 10266 provided in ss. 311 and 312 of EPCRA, shall be based on employee  
 10267 data which most closely reflects such owner or operator's  
 10268 permanent nonseasonal workforce. The division ~~department~~ shall  
 10269 establish by rule the date by which the fee is to be paid, as  
 10270 well as a formula or method of determining the applicable fee  
 10271 under this subsection without regard to the number of facilities  
 10272 under common ownership or control. The division ~~department~~ may  
 10273 require owners or operators of multiple facilities to  
 10274 demonstrate common ownership or control for purposes of this  
 10275 subsection.

10276 (3) Any owner or operator of a facility that is required

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10277 to submit a report or filing under s. 313 of EPCRA shall pay an  
 10278 annual reporting fee not to exceed \$150 for those s. 313 EPCRA  
 10279 listed substances in effect on January 1, 2005. The division  
 10280 ~~department~~ shall establish by rule the date by which the fee is  
 10281 to be paid, as well as a formula or method of determining the  
 10282 applicable fee under this subsection.

10283 (4) (a) The division ~~department~~ may assess a late fee for  
 10284 the failure to submit a report or filing that substantially  
 10285 complies with the requirements of EPCRA or s. 252.87 by the  
 10286 specified date or for failure to pay any fee, including any late  
 10287 fee, required by this section. This late fee shall be in  
 10288 addition to the fee otherwise imposed pursuant to this section.  
 10289 If the division ~~department~~ elects to impose a late fee, it shall  
 10290 provide the owner or operator with a written notice that  
 10291 identifies the specific requirements which have not been met and  
 10292 advises of its intent to assess a late fee.

10293 (b) The division ~~department~~ may impose a late fee, subject  
 10294 to the limitations set forth below:

10295 1. If the report, filing, or fee is submitted within 30  
 10296 days after the receipt of the division's ~~department's~~ notice, no  
 10297 late fee may be assessed.

10298 2. If the report, filing, or fee is not submitted within  
 10299 30 days after the receipt of the division's ~~department's~~ notice,  
 10300 the division ~~department~~ may impose a late fee in an amount equal  
 10301 to the amount of the annual registration fee, filing fee, or s.  
 10302 313 fee due, not to exceed \$2,000.

10303 3. If the report, filing, or fee is not submitted within  
 10304 90 days after the receipt of the division's ~~department's~~ notice,



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10305 the division ~~department~~ may issue a second notice. If the  
 10306 report, filing, or fee is not submitted within 30 days after  
 10307 receipt of the division's ~~department's~~ second notice, the  
 10308 division ~~department~~ may assess a second late fee in an amount  
 10309 equal to twice the amount of the annual registration fee, filing  
 10310 fee, or s. 313 fee due, not to exceed \$4,000.

10311 4. The division ~~department~~ may consider, but is not  
 10312 limited to considering, the following factors in assessing late  
 10313 fees: good faith attempt to comply; history of noncompliance;  
 10314 ability to pay or continue in business; threat to health and  
 10315 safety posed by noncompliance; and degree of culpability.

10316 (5) The division ~~department~~ shall establish by rule the  
 10317 dates by which the fee is to be paid, as well as a formula or  
 10318 method of determining the facility registration fee and late  
 10319 fee.

10320 Section 181. Subsections (1) and (3) of section 252.86,  
 10321 Florida Statutes, are amended to read:

10322 252.86 Penalties and remedies.—

10323 (1) The owner or operator of a facility, an employer, or  
 10324 any other person submitting written information pursuant to  
 10325 EPCRA or this part to the commission, a committee, or a fire  
 10326 department shall be liable for a civil penalty of \$5,000 for  
 10327 each item of information in the submission that is false, if  
 10328 such person knew or should have known the information was false  
 10329 or if such person submitted the information with reckless  
 10330 disregard of its truth or falsity. The division ~~department~~ may  
 10331 institute a civil action in a court of competent jurisdiction to  
 10332 impose and recover a civil penalty for the amount indicated in

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10333 | this subsection. However, the court may receive evidence in  
 10334 | mitigation.

10335 |       (3) Any provision of s. 325 or s. 326 of EPCRA which  
 10336 | creates a federal cause of action shall create a corresponding  
 10337 | cause of action under state law, with jurisdiction in the  
 10338 | circuit courts. Any provision of s. 325 or s. 326 of EPCRA which  
 10339 | imposes or authorizes the imposition of a civil penalty by the  
 10340 | Administrator of the Environmental Protection Agency, or which  
 10341 | creates a liability to the United States, shall impose or  
 10342 | authorize the imposition of such a penalty by the division  
 10343 | ~~department~~ or create such a liability to and for the benefit of  
 10344 | the state, to be paid into the Operating Trust Fund. Venue shall  
 10345 | be proper in the county where the violation occurred or where  
 10346 | the defendant has its principal place of business.

10347 |       Section 182. Subsections (4) and (7) of section 252.87,  
 10348 | Florida Statutes, are amended to read:

10349 |       252.87 Supplemental state reporting requirements.—

10350 |       (4) Each employer that owns or operates a facility in this  
 10351 | state at which hazardous materials are present in quantities at  
 10352 | or above the thresholds established under ss. 311(b) and 312(b)  
 10353 | of EPCRA shall comply with the reporting requirements of ss. 311  
 10354 | and 312 of EPCRA. Such employer shall also be responsible for  
 10355 | notifying the division ~~department~~, the local emergency planning  
 10356 | committee, and the local fire department in writing within 30  
 10357 | days if there is a discontinuance or abandonment of the  
 10358 | employer's business activities that could affect any stored  
 10359 | hazardous materials.

10360 |       (7) The division ~~department~~ shall avoid duplicative

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10361 reporting requirements by utilizing the reporting requirements  
 10362 of other state agencies that regulate hazardous materials to the  
 10363 extent feasible and shall request the information authorized  
 10364 under EPCRA. With the advice and consent of the State Emergency  
 10365 Response Commission for Hazardous Materials, the division  
 10366 ~~department~~ may require by rule that the maximum daily amount  
 10367 entry on the chemical inventory report required under s. 312 of  
 10368 EPCRA provide for reporting in estimated actual amounts. The  
 10369 division ~~department~~ may also require by rule an entry for the  
 10370 Federal Employer Identification Number on this report. To the  
 10371 extent feasible, the division ~~department~~ shall encourage and  
 10372 accept required information in a form initiated through  
 10373 electronic data interchange and shall describe by rule the  
 10374 format, manner of execution, and method of electronic  
 10375 transmission necessary for using such form. To the extent  
 10376 feasible, the Department of Financial Services, the Department  
 10377 of Agriculture and Consumer Services, the Department of  
 10378 Environmental Protection, the Public Service Commission, the  
 10379 Department of Revenue, ~~the Department of Labor and Employment~~  
 10380 ~~Security~~, and other state agencies which regulate hazardous  
 10381 materials shall coordinate with the division ~~department~~ in order  
 10382 to avoid duplicative requirements contained in each agency's  
 10383 respective reporting or registration forms. The other state  
 10384 agencies that inspect facilities storing hazardous materials and  
 10385 suppliers and distributors of covered substances shall assist  
 10386 the division ~~department~~ in informing the facility owner or  
 10387 operator of the requirements of this part. The division  
 10388 ~~department~~ shall provide the other state agencies with the

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10389 necessary information and materials to inform the owners and  
 10390 operators of the requirements of this part to ensure that the  
 10391 budgets of these agencies are not adversely affected.

10392 Section 183. Subsection (4) of section 252.88, Florida  
 10393 Statutes, is amended to read:

10394 252.88 Public records.—

10395 (4) The division ~~department~~, the commission, and the  
 10396 committees shall furnish copies of public records submitted  
 10397 under EPCRA or this part, and may charge a fee of \$1 per page  
 10398 per person per year for over 25 pages of materials copied.

10399 Section 184. Subsections (3), (8), (9), and (19) of  
 10400 section 252.936, Florida Statutes, are amended to read:

10401 252.936 Definitions.—As used in this part, the term:

10402 (3) "Audit" means a review of information at, a ~~stationary~~  
 10403 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary  
 10404 source subject to s. 112(r)(7), to determine whether that  
 10405 stationary source is in compliance with ~~the requirements of this~~  
 10406 part and rules adopted to administer ~~implement~~ this part. Audits  
 10407 must include a review of the adequacy of the stationary source's  
 10408 Risk Management Plan, may consist of reviews of information  
 10409 submitted to the division ~~department~~ or the United States  
 10410 Environmental Protection Agency to determine whether the plan is  
 10411 complete or whether revisions to the plan are needed, and the  
 10412 reviews may be conducted at the stationary source to confirm  
 10413 that information onsite is consistent with reported information.

10414 (8) "Division" means the Division of Emergency Management  
 10415 in the Executive Office of the Governor. ~~"Department" means the~~  
 10416 ~~Department of Community Affairs.~~

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10417 (9) "Inspection" means a review of information at a  
 10418 stationary source subject to s. 112(r)(7), including  
 10419 documentation and operating practices and access to the source  
 10420 and to any area where an accidental release could occur, to  
 10421 determine whether the stationary source is in compliance with  
 10422 ~~the requirements of~~ this part or rules adopted to administer  
 10423 ~~implement~~ this part.

10424 (19) "Trust fund" means the Operating Trust Fund of the  
 10425 ~~established in the department's~~ Division of Emergency  
 10426 Management.

10427 Section 185. Section 252.937, Florida Statutes, is amended  
 10428 to read:

10429 252.937 Division ~~Department~~ powers and duties.—

10430 (1) The division ~~department~~ has the power and duty to:

10431 (a)1. Seek delegation from the United States Environmental  
 10432 Protection Agency to implement the Accidental Release Prevention  
 10433 Program under s. 112(r)(7) of the Clean Air Act and the federal  
 10434 implementing regulations for specified sources subject to s.  
 10435 112(r)(7) of the Clean Air Act. Implementation for all other  
 10436 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~  
 10437 be performed by the United States Environmental Protection  
 10438 Agency; and

10439 2. Ensure the timely submission of Risk Management Plans  
 10440 and any subsequent revisions of Risk Management Plans.

10441 (b) Adopt, modify, and repeal rules, with the advice and  
 10442 consent of the commission, necessary to obtain delegation from  
 10443 the United States Environmental Protection Agency and to  
 10444 administer the s. 112(r)(7) Accidental Release Prevention

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10445 Program in this state for the specified stationary sources with  
 10446 no expansion or addition of the regulatory program.

10447 (c) Make and execute contracts and other agreements  
 10448 necessary or convenient to the implementation of this part.

10449 (d) Coordinate its activities under this part with its  
 10450 other emergency management responsibilities, including its  
 10451 responsibilities and activities under parts I, II, and III of  
 10452 this chapter and with the related activities of other state and  
 10453 local agencies, keeping separate accounts for all activities  
 10454 conducted under this part which are supported or partially  
 10455 supported from the trust fund.

10456 (e) Establish, with the advice and consent of the  
 10457 commission, a technical assistance and outreach program ~~on or~~  
 10458 ~~before January 31, 1999,~~ to assist owners and operators of  
 10459 specified stationary sources subject to s. 112(r)(7) in  
 10460 complying with the reporting and fee requirements of this part.  
 10461 This program is designed to facilitate and ensure timely  
 10462 submission of proper certifications or compliance schedules and  
 10463 timely submission and registration of Risk Management Plans and  
 10464 revised registrations and Risk Management Plans if ~~when~~ required  
 10465 for these sources.

10466 (f) Make a quarterly report to the State Emergency  
 10467 Response Commission on income and expenses for the state's  
 10468 Accidental Release Prevention Program under this part.

10469 (2) To ensure that this program is self-supporting, the  
 10470 division ~~department~~ shall provide administrative support,  
 10471 including staff, facilities, materials, and services to  
 10472 implement this part for specified stationary sources subject to

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10473 s. 252.939 and ~~shall~~ provide necessary funding to local  
 10474 emergency planning committees and county emergency management  
 10475 agencies for work performed to implement this part. Each state  
 10476 agency with regulatory, inspection, or technical assistance  
 10477 programs for specified stationary sources subject to this part  
 10478 shall enter into a memorandum of understanding with the division  
 10479 ~~department~~ which specifically outlines how each agency's staff,  
 10480 facilities, materials, and services will be used ~~utilized~~ to  
 10481 support implementation. At a minimum, these agencies ~~and~~  
 10482 ~~programs~~ include~~+~~ the Department of Environmental Protection  
 10483 ~~Protection's Division of Air Resources Management and Division~~  
 10484 ~~of Water Resource Management, and the Department of Labor and~~  
 10485 ~~Employment Security's Division of Safety~~. It is the  
 10486 Legislature's intent to implement this part as efficiently and  
 10487 economically as possible, using existing expertise and  
 10488 resources, if available and appropriate.

10489 (3) To prevent the duplication of investigative efforts  
 10490 and resources, the division ~~department~~, on behalf of the  
 10491 commission, shall coordinate with any federal agencies or agents  
 10492 thereof, including the federal Chemical Safety and Hazard  
 10493 Investigation Board, or its successor, which are performing  
 10494 accidental release investigations for specified stationary  
 10495 sources, and may coordinate with any agencies of the state which  
 10496 are performing accidental release investigations. This  
 10497 accidental release investigation coordination is not intended to  
 10498 limit or take the place of any individual agency accidental  
 10499 release investigation under separate authority.

10500 (4) To promote efficient administration of this program

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10501 and specified stationary sources, ~~the only~~ the division ~~agency~~  
 10502 ~~which~~ may seek delegation from the United States Environmental  
 10503 Protection Agency for this program ~~is the Florida Department of~~  
 10504 ~~Community Affairs~~. Further, the division may ~~Florida Department~~  
 10505 ~~of Community Affairs~~ shall not delegate this program to any  
 10506 local environmental agency.

10507 Section 186. Section 252.943, Florida Statutes, is amended  
 10508 to read:

10509 252.943 Public records.—

10510 (1) The division ~~Department of Community Affairs~~ shall  
 10511 protect records, reports, or information or particular parts  
 10512 thereof, other than release or emissions data, contained in a  
 10513 risk management plan from public disclosure pursuant to ss.  
 10514 112(r) and 114(c) of the federal Clean Air Act and authorities  
 10515 cited therein, based upon a showing satisfactory to the  
 10516 Administrator of the United States Environmental Protection  
 10517 Agency, by any owner or operator of a stationary source subject  
 10518 to the Accidental Release Prevention Program, that public  
 10519 release of such records, reports, or information would divulge  
 10520 methods or processes entitled to protection as trade secrets as  
 10521 provided for in 40 C.F.R. part 2, subpart B. Such records,  
 10522 reports, or information held by the division ~~department~~ are  
 10523 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
 10524 s. 24(a), Art. I of the State Constitution, unless a final  
 10525 determination has been made by the Administrator of the  
 10526 Environmental Protection Agency that such records, reports, or  
 10527 information are not entitled to trade secret protection, or  
 10528 pursuant to an order of court.



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10529           (2) The division ~~department~~ shall protect records,  
 10530 reports, or information or particular parts thereof, other than  
 10531 release or emissions data, obtained from an investigation,  
 10532 inspection, or audit from public disclosure pursuant to ss.  
 10533 112(r) and 114(c) of the federal Clean Air Act and authorities  
 10534 cited therein, based upon a showing satisfactory to the  
 10535 Administrator of the United States Environmental Protection  
 10536 Agency, by any owner or operator of a stationary source subject  
 10537 to the Accidental Release Prevention Program, that public  
 10538 release of such records, reports, or information would divulge  
 10539 methods or processes entitled to protection as trade secrets as  
 10540 provided for in 40 C.F.R. part 2, subpart B. Such records,  
 10541 reports, or information held by the division ~~department~~ are  
 10542 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
 10543 s. 24(a), Art. I of the State Constitution, unless a final  
 10544 determination has been made by the Administrator of the  
 10545 Environmental Protection Agency that such records, reports, or  
 10546 information are not entitled to trade secret protection, or  
 10547 pursuant to a court ~~an order of court~~.

10548           Section 187. Section 252.946, Florida Statutes, is amended  
 10549 to read:

10550           252.946 Public records.—With regard to information  
 10551 submitted to the United States Environmental Protection Agency  
 10552 under this part or s. 112(r)(7), the division ~~department of~~  
 10553 ~~Community Affairs~~, the State Hazardous Materials Emergency  
 10554 Response Commission, and any local emergency planning committee  
 10555 may assist persons in electronically accessing such information  
 10556 held by the United States Environmental Protection Agency in its

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10557 centralized database. If requested, the division ~~department~~, the  
 10558 commission, or a committee may furnish copies of such United  
 10559 States Environmental Protection Agency records.

10560 Section 188. Subsections (3) and (4) of section 255.042,  
 10561 Florida Statutes, are amended to read:

10562 255.042 Shelter in public buildings.-

10563 (3) The Division of Emergency Management ~~Department of~~  
 10564 ~~Community Affairs~~ shall, in those cases in which the architect-  
 10565 engineer firm does not possess the specialized training required  
 10566 for the inclusion of fallout protection in building design and  
 10567 upon request from the architect-engineer concerned or the  
 10568 responsible state or local agency, provide, at no cost to the  
 10569 architect-engineer or agency, professional development service  
 10570 to increase fallout protection through shelter slanting and  
 10571 cost-reduction techniques.

10572 (4) Nothing in this section establishes ~~act shall be~~  
 10573 ~~construed as establishing~~ a mandatory requirement for the  
 10574 incorporation of fallout shelter in the construction of,  
 10575 modification of, or addition to the public buildings concerned.  
 10576 It is mandatory, however, that the incorporation of such  
 10577 protection be given every consideration through acceptable  
 10578 shelter slanting and cost-reduction techniques. The responsible  
 10579 state or local official shall determine whether cost, or other  
 10580 related factors, precludes or makes impracticable the  
 10581 incorporation of fallout shelter in public buildings. Further,  
 10582 the Division of Emergency Management ~~Department of Community~~  
 10583 ~~Affairs~~ may waive the requirement for consideration of shelter  
 10584 in those cases where presently available shelter spaces equal or

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10585 exceed the requirements of the area concerned.  
 10586 Section 189. Paragraph (b) of subsection (1) of section  
 10587 259.035, Florida Statutes, is amended to read:  
 10588 259.035 Acquisition and Restoration Council.—  
 10589 (1) There is created the Acquisition and Restoration  
 10590 Council.  
 10591 (b) The five remaining appointees shall be composed of the  
 10592 Secretary of Environmental Protection, the director of the  
 10593 Division of Forestry of the Department of Agriculture and  
 10594 Consumer Services, the executive director of the Fish and  
 10595 Wildlife Conservation Commission, the director of the Division  
 10596 of Historical Resources of the Department of State, and the  
 10597 Commissioner of Economic Opportunity ~~the secretary of the~~  
 10598 ~~Department of Community Affairs,~~ or their respective designees.  
 10599 Section 190. Paragraph (d) of subsection (1) of section  
 10600 260.0142, Florida Statutes, is amended to read:  
 10601 260.0142 Florida Greenways and Trails Council;  
 10602 composition; powers and duties.—  
 10603 (1) There is created within the department the Florida  
 10604 Greenways and Trails Council which shall advise the department  
 10605 in the execution of the department's powers and duties under  
 10606 this chapter. The council shall be composed of 21 members,  
 10607 consisting of:  
 10608 (d) The 10 remaining members shall include:  
 10609 1. The Secretary of Environmental Protection or a  
 10610 designee.  
 10611 2. The executive director of the Fish and Wildlife  
 10612 Conservation Commission or a designee.

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10613 |           3. The Commissioner of Economic Opportunity ~~The Secretary~~  
 10614 | ~~of Community Affairs~~ or a designee.  
 10615 |           4. The Secretary of Transportation or a designee.  
 10616 |           5. The Director of the Division of Forestry of the  
 10617 | Department of Agriculture and Consumer Services or a designee.  
 10618 |           6. The director of the Division of Historical Resources of  
 10619 | the Department of State or a designee.  
 10620 |           7. A representative of the water management districts.  
 10621 | Membership on the council shall rotate among the five districts.  
 10622 | The districts shall determine the order of rotation.  
 10623 |           8. A representative of a federal land management agency.  
 10624 | The Secretary of Environmental Protection shall identify the  
 10625 | appropriate federal agency and request designation of a  
 10626 | representative from the agency to serve on the council.  
 10627 |           9. A representative of the regional planning councils to  
 10628 | be appointed by the Secretary of Environmental Protection ~~in~~  
 10629 | ~~consultation with the Secretary of Community Affairs~~. Membership  
 10630 | on the council shall rotate among each of the ~~seven~~ regional  
 10631 | planning councils. The regional planning councils shall  
 10632 | determine the order of rotation.  
 10633 |           10. A representative of local governments to be appointed  
 10634 | by the Secretary of Environmental Protection ~~in consultation~~  
 10635 | ~~with the Secretary of Community Affairs~~. Membership shall  
 10636 | alternate between a county representative and a municipal  
 10637 | representative.  
 10638 |           Section 191. Paragraphs (a) and (d) of subsection (1) and  
 10639 | subsection (4) of section 282.709, Florida Statutes, are amended  
 10640 | to read:

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10641 282.709 State agency law enforcement radio system and  
 10642 interoperability network.—

10643 (1) The department may acquire and administer a statewide  
 10644 radio communications system to serve law enforcement units of  
 10645 state agencies, and to serve local law enforcement agencies  
 10646 through mutual aid channels.

10647 (a) The department shall, in conjunction with the  
 10648 Department of Law Enforcement and the Division of Emergency  
 10649 Management ~~of the Department of Community Affairs~~, establish  
 10650 policies, procedures, and standards to be incorporated into a  
 10651 comprehensive management plan for the use and operation of the  
 10652 statewide radio communications system.

10653 (d) The department shall exercise its powers and duties  
 10654 under this part to plan, manage, and administer the mutual aid  
 10655 channels in the statewide radio communication system.

10656 1. In implementing such powers and duties, the department  
 10657 shall consult and act in conjunction with the Department of Law  
 10658 Enforcement and the Division of Emergency Management ~~of the~~  
 10659 ~~Department of Community Affairs~~, and shall manage and administer  
 10660 the mutual aid channels in a manner that reasonably addresses  
 10661 the needs and concerns of the involved law enforcement agencies  
 10662 and emergency response agencies and entities.

10663 2. The department may make the mutual aid channels  
 10664 available to federal agencies, state agencies, and agencies of  
 10665 the political subdivisions of the state for the purpose of  
 10666 public safety and domestic security.

10667 (4) The department may create and administer an  
 10668 interoperability network to enable interoperability between

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10669 various radio communications technologies and to serve federal  
 10670 agencies, state agencies, and agencies of political subdivisions  
 10671 of the state for the purpose of public safety and domestic  
 10672 security.

10673 (a) The department shall, in conjunction with the  
 10674 Department of Law Enforcement and the Division of Emergency  
 10675 Management ~~of the Department of Community Affairs~~, exercise its  
 10676 powers and duties pursuant to this chapter to plan, manage, and  
 10677 administer the interoperability network. The office may:

10678 1. Enter into mutual aid agreements among federal  
 10679 agencies, state agencies, and political subdivisions of the  
 10680 state for the use of the interoperability network.

10681 2. Establish the cost of maintenance and operation of the  
 10682 interoperability network and charge subscribing federal and  
 10683 local law enforcement agencies for access and use of the  
 10684 network. The department may not charge state law enforcement  
 10685 agencies identified in paragraph (2)(a) to use the network.

10686 3. In consultation with the Department of Law Enforcement  
 10687 and the Division of Emergency Management ~~of the Department of~~  
 10688 ~~Community Affairs~~, amend and enhance the statewide radio  
 10689 communications system as necessary to implement the  
 10690 interoperability network.

10691 (b) The department, in consultation with the Joint Task  
 10692 Force on State Agency Law Enforcement Communications, and in  
 10693 conjunction with the Department of Law Enforcement and the  
 10694 Division of Emergency Management ~~of the Department of Community~~  
 10695 ~~Affairs~~, shall establish policies, procedures, and standards to  
 10696 incorporate into a comprehensive management plan for the use and

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10697 operation of the interoperability network.

10698 Section 192. Subsection (4) of section 290.044, Florida

10699 Statutes, is amended to read:

10700 290.044 Florida Small Cities Community Development Block

10701 Grant Program Fund; administration; distribution.—

10702 (4) The department may set aside an amount of up to 5

10703 percent of the funds annually for use in any eligible local

10704 government jurisdiction for which an emergency or natural

10705 disaster has been declared by executive order. Such funds may

10706 only be provided to a local government to fund eligible

10707 emergency-related activities for which no other source of

10708 federal, state, or local disaster funds is available. The

10709 department may provide for such set-aside by rule. In the last

10710 quarter of the state fiscal year, any funds not allocated under

10711 the emergency-related set-aside ~~shall be used to fully fund any~~

10712 ~~applications which were partially funded due to inadequate funds~~

10713 ~~in the most recently completed neighborhood revitalization~~

10714 ~~category funding cycle, and then any remaining funds shall be~~

10715 distributed to ~~the next~~ unfunded applications from the most

10716 recent funding cycle.

10717 Section 193. Paragraph (f) of subsection (4) of section

10718 339.135, Florida Statutes, is amended to read:

10719 339.135 Work program; legislative budget request;

10720 definitions; preparation, adoption, execution, and amendment.—

10721 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

10722 (f) The central office shall submit a preliminary copy of

10723 the tentative work program to the Executive Office of the

10724 Governor, the legislative appropriations committees, the Florida

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10725 Transportation Commission, and the Department of Economic  
 10726 Opportunity ~~the Department of Community Affairs~~ at least 14 days  
 10727 prior to the convening of the regular legislative session. Prior  
 10728 to the statewide public hearing required by paragraph (g), the  
 10729 Department of Economic Opportunity ~~the Department of Community~~  
 10730 ~~Affairs~~ shall transmit to the Florida Transportation Commission  
 10731 a list of those projects and project phases contained in the  
 10732 tentative work program which are identified as being  
 10733 inconsistent with approved local government comprehensive plans.  
 10734 For urbanized areas of metropolitan planning organizations, the  
 10735 list may not contain any project or project phase that is  
 10736 scheduled in a transportation improvement program unless such  
 10737 inconsistency has been previously reported to the affected  
 10738 metropolitan planning organization.

10739 Section 194. Subsection (2) of section 376.86, Florida  
 10740 Statutes, is amended to read:

10741 376.86 Brownfield Areas Loan Guarantee Program.—

10742 (2) The council shall consist of the secretary of the  
 10743 Department of Environmental Protection or the secretary's  
 10744 designee, the Commissioner of Economic Opportunity or the  
 10745 commissioner's ~~secretary of the Department of Community Affairs~~  
 10746 ~~or the secretary's~~ designee, the State Surgeon General or the  
 10747 State Surgeon General's designee, the Executive Director of the  
 10748 State Board of Administration or the executive director's  
 10749 designee, the Executive Director of the Florida Housing Finance  
 10750 Corporation or the executive director's designee, and the  
 10751 Director of the Governor's Office of Tourism, Trade, and  
 10752 Economic Development or the director's designee. The chairperson



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10753 of the council shall be the Director of the Governor's Office of  
 10754 Tourism, Trade, and Economic Development. Staff services for  
 10755 activities of the council shall be provided as needed by the  
 10756 member agencies.

10757 Section 195. Paragraph (h) of subsection (2) of section  
 10758 377.703, Florida Statutes, is amended to read:

10759 377.703 Additional functions of the Florida Energy and  
 10760 Climate Commission.—

10761 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The  
 10762 commission shall perform the following functions consistent with  
 10763 the development of a state energy policy:

10764 (h) The commission shall promote the development and use  
 10765 of renewable energy resources, in conformance with the  
 10766 provisions of chapter 187 and s. 377.601, by:

10767 1. Establishing goals and strategies for increasing the  
 10768 use of solar energy in this state.

10769 2. Aiding and promoting the commercialization of solar  
 10770 energy technology, in cooperation with the Florida Solar Energy  
 10771 Center, Enterprise Florida, Inc., and any other federal, state,  
 10772 or local governmental agency which may seek to promote research,  
 10773 development, and demonstration of solar energy equipment and  
 10774 technology.

10775 3. Identifying barriers to greater use of solar energy  
 10776 systems in this state, and developing specific recommendations  
 10777 for overcoming identified barriers, with findings and  
 10778 recommendations to be submitted annually in the report to the  
 10779 Governor and Legislature required under paragraph (f).

10780 4. In cooperation with the Department of Environmental

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10781 Protection, the Department of Transportation, ~~the Department of~~  
 10782 ~~Community Affairs,~~ Enterprise Florida, Inc., the Florida Solar  
 10783 Energy Center, and the Florida Solar Energy Industries  
 10784 Association, investigating opportunities, pursuant to the  
 10785 National Energy Policy Act of 1992, the Housing and Community  
 10786 Development Act of 1992, and any subsequent federal legislation,  
 10787 for solar electric vehicles and other solar energy  
 10788 manufacturing, distribution, installation, and financing efforts  
 10789 which will enhance this state's position as the leader in solar  
 10790 energy research, development, and use.

10791 5. Undertaking other initiatives to advance the  
 10792 development and use of renewable energy resources in this state.

10793  
 10794 In the exercise of its responsibilities under this paragraph,  
 10795 the commission shall seek the assistance of the solar energy  
 10796 industry in this state and other interested parties and is  
 10797 authorized to enter into contracts, retain professional  
 10798 consulting services, and expend funds appropriated by the  
 10799 Legislature for such purposes.

10800 Section 196. Subsection (1) of section 380.504, Florida  
 10801 Statutes, is amended to read:

10802 380.504 Florida Communities Trust; creation; membership;  
 10803 expenses.—

10804 (1) There is created within the Department of  
 10805 Environmental Protection ~~the Department of Community Affairs~~ a  
 10806 nonregulatory state agency and instrumentality, which shall be a  
 10807 public body corporate and politic, known as the "Florida  
 10808 Communities Trust." The governing body of the trust shall

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10809 consist of:  
 10810 (a) The Commissioner of Economic Opportunity ~~Secretary of~~  
 10811 ~~Community Affairs~~ and the Secretary of Environmental Protection;  
 10812 and

10813 (b) Four public members whom the Governor shall appoint  
 10814 subject to Senate confirmation.

10815  
 10816 The Governor shall appoint a former elected official of a county  
 10817 government, a former elected official of a metropolitan  
 10818 municipal government, a representative of a nonprofit  
 10819 organization as defined in this part, and a representative of  
 10820 the development industry. The Commissioner of Economic  
 10821 Opportunity ~~Secretary of Community Affairs~~ may designate ~~his or~~  
 10822 ~~her assistant secretary or~~ the director of the Division of  
 10823 Community Planning and Development to serve in his or her  
 10824 absence. The Secretary of Environmental Protection may appoint  
 10825 his or her deputy secretary, the director of the Division of  
 10826 State Lands, or the director of the Division of Recreation and  
 10827 Parks to serve in his or her absence. The Secretary of  
 10828 Environmental Protection ~~Secretary of Community Affairs~~ shall be  
 10829 the chair of the governing body of the trust. The Governor shall  
 10830 make his or her appointments upon the expiration of any current  
 10831 terms or within 60 days after the effective date of the  
 10832 resignation of any member.

10833 Section 197. Subsection (18) of section 380.031, Florida  
 10834 Statutes, is amended to read:

10835 380.031 Definitions.—As used in this chapter:

10836 (18) "State land planning agency" means the Department of

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10837 Economic Opportunity ~~the Department of Community Affairs~~ and may  
 10838 be referred to in this part as the "department."

10839 Section 198. Paragraph (e) of subsection (2) and paragraph  
 10840 (b) of subsection (5) of section 381.0303, Florida Statutes, are  
 10841 amended to read:

10842 381.0303 Special needs shelters.—

10843 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY  
 10844 ASSISTANCE.—If funds have been appropriated to support disaster  
 10845 coordinator positions in county health departments:

10846 (e) The Secretary of Elderly Affairs, or his or her  
 10847 designee, shall convene, at any time that he or she deems  
 10848 appropriate and necessary, a multiagency special needs shelter  
 10849 discharge planning team to assist local areas that are severely  
 10850 impacted by a natural or manmade disaster that requires the use  
 10851 of special needs shelters. Multiagency special needs shelter  
 10852 discharge planning teams shall provide assistance to local  
 10853 emergency management agencies with the continued operation or  
 10854 closure of the shelters, as well as with the discharge of  
 10855 special needs clients to alternate facilities if necessary.  
 10856 Local emergency management agencies may request the assistance  
 10857 of a multiagency special needs shelter discharge planning team  
 10858 by alerting statewide emergency management officials of the  
 10859 necessity for additional assistance in their area. The Secretary  
 10860 of Elderly Affairs is encouraged to proactively work with other  
 10861 state agencies prior to any natural disasters for which warnings  
 10862 are provided to ensure that multiagency special needs shelter  
 10863 discharge planning teams are ready to assemble and deploy  
 10864 rapidly upon a determination by state emergency management

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10865 officials that a disaster area requires additional assistance.  
 10866 The Secretary of Elderly Affairs may call upon any state agency  
 10867 or office to provide staff to assist a multiagency special needs  
 10868 shelter discharge planning team. Unless the secretary determines  
 10869 that the nature or circumstances surrounding the disaster do not  
 10870 warrant participation from a particular agency's staff, each  
 10871 multiagency special needs shelter discharge planning team shall  
 10872 include at least one representative from each of the following  
 10873 state agencies:

- 10874 1. Department of Elderly Affairs.
- 10875 2. Department of Health.
- 10876 3. Department of Children and Family Services.
- 10877 4. Department of Veterans' Affairs.
- 10878 5. Division of Emergency Management ~~Department of~~  
 10879 ~~Community Affairs.~~
- 10880 6. Agency for Health Care Administration.
- 10881 7. Agency for Persons with Disabilities.

10882 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State  
 10883 Surgeon General may establish a special needs shelter  
 10884 interagency committee and serve as, or appoint a designee to  
 10885 serve as, the committee's chair. The department shall provide  
 10886 any necessary staff and resources to support the committee in  
 10887 the performance of its duties. The committee shall address and  
 10888 resolve problems related to special needs shelters not addressed  
 10889 in the state comprehensive emergency medical plan and shall  
 10890 consult on the planning and operation of special needs shelters.

10891 (b) The special needs shelter interagency committee shall  
 10892 be composed of representatives of emergency management, health,

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10893 | medical, and social services organizations. Membership shall  
 10894 | include, but shall not be limited to, representatives of the  
 10895 | Departments of Health, ~~Community Affairs~~, Children and Family  
 10896 | Services, Elderly Affairs, and Education; the Agency for Health  
 10897 | Care Administration; the Division of Emergency Management; the  
 10898 | Florida Medical Association; the Florida Osteopathic Medical  
 10899 | Association; Associated Home Health Industries of Florida, Inc.;  
 10900 | the Florida Nurses Association; the Florida Health Care  
 10901 | Association; the Florida Assisted Living Affiliation; the  
 10902 | Florida Hospital Association; the Florida Statutory Teaching  
 10903 | Hospital Council; the Florida Association of Homes for the  
 10904 | Aging; the Florida Emergency Preparedness Association; the  
 10905 | American Red Cross; Florida Hospices and Palliative Care, Inc.;  
 10906 | the Association of Community Hospitals and Health Systems; the  
 10907 | Florida Association of Health Maintenance Organizations; the  
 10908 | Florida League of Health Systems; the Private Care Association;  
 10909 | the Salvation Army; the Florida Association of Aging Services  
 10910 | Providers; the AARP; and the Florida Renal Coalition.

10911 |       Section 199. Subsection (3) of section 381.7354, Florida  
 10912 | Statutes, is amended to read:

10913 |       381.7354 Eligibility.—

10914 |       (3) In addition to the grants awarded under subsections  
 10915 | (1) and (2), up to 20 percent of the funding for the Reducing  
 10916 | Racial and Ethnic Health Disparities: Closing the Gap grant  
 10917 | program shall be dedicated to projects that address improving  
 10918 | racial and ethnic health status within specific Front Porch  
 10919 | Florida Communities, ~~as designated pursuant to s. 20.18(6)~~.

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10920 Section 200. Subsection (8) of section 393.067, Florida  
 10921 Statutes, is amended to read:  
 10922 393.067 Facility licensure.—  
 10923 (8) The agency, after consultation with the Division of  
 10924 Emergency Management ~~Department of Community Affairs~~, shall  
 10925 adopt rules for foster care facilities, group home facilities,  
 10926 and residential habilitation centers which establish minimum  
 10927 standards for the preparation and annual update of a  
 10928 comprehensive emergency management plan. At a minimum, the rules  
 10929 must provide for plan components that address emergency  
 10930 evacuation transportation; adequate sheltering arrangements;  
 10931 postdisaster activities, including emergency power, food, and  
 10932 water; postdisaster transportation; supplies; staffing;  
 10933 emergency equipment; individual identification of residents and  
 10934 transfer of records; and responding to family inquiries. The  
 10935 comprehensive emergency management plan for all comprehensive  
 10936 transitional education programs and for homes serving  
 10937 individuals who have complex medical conditions is subject to  
 10938 review and approval by the local emergency management agency.  
 10939 During its review, the local emergency management agency shall  
 10940 ensure that the agency and the Division of Emergency Management  
 10941 ~~Department of Community Affairs~~, at a minimum, are given the  
 10942 opportunity to review the plan. Also, appropriate volunteer  
 10943 organizations must be given the opportunity to review the plan.  
 10944 The local emergency management agency shall complete its review  
 10945 within 60 days and either approve the plan or advise the  
 10946 facility of necessary revisions.  
 10947 Section 201. Paragraph (c) of subsection (1) of section

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10948 | 395.1055, Florida Statutes, is amended to read:  
 10949 |       395.1055 Rules and enforcement.—  
 10950 |       (1) The agency shall adopt rules pursuant to ss.  
 10951 | 120.536(1) and 120.54 to implement the provisions of this part,  
 10952 | which shall include reasonable and fair minimum standards for  
 10953 | ensuring that:  
 10954 |       (c) A comprehensive emergency management plan is prepared  
 10955 | and updated annually. Such standards must be included in the  
 10956 | rules adopted by the agency after consulting with the Division  
 10957 | of Emergency Management ~~Department of Community Affairs~~. At a  
 10958 | minimum, the rules must provide for plan components that address  
 10959 | emergency evacuation transportation; adequate sheltering  
 10960 | arrangements; postdisaster activities, including emergency  
 10961 | power, food, and water; postdisaster transportation; supplies;  
 10962 | staffing; emergency equipment; individual identification of  
 10963 | residents and transfer of records, and responding to family  
 10964 | inquiries. The comprehensive emergency management plan is  
 10965 | subject to review and approval by the local emergency management  
 10966 | agency. During its review, the local emergency management agency  
 10967 | shall ensure that the following agencies, at a minimum, are  
 10968 | given the opportunity to review the plan: the Department of  
 10969 | Elderly Affairs, the Department of Health, the Agency for Health  
 10970 | Care Administration, and the Division of Emergency Management  
 10971 | ~~Department of Community Affairs~~. Also, appropriate volunteer  
 10972 | organizations must be given the opportunity to review the plan.  
 10973 | The local emergency management agency shall complete its review  
 10974 | within 60 days and either approve the plan or advise the  
 10975 | facility of necessary revisions.



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10976 Section 202. Paragraph (a) of subsection (1) of section  
 10977 395.1056, Florida Statutes, is amended to read:

10978 395.1056 Plan components addressing a hospital's response  
 10979 to terrorism; public records exemption; public meetings  
 10980 exemption.—

10981 (1) (a) Those portions of a comprehensive emergency  
 10982 management plan that address the response of a public or private  
 10983 hospital to an act of terrorism as defined by s. 775.30 held by  
 10984 the agency, a state or local law enforcement agency, a county or  
 10985 municipal emergency management agency, the Executive Office of  
 10986 the Governor, or the Department of Health, ~~or the Department of~~  
 10987 ~~Community Affairs~~ are confidential and exempt from s. 119.07(1)  
 10988 and s. 24(a), Art. I of the State Constitution.

10989 Section 203. Paragraph (g) of subsection (2) of section  
 10990 400.23, Florida Statutes, is amended to read:

10991 400.23 Rules; evaluation and deficiencies; licensure  
 10992 status.—

10993 (2) Pursuant to the intention of the Legislature, the  
 10994 agency, in consultation with the Department of Health and the  
 10995 Department of Elderly Affairs, shall adopt and enforce rules to  
 10996 implement this part and part II of chapter 408, which shall  
 10997 include reasonable and fair criteria in relation to:

10998 (g) The preparation and annual update of a comprehensive  
 10999 emergency management plan. The agency shall adopt rules  
 11000 establishing minimum criteria for the plan after consultation  
 11001 with the Division of Emergency Management ~~Department of~~  
 11002 ~~Community Affairs~~. At a minimum, the rules must provide for plan  
 11003 components that address emergency evacuation transportation;

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11004 adequate sheltering arrangements; postdisaster activities,  
 11005 including emergency power, food, and water; postdisaster  
 11006 transportation; supplies; staffing; emergency equipment;  
 11007 individual identification of residents and transfer of records;  
 11008 and responding to family inquiries. The comprehensive emergency  
 11009 management plan is subject to review and approval by the local  
 11010 emergency management agency. During its review, the local  
 11011 emergency management agency shall ensure that the following  
 11012 agencies, at a minimum, are given the opportunity to review the  
 11013 plan: the Department of Elderly Affairs, the Department of  
 11014 Health, the Agency for Health Care Administration, and the  
 11015 Division of Emergency Management ~~Department of Community~~  
 11016 ~~Affairs~~. Also, appropriate volunteer organizations must be given  
 11017 the opportunity to review the plan. The local emergency  
 11018 management agency shall complete its review within 60 days and  
 11019 either approve the plan or advise the facility of necessary  
 11020 revisions.

11021 Section 204. Paragraph (a) of subsection (10) of section  
 11022 400.497, Florida Statutes, is amended to read:

11023 400.497 Rules establishing minimum standards.—The agency  
 11024 shall adopt, publish, and enforce rules to implement part II of  
 11025 chapter 408 and this part, including, as applicable, ss. 400.506  
 11026 and 400.509, which must provide reasonable and fair minimum  
 11027 standards relating to:

11028 (10) Preparation of a comprehensive emergency management  
 11029 plan pursuant to s. 400.492.

11030 (a) The Agency for Health Care Administration shall adopt  
 11031 rules establishing minimum criteria for the plan and plan

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11032 updates, with the concurrence of the Department of Health and in  
 11033 consultation with the Division of Emergency Management  
 11034 ~~Department of Community Affairs.~~

11035 Section 205. Paragraph (f) of subsection (12) of section  
 11036 400.506, Florida Statutes, is amended to read:

11037 400.506 Licensure of nurse registries; requirements;  
 11038 penalties.—

11039 (12) Each nurse registry shall prepare and maintain a  
 11040 comprehensive emergency management plan that is consistent with  
 11041 the criteria in this subsection and with the local special needs  
 11042 plan. The plan shall be updated annually. The plan shall include  
 11043 the means by which the nurse registry will continue to provide  
 11044 the same type and quantity of services to its patients who  
 11045 evacuate to special needs shelters which were being provided to  
 11046 those patients prior to evacuation. The plan shall specify how  
 11047 the nurse registry shall facilitate the provision of continuous  
 11048 care by persons referred for contract to persons who are  
 11049 registered pursuant to s. 252.355 during an emergency that  
 11050 interrupts the provision of care or services in private  
 11051 residences. Nurse registries may establish links to local  
 11052 emergency operations centers to determine a mechanism by which  
 11053 to approach specific areas within a disaster area in order for a  
 11054 provider to reach its clients. Nurse registries shall  
 11055 demonstrate a good faith effort to comply with the requirements  
 11056 of this subsection by documenting attempts of staff to follow  
 11057 procedures outlined in the nurse registry's comprehensive  
 11058 emergency management plan which support a finding that the  
 11059 provision of continuing care has been attempted for patients

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11060 identified as needing care by the nurse registry and registered  
 11061 under s. 252.355 in the event of an emergency under this  
 11062 subsection.

11063 (f) The Agency for Health Care Administration shall adopt  
 11064 rules establishing minimum criteria for the comprehensive  
 11065 emergency management plan and plan updates required by this  
 11066 subsection, with the concurrence of the Department of Health and  
 11067 in consultation with the Division of Emergency Management  
 11068 ~~Department of Community Affairs.~~

11069 Section 206. Paragraph (h) of subsection (1) of section  
 11070 400.605, Florida Statutes, is amended to read:

11071 400.605 Administration; forms; fees; rules; inspections;  
 11072 fines.—

11073 (1) The agency, in consultation with the department, may  
 11074 adopt rules to administer the requirements of part II of chapter  
 11075 408. The department, in consultation with the agency, shall by  
 11076 rule establish minimum standards and procedures for a hospice  
 11077 pursuant to this part. The rules must include:

11078 (h) Components of a comprehensive emergency management  
 11079 plan, developed in consultation with the Department of Health,  
 11080 the Department of Elderly Affairs, and the Division of Emergency  
 11081 Management ~~Department of Community Affairs.~~

11082 Section 207. Subsection (9) of section 400.935, Florida  
 11083 Statutes, is amended to read:

11084 400.935 Rules establishing minimum standards.—The agency  
 11085 shall adopt, publish, and enforce rules to implement this part  
 11086 and part II of chapter 408, which must provide reasonable and  
 11087 fair minimum standards relating to:

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11088 (9) Preparation of the comprehensive emergency management  
 11089 plan under s. 400.934 and the establishment of minimum criteria  
 11090 for the plan, including the maintenance of patient equipment and  
 11091 supply lists that can accompany patients who are transported  
 11092 from their homes. Such rules shall be formulated in consultation  
 11093 with the Department of Health and the Division of Emergency  
 11094 Management ~~Department of Community Affairs~~.

11095 Section 208. Paragraph (g) of subsection (2) of section  
 11096 400.967, Florida Statutes, is amended to read:

11097 400.967 Rules and classification of deficiencies.—

11098 (2) Pursuant to the intention of the Legislature, the  
 11099 agency, in consultation with the Agency for Persons with  
 11100 Disabilities and the Department of Elderly Affairs, shall adopt  
 11101 and enforce rules to administer this part and part II of chapter  
 11102 408, which shall include reasonable and fair criteria governing:

11103 (g) The preparation and annual update of a comprehensive  
 11104 emergency management plan. The agency shall adopt rules  
 11105 establishing minimum criteria for the plan after consultation  
 11106 with the Division of Emergency Management ~~Department of~~  
 11107 ~~Community Affairs~~. At a minimum, the rules must provide for plan  
 11108 components that address emergency evacuation transportation;  
 11109 adequate sheltering arrangements; postdisaster activities,  
 11110 including emergency power, food, and water; postdisaster  
 11111 transportation; supplies; staffing; emergency equipment;  
 11112 individual identification of residents and transfer of records;  
 11113 and responding to family inquiries. The comprehensive emergency  
 11114 management plan is subject to review and approval by the local  
 11115 emergency management agency. During its review, the local

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11116 emergency management agency shall ensure that the following  
 11117 agencies, at a minimum, are given the opportunity to review the  
 11118 plan: the Department of Elderly Affairs, the Agency for Persons  
 11119 with Disabilities, the Agency for Health Care Administration,  
 11120 and the Division of Emergency Management ~~Department of Community~~  
 11121 ~~Affairs~~. Also, appropriate volunteer organizations must be given  
 11122 the opportunity to review the plan. The local emergency  
 11123 management agency shall complete its review within 60 days and  
 11124 either approve the plan or advise the facility of necessary  
 11125 revisions.

11126 Section 209. Paragraph (b) of subsection (2) of section  
 11127 401.245, Florida Statutes, is amended to read:

11128 401.245 Emergency Medical Services Advisory Council.—  
 11129 (2)

11130 (b) Representation on the Emergency Medical Services  
 11131 Advisory Council shall include: two licensed physicians who are  
 11132 "medical directors" as defined in s. 401.23(15) or whose medical  
 11133 practice is closely related to emergency medical services; two  
 11134 emergency medical service administrators, one of whom is  
 11135 employed by a fire service; two certified paramedics, one of  
 11136 whom is employed by a fire service; two certified emergency  
 11137 medical technicians, one of whom is employed by a fire service;  
 11138 one emergency medical services educator; one emergency nurse;  
 11139 one hospital administrator; one representative of air ambulance  
 11140 services; one representative of a commercial ambulance operator;  
 11141 and two laypersons who are in no way connected with emergency  
 11142 medical services, one of whom is a representative of the  
 11143 elderly. Ex officio members of the advisory council from state

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11144 agencies shall include, but shall not be limited to,  
 11145 representatives from the Department of Education, the Department  
 11146 of Management Services, the State Fire Marshal, the Department  
 11147 of Highway Safety and Motor Vehicles, the Department of  
 11148 Transportation, and the Division of Emergency Management  
 11149 ~~Department of Community Affairs.~~

11150 Section 210. Paragraph (b) of subsection (3) of section  
 11151 403.42, Florida Statutes, is amended to read:

11152 403.42 Florida Clean Fuel Act.—

11153 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;  
 11154 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

11155 (b)1. The advisory board shall consist of the Commissioner  
 11156 of Economic Opportunity ~~the Secretary of Community Affairs,~~ or a  
 11157 designee from that department, the Secretary of Environmental  
 11158 Protection~~,~~ or a designee from that department, the Commissioner  
 11159 of Education~~,~~ or a designee from that department, the Secretary  
 11160 of Transportation~~,~~ or a designee from that department, the  
 11161 Commissioner of Agriculture~~,~~ or a designee from that ~~the~~  
 11162 ~~department of Agriculture and Consumer Services,~~ the Secretary  
 11163 of Management Services~~,~~ or a designee from that department, and  
 11164 a representative of each of the following, who shall be  
 11165 appointed by the Secretary of Environmental Protection:

- 11166 a. The Florida biodiesel industry.
- 11167 b. The Florida electric utility industry.
- 11168 c. The Florida natural gas industry.
- 11169 d. The Florida propane gas industry.
- 11170 e. An automobile manufacturers' association.
- 11171 f. A Florida Clean Cities Coalition designated by the

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11172 United States Department of Energy.

11173 g. Enterprise Florida, Inc.

11174 h. EV Ready Broward.

11175 i. The Florida petroleum industry.

11176 j. The Florida League of Cities.

11177 k. The Florida Association of Counties.

11178 l. Floridians for Better Transportation.

11179 m. A motor vehicle manufacturer.

11180 n. Florida Local Environment Resource Agencies.

11181 o. Project for an Energy Efficient Florida.

11182 p. Florida Transportation Builders Association.

11183 2. The purpose of the advisory board is to serve as a

11184 resource for the department and to provide the Governor, the

11185 Legislature, and the Secretary of Environmental Protection with

11186 private sector and other public agency perspectives on achieving

11187 the goal of increasing the use of alternative fuel vehicles in

11188 this state.

11189 3. Members shall be appointed to serve terms of 1 year

11190 each, with reappointment at the discretion of the Secretary of

11191 Environmental Protection. Vacancies shall be filled for the

11192 remainder of the unexpired term in the same manner as the

11193 original appointment.

11194 4. The board shall annually select a chairperson.

11195 5.a. The board shall meet at least once each quarter or

11196 more often at the call of the chairperson or the Secretary of

11197 Environmental Protection.

11198 b. Meetings are exempt from the notice requirements of

11199 chapter 120, and sufficient notice shall be given to afford



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11200 interested persons reasonable notice under the circumstances.  
 11201 6. Members of the board are entitled to travel expenses  
 11202 while engaged in the performance of board duties.  
 11203 7. The board shall terminate 5 years after the effective  
 11204 date of this act.  
 11205 Section 211. Paragraph (e) of subsection (3) and  
 11206 subsection (4) of section 420.0003, Florida Statutes, are  
 11207 amended to read:  
 11208 420.0003 State housing strategy.—  
 11209 (3) POLICIES.—  
 11210 (e) Housing production or rehabilitation programs.—New  
 11211 programs for housing production or rehabilitation shall be  
 11212 developed in accordance with the following general guidelines as  
 11213 appropriate for the purpose of the specific program:  
 11214 1. State and local governments shall provide incentives to  
 11215 encourage the private sector to be the primary delivery vehicle  
 11216 for the development of affordable housing.  
 11217 2. State funds should be heavily leveraged to achieve the  
 11218 maximum local and private commitment of funds while achieving  
 11219 the program objectives.  
 11220 3. To the maximum extent possible, state funds should be  
 11221 expended to provide housing units rather than to support program  
 11222 administration.  
 11223 4. State money should be used, when possible, as loans  
 11224 rather than grants.  
 11225 5. State funds should be available only to local  
 11226 governments that provide incentives or financial assistance for  
 11227 housing.

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11228 | 6. State funds should be made available only for projects  
 11229 | which are consistent with the local government comprehensive  
 11230 | plan.

11231 | 7. State funding for housing should not be made available  
 11232 | to local governments whose comprehensive plans have been found  
 11233 | not in compliance with chapter 163 and who have not entered into  
 11234 | a stipulated settlement agreement with the Department of  
 11235 | Economic Opportunity ~~the Department of Community Affairs~~ to  
 11236 | bring the plan into compliance.

11237 | 8. Mixed income projects should be encouraged, to avoid a  
 11238 | concentration of low-income residents in one area or project.

11239 | 9. Distribution of state housing funds should be flexible  
 11240 | and consider the regional and local needs, resources, and  
 11241 | capabilities of housing producers.

11242 | 10. Income levels used to determine program eligibility  
 11243 | should be adjusted for family size in determining the  
 11244 | eligibility of specific beneficiaries.

11245 | 11. To the maximum extent possible, state-owned lands that  
 11246 | are appropriate for the development of affordable housing shall  
 11247 | be made available for that purpose.

11248 | (4) IMPLEMENTATION.—The Department of Economic Opportunity  
 11249 | ~~The Department of Community Affairs~~ and the Florida Housing  
 11250 | Finance Corporation in carrying out the strategy articulated  
 11251 | herein shall have the following duties:

11252 | (a) The fiscal resources of the Department of Economic  
 11253 | Opportunity ~~the Department of Community Affairs~~ shall be  
 11254 | directed to achieve the following programmatic objectives:

11255 | 1. Effective technical assistance and capacity-building

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11256 programs shall be established at the state and local levels.

11257 2. The Shimberg Center for Affordable Housing at the  
 11258 University of Florida shall develop and maintain statewide data  
 11259 on housing needs and production, provide technical assistance  
 11260 relating to real estate development and finance, operate an  
 11261 information clearinghouse on housing programs, and coordinate  
 11262 state housing initiatives with local government and federal  
 11263 programs.

11264 (b) The agency strategic plan of the Department of  
 11265 Economic Opportunity ~~the Department of Community Affairs~~ shall  
 11266 include specific goals, objectives, and strategies that  
 11267 implement the housing policies in this section and shall include  
 11268 the strategic plan for housing production prepared by the  
 11269 corporation pursuant to s. 420.511.

11270 (c) The Shimberg Center for Affordable Housing, in  
 11271 consultation with the Department of Economic Opportunity ~~the~~  
 11272 ~~Department of Community Affairs~~ and the Florida Housing Finance  
 11273 Corporation, shall review and evaluate existing housing  
 11274 rehabilitation, production, and finance programs to determine  
 11275 their consistency with relevant policies in this section and  
 11276 identify the needs of specific populations, including, but not  
 11277 limited to, elderly and handicapped persons, and shall recommend  
 11278 statutory modifications where appropriate. The Shimberg Center  
 11279 for Affordable Housing, in consultation with the Department of  
 11280 Economic Opportunity ~~the Department of Community Affairs~~ and the  
 11281 corporation, shall also evaluate the degree of coordination  
 11282 between state housing programs, and between state, federal, and  
 11283 local housing activities, and shall recommend improved program

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11284 linkages. The recommendations required above and a report of any  
 11285 programmatic modifications made as a result of these policies  
 11286 shall be included in the housing report required by s. 420.6075,  
 11287 beginning December 31, 1991, and every 5 years thereafter.

11288 (d) The department and the corporation are anticipated to  
 11289 conform the administrative rules for each housing program to the  
 11290 policies stated in this section, provided that such changes in  
 11291 the rules are consistent with the statutory intent or  
 11292 requirements for the program. This authority applies only to  
 11293 programs offering loans, grants, or tax credits and only to the  
 11294 extent that state policies are consistent with applicable  
 11295 federal requirements.

11296 Section 212. Subsection (6) of section 420.0004, Florida  
 11297 Statutes, is amended to read:

11298 420.0004 Definitions.—As used in this part, unless the  
 11299 context otherwise indicates:

11300 (6) "Department" means the Department of Economic  
 11301 Opportunity ~~the Department of Community Affairs.~~

11302 Section 213. Section 420.0005, Florida Statutes, is  
 11303 amended to read:

11304 420.0005 State Housing Trust Fund; State Housing Fund.—  
 11305 There is hereby established in the State Treasury a separate  
 11306 trust fund to be named the "State Housing Trust Fund." There  
 11307 shall be deposited in the fund all moneys appropriated by the  
 11308 Legislature, or moneys received from any other source, for the  
 11309 purpose of this chapter, and all proceeds derived from the use  
 11310 of such moneys. The fund shall be administered by the Florida  
 11311 Housing Finance Corporation on behalf of the department, as

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11312 specified in this chapter. Money deposited to the fund and  
 11313 appropriated by the Legislature must, notwithstanding the  
 11314 provisions of chapter 216 or s. 420.504(3), be transferred  
 11315 quarterly in advance, to the extent available, or, if not so  
 11316 available, as soon as received into the State Housing Trust  
 11317 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)  
 11318 by the Chief Financial Officer to the corporation upon  
 11319 certification by the Commissioner of Economic Opportunity  
 11320 ~~Secretary of Community Affairs~~ that the corporation is in  
 11321 compliance with the requirements of s. 420.0006. The  
 11322 certification made by the secretary shall also include the split  
 11323 of funds among programs administered by the corporation and the  
 11324 department as specified in chapter 92-317, Laws of Florida, as  
 11325 amended. Moneys advanced by the Chief Financial Officer must be  
 11326 deposited by the corporation into a separate fund established  
 11327 with a qualified public depository meeting the requirements of  
 11328 chapter 280 to be named the "State Housing Fund" and used for  
 11329 the purposes of this chapter. Administrative and personnel costs  
 11330 incurred in implementing this chapter may be paid from the State  
 11331 Housing Fund, but such costs may not exceed 5 percent of the  
 11332 moneys deposited into such fund. To the State Housing Fund shall  
 11333 be credited all loan repayments, penalties, and other fees and  
 11334 charges accruing to such fund under this chapter. It is the  
 11335 intent of this chapter that all loan repayments, penalties, and  
 11336 other fees and charges collected be credited in full to the  
 11337 program account from which the loan originated. Moneys in the  
 11338 State Housing Fund which are not currently needed for the  
 11339 purposes of this chapter shall be invested in such manner as is

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11340 provided for by statute. The interest received on any such  
 11341 investment shall be credited to the State Housing Fund.

11342 Section 214. Subsection (12) of section 420.503, Florida  
 11343 Statutes, is amended to read:

11344 420.503 Definitions.—As used in this part, the term:

11345 (12) "Department" means the Department of Economic  
 11346 Opportunity ~~the Department of Community Affairs~~.

11347 Section 215. Subsections (1) and (3) of section 420.504,  
 11348 Florida Statutes, are amended to read:

11349 420.504 Public corporation; creation, membership, terms,  
 11350 expenses.—

11351 (1) There is created within the Department of Economic  
 11352 Opportunity ~~the Department of Community Affairs~~ a public  
 11353 corporation and a public body corporate and politic, to be known  
 11354 as the "Florida Housing Finance Corporation." It is declared to  
 11355 be the intent of and constitutional construction by the  
 11356 Legislature that the Florida Housing Finance Corporation  
 11357 constitutes an entrepreneurial public corporation organized to  
 11358 provide and promote the public welfare by administering the  
 11359 governmental function of financing or refinancing housing and  
 11360 related facilities in Florida and that the corporation is not a  
 11361 department of the executive branch of state government within  
 11362 the scope and meaning of s. 6, Art. IV of the State  
 11363 Constitution, but is functionally related to the Department of  
 11364 Economic Opportunity ~~the Department of Community Affairs~~ in  
 11365 which it is placed. The executive function of state government  
 11366 to be performed by the Commissioner of Economic Opportunity  
 11367 ~~secretary of the department~~ in the conduct of the business of

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11368 the Florida Housing Finance Corporation must be performed  
 11369 pursuant to a contract to monitor and set performance standards  
 11370 for the implementation of the business plan for the provision of  
 11371 housing approved for the corporation as provided in s. 420.0006.  
 11372 This contract shall include the performance standards for the  
 11373 provision of affordable housing in Florida established in the  
 11374 business plan described in s. 420.511.

11375 (3) The corporation is a separate budget entity and is not  
 11376 subject to control, supervision, or direction by the Department  
 11377 of Economic Opportunity ~~the Department of Community Affairs~~ in  
 11378 any manner, including, but not limited to, personnel,  
 11379 purchasing, transactions involving real or personal property,  
 11380 and budgetary matters. The corporation shall consist of a board  
 11381 of directors composed of the Commissioner of Economic  
 11382 Opportunity ~~Secretary of Community Affairs~~ as an ex officio and  
 11383 voting member and eight members appointed by the Governor  
 11384 subject to confirmation by the Senate from the following:

11385 (a) One citizen actively engaged in the residential home  
 11386 building industry.

11387 (b) One citizen actively engaged in the banking or  
 11388 mortgage banking industry.

11389 (c) One citizen who is a representative of those areas of  
 11390 labor engaged in home building.

11391 (d) One citizen with experience in housing development who  
 11392 is an advocate for low-income persons.

11393 (e) One citizen actively engaged in the commercial  
 11394 building industry.

11395 (f) One citizen who is a former local government elected

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11396 official.

11397 (g) Two citizens of the state who are not principally  
 11398 employed as members or representatives of any of the groups  
 11399 specified in paragraphs (a)-(f).

11400 Section 216. Paragraph (e) of subsection (12) of section  
 11401 420.5095, Florida Statutes, is amended to read:

11402 420.5095 Community Workforce Housing Innovation Pilot  
 11403 Program.—

11404 (12) All eligible applications shall:

11405 (e) Demonstrate how the applicant will use the regulatory  
 11406 incentives and financial strategies outlined in subsection (8)  
 11407 from the local jurisdiction in which the proposed project is to  
 11408 be located. The corporation may consult with the Department of  
 11409 Economic Opportunity ~~the Department of Community Affairs~~ in  
 11410 evaluating the use of regulatory incentives by applicants.

11411 Section 217. Subsection (6) of section 420.602, Florida  
 11412 Statutes, is amended to read:

11413 420.602 Definitions.—As used in this part, the following  
 11414 terms shall have the following meanings, unless the context  
 11415 otherwise requires:

11416 (6) "Department" means the Department of Economic  
 11417 Opportunity ~~the Department of Community Affairs~~.

11418 Section 218. Subsections (8) and (9) of section 420.631,  
 11419 Florida Statutes, are renumbered as subsections (7) and (8),  
 11420 respectively, and present subsections (2) and (7) of that  
 11421 section are amended to read:

11422 420.631 Definitions relating to Urban Homesteading Act.—As  
 11423 used in ss. 420.630-420.635:



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11424 (2) "Department" means the Department of Economic  
 11425 Opportunity ~~the Department of Community Affairs.~~

11426 ~~(7) "Office" means the Office of Urban Opportunity within~~  
 11427 ~~the Department of Community Affairs.~~

11428 Section 219. Section 420.635, Florida Statutes, is amended  
 11429 to read:

11430 420.635 Loans to qualified buyers.—Contingent upon an  
 11431 appropriation, the Department of Economic Opportunity ~~the~~  
 11432 ~~department, in consultation with the Office of Urban~~  
 11433 ~~Opportunity,~~ shall provide loans to qualified buyers who are  
 11434 required to pay the pro rata portion of the bonded debt on  
 11435 single-family housing pursuant to s. 420.634. Loans provided  
 11436 under this section shall be made at a rate of interest which  
 11437 does not exceed the qualified loan rate. A buyer must maintain  
 11438 the qualifications specified in s. 420.633 for the full term of  
 11439 the loan. The loan agreement may contain additional terms and  
 11440 conditions as determined by the Department of Economic  
 11441 Opportunity ~~the department.~~

11442 Section 220. Paragraph (g) of subsection (1) of section  
 11443 429.929, Florida Statutes, is amended to read:

11444 429.929 Rules establishing standards.—

11445 (1) The agency, in consultation with the department, may  
 11446 adopt rules to administer the requirements of part II of chapter  
 11447 408. The Department of Elderly Affairs, in conjunction with the  
 11448 agency, shall adopt rules to implement the provisions of this  
 11449 part. The rules must include reasonable and fair standards. Any  
 11450 conflict between these standards and those that may be set forth  
 11451 in local, county, or municipal ordinances shall be resolved in

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11452 favor of those having statewide effect. Such standards must  
11453 relate to:

11454 (g) Components of a comprehensive emergency management  
11455 plan, developed in consultation with the Department of Health,  
11456 the Agency for Health Care Administration, and the Division of  
11457 Emergency Management ~~Department of Community Affairs~~.

11458 Section 221. Paragraph (a) of subsection (1) of section  
11459 526.144, Florida Statutes, is amended to read:

11460 526.144 Florida Disaster Motor Fuel Supplier Program.—

11461 (1) (a) There is created the Florida Disaster Motor Fuel  
11462 Supplier Program within the Division of Emergency Management  
11463 ~~Department of Community Affairs~~.

11464 Section 222. Section 553.721, Florida Statutes, is amended  
11465 to read:

11466 553.721 Surcharge.—In order for the Department of Business  
11467 and Professional Regulation ~~Community Affairs~~ to administer and  
11468 carry out the purposes of this part and related activities,  
11469 there is hereby created a surcharge, to be assessed at the rate  
11470 of 1.5 percent of the permit fees associated with enforcement of  
11471 the Florida Building Code as defined by the uniform account  
11472 criteria and specifically the uniform account code for building  
11473 permits adopted for local government financial reporting  
11474 pursuant to s. 218.32. The minimum amount collected on any  
11475 permit issued shall be \$2. The unit of government responsible  
11476 for collecting a permit fee pursuant to s. 125.56(4) or s.  
11477 166.201 shall collect such surcharge and electronically remit  
11478 the funds collected to the department on a quarterly calendar  
11479 basis beginning not later than December 31, 2010, for the

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11480 preceding quarter, and continuing each third month thereafter,  
 11481 and such unit of government shall retain 10 percent of the  
 11482 surcharge collected to fund the participation of building  
 11483 departments in the national and state building code adoption  
 11484 processes and to provide education related to enforcement of the  
 11485 Florida Building Code. All funds remitted to the department  
 11486 pursuant to this section shall be deposited in the Professional  
 11487 Regulation Trust Fund ~~Operating Trust Fund~~. Funds collected from  
 11488 such surcharge shall be used exclusively for the duties of the  
 11489 Florida Building Commission and the Department of Business and  
 11490 Professional Regulation ~~Community Affairs~~ under this chapter and  
 11491 shall not be used to fund research on techniques for mitigation  
 11492 of radon in existing buildings. Funds used by the department as  
 11493 well as funds to be transferred to the Department of Health  
 11494 shall be as prescribed in the annual General Appropriations Act.  
 11495 The department shall adopt rules governing the collection and  
 11496 remittance of surcharges in accordance with chapter 120.

11497 Section 223. Subsections (2) and (3) of section 553.896,  
 11498 Florida Statutes, are amended to read:

11499 553.896 Mitigation grant program guideline.—

11500 (2) Beginning with grant funds approved after July 1,  
 11501 2005, the construction of new or retrofitted window or door  
 11502 coverings that is funded by a hazard-mitigation grant program or  
 11503 shelter-retrofit program must conform to design drawings that  
 11504 are signed, sealed, and inspected by a structural engineer who  
 11505 is registered in this state. Before the Division of Emergency  
 11506 Management ~~Department of Community Affairs~~ forwards payment to a  
 11507 recipient of the grant, an inspection report and attestation or

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11508 a copy of the signed and sealed plans shall be provided to the  
11509 department.

11510 (3) If the construction is funded by a hazard mitigation  
11511 grant or shelter retrofit program, the Division of Emergency  
11512 Management Department of Community Affairs shall advise the  
11513 county, municipality, or other entity applying for the grant  
11514 that the cost or price of the project is not the sole criterion  
11515 for selecting a vendor.

11516 Section 224. Paragraph (b) of subsection (2) of section  
11517 627.0628, Florida Statutes, is amended to read:

11518 627.0628 Florida Commission on Hurricane Loss Projection  
11519 Methodology; public records exemption; public meetings  
11520 exemption.—

11521 (2) COMMISSION CREATED.—

11522 (b) The commission shall consist of the following 11  
11523 members:

11524 1. The insurance consumer advocate.

11525 2. The senior employee of the State Board of  
11526 Administration responsible for operations of the Florida  
11527 Hurricane Catastrophe Fund.

11528 3. The Executive Director of the Citizens Property  
11529 Insurance Corporation.

11530 4. The Director of the Division of Emergency Management ~~of~~  
11531 ~~the Department of Community Affairs.~~

11532 5. The actuary member of the Florida Hurricane Catastrophe  
11533 Fund Advisory Council.

11534 6. An employee of the office who is an actuary responsible  
11535 for property insurance rate filings and who is appointed by the

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11536 | director of the office.  
 11537 |         7. Five members appointed by the Chief Financial Officer,  
 11538 | as follows:  
 11539 |         a. An actuary who is employed full time by a property and  
 11540 | casualty insurer which was responsible for at least 1 percent of  
 11541 | the aggregate statewide direct written premium for homeowner's  
 11542 | insurance in the calendar year preceding the member's  
 11543 | appointment to the commission.  
 11544 |         b. An expert in insurance finance who is a full-time  
 11545 | member of the faculty of the State University System and who has  
 11546 | a background in actuarial science.  
 11547 |         c. An expert in statistics who is a full-time member of  
 11548 | the faculty of the State University System and who has a  
 11549 | background in insurance.  
 11550 |         d. An expert in computer system design who is a full-time  
 11551 | member of the faculty of the State University System.  
 11552 |         e. An expert in meteorology who is a full-time member of  
 11553 | the faculty of the State University System and who specializes  
 11554 | in hurricanes.  
 11555 |         Section 225. Subsection (7) of section 943.0311, Florida  
 11556 | Statutes, is amended to read:  
 11557 |         943.0311 Chief of Domestic Security; duties of the  
 11558 | department with respect to domestic security.—  
 11559 |         (7) As used in this section, the term "state agency"  
 11560 | includes the Agency for Health Care Administration, ~~the Agency~~  
 11561 | ~~for Workforce Innovation~~, the Department of Agriculture and  
 11562 | Consumer Services, the Department of Business and Professional  
 11563 | Regulation, the Department of Children and Family Services, the

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11564 Department of Citrus, ~~the Department of Community Affairs,~~ the  
 11565 Department of Corrections, the Department of Education, the  
 11566 Department of Elderly Affairs, the Division of Emergency  
 11567 Management, the Department of Environmental Protection, the  
 11568 Department of Financial Services, the Department of Health, the  
 11569 Department of Highway Safety and Motor Vehicles, the Department  
 11570 of Economic Opportunity, the Department of Juvenile Justice, the  
 11571 Department of Law Enforcement, the Department of Legal Affairs,  
 11572 the Department of Management Services, the Department of  
 11573 Military Affairs, the Department of Revenue, the Department of  
 11574 State, the Department of the Lottery, the Department of  
 11575 Transportation, the Department of Veterans' Affairs, the Fish  
 11576 and Wildlife Conservation Commission, the Parole Commission, the  
 11577 State Board of Administration, and the Executive Office of the  
 11578 Governor.

11579 Section 226. Paragraph (a) of subsection (1), paragraph  
 11580 (b) of subsection (2), and paragraphs (a) and (b) of subsection  
 11581 (4) of section 943.0313, Florida Statutes, are amended to read:  
 11582 943.0313 Domestic Security Oversight Council.—The  
 11583 Legislature finds that there exists a need to provide executive  
 11584 direction and leadership with respect to terrorism prevention,  
 11585 preparation, protection, response, and recovery efforts by state  
 11586 and local agencies in this state. In recognition of this need,  
 11587 the Domestic Security Oversight Council is hereby created. The  
 11588 council shall serve as an advisory council pursuant to s.  
 11589 20.03(7) to provide guidance to the state's regional domestic  
 11590 security task forces and other domestic security working groups  
 11591 and to make recommendations to the Governor and the Legislature

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11592 regarding the expenditure of funds and allocation of resources  
 11593 related to counter-terrorism and domestic security efforts.  
 11594 (1) MEMBERSHIP.—  
 11595 (a) The Domestic Security Oversight Council shall consist  
 11596 of the following voting members:  
 11597 1. The executive director of the Department of Law  
 11598 Enforcement.  
 11599 2. The director of the Division of Emergency Management  
 11600 ~~within the Department of Community Affairs.~~  
 11601 3. The Attorney General.  
 11602 4. The Commissioner of Agriculture.  
 11603 5. The State Surgeon General.  
 11604 6. The Commissioner of Education.  
 11605 7. The State Fire Marshal.  
 11606 8. The adjutant general of the Florida National Guard.  
 11607 9. The state chief information officer.  
 11608 10. Each sheriff or chief of police who serves as a co-  
 11609 chair of a regional domestic security task force pursuant to s.  
 11610 943.0312(1)(b).  
 11611 11. Each of the department's special agents in charge who  
 11612 serve as a co-chair of a regional domestic security task force.  
 11613 12. Two representatives of the Florida Fire Chiefs  
 11614 Association.  
 11615 13. One representative of the Florida Police Chiefs  
 11616 Association.  
 11617 14. One representative of the Florida Prosecuting  
 11618 Attorneys Association.  
 11619 15. The chair of the Statewide Domestic Security

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11620 Intelligence Committee.

11621 16. One representative of the Florida Hospital

11622 Association.

11623 17. One representative of the Emergency Medical Services

11624 Advisory Council.

11625 18. One representative of the Florida Emergency

11626 Preparedness Association.

11627 19. One representative of the Florida Seaport

11628 Transportation and Economic Development Council.

11629 (2) ORGANIZATION.—

11630 (b) The executive director of the Department of Law

11631 Enforcement shall serve as chair of the council, and the

11632 director of the Division of Emergency Management ~~within the~~

11633 ~~Department of Community Affairs~~ shall serve as vice chair of the

11634 council. In the absence of the chair, the vice chair shall serve

11635 as chair. In the absence of the vice chair, the chair may name

11636 any member of the council to perform the duties of the chair if

11637 such substitution does not extend beyond a defined meeting,

11638 duty, or period of time.

11639 (4) EXECUTIVE COMMITTEE.—

11640 (a) The council shall establish an executive committee

11641 consisting of the following members:

11642 1. The executive director of the Department of Law

11643 Enforcement.

11644 2. The director of the Division of Emergency Management

11645 ~~within the Department of Community Affairs.~~

11646 3. The Attorney General.

11647 4. The Commissioner of Agriculture.



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11648 5. The State Surgeon General.

11649 6. The Commissioner of Education.

11650 7. The State Fire Marshal.

11651 (b) The executive director of the Department of Law  
 11652 Enforcement shall serve as the chair of the executive committee,  
 11653 and the director of the Division of Emergency Management ~~within~~  
 11654 ~~the Department of Community Affairs~~ shall serve as the vice  
 11655 chair of the executive committee.

11656 Section 227. Subsections (1) and (2) of section 1013.372,  
 11657 Florida Statutes, are amended to read:

11658 1013.372 Education facilities as emergency shelters.—

11659 (1) The Department of Education shall, in consultation  
 11660 with boards and county and state emergency management offices,  
 11661 include within the standards to be developed under this  
 11662 subsection public shelter design criteria to be incorporated  
 11663 into the Florida Building Code. The new criteria must be  
 11664 designed to ensure that appropriate new educational facilities  
 11665 can serve as public shelters for emergency management purposes.  
 11666 A facility, or an appropriate area within a facility, for which  
 11667 a design contract is entered into after the effective date of  
 11668 the inclusion of the public shelter criteria in the code must be  
 11669 built in compliance with the amended code unless the facility or  
 11670 a part of it is exempted from using the new shelter criteria due  
 11671 to its location, size, or other characteristics by the  
 11672 applicable board with the concurrence of the applicable local  
 11673 emergency management agency or the Division of Emergency  
 11674 Management ~~Department of Community Affairs~~. Any educational  
 11675 facility located or proposed to be located in an identified

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11676 category 1, 2, or 3 evacuation zone is not subject to the  
 11677 requirements of this subsection. If the regional planning  
 11678 council region in which the county is located does not have a  
 11679 hurricane evacuation shelter deficit, as determined by the  
 11680 Division of Emergency Management ~~Department of Community~~  
 11681 ~~Affairs~~, educational facilities within the planning council  
 11682 region are not required to incorporate the public shelter  
 11683 criteria.

11684 (2) By January 31 of each even-numbered year, the Division  
 11685 of Emergency Management ~~Department of Community Affairs~~ shall  
 11686 prepare and submit a statewide emergency shelter plan to the  
 11687 Governor and the Cabinet for approval. The plan must identify  
 11688 the general location and square footage of existing shelters, by  
 11689 regional planning council region, and the general location and  
 11690 square footage of needed shelters, by regional planning council  
 11691 region, during the next 5 years. The plan must identify the  
 11692 types of public facilities that should be constructed to comply  
 11693 with emergency-shelter criteria and must recommend an  
 11694 appropriate and available source of funding for the additional  
 11695 cost of constructing emergency shelters within these public  
 11696 facilities. After the approval of the plan, a board may not be  
 11697 required to build more emergency-shelter space than identified  
 11698 as needed in the plan, and decisions pertaining to exemptions  
 11699 pursuant to subsection (1) must be guided by the plan.

11700 Section 228. Subsection (4) of section 1013.74, Florida  
 11701 Statutes, is amended to read:

11702 1013.74 University authorization for fixed capital outlay  
 11703 projects.—

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11704 (4) The university board of trustees shall, in  
 11705 consultation with local and state emergency management agencies,  
 11706 assess existing facilities to identify the extent to which each  
 11707 campus has public hurricane evacuation shelter space. The board  
 11708 shall submit to the Governor and the Legislature by August 1 of  
 11709 each year a 5-year capital improvements program that identifies  
 11710 new or retrofitted facilities that will incorporate enhanced  
 11711 hurricane resistance standards and that can be used as public  
 11712 hurricane evacuation shelters. Enhanced hurricane resistance  
 11713 standards include fixed passive protection for window and door  
 11714 applications to provide mitigation protection, security  
 11715 protection with egress, and energy efficiencies that meet  
 11716 standards required in the 130-mile-per-hour wind zone areas. The  
 11717 board must also submit proposed facility retrofit projects to  
 11718 the Division of Emergency Management ~~Department of Community~~  
 11719 ~~Affairs~~ for assessment and inclusion in the annual report  
 11720 prepared in accordance with s. 252.385(3). Until a regional  
 11721 planning council region in which a campus is located has  
 11722 sufficient public hurricane evacuation shelter space, any campus  
 11723 building for which a design contract is entered into subsequent  
 11724 to July 1, 2001, and which has been identified by the board,  
 11725 with the concurrence of the local emergency management agency or  
 11726 the Division of Emergency Management ~~Department of Community~~  
 11727 ~~Affairs~~, to be appropriate for use as a public hurricane  
 11728 evacuation shelter, must be constructed in accordance with  
 11729 public shelter standards.

11730 Section 229. Section 163.2523, Florida Statutes, is  
 11731 repealed.

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11732           Section 230. Section 380.285, Florida Statutes, is  
 11733 repealed.  
 11734           Section 231. Section 20.50, Florida Statutes, is repealed.  
 11735           Section 232. Transfers from the Agency for Workforce  
 11736 Innovation.—  
 11737           (1) All powers, duties, functions, records, offices,  
 11738 personnel, associated administrative support positions,  
 11739 property, pending issues, and existing contracts, administrative  
 11740 authority, administrative rules, and unexpended balances of  
 11741 appropriations, allocations, and other funds relating to the  
 11742 following programs in the Agency for Workforce Innovation are  
 11743 transferred by a type two transfer, as defined in s. 20.06(2),  
 11744 Florida Statutes, as follows:  
 11745           (a) The Office of Early Learning is transferred to the  
 11746 Department of Economic Opportunity.  
 11747           (b) The Office of Unemployment Compensation Services is  
 11748 transferred to the Department of Economic Opportunity.  
 11749           (c) The Office of Workforce Services is transferred to the  
 11750 Department of Economic Opportunity.  
 11751           (2) The following trust funds are transferred from the  
 11752 Agency for Workforce Innovation to the Department of Economic  
 11753 Opportunity:  
 11754           (a) The Administrative Trust Fund, FLAIR number 75-2-021.  
 11755           (b) The Employment Security Administration Trust Fund,  
 11756 FLAIR number 75-2-195.  
 11757           (c) The Special Employment Security Administration Trust  
 11758 Fund, FLAIR number 75-2-648.  
 11759           (d) The Unemployment Compensation Benefit Trust Fund,

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11760 FLAIR number 75-2-765.  
 11761 (e) The Unemployment Compensation Clearing Trust Fund,  
 11762 FLAIR number 75-2-767.  
 11763 (f) The Revolving Trust Fund, FLAIR number 75-2-600.  
 11764 (g) The Welfare Transition Trust Fund, FLAIR number 75-2-  
 11765 401.  
 11766 (h) The Displaced Homemaker Trust Fund, FLAIR number 75-2-  
 11767 160.  
 11768 (i) The Child Care and Development Block Grant Trust Fund,  
 11769 FLAIR number 75-2-098.  
 11770 (3) Any binding contract or interagency agreement existing  
 11771 on or before October 1, 2011, between the Agency for Workforce  
 11772 Innovation, or an entity or agent of the agency, and any other  
 11773 agency, entity, or person shall continue as a binding contract  
 11774 or agreement for the remainder of the term of such contract or  
 11775 agreement with the successor department, agency, or entity  
 11776 responsible for the program, activity, or functions relative to  
 11777 the contract or agreement.  
 11778 (4) All powers, duties, functions, records, offices,  
 11779 personnel, property, pending issues, and existing contracts,  
 11780 administrative authority, administrative rules, and unexpended  
 11781 balances of appropriations, allocations, and other funds  
 11782 relating to the Agency for Workforce Innovation and not  
 11783 specifically delineated for transfer within this section are  
 11784 transferred by a type two transfer to the Department of Economic  
 11785 Opportunity.  
 11786 Section 233. Paragraph (b) of subsection (2) of section  
 11787 14.20195, Florida Statutes, is amended to read:

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11788 14.20195 Suicide Prevention Coordinating Council;  
 11789 creation; membership; duties.—There is created within the  
 11790 Statewide Office for Suicide Prevention a Suicide Prevention  
 11791 Coordinating Council. The council shall develop strategies for  
 11792 preventing suicide.

11793 (2) MEMBERSHIP.—The Suicide Prevention Coordinating  
 11794 Council shall consist of 28 voting members.

11795 (b) The following state officials or their designees shall  
 11796 serve on the coordinating council:

- 11797 1. The Secretary of Elderly Affairs.
- 11798 2. The State Surgeon General.
- 11799 3. The Commissioner of Education.
- 11800 4. The Secretary of Health Care Administration.
- 11801 5. The Secretary of Juvenile Justice.
- 11802 6. The Secretary of Corrections.
- 11803 7. The executive director of the Department of Law  
 11804 Enforcement.
- 11805 8. The executive director of the Department of Veterans'  
 11806 Affairs.
- 11807 9. The Secretary of Children and Family Services.
- 11808 10. The Commissioner of Economic Opportunity ~~director of~~  
 11809 ~~the Agency for Workforce Innovation.~~

11810 Section 234. Paragraph (j) of subsection (1) of section  
 11811 16.615, Florida Statutes, is amended to read:

11812 16.615 Council on the Social Status of Black Men and  
 11813 Boys.—

11814 (1) The Council on the Social Status of Black Men and Boys  
 11815 is established within the Department of Legal Affairs and shall

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11816 consist of 19 members appointed as follows:

11817 (j) The chair of the advisory council of the Division of  
 11818 Minority Business Development of Enterprise Florida, Inc.,  
 11819 ~~director of the Agency for Workforce Innovation~~ or his or her  
 11820 designee.

11821 Section 235. Section 20.505, Florida Statutes, is  
 11822 transferred, renumbered as section 20.605, Florida Statutes, and  
 11823 amended to read:

11824 20.605 ~~20.505~~ Administrative Trust Fund of the Department  
 11825 of Economic Opportunity ~~the Agency for Workforce Innovation.~~

11826 (1) The Administrative Trust Fund is created within the  
 11827 Department of Economic Opportunity ~~the Agency for Workforce~~  
 11828 ~~Innovation.~~

11829 (2) Funds shall be used for the purpose of supporting the  
 11830 administrative functions of the Department of Economic  
 11831 Opportunity ~~the agency~~ as required by law, pursuant to  
 11832 legislative appropriation or an approved amendment to the  
 11833 Department of Economic Opportunity's ~~the agency's~~ operating  
 11834 budget pursuant to the provisions of chapter 216.

11835 (3) Notwithstanding the provisions of s. 216.301 and  
 11836 pursuant to s. 216.351, any balance in the trust fund at the end  
 11837 of any fiscal year shall remain in the trust fund at the end of  
 11838 the year and shall be available for carrying out the purposes of  
 11839 the trust fund.

11840 Section 236. Paragraph (a) of subsection (8) and paragraph  
 11841 (a) of subsection (9) of section 39.001, Florida Statutes, are  
 11842 amended to read:

11843 39.001 Purposes and intent; personnel standards and

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11844 screening.—  
 11845 (8) PLAN FOR COMPREHENSIVE APPROACH.—  
 11846 (a) The office shall develop a state plan for the  
 11847 promotion of adoption, support of adoptive families, and  
 11848 prevention of abuse, abandonment, and neglect of children and  
 11849 shall submit the state plan to the Speaker of the House of  
 11850 Representatives, the President of the Senate, and the Governor  
 11851 no later than December 31, 2008. The Department of Children and  
 11852 Family Services, the Department of Corrections, the Department  
 11853 of Education, the Department of Health, the Department of  
 11854 Juvenile Justice, the Department of Law Enforcement, the Agency  
 11855 for Persons with Disabilities, and the Department of Economic  
 11856 Opportunity Agency for Workforce Innovation shall participate  
 11857 and fully cooperate in the development of the state plan at both  
 11858 the state and local levels. Furthermore, appropriate local  
 11859 agencies and organizations shall be provided an opportunity to  
 11860 participate in the development of the state plan at the local  
 11861 level. Appropriate local groups and organizations shall include,  
 11862 but not be limited to, community mental health centers; guardian  
 11863 ad litem programs for children under the circuit court; the  
 11864 school boards of the local school districts; the Florida local  
 11865 advocacy councils; community-based care lead agencies; private  
 11866 or public organizations or programs with recognized expertise in  
 11867 working with child abuse prevention programs for children and  
 11868 families; private or public organizations or programs with  
 11869 recognized expertise in working with children who are sexually  
 11870 abused, physically abused, emotionally abused, abandoned, or  
 11871 neglected and with expertise in working with the families of



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11872 such children; private or public programs or organizations with  
 11873 expertise in maternal and infant health care; multidisciplinary  
 11874 child protection teams; child day care centers; law enforcement  
 11875 agencies; and the circuit courts, when guardian ad litem  
 11876 programs are not available in the local area. The state plan to  
 11877 be provided to the Legislature and the Governor shall include,  
 11878 as a minimum, the information required of the various groups in  
 11879 paragraph (b).

11880 (9) FUNDING AND SUBSEQUENT PLANS.—

11881 (a) All budget requests submitted by the office, the  
 11882 department, the Department of Health, the Department of  
 11883 Education, the Department of Juvenile Justice, the Department of  
 11884 Corrections, the Agency for Persons with Disabilities, ~~the~~  
 11885 ~~Agency for Workforce Innovation,~~ or any other agency to the  
 11886 Legislature for funding of efforts for the promotion of  
 11887 adoption, support of adoptive families, and prevention of child  
 11888 abuse, abandonment, and neglect shall be based on the state plan  
 11889 developed pursuant to this section.

11890 Section 237. Paragraph (a) of subsection (7) of section  
 11891 45.031, Florida Statutes, is amended to read:

11892 45.031 Judicial sales procedure.—In any sale of real or  
 11893 personal property under an order or judgment, the procedures  
 11894 provided in this section and ss. 45.0315-45.035 may be followed  
 11895 as an alternative to any other sale procedure if so ordered by  
 11896 the court.

11897 (7) DISBURSEMENTS OF PROCEEDS.—

11898 (a) On filing a certificate of title, the clerk shall  
 11899 disburse the proceeds of the sale in accordance with the order

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11900 or final judgment and shall file a report of such disbursements  
 11901 and serve a copy of it on each party, and on the Department of  
 11902 Revenue if the department was named as a defendant in the action  
 11903 or if the Department of Economic Opportunity or the former  
 11904 Agency for Workforce Innovation ~~or the former Department of~~  
 11905 ~~Labor and Employment Security~~ was named as a defendant while the  
 11906 Department of Revenue was providing unemployment tax collection  
 11907 services under contract with the Department of Economic  
 11908 Opportunity or the former Agency for Workforce Innovation  
 11909 through an interagency agreement pursuant to s. 443.1316.

11910 Section 238. Paragraph (a) of subsection (4) of section  
 11911 69.041, Florida Statutes, is amended to read:

11912 69.041 State named party; lien foreclosure, suit to quiet  
 11913 title.—

11914 (4) (a) The Department of Revenue has the right to  
 11915 participate in the disbursement of funds remaining in the  
 11916 registry of the court after distribution pursuant to s.  
 11917 45.031(7). The department shall participate in accordance with  
 11918 applicable procedures in any mortgage foreclosure action in  
 11919 which the department has a duly filed tax warrant, or interests  
 11920 under a lien arising from a judgment, order, or decree for  
 11921 support, as defined in s. 409.2554, or interest in an  
 11922 unemployment compensation tax lien under contract with the  
 11923 Department of Economic Opportunity ~~the Agency for Workforce~~  
 11924 ~~Innovation~~ through an interagency agreement pursuant to s.  
 11925 443.1316, against the subject property and with the same  
 11926 priority, regardless of whether a default against the  
 11927 department, the Department of Economic Opportunity, or the

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11928 former Agency for Workforce Innovation, ~~or the former Department~~  
 11929 ~~of Labor and Employment Security~~ has been entered for failure to  
 11930 file an answer or other responsive pleading.

11931 Section 239. Paragraph (d) of subsection (2) and  
 11932 subsection (5) of section 112.044, Florida Statutes, are amended  
 11933 to read:

11934 112.044 Public employers, employment agencies, labor  
 11935 organizations; discrimination based on age prohibited;  
 11936 exceptions; remedy.—

11937 (2) DEFINITIONS.—For the purpose of this act:

11938 ~~(d) "Department" means the Department of Labor and~~  
 11939 ~~Employment Security.~~

11940 (5) NOTICE TO BE POSTED.—Each employer, employment agency,  
 11941 and labor organization shall post and keep posted in conspicuous  
 11942 places upon its premises notices required by ~~a notice to be~~  
 11943 ~~prepared or approved by the department setting forth such~~  
 11944 ~~information as the~~ United States Department of Labor and the  
 11945 United States Equal Employment Opportunity Commission ~~department~~  
 11946 ~~deems appropriate to effectuate the purposes of this act.~~

11947 Section 240. Subsection (3) of section 112.3135, Florida  
 11948 Statutes, is amended to read:

11949 112.3135 Restriction on employment of relatives.—

11950 (3) An agency may prescribe regulations authorizing the  
 11951 temporary employment, in the event of an emergency as defined in  
 11952 s. 252.34~~(3)~~, of individuals whose employment would be otherwise  
 11953 prohibited by this section.

11954 Section 241. Subsection (10) of section 120.80, Florida  
 11955 Statutes, is amended to read:

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11956 | 120.80 Exceptions and special requirements; agencies.—

11957 | (10) THE DEPARTMENT OF ECONOMIC OPPORTUNITY ~~AGENCY FOR~~  
 11958 | ~~WORKFORCE INNOVATION.~~—

11959 | (a) Notwithstanding s. 120.54, the rulemaking provisions  
 11960 | of this chapter do not apply to unemployment appeals referees.

11961 | (b) Notwithstanding s. 120.54(5), the uniform rules of  
 11962 | procedure do not apply to appeal proceedings conducted under  
 11963 | chapter 443 by the Unemployment Appeals Commission, special  
 11964 | deputies, or unemployment appeals referees.

11965 | (c) Notwithstanding s. 120.57(1)(a), hearings under  
 11966 | chapter 443 may not be conducted by an administrative law judge  
 11967 | assigned by the division, but instead shall be conducted by the  
 11968 | Unemployment Appeals Commission in unemployment compensation  
 11969 | appeals, unemployment appeals referees, and the Department of  
 11970 | Economic Opportunity ~~the Agency for Workforce Innovation~~ or its  
 11971 | special deputies under s. 443.141.

11972 | Section 242. Paragraph (a) of subsection (1) of section  
 11973 | 202.37, Florida Statutes, is amended to read:

11974 | 202.37 Special rules for administration of local  
 11975 | communications services tax.—

11976 | (1)(a) Except as otherwise provided in this section, all  
 11977 | statutory provisions and administrative rules applicable to the  
 11978 | communications services tax imposed by s. 202.12 apply to any  
 11979 | local communications services tax imposed under s. 202.19, and  
 11980 | the department shall administer, collect, and enforce all taxes  
 11981 | imposed under s. 202.19, including interest and penalties  
 11982 | attributable thereto, in accordance with the same procedures  
 11983 | used in the administration, collection, and enforcement of the

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11984 | communications services tax imposed by s. 202.12. Audits  
 11985 | performed by the department shall include a determination of the  
 11986 | dealer's compliance with the jurisdictional situsing of its  
 11987 | customers' service addresses and a determination of whether the  
 11988 | rate collected for the local tax pursuant to ss. 202.19 and  
 11989 | 202.20 is correct. The person or entity designated by a local  
 11990 | government pursuant to s. 213.053(8) ~~(v)~~ may provide evidence to  
 11991 | the department demonstrating a specific person's failure to  
 11992 | fully or correctly report taxable communications services sales  
 11993 | within the jurisdiction. The department may request additional  
 11994 | information from the designee to assist in any review. The  
 11995 | department shall inform the designee of what action, if any, the  
 11996 | department intends to take regarding the person.

11997 |       Section 243. Paragraph (d) of subsection (1) of section  
 11998 | 212.096, Florida Statutes, is amended to read:

11999 |       212.096 Sales, rental, storage, use tax; enterprise zone  
 12000 | jobs credit against sales tax.—

12001 |       (1) For the purposes of the credit provided in this  
 12002 | section:

12003 |       (d) "Job" means a full-time position, as consistent with  
 12004 | terms used by the Department of Economic Opportunity ~~the Agency~~  
 12005 | ~~for Workforce Innovation~~ and the United States Department of  
 12006 | Labor for purposes of unemployment compensation tax  
 12007 | administration and employment estimation resulting directly from  
 12008 | a business operation in this state. This term may not include a  
 12009 | temporary construction job involved with the construction of  
 12010 | facilities or any job that has previously been included in any  
 12011 | application for tax credits under s. 220.181(1). The term also

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12012 includes employment of an employee leased from an employee  
 12013 leasing company licensed under chapter 468 if such employee has  
 12014 been continuously leased to the employer for an average of at  
 12015 least 36 hours per week for more than 6 months.

12016  
 12017 A person shall be deemed to be employed if the person performs  
 12018 duties in connection with the operations of the business on a  
 12019 regular, full-time basis, provided the person is performing such  
 12020 duties for an average of at least 36 hours per week each month.  
 12021 The person must be performing such duties at a business site  
 12022 located in the enterprise zone.

12023 Section 244. Paragraphs (l) through (s) of subsection (8)  
 12024 of section 213.053, Florida Statutes, as amended by chapter  
 12025 2010-280, Laws of Florida, are redesignated as paragraphs (k)  
 12026 through (r), respectively, paragraphs (u) and (v) of that  
 12027 subsection are redesignated as paragraphs (s) and (t),  
 12028 respectively, paragraphs (x) through (aa) of that subsection are  
 12029 redesignated as paragraphs (u) through (x), respectively,  
 12030 paragraph (cc) of that subsection is redesignated as paragraph  
 12031 (y), and subsection (4), paragraph (a) of subsection (7),  
 12032 present paragraphs (k), (t), (w), and (bb) of subsection (8),  
 12033 and subsections (19), (20), and (21) of that section are  
 12034 amended, to read:

12035 213.053 Confidentiality and information sharing.—

12036 (4) The department, while providing unemployment tax  
 12037 collection services under contract with the Department of  
 12038 Economic Opportunity ~~the Agency for Workforce Innovation~~ through  
 12039 an interagency agreement pursuant to s. 443.1316, may release

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12040 unemployment tax rate information to the agent of an employer,  
 12041 which agent provides payroll services for more than 100 ~~500~~  
 12042 employers, pursuant to the terms of a memorandum of  
 12043 understanding. The memorandum of understanding must state that  
 12044 the agent affirms, subject to the criminal penalties contained  
 12045 in ss. 443.171 and 443.1715, that the agent will retain the  
 12046 confidentiality of the information, that the agent has in effect  
 12047 a power of attorney from the employer which permits the agent to  
 12048 obtain unemployment tax rate information, and that the agent  
 12049 shall provide the department with a copy of the employer's power  
 12050 of attorney upon request.

12051 (7) (a) Any information received by the Department of  
 12052 Revenue in connection with the administration of taxes,  
 12053 including, but not limited to, information contained in returns,  
 12054 reports, accounts, or declarations filed by persons subject to  
 12055 tax, shall be made available to the following in performance of  
 12056 their official duties:

- 12057 1. The Auditor General or his or her authorized agent;
- 12058 2. The director of the Office of Program Policy Analysis  
 12059 and Government Accountability or his or her authorized agent;
- 12060 3. The Chief Financial Officer or his or her authorized  
 12061 agent;
- 12062 4. The Director of the Office of Insurance Regulation of  
 12063 the Financial Services Commission or his or her authorized  
 12064 agent;
- 12065 5. A property appraiser or tax collector or their  
 12066 authorized agents pursuant to s. 195.084(1); ~~or~~
- 12067 6. Designated employees of the Department of Education

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12068 solely for determination of each school district's price level  
 12069 index pursuant to s. 1011.62(2); and

12070 7. The Commissioner of Economic Opportunity or his or her  
 12071 authorized agent.

12072 (8) Notwithstanding any other provision of this section,  
 12073 the department may provide:

12074 ~~(k)1. Payment information relative to chapters 199, 201,~~  
 12075 ~~202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and~~  
 12076 ~~Economic Development, or its employees or agents that are~~  
 12077 ~~identified in writing by the office to the department, in the~~  
 12078 ~~administration of the tax refund program for qualified defense~~  
 12079 ~~contractors and space flight business contractors authorized by~~  
 12080 ~~s. 288.1045 and the tax refund program for qualified target~~  
 12081 ~~industry businesses authorized by s. 288.106.~~

12082 ~~2. Information relative to tax credits taken by a business~~  
 12083 ~~under s. 220.191 and exemptions or tax refunds received by a~~  
 12084 ~~business under s. 212.08(5)(j) to the Office of Tourism, Trade,~~  
 12085 ~~and Economic Development, or its employees or agents that are~~  
 12086 ~~identified in writing by to the department, in the~~  
 12087 ~~administration and evaluation of the capital investment tax~~  
 12088 ~~credit program authorized in s. 220.191 and the semiconductor,~~  
 12089 ~~defense, and space tax exemption program authorized in s.~~  
 12090 ~~212.08(5)(j).~~

12091 ~~3. Information relative to tax credits taken by a taxpayer~~  
 12092 ~~pursuant to the tax credit programs created in ss. 193.017;~~  
 12093 ~~212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;~~  
 12094 ~~212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;~~  
 12095 ~~220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;~~



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12096 ~~290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;~~  
 12097 ~~550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to~~  
 12098 ~~the Office of Tourism, Trade, and Economic Development, or its~~  
 12099 ~~employees or agents that are identified in writing by the office~~  
 12100 ~~to the department, for use in the administration or evaluation~~  
 12101 ~~of such programs.~~

12102  
 12103 ~~Disclosure of information under this subsection shall be~~  
 12104 ~~pursuant to a written agreement between the executive director~~  
 12105 ~~and the agency. Such agencies, governmental or nongovernmental,~~  
 12106 ~~shall be bound by the same requirements of confidentiality as~~  
 12107 ~~the Department of Revenue. Breach of confidentiality is a~~  
 12108 ~~misdemeanor of the first degree, punishable as provided by s.~~  
 12109 ~~775.082 or s. 775.083.~~

12110 ~~(t) Information relative to the tax exemptions under ss.~~  
 12111 ~~212.031, 212.06, and 212.08 for those persons qualified under s.~~  
 12112 ~~288.1258 to the Office of Film and Entertainment. The Department~~  
 12113 ~~of Revenue shall provide the Office of Film and Entertainment~~  
 12114 ~~with information in the aggregate.~~

12115 ~~(w) Tax registration information to the Agency for~~  
 12116 ~~Workforce Innovation for use in the conduct of its official~~  
 12117 ~~duties, which information may not be redisclosed by the Agency~~  
 12118 ~~for Workforce Innovation.~~

12119 ~~(bb) Information relative to tax credits taken under s.~~  
 12120 ~~288.1254 to the Office of Film and Entertainment and the Office~~  
 12121 ~~of Tourism, Trade, and Economic Development.~~

12122  
 12123 Disclosure of information under this subsection shall be

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12124 pursuant to a written agreement between the executive director  
 12125 and the agency. Such agencies, governmental or nongovernmental,  
 12126 shall be bound by the same requirements of confidentiality as  
 12127 the Department of Revenue. Breach of confidentiality is a  
 12128 misdemeanor of the first degree, punishable as provided by s.  
 12129 775.082 or s. 775.083.

12130 ~~(19) The department may disclose information relative to~~  
 12131 ~~tax credits taken by a taxpayer pursuant to s. 288.9916 to the~~  
 12132 ~~Office of Tourism, Trade, and Economic Development or its~~  
 12133 ~~employees or agents. Such employees must be identified in~~  
 12134 ~~writing by the office to the department. All information~~  
 12135 ~~disclosed under this subsection is subject to the same~~  
 12136 ~~requirements of confidentiality and the same penalties for~~  
 12137 ~~violation of the requirements as the department.~~

12138 (19)~~(20)~~(a) The department may publish a list of taxpayers  
 12139 against whom the department has filed a warrant, notice of lien,  
 12140 or judgment lien certificate. The list may include the name and  
 12141 address of each taxpayer; the amounts and types of delinquent  
 12142 taxes, fees, or surcharges, penalties, or interest; and the  
 12143 employer identification number or other taxpayer identification  
 12144 number.

12145 (b) The department shall update the list at least monthly  
 12146 to reflect payments for resolution of deficiencies and to  
 12147 otherwise add or remove taxpayers from the list.

12148 (c) The department may adopt rules to administer this  
 12149 subsection.

12150 (20)~~(21)~~ The department may disclose information relating  
 12151 to taxpayers against whom the department has filed a warrant,

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12152 notice of lien, or judgment lien certificate. Such information  
 12153 includes the name and address of the taxpayer, the actions  
 12154 taken, the amounts and types of liabilities, and the amount of  
 12155 any collections made.

12156 Section 245. Paragraph (b) of subsection (8) of section  
 12157 216.136, Florida Statutes, is amended to read:

12158 216.136 Consensus estimating conferences; duties and  
 12159 principals.—

12160 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

12161 (b) The Department of Economic Opportunity ~~Agency for~~  
 12162 ~~Workforce Innovation~~ shall provide information on needs and  
 12163 waiting lists for school readiness programs, and information on  
 12164 the needs for the Voluntary Prekindergarten Education Program,  
 12165 as requested by the Early Learning Programs Estimating  
 12166 Conference or individual conference principals in a timely  
 12167 manner.

12168 Section 246. Paragraph (a) of subsection (6) of section  
 12169 216.292, Florida Statutes, is amended to read:

12170 216.292 Appropriations nontransferable; exceptions.—

12171 (6) The Chief Financial Officer shall transfer from any  
 12172 available funds of an agency or the judicial branch the  
 12173 following amounts and shall report all such transfers and the  
 12174 reasons therefor to the legislative appropriations committees  
 12175 and the Executive Office of the Governor:

12176 (a) The amount due to the Unemployment Compensation Trust  
 12177 Fund which is more than 90 days delinquent on reimbursements due  
 12178 to the Unemployment Compensation Trust Fund. The amount  
 12179 transferred shall be that certified by the Department of Revenue

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12180 | as the state agency providing unemployment tax collection  
 12181 | services under an interagency agreement ~~contract~~ with the  
 12182 | Department of Economic Opportunity Agency for Workforce  
 12183 | ~~Innovation through an interagency agreement~~ pursuant to s.  
 12184 | 443.1316.

12185 | Section 247. Subsection (1) of section 216.231, Florida  
 12186 | Statutes, is amended to read:

12187 | 216.231 Release of certain classified appropriations.—

12188 | (1) (a) Any appropriation to the Executive Office of the  
 12189 | Governor which is classified as an "emergency," as defined in s.  
 12190 | 252.34~~(3)~~, may be released only with the approval of the  
 12191 | Governor. The state agency, or the judicial branch, desiring the  
 12192 | use of the emergency appropriation shall submit to the Executive  
 12193 | Office of the Governor an application ~~therefor~~ in writing  
 12194 | setting forth the facts from which the alleged need arises. The  
 12195 | Executive Office of the Governor shall, at a public hearing,  
 12196 | review such application promptly and approve or disapprove the  
 12197 | applications as the circumstances may warrant. All actions of  
 12198 | the Executive Office of the Governor shall be reported to the  
 12199 | legislative appropriations committees, and the committees may  
 12200 | advise the Executive Office of the Governor relative to the  
 12201 | release of such funds.

12202 | (b) The release of appropriated funds classified as  
 12203 | "emergency" shall be approved only when an act or circumstance  
 12204 | caused by an act of God, civil disturbance, natural disaster, or  
 12205 | other circumstance of an emergency nature threatens, endangers,  
 12206 | or damages the property, safety, health, or welfare of the state  
 12207 | or its residents ~~citizens~~, which condition has not been provided

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12208 | for in appropriation acts of the Legislature. Funds allocated  
 12209 | for this purpose may be used to pay overtime pay to personnel of  
 12210 | agencies called upon to perform extra duty because of any civil  
 12211 | disturbance or other emergency as defined in s. 252.34~~(3)~~ and to  
 12212 | provide the required state match for federal grants under the  
 12213 | federal Disaster Relief Act.

12214 | Section 248. Paragraph (ff) of subsection (1) of section  
 12215 | 220.03, Florida Statutes, is amended to read:

12216 | 220.03 Definitions.—

12217 | (1) SPECIFIC TERMS.—When used in this code, and when not  
 12218 | otherwise distinctly expressed or manifestly incompatible with  
 12219 | the intent thereof, the following terms shall have the following  
 12220 | meanings:

12221 | (ff) "Job" means a full-time position, as consistent with  
 12222 | terms used by the Department of Economic Opportunity ~~the Agency~~  
 12223 | ~~for Workforce Innovation~~ and the United States Department of  
 12224 | Labor for purposes of unemployment compensation tax  
 12225 | administration and employment estimation resulting directly from  
 12226 | business operations in this state. The term may not include a  
 12227 | temporary construction job involved with the construction of  
 12228 | facilities or any job that has previously been included in any  
 12229 | application for tax credits under s. 212.096. The term also  
 12230 | includes employment of an employee leased from an employee  
 12231 | leasing company licensed under chapter 468 if the employee has  
 12232 | been continuously leased to the employer for an average of at  
 12233 | least 36 hours per week for more than 6 months.

12234 | Section 249. Subsection (2) of section 222.15, Florida  
 12235 | Statutes, is amended to read:

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12236 | 222.15 Wages or unemployment compensation payments due  
 12237 | deceased employee may be paid spouse or certain relatives.—  
 12238 | (2) It is also lawful for the Department of Economic  
 12239 | Opportunity ~~the Agency for Workforce Innovation~~, in case of  
 12240 | death of any unemployed individual, to pay to those persons  
 12241 | referred to in subsection (1) any unemployment compensation  
 12242 | payments that may be due to the individual at the time of his or  
 12243 | her death.

12244 | Section 250. Subsections (3) and (4) of section 250.06,  
 12245 | Florida Statutes, are amended to read:  
 12246 | 250.06 Commander in chief.—  
 12247 | (3) The Governor may, in order to preserve the public  
 12248 | peace, execute the laws of the state, suppress insurrection,  
 12249 | repel invasion, respond to an emergency as defined in s.  
 12250 | 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling  
 12251 | of all or any portion of the militia of this state ~~Florida~~ into  
 12252 | the services of the United States, may increase the Florida  
 12253 | National Guard and organize it in accordance with rules and  
 12254 | regulations governing the Armed Forces of the United States.  
 12255 | Such organization and increase may be pursuant to or in advance  
 12256 | of any call made by the President of the United States. If the  
 12257 | Florida National Guard is activated into service of the United  
 12258 | States, another organization may not be designated as the  
 12259 | Florida National Guard.

12260 | (4) The Governor may, in order to preserve the public  
 12261 | peace, execute the laws of the state, enhance domestic security,  
 12262 | respond to terrorist threats or attacks, respond to an emergency  
 12263 | as defined in s. 252.34~~(3)~~ or imminent danger thereof, or

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12264 respond to any need for emergency aid to civil authorities as  
 12265 specified in s. 250.28, order into state active duty all or any  
 12266 part of the militia which he or she deems proper.

12267 Section 251. Paragraph (b) of subsection (1) of section  
 12268 255.099, Florida Statutes, is amended to read:

12269 255.099 Preference to state residents.—

12270 (1) Each contract for construction that is funded by state  
 12271 funds must contain a provision requiring the contractor to give  
 12272 preference to the employment of state residents in the  
 12273 performance of the work on the project if state residents have  
 12274 substantially equal qualifications to those of nonresidents. A  
 12275 contract for construction funded by local funds may contain such  
 12276 a provision.

12277 (b) A contractor required to employ state residents must  
 12278 contact the Department of Economic Opportunity ~~the Agency for~~  
 12279 ~~Workforce Innovation~~ to post the contractor's employment needs  
 12280 in the state's job bank system.

12281 Section 252. Section 287.09431, Florida Statutes, is  
 12282 amended to read:

12283 287.09431 Statewide and interlocal agreement on  
 12284 certification of business concerns for the status of minority  
 12285 business enterprise.—The statewide and interlocal agreement on  
 12286 certification of business concerns for the status of minority  
 12287 business enterprise is hereby enacted and entered into with all  
 12288 jurisdictions or organizations legally joining therein. If,  
 12289 within 2 years from the date that the certification core  
 12290 criteria are approved by the Department of Management Services  
 12291 ~~Department of Labor and Employment Security~~, the agreement

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12292 included herein is not executed by a majority of county and  
 12293 municipal governing bodies that administer a minority business  
 12294 assistance program on the effective date of this act, then the  
 12295 Legislature shall review this agreement. It is the intent of the  
 12296 Legislature that if the agreement is not executed by a majority  
 12297 of the requisite governing bodies, then a statewide uniform  
 12298 certification process should be adopted, and that said agreement  
 12299 should be repealed and replaced by a mandatory state government  
 12300 certification process.

12301

12302 ARTICLE I

12303

12304 PURPOSE, FINDINGS, AND POLICY.—

12305 (1) The parties to this agreement, desiring by common  
 12306 action to establish a uniform certification process in order to  
 12307 reduce the multiplicity of applications by business concerns to  
 12308 state and local governmental programs for minority business  
 12309 assistance, declare that it is the policy of each of them, on  
 12310 the basis of cooperation with one another, to remedy social and  
 12311 economic disadvantage suffered by certain groups, resulting in  
 12312 their being historically underutilized in ownership and control  
 12313 of commercial enterprises. Thus, the parties seek to address  
 12314 this history by increasing the participation of the identified  
 12315 groups in opportunities afforded by government procurement.

12316 (2) The parties find that the State of Florida presently  
 12317 certifies firms for participation in the minority business  
 12318 assistance programs of the state. The parties find further that  
 12319 some counties, municipalities, school boards, special districts,



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12320 and other divisions of local government require a separate, yet  
 12321 similar, and in most cases redundant certification in order for  
 12322 businesses to participate in the programs sponsored by each  
 12323 government entity.

12324 (3) The parties find further that this redundant  
 12325 certification has proven to be unduly burdensome to the  
 12326 minority-owned firms intended to benefit from the underlying  
 12327 purchasing incentives.

12328 (4) The parties agree that:

12329 (a) They will facilitate integrity, stability, and  
 12330 cooperation in the statewide and interlocal certification  
 12331 process, and in other elements of programs established to assist  
 12332 minority-owned businesses.

12333 (b) They shall cooperate with agencies, organizations, and  
 12334 associations interested in certification and other elements of  
 12335 minority business assistance.

12336 (c) It is the purpose of this agreement to provide for a  
 12337 uniform process whereby the status of a business concern may be  
 12338 determined in a singular review of the business information for  
 12339 these purposes, in order to eliminate any undue expense, delay,  
 12340 or confusion to the minority-owned businesses in seeking to  
 12341 participate in the minority business assistance programs of  
 12342 state and local jurisdictions.

12343

12344 ARTICLE II

12345

12346 DEFINITIONS.—As used in this agreement and contracts made  
 12347 pursuant to it, unless the context clearly requires otherwise:

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12348 (1) "Awarding organization" means any political  
 12349 subdivision or organization authorized by law, ordinance, or  
 12350 agreement to enter into contracts and for which the governing  
 12351 body has entered into this agreement.

12352 (2) "Department" means the Department of Management  
 12353 Services ~~Department of Labor and Employment Security~~.

12354 (3) "Minority" means a person who is a lawful, permanent  
 12355 resident of the state, having origins in one of the minority  
 12356 groups as described and adopted by the Department of Management  
 12357 Services ~~Department of Labor and Employment Security~~, hereby  
 12358 incorporated by reference.

12359 (4) "Minority business enterprise" means any small  
 12360 business concern as defined in subsection (6) that meets all of  
 12361 the criteria described and adopted by the Department of  
 12362 Management Services ~~Department of Labor and Employment Security~~,  
 12363 hereby incorporated by reference.

12364 (5) "Participating state or local organization" means any  
 12365 political subdivision of the state or organization designated by  
 12366 such that elects to participate in the certification process  
 12367 pursuant to this agreement, which has been approved according to  
 12368 s. 287.0943(3) and has legally entered into this agreement.

12369 (6) "Small business concern" means an independently owned  
 12370 and operated business concern which is of a size and type as  
 12371 described and adopted by vote related to this agreement of the  
 12372 commission, hereby incorporated by reference.

12373

12374 ARTICLE III

12375

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12376 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—  
 12377 (1) All awarding organizations shall accept a  
 12378 certification granted by any participating organization which  
 12379 has been approved according to s. 287.0943(3) and has entered  
 12380 into this agreement, as valid status of minority business  
 12381 enterprise.  
 12382 (2) A participating organization shall certify a business  
 12383 concern that meets the definition of minority business  
 12384 enterprise in this agreement, in accordance with the duly  
 12385 adopted eligibility criteria.  
 12386 (3) All participating organizations shall issue notice of  
 12387 certification decisions granting or denying certification to all  
 12388 other participating organizations within 14 days of the  
 12389 decision. Such notice may be made through electronic media.  
 12390 (4) No certification will be granted without an onsite  
 12391 visit to verify ownership and control of the prospective  
 12392 minority business enterprise, unless verification can be  
 12393 accomplished by other methods of adequate verification or  
 12394 assessment of ownership and control.  
 12395 (5) The certification of a minority business enterprise  
 12396 pursuant to the terms of this agreement shall not be suspended,  
 12397 revoked, or otherwise impaired except on any grounds which would  
 12398 be sufficient for revocation or suspension of a certification in  
 12399 the jurisdiction of the participating organization.  
 12400 (6) The certification determination of a party may be  
 12401 challenged by any other participating organization by the  
 12402 issuance of a timely written notice by the challenging  
 12403 organization to the certifying organization's determination

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12404 within 10 days of receiving notice of the certification  
 12405 decision, stating the grounds therefor.

12406 (7) The sole accepted grounds for challenge shall be the  
 12407 failure of the certifying organization to adhere to the adopted  
 12408 criteria or the certifying organization's rules or procedures,  
 12409 or the perpetuation of a misrepresentation or fraud by the firm.

12410 (8) The certifying organization shall reexamine its  
 12411 certification determination and submit written notice to the  
 12412 applicant and the challenging organization of its findings  
 12413 within 30 days after the receipt of the notice of challenge.

12414 (9) If the certification determination is affirmed, the  
 12415 challenging agency may subsequently submit timely written notice  
 12416 to the firm of its intent to revoke certification of the firm.

12417

12418 ARTICLE IV

12419

12420 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement  
 12421 shall be construed to repeal or otherwise modify any ordinance,  
 12422 law, or regulation of a party relating to the existing minority  
 12423 business assistance provisions and procedures by which minority  
 12424 business enterprises participate therein.

12425

12426 ARTICLE V

12427

12428 TERM.—The term of the agreement shall be 5 years, after  
 12429 which it may be reexecuted by the parties.

12430

12431 ARTICLE VI

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

ARTICLE VII

OTHER ARRANGEMENTS.—Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party in order to comply with federal law.

ARTICLE VIII

EFFECT AND WITHDRAWAL.—

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

(2) Any party may withdraw from this agreement by enacting legislation repealing the same, but no such withdrawal shall take effect until one year after the governing body of the withdrawing party has given notice in writing of the withdrawal to the other parties.

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12460 (3) No withdrawal shall relieve the withdrawing party of  
 12461 any obligations imposed upon it by law.

12462

12463 ARTICLE IX

12464

12465 FINANCIAL RESPONSIBILITY.—

12466 (1) A participating organization shall not be financially  
 12467 responsible or liable for the obligations of any other  
 12468 participating organization related to this agreement.

12469 (2) The provisions of this agreement shall constitute  
 12470 neither a waiver of any governmental immunity under Florida law  
 12471 nor a waiver of any defenses of the parties under Florida law.  
 12472 The provisions of this agreement are solely for the benefit of  
 12473 its executors and not intended to create or grant any rights,  
 12474 contractual or otherwise, to any person or entity.

12475

12476 ARTICLE X

12477

12478 VENUE AND GOVERNING LAW.—The obligations of the parties to  
 12479 this agreement are performable only within the county where the  
 12480 participating organization is located, and statewide for the  
 12481 Office of Supplier Diversity, and venue for any legal action in  
 12482 connection with this agreement shall lie, for any participating  
 12483 organization except the Office of Supplier Diversity,  
 12484 exclusively in the county where the participating organization  
 12485 is located. This agreement shall be governed by and construed in  
 12486 accordance with the laws and court decisions of the state.

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ARTICLE XI

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

Section 253. Paragraphs (h) and (o) of subsection (4) of section 287.09451, Florida Statutes, are amended to read:

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

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

(h) To develop procedures to investigate complaints against minority business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, that may include visits to worksites or business premises, and to refer all information on businesses suspected of misrepresenting minority status to the Department of Management Services for investigation. When an investigation is completed

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12516 | and there is reason to believe that a violation has occurred,  
 12517 | ~~the Department of Labor and Employment Security shall refer the~~  
 12518 | matter shall be referred to the office of the Attorney General,  
 12519 | Department of Legal Affairs, for prosecution.

12520 |         (o)1. To establish a system to record and measure the use  
 12521 | of certified minority business enterprises in state contracting.  
 12522 | This system shall maintain information and statistics on  
 12523 | certified minority business enterprise participation, awards,  
 12524 | dollar volume of expenditures and agency goals, and other  
 12525 | appropriate types of information to analyze progress in the  
 12526 | access of certified minority business enterprises to state  
 12527 | contracts and to monitor agency compliance with this section.  
 12528 | Such reporting must include, but is not limited to, the  
 12529 | identification of all subcontracts in state contracting by  
 12530 | dollar amount and by number of subcontracts and the  
 12531 | identification of the utilization of certified minority business  
 12532 | enterprises as prime contractors and subcontractors by dollar  
 12533 | amounts of contracts and subcontracts, number of contracts and  
 12534 | subcontracts, minority status, industry, and any conditions or  
 12535 | circumstances that significantly affected the performance of  
 12536 | subcontractors. Agencies shall report their compliance with the  
 12537 | requirements of this reporting system at least annually and at  
 12538 | the request of the office. All agencies shall cooperate with the  
 12539 | office in establishing this reporting system. Except in  
 12540 | construction contracting, all agencies shall review contracts  
 12541 | costing in excess of CATEGORY FOUR as defined in s. 287.017 to  
 12542 | determine if such contracts could be divided into smaller  
 12543 | contracts to be separately solicited and awarded, and shall,



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12544 when economical, offer such smaller contracts to encourage  
 12545 minority participation.

12546 2. To report agency compliance with ~~the provisions of~~  
 12547 subparagraph 1. for the preceding fiscal year to the Governor  
 12548 and Cabinet, the President of the Senate, and the Speaker of the  
 12549 House of Representatives, ~~and the secretary of the Department of~~  
 12550 ~~Labor and Employment Security~~ on or before February 1 of each  
 12551 year. The report must contain, at a minimum, the following:

12552 a. Total expenditures of each agency by industry.

12553 b. The dollar amount and percentage of contracts awarded  
 12554 to certified minority business enterprises by each state agency.

12555 c. The dollar amount and percentage of contracts awarded  
 12556 indirectly to certified minority business enterprises as  
 12557 subcontractors by each state agency.

12558 d. The total dollar amount and percentage of contracts  
 12559 awarded to certified minority business enterprises, whether  
 12560 directly or indirectly, as subcontractors.

12561 e. A statement and assessment of good faith efforts taken  
 12562 by each state agency.

12563 f. A status report of agency compliance with subsection  
 12564 (6), as determined by the Minority Business Enterprise Office.  
 12565 Section 254. Subsections (2), (4), and (5) of section  
 12566 331.369, Florida Statutes, are transferred, renumbered as  
 12567 section 445.061, Florida Statutes, and amended to read:

12568 445.061 ~~331.369~~ Space Industry Workforce Initiative.—  
 12569 (1)(2) Workforce Florida, Inc., ~~The Workforce Development~~  
 12570 ~~Board of Enterprise Florida, Inc.,~~ or its successor entity,  
 12571 shall coordinate development of a Space Industry Workforce

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12572 Initiative in partnership with Space Florida, public and private  
 12573 universities, community colleges, and other training providers  
 12574 approved by the board. The purpose of the initiative is to use  
 12575 or revise existing programs and to develop innovative new  
 12576 programs to address the workforce needs of the aerospace  
 12577 industry.

12578 (2)~~(4)~~ Workforce Florida, Inc., ~~The Workforce Development~~  
 12579 ~~Board of Enterprise Florida, Inc.,~~ or its successor entity, with  
 12580 the assistance of Enterprise Florida, Inc., and Space Florida,  
 12581 shall convene representatives from the aerospace industry to  
 12582 identify the priority training and education needs of the  
 12583 industry and to appoint a team to design programs to meet the  
 12584 priority needs.

12585 (3)~~(5)~~ Workforce Florida, Inc., ~~The Workforce Development~~  
 12586 ~~Board of Enterprise Florida, Inc.,~~ or its successor entity, as  
 12587 part of its statutorily prescribed annual report to the  
 12588 Legislature, shall provide recommendations for policies,  
 12589 programs, and funding to enhance the workforce needs of the  
 12590 aerospace industry.

12591 Section 255. Subsection (6) of section 381.0086, Florida  
 12592 Statutes, is amended to read:

12593 381.0086 Rules; variances; penalties.—

12594 (6) For the purposes of filing an interstate clearance  
 12595 order with the Department of Economic Opportunity ~~the Agency for~~  
 12596 ~~Workforce Innovation,~~ if the housing is covered by 20 C.F.R.  
 12597 part 654, subpart E, no permanent structural variance referred  
 12598 to in subsection (2) is allowed.

12599 Section 256. Paragraph (b) of subsection (1) and

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12600 subsection (2) of section 383.14, Florida Statutes, are amended  
 12601 to read:  
 12602       383.14 Screening for metabolic disorders, other hereditary  
 12603 and congenital disorders, and environmental risk factors.—  
 12604       (1) SCREENING REQUIREMENTS.—To help ensure access to the  
 12605 maternal and child health care system, the Department of Health  
 12606 shall promote the screening of all newborns born in Florida for  
 12607 metabolic, hereditary, and congenital disorders known to result  
 12608 in significant impairment of health or intellect, as screening  
 12609 programs accepted by current medical practice become available  
 12610 and practical in the judgment of the department. The department  
 12611 shall also promote the identification and screening of all  
 12612 newborns in this state and their families for environmental risk  
 12613 factors such as low income, poor education, maternal and family  
 12614 stress, emotional instability, substance abuse, and other high-  
 12615 risk conditions associated with increased risk of infant  
 12616 mortality and morbidity to provide early intervention,  
 12617 remediation, and prevention services, including, but not limited  
 12618 to, parent support and training programs, home visitation, and  
 12619 case management. Identification, perinatal screening, and  
 12620 intervention efforts shall begin prior to and immediately  
 12621 following the birth of the child by the attending health care  
 12622 provider. Such efforts shall be conducted in hospitals,  
 12623 perinatal centers, county health departments, school health  
 12624 programs that provide prenatal care, and birthing centers, and  
 12625 reported to the Office of Vital Statistics.  
 12626       (b) Postnatal screening.—A risk factor analysis using the  
 12627 department's designated risk assessment instrument shall also be

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12628 | conducted as part of the medical screening process upon the  
 12629 | birth of a child and submitted to the department's Office of  
 12630 | Vital Statistics for recording and other purposes provided for  
 12631 | in this chapter. The department's screening process for risk  
 12632 | assessment shall include a scoring mechanism and procedures that  
 12633 | establish thresholds for notification, further assessment,  
 12634 | referral, and eligibility for services by professionals or  
 12635 | paraprofessionals consistent with the level of risk. Procedures  
 12636 | for developing and using the screening instrument, notification,  
 12637 | referral, and care coordination services, reporting  
 12638 | requirements, management information, and maintenance of a  
 12639 | computer-driven registry in the Office of Vital Statistics which  
 12640 | ensures privacy safeguards must be consistent with the  
 12641 | provisions and plans established under chapter 411, Pub. L. No.  
 12642 | 99-457, and this chapter. Procedures established for reporting  
 12643 | information and maintaining a confidential registry must include  
 12644 | a mechanism for a centralized information depository at the  
 12645 | state and county levels. The department shall coordinate with  
 12646 | existing risk assessment systems and information registries. The  
 12647 | department must ensure, to the maximum extent possible, that the  
 12648 | screening information registry is integrated with the  
 12649 | department's automated data systems, including the Florida On-  
 12650 | line Recipient Integrated Data Access (FLORIDA) system. Tests  
 12651 | and screenings must be performed by the State Public Health  
 12652 | Laboratory, in coordination with Children's Medical Services, at  
 12653 | such times and in such manner as is prescribed by the department  
 12654 | after consultation with the Genetics and Newborn Infant  
 12655 | Screening Advisory Council ~~and the Agency for Workforce~~

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12656 ~~Innovation.~~

12657 (2) RULES.—After consultation with the Genetics and

12658 Newborn Screening Advisory Council, the department shall adopt

12659 and enforce rules requiring that every newborn in this state

12660 shall, prior to becoming 1 week of age, be subjected to a test

12661 for phenylketonuria and, at the appropriate age, be tested for

12662 such other metabolic diseases and hereditary or congenital

12663 disorders as the department may deem necessary from time to

12664 time. ~~After consultation with the Agency for Workforce~~

12665 ~~Innovation,~~ The department shall also adopt and enforce rules

12666 requiring every newborn in this state to be screened for

12667 environmental risk factors that place children and their

12668 families at risk for increased morbidity, mortality, and other

12669 negative outcomes. The department shall adopt such additional

12670 rules as are found necessary for the administration of this

12671 section and s. 383.145, including rules providing definitions of

12672 terms, rules relating to the methods used and time or times for

12673 testing as accepted medical practice indicates, rules relating

12674 to charging and collecting fees for the administration of the

12675 newborn screening program authorized by this section, rules for

12676 processing requests and releasing test and screening results,

12677 and rules requiring mandatory reporting of the results of tests

12678 and screenings for these conditions to the department.

12679 Section 257. Paragraph (b) of subsection (3) of section

12680 402.281, Florida Statutes, is amended to read:

12681 402.281 Gold Seal Quality Care program.—

12682 (3)

12683 (b) In approving accrediting associations, the department

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12684 shall consult with the Department of Education, the Department  
 12685 of Economic Opportunity ~~Agency for Workforce Innovation~~, the  
 12686 Florida Head Start Directors Association, the Florida  
 12687 Association of Child Care Management, the Florida Family Day  
 12688 Care Association, the Florida Children's Forum, the Early  
 12689 Childhood Association of Florida, the Child Development  
 12690 Education Alliance, providers receiving exemptions under s.  
 12691 402.316, and parents.

12692 Section 258. Subsection (6) of section 402.45, Florida  
 12693 Statutes, is amended to read:

12694 402.45 Community resource mother or father program.—

12695 (6) Individuals under contract to provide community  
 12696 resource mother or father services shall participate in  
 12697 preservice and ongoing training as determined by the Department  
 12698 of Health in consultation with the Department of Economic  
 12699 Opportunity ~~Agency for Workforce Innovation~~. A community  
 12700 resource mother or father shall not be assigned a client  
 12701 caseload until all preservice training requirements are  
 12702 completed.

12703 Section 259. Subsection (4) of section 402.56, Florida  
 12704 Statutes, is amended to read:

12705 402.56 Children's cabinet; organization; responsibilities;  
 12706 annual report.—

12707 (4) MEMBERS.—The cabinet shall consist of 15 members  
 12708 including the Governor and the following persons:

- 12709 (a)1. The Secretary of Children and Family Services;  
 12710 2. The Secretary of Juvenile Justice;  
 12711 3. The director of the Agency for Persons with

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12712 Disabilities;

12713 4. The Commissioner of Economic Opportunity ~~director of~~

12714 ~~the Agency for Workforce Innovation;~~

12715 5. The State Surgeon General;

12716 6. The Secretary of Health Care Administration;

12717 7. The Commissioner of Education;

12718 8. The director of the Statewide Guardian Ad Litem Office;

12719 9. The director of the Office of Child Abuse Prevention;

12720 and

12721 10. Five members representing children and youth advocacy

12722 organizations, who are not service providers and who are

12723 appointed by the Governor.

12724 (b) The President of the Senate, the Speaker of the House

12725 of Representatives, the Chief Justice of the Supreme Court, the

12726 Attorney General, and the Chief Financial Officer, or their

12727 appointed designees, shall serve as ex officio members of the

12728 cabinet.

12729 (c) The Governor or the Governor's designee shall serve as

12730 the chair of the cabinet.

12731 (d) Nongovernmental members of the cabinet shall serve

12732 without compensation, but are entitled to receive per diem and

12733 travel expenses in accordance with s. 112.061 while in

12734 performance of their duties.

12735 Section 260. Paragraph (m) of subsection (5) of section

12736 403.7032, Florida Statutes, is amended to read:

12737 403.7032 Recycling.—

12738 (5) The Department of Environmental Protection shall

12739 create the Recycling Business Assistance Center by December 1,

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12740 2010. In carrying out its duties under this subsection, the  
 12741 department shall consult with state agency personnel appointed  
 12742 to serve as economic development liaisons under s. 288.021 and  
 12743 seek technical assistance from Enterprise Florida, Inc., to  
 12744 ensure the Recycling Business Assistance Center is positioned to  
 12745 succeed. The purpose of the center shall be to serve as the  
 12746 mechanism for coordination among state agencies and the private  
 12747 sector in order to coordinate policy and overall strategic  
 12748 planning for developing new markets and expanding and enhancing  
 12749 existing markets for recyclable materials in this state, other  
 12750 states, and foreign countries. The duties of the center must  
 12751 include, at a minimum:

12752 (m) Coordinating with the Department of Economic  
 12753 Opportunity ~~the Agency for Workforce Innovation~~ and its partners  
 12754 to provide job placement and job training services to job  
 12755 seekers through the state's workforce services programs.

12756 Section 261. Paragraph (a) of subsection (3) of section  
 12757 409.017, Florida Statutes, is amended to read:

12758 409.017 Revenue Maximization Act; legislative intent;  
 12759 revenue maximization program.—

12760 (3) REVENUE MAXIMIZATION PROGRAM.—

12761 (a) For purposes of this section, the term "agency" means  
 12762 any state agency or department that is involved in providing  
 12763 health, social, or human services, including, but not limited  
 12764 to, the Agency for Health Care Administration, the Department of  
 12765 Economic Opportunity ~~Agency for Workforce Innovation~~, the  
 12766 Department of Children and Family Services, the Department of  
 12767 Elderly Affairs, the Department of Juvenile Justice, the



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12768 Department of Education, and the State Board of Education.  
 12769 Section 262. Paragraph (c) of subsection (7) of section  
 12770 409.1451, Florida Statutes, is amended to read:  
 12771 409.1451 Independent living transition services.—  
 12772 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The  
 12773 Secretary of Children and Family Services shall establish the  
 12774 Independent Living Services Advisory Council for the purpose of  
 12775 reviewing and making recommendations concerning the  
 12776 implementation and operation of the independent living  
 12777 transition services. This advisory council shall continue to  
 12778 function as specified in this subsection until the Legislature  
 12779 determines that the advisory council can no longer provide a  
 12780 valuable contribution to the department's efforts to achieve the  
 12781 goals of the independent living transition services.  
 12782 (c) Members of the advisory council shall be appointed by  
 12783 the secretary of the department. The membership of the advisory  
 12784 council must include, at a minimum, representatives from the  
 12785 headquarters and district offices of the Department of Children  
 12786 and Family Services, community-based care lead agencies, the  
 12787 Department of Economic Opportunity ~~the Agency for Workforce~~  
 12788 ~~Innovation~~, the Department of Education, the Agency for Health  
 12789 Care Administration, the State Youth Advisory Board, Workforce  
 12790 Florida, Inc., the Statewide Guardian Ad Litem Office, foster  
 12791 parents, recipients of Road-to-Independence Program funding, and  
 12792 advocates for foster children. The secretary shall determine the  
 12793 length of the term to be served by each member appointed to the  
 12794 advisory council, which may not exceed 4 years.  
 12795 Section 263. Subsection (4) of section 409.942, Florida

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12796 Statutes, is amended to read:  
 12797       409.942 Electronic benefit transfer program.—  
 12798       ~~(4) Workforce Florida, Inc., through the Agency for~~  
 12799 ~~Workforce Innovation, shall establish an electronic benefit~~  
 12800 ~~transfer program for the use and management of education,~~  
 12801 ~~training, child care, transportation, and other program benefits~~  
 12802 ~~under its direction. The workforce electronic benefit transfer~~  
 12803 ~~program shall fulfill all federal and state requirements for~~  
 12804 ~~Individual Training Accounts, Retention Incentive Training~~  
 12805 ~~Accounts, Individual Development Accounts, and Individual~~  
 12806 ~~Services Accounts. The workforce electronic benefit transfer~~  
 12807 ~~program shall be designed to enable an individual who receives~~  
 12808 ~~an electronic benefit transfer card under subsection (1) to use~~  
 12809 ~~that card for purposes of benefits provided under the workforce~~  
 12810 ~~development system as well. The Department of Children and~~  
 12811 ~~Family Services shall assist Workforce Florida, Inc., in~~  
 12812 ~~developing an electronic benefit transfer program for the~~  
 12813 ~~workforce development system that is fully compatible with the~~  
 12814 ~~department's electronic benefit transfer program. The agency~~  
 12815 ~~shall reimburse the department for all costs incurred in~~  
 12816 ~~providing such assistance and shall pay all costs for the~~  
 12817 ~~development of the workforce electronic benefit transfer~~  
 12818 ~~program.~~  
 12819       Section 264. Paragraph (d) of subsection (2), subsection  
 12820 (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5),  
 12821 paragraph (e) of subsection (7), subsection (8), and paragraphs  
 12822 (b), (c), (d), and (e) of subsection (9) of section 411.01,  
 12823 Florida Statutes, are amended to read:

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12824 411.01 School readiness programs; early learning  
 12825 coalitions.—  
 12826 (2) LEGISLATIVE INTENT.—  
 12827 (d) It is the intent of the Legislature that the  
 12828 administrative staff for school readiness programs be kept to  
 12829 the minimum necessary to administer the duties of the Department  
 12830 of Economic Opportunity Agency for Workforce Innovation and  
 12831 early learning coalitions. The Department of Economic  
 12832 Opportunity Agency for Workforce Innovation shall adopt system  
 12833 support services at the state level to build a comprehensive  
 12834 early learning system. Each early learning coalition shall  
 12835 implement and maintain direct enhancement services at the local  
 12836 level, as approved in its school readiness plan by the  
 12837 Department of Economic Opportunity Agency for Workforce  
 12838 Innovation, and ensure access to such services in all 67  
 12839 counties.  
 12840 (4) DEPARTMENT OF ECONOMIC OPPORTUNITY AGENCY FOR  
 12841 WORKFORCE INNOVATION.—  
 12842 (a) The Department of Economic Opportunity Agency for  
 12843 Workforce Innovation shall administer school readiness programs  
 12844 at the state level and shall coordinate with the early learning  
 12845 coalitions in providing school readiness services on a full-day,  
 12846 full-year, full-choice basis to the extent possible in order to  
 12847 enable parents to work and be financially self-sufficient.  
 12848 (b) The Department of Economic Opportunity Agency for  
 12849 Workforce Innovation shall:  
 12850 1. Coordinate the birth-to-kindergarten services for  
 12851 children who are eligible under subsection (6) and the

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12852 programmatic, administrative, and fiscal standards under this  
 12853 section for all public providers of school readiness programs.

12854 2. Focus on improving the educational quality of all  
 12855 program providers participating in publicly funded school  
 12856 readiness programs.

12857 (c) The Governor shall designate the Department of  
 12858 Economic Opportunity Agency ~~for Workforce Innovation~~ as the lead  
 12859 agency for administration of the federal Child Care and  
 12860 Development Fund, 45 C.F.R. parts 98 and 99, and the department  
 12861 ~~agency~~ shall comply with the lead agency responsibilities under  
 12862 federal law.

12863 (d) The Department of Economic Opportunity Agency ~~for~~  
 12864 ~~Workforce Innovation~~ shall:

12865 1. Be responsible for the prudent use of all public and  
 12866 private funds in accordance with all legal and contractual  
 12867 requirements.

12868 2. Provide final approval and every 2 years review early  
 12869 learning coalitions and school readiness plans.

12870 3. Establish a unified approach to the state's efforts  
 12871 toward enhancement of school readiness. In support of this  
 12872 effort, the Department of Economic Opportunity Agency ~~for~~  
 12873 ~~Workforce Innovation~~ shall adopt specific system support  
 12874 services that address the state's school readiness programs. An  
 12875 early learning coalition shall amend its school readiness plan  
 12876 to conform to the specific system support services adopted by  
 12877 the Department of Economic Opportunity Agency ~~for Workforce~~  
 12878 ~~Innovation~~. System support services shall include, but are not  
 12879 limited to:

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- 12880 a. Child care resource and referral services;
- 12881 b. Warm-Line services;
- 12882 c. Eligibility determinations;
- 12883 d. Child performance standards;
- 12884 e. Child screening and assessment;
- 12885 f. Developmentally appropriate curricula;
- 12886 g. Health and safety requirements;
- 12887 h. Statewide data system requirements; and
- 12888 i. Rating and improvement systems.
- 12889 4. Safeguard the effective use of federal, state, local,
- 12890 and private resources to achieve the highest possible level of
- 12891 school readiness for the children in this state.
- 12892 5. Adopt a rule establishing criteria for the expenditure
- 12893 of funds designated for the purpose of funding activities to
- 12894 improve the quality of child care within the state in accordance
- 12895 with s. 658G of the federal Child Care and Development Block
- 12896 Grant Act.
- 12897 6. Provide technical assistance to early learning
- 12898 coalitions in a manner determined by the Department of Economic
- 12899 Opportunity ~~Agency for Workforce Innovation~~ based upon
- 12900 information obtained by the department ~~agency~~ from various
- 12901 sources, including, but not limited to, public input, government
- 12902 reports, private interest group reports, department ~~agency~~
- 12903 monitoring visits, and coalition requests for service.
- 12904 7. In cooperation with the Department of Education and
- 12905 early learning coalitions, coordinate with the Child Care
- 12906 Services Program Office of the Department of Children and Family
- 12907 Services to minimize duplicating interagency activities, health

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12908 and safety monitoring, and acquiring and composing data  
 12909 pertaining to child care training and credentialing.  
 12910 8. Develop and adopt performance standards and outcome  
 12911 measures for school readiness programs. The performance  
 12912 standards must address the age-appropriate progress of children  
 12913 in the development of school readiness skills. The performance  
 12914 standards for children from birth to 5 years of age in school  
 12915 readiness programs must be integrated with the performance  
 12916 standards adopted by the Department of Education for children in  
 12917 the Voluntary Prekindergarten Education Program under s.  
 12918 1002.67.

12919 9. Adopt a standard contract that must be used by the  
 12920 coalitions when contracting with school readiness providers.

12921 (e) The Department of Economic Opportunity ~~Agency for~~  
 12922 ~~Workforce Innovation~~ may adopt rules under ss. 120.536(1) and  
 12923 120.54 to administer the provisions of law conferring duties  
 12924 upon the department ~~agency~~, including, but not limited to, rules  
 12925 governing the administration of system support services of  
 12926 school readiness programs, the collection of data, the approval  
 12927 of early learning coalitions and school readiness plans, the  
 12928 provision of a method whereby an early learning coalition may  
 12929 serve two or more counties, the award of incentives to early  
 12930 learning coalitions, child performance standards, child outcome  
 12931 measures, the issuance of waivers, and the implementation of the  
 12932 state's Child Care and Development Fund Plan as approved by the  
 12933 federal Administration for Children and Families.

12934 (f) The Department of Economic Opportunity ~~Agency for~~  
 12935 ~~Workforce Innovation~~ shall have all powers necessary to

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12936 administer this section, including, but not limited to, the  
 12937 power to receive and accept grants, loans, or advances of funds  
 12938 from any public or private agency and to receive and accept from  
 12939 any source contributions of money, property, labor, or any other  
 12940 thing of value, to be held, used, and applied for purposes of  
 12941 this section.

12942 (g) Except as provided by law, the Department of Economic  
 12943 Opportunity Agency ~~for Workforce Innovation~~ may not impose  
 12944 requirements on a child care or early childhood education  
 12945 provider that does not deliver services under the school  
 12946 readiness programs or receive state or federal funds under this  
 12947 section.

12948 (h) The Department of Economic Opportunity Agency ~~for~~  
 12949 ~~Workforce Innovation~~ shall have a budget for school readiness  
 12950 programs, which shall be financed through an annual  
 12951 appropriation made for purposes of this section in the General  
 12952 Appropriations Act.

12953 (i) The Department of Economic Opportunity Agency ~~for~~  
 12954 ~~Workforce Innovation~~ shall coordinate the efforts toward school  
 12955 readiness in this state and provide independent policy analyses,  
 12956 data analyses, and recommendations to the Governor, the State  
 12957 Board of Education, and the Legislature.

12958 (j) The Department of Economic Opportunity Agency ~~for~~  
 12959 ~~Workforce Innovation~~ shall require that school readiness  
 12960 programs, at a minimum, enhance the age-appropriate progress of  
 12961 each child in attaining the performance standards adopted under  
 12962 subparagraph (d)8. and in the development of the following  
 12963 school readiness skills:

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- 12964 1. Compliance with rules, limitations, and routines.
- 12965 2. Ability to perform tasks.
- 12966 3. Interactions with adults.
- 12967 4. Interactions with peers.
- 12968 5. Ability to cope with challenges.
- 12969 6. Self-help skills.
- 12970 7. Ability to express the child's needs.
- 12971 8. Verbal communication skills.
- 12972 9. Problem-solving skills.
- 12973 10. Following of verbal directions.
- 12974 11. Demonstration of curiosity, persistence, and
- 12975 exploratory behavior.
- 12976 12. Interest in books and other printed materials.
- 12977 13. Paying attention to stories.
- 12978 14. Participation in art and music activities.
- 12979 15. Ability to identify colors, geometric shapes, letters
- 12980 of the alphabet, numbers, and spatial and temporal
- 12981 relationships.
- 12982
- 12983 Within 30 days after enrollment in the school readiness program,
- 12984 the early learning coalition must ensure that the program
- 12985 provider obtains information regarding the child's
- 12986 immunizations, physical development, and other health
- 12987 requirements as necessary, including appropriate vision and
- 12988 hearing screening and examinations. For a program provider
- 12989 licensed by the Department of Children and Family Services, the
- 12990 provider's compliance with s. 402.305(9), as verified pursuant
- 12991 to s. 402.311, shall satisfy this requirement.



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12992 (k) The Department of Economic Opportunity ~~Agency for~~  
 12993 ~~Workforce Innovation~~ shall conduct studies and planning  
 12994 activities related to the overall improvement and effectiveness  
 12995 of the outcome measures adopted by the department ~~agency~~ for  
 12996 school readiness programs and the specific system support  
 12997 services to address the state's school readiness programs  
 12998 adopted by the Department of Economic Opportunity ~~Agency for~~  
 12999 ~~Workforce Innovation~~ in accordance with subparagraph (d)3.

13000 (l) The Department of Economic Opportunity ~~Agency for~~  
 13001 ~~Workforce Innovation~~ shall monitor and evaluate the performance  
 13002 of each early learning coalition in administering the school  
 13003 readiness program, implementing the coalition's school readiness  
 13004 plan, and administering the Voluntary Prekindergarten Education  
 13005 Program. These monitoring and performance evaluations must  
 13006 include, at a minimum, onsite monitoring of each coalition's  
 13007 finances, management, operations, and programs.

13008 (m) The Department of Economic Opportunity ~~Agency for~~  
 13009 ~~Workforce Innovation~~ shall submit an annual report of its  
 13010 activities conducted under this section to the Governor, the  
 13011 President of the Senate, the Speaker of the House of  
 13012 Representatives, and the minority leaders of both houses of the  
 13013 Legislature. In addition, the Department of Economic  
 13014 Opportunity's ~~Agency for Workforce Innovation's~~ reports and  
 13015 recommendations shall be made available to the Florida Early  
 13016 Learning Advisory Council and other appropriate state agencies  
 13017 and entities. The annual report must provide an analysis of  
 13018 school readiness activities across the state, including the  
 13019 number of children who were served in the programs.

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13020 (n) The Department of Economic Opportunity ~~Agency for~~  
 13021 ~~Workforce Innovation~~ shall work with the early learning  
 13022 coalitions to ensure availability of training and support for  
 13023 parental involvement in children's early education and to  
 13024 provide family literacy activities and services.

13025 (5) CREATION OF EARLY LEARNING COALITIONS.—

13026 (a) Early learning coalitions.—

13027 1. Each early learning coalition shall maintain direct  
 13028 enhancement services at the local level and ensure access to  
 13029 such services in all 67 counties.

13030 2. The Department of Economic Opportunity ~~Agency for~~  
 13031 ~~Workforce Innovation~~ shall establish the minimum number of  
 13032 children to be served by each early learning coalition through  
 13033 the coalition's school readiness program. The Department of  
 13034 Economic Opportunity ~~Agency for Workforce Innovation~~ may only  
 13035 approve school readiness plans in accordance with this minimum  
 13036 number. The minimum number must be uniform for every early  
 13037 learning coalition and must:

13038 a. Permit 31 or fewer coalitions to be established; and  
 13039 b. Require each coalition to serve at least 2,000 children  
 13040 based upon the average number of all children served per month  
 13041 through the coalition's school readiness program during the  
 13042 previous 12 months.

13043 3. If an early learning coalition would serve fewer  
 13044 children than the minimum number established under subparagraph  
 13045 2., the coalition must merge with another county to form a  
 13046 multicounty coalition. The Department of Economic Opportunity  
 13047 ~~Agency for Workforce Innovation~~ shall adopt procedures for

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13048 | merging early learning coalitions, including procedures for the  
 13049 | consolidation of merging coalitions, and for the early  
 13050 | termination of the terms of coalition members which are  
 13051 | necessary to accomplish the mergers. However, the Department of  
 13052 | Economic Opportunity Agency for Workforce Innovation shall grant  
 13053 | a waiver to an early learning coalition to serve fewer children  
 13054 | than the minimum number established under subparagraph 2., if:  
 13055 |       a. The Department of Economic Opportunity Agency for  
 13056 | Workforce Innovation has determined during the most recent  
 13057 | review of the coalition's school readiness plan, or through  
 13058 | monitoring and performance evaluations conducted under paragraph  
 13059 | (4)(1), that the coalition has substantially implemented its  
 13060 | plan;  
 13061 |       b. The coalition demonstrates to the Department of  
 13062 | Economic Opportunity Agency for Workforce Innovation the  
 13063 | coalition's ability to effectively and efficiently implement the  
 13064 | Voluntary Prekindergarten Education Program; and  
 13065 |       c. The coalition demonstrates to the Department of  
 13066 | Economic Opportunity Agency for Workforce Innovation that the  
 13067 | coalition can perform its duties in accordance with law.  
 13068 |  
 13069 | If an early learning coalition fails or refuses to merge as  
 13070 | required by this subparagraph, the Department of Economic  
 13071 | Opportunity Agency for Workforce Innovation may dissolve the  
 13072 | coalition and temporarily contract with a qualified entity to  
 13073 | continue school readiness and prekindergarten services in the  
 13074 | coalition's county or multicounty region until the department  
 13075 | agency reestablishes the coalition and a new school readiness

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13076 plan is approved by the department ~~agency~~.

13077 4. Each early learning coalition shall be composed of at

13078 least 15 members but not more than 30 members. The Department of

13079 Economic Opportunity ~~Agency for Workforce Innovation~~ shall adopt

13080 standards establishing within this range the minimum and maximum

13081 number of members that may be appointed to an early learning

13082 coalition and procedures for identifying which members have

13083 voting privileges under subparagraph 6. These standards must

13084 include variations for a coalition serving a multicounty region.

13085 Each early learning coalition must comply with these standards.

13086 5. The Governor shall appoint the chair and two other

13087 members of each early learning coalition, who must each meet the

13088 same qualifications as private sector business members appointed

13089 by the coalition under subparagraph 7.

13090 6. Each early learning coalition must include the

13091 following member positions; however, in a multicounty coalition,

13092 each ex officio member position may be filled by multiple

13093 nonvoting members but no more than one voting member shall be

13094 seated per member position. If an early learning coalition has

13095 more than one member representing the same entity, only one of

13096 such members may serve as a voting member:

13097 a. A Department of Children and Family Services circuit

13098 administrator or his or her designee who is authorized to make

13099 decisions on behalf of the department.

13100 b. A district superintendent of schools or his or her

13101 designee who is authorized to make decisions on behalf of the

13102 district.

13103 c. A regional workforce board executive director or his or

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13104 her designee.

13105 d. A county health department director or his or her

13106 designee.

13107 e. A children's services council or juvenile welfare board

13108 chair or executive director, if applicable.

13109 f. An agency head of a local licensing agency as defined

13110 in s. 402.302, where applicable.

13111 g. A president of a community college or his or her

13112 designee.

13113 h. One member appointed by a board of county commissioners

13114 or the governing board of a municipality.

13115 i. A central agency administrator, where applicable.

13116 j. A Head Start director.

13117 k. A representative of private for-profit child care

13118 providers, including private for-profit family day care homes.

13119 l. A representative of faith-based child care providers.

13120 m. A representative of programs for children with

13121 disabilities under the federal Individuals with Disabilities

13122 Education Act.

13123 7. Including the members appointed by the Governor under

13124 subparagraph 5., more than one-third of the members of each

13125 early learning coalition must be private sector business members

13126 who do not have, and none of whose relatives as defined in s.

13127 112.3143 has, a substantial financial interest in the design or

13128 delivery of the Voluntary Prekindergarten Education Program

13129 created under part V of chapter 1002 or the coalition's school

13130 readiness program. To meet this requirement an early learning

13131 coalition must appoint additional members. The Department of

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13132 Economic Opportunity ~~Agency for Workforce Innovation~~ shall  
 13133 establish criteria for appointing private sector business  
 13134 members. These criteria must include standards for determining  
 13135 whether a member or relative has a substantial financial  
 13136 interest in the design or delivery of the Voluntary  
 13137 Prekindergarten Education Program or the coalition's school  
 13138 readiness program.

13139 8. A majority of the voting membership of an early  
 13140 learning coalition constitutes a quorum required to conduct the  
 13141 business of the coalition. An early learning coalition board may  
 13142 use any method of telecommunications to conduct meetings,  
 13143 including establishing a quorum through telecommunications,  
 13144 provided that the public is given proper notice of a  
 13145 telecommunications meeting and reasonable access to observe and,  
 13146 when appropriate, participate.

13147 9. A voting member of an early learning coalition may not  
 13148 appoint a designee to act in his or her place, except as  
 13149 otherwise provided in this paragraph. A voting member may send a  
 13150 representative to coalition meetings, but that representative  
 13151 does not have voting privileges. When a district administrator  
 13152 for the Department of Children and Family Services appoints a  
 13153 designee to an early learning coalition, the designee is the  
 13154 voting member of the coalition, and any individual attending in  
 13155 the designee's place, including the district administrator, does  
 13156 not have voting privileges.

13157 10. Each member of an early learning coalition is subject  
 13158 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
 13159 112.3143(3)(a), each voting member is a local public officer who

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13160 must abstain from voting when a voting conflict exists.  
 13161 11. For purposes of tort liability, each member or  
 13162 employee of an early learning coalition shall be governed by s.  
 13163 768.28.  
 13164 12. An early learning coalition serving a multicounty  
 13165 region must include representation from each county.  
 13166 13. Each early learning coalition shall establish terms  
 13167 for all appointed members of the coalition. The terms must be  
 13168 staggered and must be a uniform length that does not exceed 4  
 13169 years per term. Coalition chairs shall be appointed for 4 years  
 13170 in conjunction with their membership on the Early Learning  
 13171 Advisory Council under s. 20.052. Appointed members may serve a  
 13172 maximum of two consecutive terms. When a vacancy occurs in an  
 13173 appointed position, the coalition must advertise the vacancy.  
 13174 (c) Program expectations.—  
 13175 1. The school readiness program must meet the following  
 13176 expectations:  
 13177 a. The program must, at a minimum, enhance the age-  
 13178 appropriate progress of each child in attaining the performance  
 13179 standards and outcome measures adopted by the Department of  
 13180 Economic Opportunity Agency for Workforce Innovation.  
 13181 b. The program must provide extended-day and extended-year  
 13182 services to the maximum extent possible without compromising the  
 13183 quality of the program to meet the needs of parents who work.  
 13184 c. The program must provide a coordinated professional  
 13185 development system that supports the achievement and maintenance  
 13186 of core competencies by school readiness instructors in helping  
 13187 children attain the performance standards and outcome measures

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13188 | adopted by the Department of Economic Opportunity ~~Agency for~~  
 13189 | ~~Workforce Innovation~~.

13190 |         d. There must be expanded access to community services and  
 13191 | resources for families to help achieve economic self-  
 13192 | sufficiency.

13193 |         e. There must be a single point of entry and unified  
 13194 | waiting list. As used in this sub-subparagraph, the term "single  
 13195 | point of entry" means an integrated information system that  
 13196 | allows a parent to enroll his or her child in the school  
 13197 | readiness program at various locations throughout a county, that  
 13198 | may allow a parent to enroll his or her child by telephone or  
 13199 | through an Internet website, and that uses a unified waiting  
 13200 | list to track eligible children waiting for enrollment in the  
 13201 | school readiness program. The Department of Economic Opportunity  
 13202 | ~~Agency for Workforce Innovation~~ shall establish through  
 13203 | technology a single statewide information system that each  
 13204 | coalition must use for the purposes of managing the single point  
 13205 | of entry, tracking children's progress, coordinating services  
 13206 | among stakeholders, determining eligibility, tracking child  
 13207 | attendance, and streamlining administrative processes for  
 13208 | providers and early learning coalitions.

13209 |         f. The Department of Economic Opportunity ~~Agency for~~  
 13210 | ~~Workforce Innovation~~ must consider the access of eligible  
 13211 | children to the school readiness program, as demonstrated in  
 13212 | part by waiting lists, before approving a proposed increase in  
 13213 | payment rates submitted by an early learning coalition. In  
 13214 | addition, early learning coalitions shall use school readiness  
 13215 | funds made available due to enrollment shifts from school



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13216 | readiness programs to the Voluntary Prekindergarten Education  
 13217 | Program for increasing the number of children served in school  
 13218 | readiness programs before increasing payment rates.

13219 |         g. The program must meet all state licensing guidelines,  
 13220 | where applicable.

13221 |         h. The program must ensure that minimum standards for  
 13222 | child discipline practices are age-appropriate. Such standards  
 13223 | must provide that children not be subjected to discipline that  
 13224 | is severe, humiliating, or frightening or discipline that is  
 13225 | associated with food, rest, or toileting. Spanking or any other  
 13226 | form of physical punishment is prohibited.

13227 |         2. Each early learning coalition must implement a  
 13228 | comprehensive program of school readiness services in accordance  
 13229 | with the rules adopted by the department ~~agency~~ which enhance  
 13230 | the cognitive, social, and physical development of children to  
 13231 | achieve the performance standards and outcome measures. At a  
 13232 | minimum, these programs must contain the following system  
 13233 | support service elements:

13234 |         a. Developmentally appropriate curriculum designed to  
 13235 | enhance the age-appropriate progress of children in attaining  
 13236 | the performance standards adopted by the Department of Economic  
 13237 | Opportunity ~~Agency for Workforce Innovation~~ under subparagraph  
 13238 | (4) (d) 8.

13239 |         b. A character development program to develop basic  
 13240 | values.

13241 |         c. An age-appropriate screening of each child's  
 13242 | development.

13243 |         d. An age-appropriate assessment administered to children

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13244 when they enter a program and an age-appropriate assessment  
 13245 administered to children when they leave the program.

13246 e. An appropriate staff-to-children ratio, pursuant to s.  
 13247 402.305(4) or s. 402.302(7) or (8), as applicable, and as  
 13248 verified pursuant to s. 402.311.

13249 f. A healthy and safe environment pursuant to s.  
 13250 401.305(5), (6), and (7), as applicable, and as verified  
 13251 pursuant to s. 402.311.

13252 g. A resource and referral network established under s.  
 13253 411.0101 to assist parents in making an informed choice and a  
 13254 regional Warm-Line under s. 411.01015.

13255  
 13256 The Department of Economic Opportunity ~~Agency for Workforce~~  
 13257 ~~Innovation~~, the Department of Education, and early learning  
 13258 coalitions shall coordinate with the Child Care Services Program  
 13259 Office of the Department of Children and Family Services to  
 13260 minimize duplicating interagency activities pertaining to  
 13261 acquiring and composing data for child care training and  
 13262 credentialing.

13263 (d) Implementation.—

13264 1. An early learning coalition may not implement the  
 13265 school readiness program until the coalition's school readiness  
 13266 plan is approved by the Department of Economic Opportunity  
 13267 ~~Agency for Workforce Innovation~~.

13268 2. Each early learning coalition shall coordinate with one  
 13269 another to implement a comprehensive program of school readiness  
 13270 services which enhances the cognitive, social, physical, and  
 13271 moral character of the children to achieve the performance

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13272 standards and outcome measures and which helps families achieve  
 13273 economic self-sufficiency. Such program must contain, at a  
 13274 minimum, the following elements:

13275 a. Implement the school readiness program to meet the  
 13276 requirements of this section and the system support services,  
 13277 performance standards, and outcome measures adopted by the  
 13278 Department of Economic Opportunity ~~Agency for Workforce~~  
 13279 ~~Innovation~~.

13280 b. Demonstrate how the program will ensure that each  
 13281 child from birth through 5 years of age in a publicly funded  
 13282 school readiness program receives scheduled activities and  
 13283 instruction designed to enhance the age-appropriate progress of  
 13284 the children in attaining the performance standards adopted by  
 13285 the department ~~agency~~ under subparagraph (4)(d)8.

13286 c. Ensure that the coalition has solicited and considered  
 13287 comments regarding the proposed school readiness plan from the  
 13288 local community.

13289  
 13290 Before implementing the school readiness program, the early  
 13291 learning coalition must submit the plan to the department ~~agency~~  
 13292 for approval. The department ~~agency~~ may approve the plan, reject  
 13293 the plan, or approve the plan with conditions. The department  
 13294 ~~agency~~ shall review school readiness plans at least every 2  
 13295 years.

13296 3. If the Department of Economic Opportunity ~~Agency for~~  
 13297 ~~Workforce Innovation~~ determines during the review of school  
 13298 readiness plans, or through monitoring and performance  
 13299 evaluations conducted under paragraph (4)(1), that an early

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13300 learning coalition has not substantially implemented its plan,  
 13301 has not substantially met the performance standards and outcome  
 13302 measures adopted by the department ~~agency~~, or has not  
 13303 effectively administered the school readiness program or  
 13304 Voluntary Prekindergarten Education Program, the department  
 13305 ~~agency~~ may dissolve the coalition and temporarily contract with  
 13306 a qualified entity to continue school readiness and  
 13307 prekindergarten services in the coalition's county or  
 13308 multicounty region until the department ~~agency~~ reestablishes the  
 13309 coalition and a new school readiness plan is approved in  
 13310 accordance with the rules adopted by the department ~~agency~~.

13311 4. The Department of Economic Opportunity ~~Agency for~~  
 13312 ~~Workforce Innovation~~ shall adopt rules establishing criteria for  
 13313 the approval of school readiness plans. The criteria must be  
 13314 consistent with the system support services, performance  
 13315 standards, and outcome measures adopted by the department ~~agency~~  
 13316 and must require each approved plan to include the following  
 13317 minimum standards for the school readiness program:

13318 a. A community plan that addresses the needs of all  
 13319 children and providers within the coalition's county or  
 13320 multicounty region.

13321 b. A sliding fee scale establishing a copayment for  
 13322 parents based upon their ability to pay, which is the same for  
 13323 all program providers.

13324 c. A choice of settings and locations in licensed,  
 13325 registered, religious-exempt, or school-based programs to be  
 13326 provided to parents.

13327 d. Specific eligibility priorities for children in

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13328 | accordance with subsection (6).  
 13329 |       e. Performance standards and outcome measures adopted by  
 13330 | the department ~~agency~~.  
 13331 |       f. Payment rates adopted by the early learning coalitions  
 13332 | and approved by the department ~~agency~~. Payment rates may not  
 13333 | have the effect of limiting parental choice or creating  
 13334 | standards or levels of services that have not been expressly  
 13335 | established by the Legislature, unless the creation of such  
 13336 | standards or levels of service, which must be uniform throughout  
 13337 | the state, has been approved by the Federal Government and  
 13338 | result in the state being eligible to receive additional federal  
 13339 | funds available for early learning on a statewide basis.  
 13340 |       g. Direct enhancement services for families and children.  
 13341 | System support and direct enhancement services shall be in  
 13342 | addition to payments for the placement of children in school  
 13343 | readiness programs. Direct enhancement services for families may  
 13344 | include parent training and involvement activities and  
 13345 | strategies to meet the needs of unique populations and local  
 13346 | eligibility priorities. Enhancement services for children may  
 13347 | include provider supports and professional development approved  
 13348 | in the plan by the Department of Economic Opportunity ~~Agency for~~  
 13349 | ~~Workforce Innovation~~.  
 13350 |       h. The business organization of the early learning  
 13351 | coalition, which must include the coalition's articles of  
 13352 | incorporation and bylaws if the coalition is organized as a  
 13353 | corporation. If the coalition is not organized as a corporation  
 13354 | or other business entity, the plan must include the contract  
 13355 | with a fiscal agent. An early learning coalition may contract

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13356 with other coalitions to achieve efficiency in multicounty  
 13357 services, and these contracts may be part of the coalition's  
 13358 school readiness plan.

13359 i. The implementation of locally developed quality  
 13360 programs in accordance with the requirements adopted by the  
 13361 department ~~agency~~ under subparagraph (4) (d) 5.

13362  
 13363 The Department of Economic Opportunity ~~Agency for Workforce~~  
 13364 ~~Innovation~~ may request the Governor to apply for a waiver to  
 13365 allow the coalition to administer the Head Start Program to  
 13366 accomplish the purposes of the school readiness program.

13367 5. Persons with an early childhood teaching certificate  
 13368 may provide support and supervision to other staff in the school  
 13369 readiness program.

13370 6. An early learning coalition may not implement its  
 13371 school readiness plan until it submits the plan to and receives  
 13372 approval from the Department of Economic Opportunity ~~Agency for~~  
 13373 ~~Workforce Innovation~~. Once the plan is approved, the plan and  
 13374 the services provided under the plan shall be controlled by the  
 13375 early learning coalition. The plan shall be reviewed and revised  
 13376 as necessary, but at least biennially. An early learning  
 13377 coalition may not implement the revisions until the coalition  
 13378 submits the revised plan to and receives approval from the  
 13379 department ~~agency~~. If the department ~~agency~~ rejects a revised  
 13380 plan, the coalition must continue to operate under its prior  
 13381 approved plan.

13382 7. Section 125.901(2) (a) 3. does not apply to school  
 13383 readiness programs. The Department of Economic Opportunity

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13384 ~~Agency for Workforce Innovation~~ may apply to the Governor and  
 13385 Cabinet for a waiver of, and the Governor and Cabinet may waive,  
 13386 any of the provisions of ss. 411.223 and 1003.54, if the waiver  
 13387 is necessary for implementation of school readiness programs.

13388 8. Two or more early learning coalitions may join for  
 13389 purposes of planning and implementing a school readiness  
 13390 program.

13391 (e) Requests for proposals; payment schedule.—

13392 1. Each early learning coalition must comply with the  
 13393 procurement and expenditure procedures adopted by the Department  
 13394 of Economic Opportunity ~~Agency for Workforce Innovation~~,  
 13395 including, but not limited to, applying the procurement and  
 13396 expenditure procedures required by federal law for the  
 13397 expenditure of federal funds.

13398 2. Each early learning coalition shall adopt a payment  
 13399 schedule that encompasses all programs funded under this  
 13400 section. The payment schedule must take into consideration the  
 13401 prevailing market rate, must include the projected number of  
 13402 children to be served, and must be submitted for approval by the  
 13403 Department of Economic Opportunity ~~Agency for Workforce~~  
 13404 ~~Innovation~~. Informal child care arrangements shall be reimbursed  
 13405 at not more than 50 percent of the rate adopted for a family day  
 13406 care home.

13407 (f) Evaluation and annual report.—Each early learning  
 13408 coalition shall conduct an evaluation of its implementation of  
 13409 the school readiness program, including system support services,  
 13410 performance standards, and outcome measures, and shall provide  
 13411 an annual report and fiscal statement to the Department of

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13412 Economic Opportunity Agency for Workforce Innovation. This  
 13413 report must also include an evaluation of the effectiveness of  
 13414 its direct enhancement services and conform to the content and  
 13415 format specifications adopted by the Department of Economic  
 13416 Opportunity Agency for Workforce Innovation. The Department of  
 13417 Economic Opportunity Agency for Workforce Innovation must  
 13418 include an analysis of the early learning coalitions' reports in  
 13419 the department's ~~agency's~~ annual report.

13420 (7) PARENTAL CHOICE.—

13421 (e) The office of the Chief Financial Officer shall  
 13422 establish an electronic transfer system for the disbursement of  
 13423 funds in accordance with this subsection. Each early learning  
 13424 coalition shall fully implement the electronic funds transfer  
 13425 system within 2 years after approval of the coalition's school  
 13426 readiness plan, unless a waiver is obtained from the Department  
 13427 of Economic Opportunity Agency for Workforce Innovation.

13428 (8) STANDARDS; OUTCOME MEASURES.—A program provider  
 13429 participating in the school readiness program must meet the  
 13430 performance standards and outcome measures adopted by the  
 13431 Department of Economic Opportunity Agency for Workforce  
 13432 Innovation.

13433 (9) FUNDING; SCHOOL READINESS PROGRAM.—

13434 (b)1. The Department of Economic Opportunity Agency for  
 13435 Workforce Innovation shall administer school readiness funds,  
 13436 plans, and policies and shall prepare and submit a unified  
 13437 budget request for the school readiness system in accordance  
 13438 with chapter 216.

13439 2. All instructions to early learning coalitions for



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13440 administering this section shall emanate from the Department of  
 13441 Economic Opportunity ~~Agency for Workforce Innovation~~ in  
 13442 accordance with the policies of the Legislature.

13443 (c) The Department of Economic Opportunity ~~Agency for~~  
 13444 ~~Workforce Innovation~~, subject to legislative notice and review  
 13445 under s. 216.177, shall establish a formula for the allocation  
 13446 of all state and federal school readiness funds provided for  
 13447 children participating in the school readiness program, whether  
 13448 served by a public or private provider, based upon equity for  
 13449 each county. The allocation formula must be submitted to the  
 13450 Governor, the chair of the Senate Ways and Means Committee or  
 13451 its successor, and the chair of the House of Representatives  
 13452 Fiscal Council or its successor no later than January 1 of each  
 13453 year. If the Legislature specifies changes to the allocation  
 13454 formula, the Department of Economic Opportunity ~~Agency for~~  
 13455 ~~Workforce Innovation~~ shall allocate funds as specified in the  
 13456 General Appropriations Act.

13457 (d) All state, federal, and required local maintenance-of-  
 13458 effort or matching funds provided to an early learning coalition  
 13459 for purposes of this section shall be used for implementation of  
 13460 its approved school readiness plan, including the hiring of  
 13461 staff to effectively operate the coalition's school readiness  
 13462 program. As part of plan approval and periodic plan review, the  
 13463 Department of Economic Opportunity ~~Agency for Workforce~~  
 13464 ~~Innovation~~ shall require that administrative costs be kept to  
 13465 the minimum necessary for efficient and effective administration  
 13466 of the school readiness plan, but total administrative  
 13467 expenditures must not exceed 5 percent unless specifically

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13468 | waived by the Department of Economic Opportunity ~~Agency for~~  
 13469 | ~~Workforce Innovation~~. The Department of Economic Opportunity  
 13470 | ~~Agency for Workforce Innovation~~ shall annually report to the  
 13471 | Legislature any problems relating to administrative costs.

13472 | (e) The Department of Economic Opportunity ~~Agency for~~  
 13473 | ~~Workforce Innovation~~ shall annually distribute, to a maximum  
 13474 | extent practicable, all eligible funds provided under this  
 13475 | section as block grants to the early learning coalitions in  
 13476 | accordance with the terms and conditions specified by the  
 13477 | department ~~agency~~.

13478 | Section 265. Subsections (1) and (2), paragraph (a) of  
 13479 | subsection (3), and subsection (4) of section 411.0101, Florida  
 13480 | Statutes, are amended to read:

13481 | 411.0101 Child care and early childhood resource and  
 13482 | referral.—

13483 | (1) As a part of the school readiness programs, the  
 13484 | Department of Economic Opportunity ~~Agency for Workforce~~  
 13485 | ~~Innovation~~ shall establish a statewide child care resource and  
 13486 | referral network that is unbiased and provides referrals to  
 13487 | families for child care. Preference shall be given to using the  
 13488 | already established early learning coalitions as the child care  
 13489 | resource and referral agencies. If an early learning coalition  
 13490 | cannot comply with the requirements to offer the resource  
 13491 | information component or does not want to offer that service,  
 13492 | the early learning coalition shall select the resource and  
 13493 | referral agency for its county or multicounty region based upon  
 13494 | a request for proposal pursuant to s. 411.01(5)(e)1.

13495 | (2) At least one child care resource and referral agency

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13496 must be established in each early learning coalition's county or  
 13497 multicounty region. The Department of Economic Opportunity  
 13498 ~~Agency for Workforce Innovation~~ shall adopt rules regarding  
 13499 accessibility of child care resource and referral services  
 13500 offered through child care resource and referral agencies in  
 13501 each county or multicounty region which include, at a minimum,  
 13502 required hours of operation, methods by which parents may  
 13503 request services, and child care resource and referral staff  
 13504 training requirements.

13505 (3) Child care resource and referral agencies shall  
 13506 provide the following services:

13507 (a) Identification of existing public and private child  
 13508 care and early childhood education services, including child  
 13509 care services by public and private employers, and the  
 13510 development of a resource file of those services through the  
 13511 single statewide information system developed by the Department  
 13512 of Economic Opportunity ~~Agency for Workforce Innovation~~ under s.  
 13513 411.01(5)(c)1.e. These services may include family day care,  
 13514 public and private child care programs, the Voluntary  
 13515 Prekindergarten Education Program, Head Start, the school  
 13516 readiness program, special education programs for  
 13517 prekindergarten children with disabilities, services for  
 13518 children with developmental disabilities, full-time and part-  
 13519 time programs, before-school and after-school programs, vacation  
 13520 care programs, parent education, the Temporary Cash Assistance  
 13521 Program, and related family support services. The resource file  
 13522 shall include, but not be limited to:

13523 1. Type of program.

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2. Hours of service.

3. Ages of children served.

4. Number of children served.

5. Significant program information.

6. Fees and eligibility for services.

7. Availability of transportation.

(4) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall adopt any rules necessary for the implementation and administration of this section.

Section 266. Paragraphs (4), (5), and (6) of section 411.0102, Florida Statutes, are amended to read:

411.0102 Child Care Executive Partnership Act; findings and intent; grant; limitation; rules.-

(4) The Child Care Executive Partnership, staffed by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~, shall consist of a representative of the Executive Office of the Governor and nine members of the corporate or child care community, appointed by the Governor.

(a) Members shall serve for a period of 4 years, except that the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.

(b) The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote and shall meet at least quarterly and at other times upon the call of the chair. The Child Care Executive Partnership may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, only if the public is given proper notice of a telecommunications meeting and reasonable

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13552 access to observe and, when appropriate, participate.  
 13553 (c) Members shall serve without compensation, but may be  
 13554 reimbursed for per diem and travel expenses in accordance with  
 13555 s. 112.061.  
 13556 (d) The Child Care Executive Partnership shall have all  
 13557 the powers and authority, not explicitly prohibited by statute,  
 13558 necessary to carry out and effectuate the purposes of this  
 13559 section, as well as the functions, duties, and responsibilities  
 13560 of the partnership, including, but not limited to, the  
 13561 following:  
 13562 1. Assisting in the formulation and coordination of the  
 13563 state's child care policy.  
 13564 2. Adopting an official seal.  
 13565 3. Soliciting, accepting, receiving, investing, and  
 13566 expending funds from public or private sources.  
 13567 4. Contracting with public or private entities as  
 13568 necessary.  
 13569 5. Approving an annual budget.  
 13570 6. Carrying forward any unexpended state appropriations  
 13571 into succeeding fiscal years.  
 13572 7. Providing a report to the Governor, the Speaker of the  
 13573 House of Representatives, and the President of the Senate, on or  
 13574 before December 1 of each year.  
 13575 (5) (a) The Legislature shall annually determine the amount  
 13576 of state or federal low-income child care moneys which shall be  
 13577 used to create Child Care Executive Partnership Program child  
 13578 care purchasing pools in counties chosen by the Child Care  
 13579 Executive Partnership, provided that at least two of the

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13580 | counties have populations of no more than 300,000. The  
 13581 | Legislature shall annually review the effectiveness of the child  
 13582 | care purchasing pool program and reevaluate the percentage of  
 13583 | additional state or federal funds, if any, that can be used for  
 13584 | the program's expansion.

13585 |         (b) To ensure a seamless service delivery and ease of  
 13586 | access for families, an early learning coalition or the  
 13587 | Department of Economic Opportunity ~~Agency for Workforce~~  
 13588 | ~~Innovation~~ shall administer the child care purchasing pool  
 13589 | funds.

13590 |         (c) The Department of Economic Opportunity ~~Agency for~~  
 13591 | ~~Workforce Innovation~~, in conjunction with the Child Care  
 13592 | Executive Partnership, shall develop procedures for disbursement  
 13593 | of funds through the child care purchasing pools. In order to be  
 13594 | considered for funding, an early learning coalition or the  
 13595 | Department of Economic Opportunity ~~Agency for Workforce~~  
 13596 | ~~Innovation~~ must commit to:

13597 |             1. Matching the state purchasing pool funds on a dollar-  
 13598 | for-dollar basis; and

13599 |             2. Expending only those public funds which are matched by  
 13600 | employers, local government, and other matching contributors who  
 13601 | contribute to the purchasing pool. Parents shall also pay a fee,  
 13602 | which may not be less than the amount identified in the early  
 13603 | learning coalition's school readiness program sliding fee scale.

13604 |         (d) Each early learning coalition shall establish a  
 13605 | community child care task force for each child care purchasing  
 13606 | pool. The task force must be composed of employers, parents,  
 13607 | private child care providers, and one representative from the

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13608 local children's services council, if one exists in the area of  
 13609 the purchasing pool. The early learning coalition is expected to  
 13610 recruit the task force members from existing child care  
 13611 councils, commissions, or task forces already operating in the  
 13612 area of a purchasing pool. A majority of the task force shall  
 13613 consist of employers.

13614 (e) Each participating early learning coalition board  
 13615 shall develop a plan for the use of child care purchasing pool  
 13616 funds. The plan must show how many children will be served by  
 13617 the purchasing pool, how many will be new to receiving child  
 13618 care services, and how the early learning coalition intends to  
 13619 attract new employers and their employees to the program.

13620 (6) The Department of Economic Opportunity ~~Agency for~~  
 13621 ~~Workforce Innovation~~ shall adopt any rules necessary for the  
 13622 implementation and administration of this section.

13623 Section 267. Subsections (2), (6), and (7) of section  
 13624 411.01013, Florida Statutes, are amended to read:

13625 411.01013 Prevailing market rate schedule.—

13626 (2) The Department of Economic Opportunity ~~Agency for~~  
 13627 ~~Workforce Innovation~~ shall establish procedures for the adoption  
 13628 of a prevailing market rate schedule. The schedule must include,  
 13629 at a minimum, county-by-county rates:

13630 (a) At the prevailing market rate, plus the maximum rate,  
 13631 for child care providers that hold a Gold Seal Quality Care  
 13632 designation under s. 402.281.

13633 (b) At the prevailing market rate for child care providers  
 13634 that do not hold a Gold Seal Quality Care designation.

13635 (6) The Department of Economic Opportunity ~~Agency for~~

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13636 ~~Workforce Innovation~~ may contract with one or more qualified  
 13637 entities to administer this section and provide support and  
 13638 technical assistance for child care providers.

13639 (7) The Department of Economic Opportunity ~~Agency for~~  
 13640 ~~Workforce Innovation~~ may adopt rules pursuant to ss. 120.536(1)  
 13641 and 120.54 for establishing procedures for the collection of  
 13642 child care providers' market rate, the calculation of a  
 13643 reasonable frequency distribution of the market rate, and the  
 13644 publication of a prevailing market rate schedule.

13645 Section 268. Subsection (1) of section 411.01014, Florida  
 13646 Statutes, is amended to read:

13647 411.01014 School readiness transportation services.—

13648 (1) The Department of Economic Opportunity ~~Agency for~~  
 13649 ~~Workforce Innovation~~, pursuant to chapter 427, may authorize an  
 13650 early learning coalition to establish school readiness  
 13651 transportation services for children at risk of abuse or neglect  
 13652 participating in the school readiness program. The early  
 13653 learning coalitions may contract for the provision of  
 13654 transportation services as required by this section.

13655 Section 269. Subsections (1), (3), and (4) of section  
 13656 411.01015, Florida Statutes, are amended to read:

13657 411.01015 Consultation to child care centers and family  
 13658 day care homes regarding health, developmental, disability, and  
 13659 special needs issues.—

13660 (1) Contingent upon specific appropriations, the  
 13661 Department of Economic Opportunity ~~Agency for Workforce~~  
 13662 ~~Innovation~~ shall administer a statewide toll-free Warm-Line for  
 13663 the purpose of providing assistance and consultation to child



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13664 care centers and family day care homes regarding health,  
 13665 developmental, disability, and special needs issues of the  
 13666 children they are serving, particularly children with  
 13667 disabilities and other special needs.

13668 (3) The Department of Economic Opportunity ~~Agency for~~  
 13669 ~~Workforce Innovation~~ shall annually inform child care centers  
 13670 and family day care homes of the availability of this service  
 13671 through the child care resource and referral network under s.  
 13672 411.0101.

13673 (4) Contingent upon specific appropriations, the  
 13674 Department of Economic Opportunity ~~Agency for Workforce~~  
 13675 ~~Innovation~~ shall expand, or contract for the expansion of, the  
 13676 Warm-Line to maintain at least one Warm-Line site in each early  
 13677 learning coalition service area.

13678 Section 270. Subsections (2) and (3) of section 411.0103,  
 13679 Florida Statutes, are amended to read:

13680 411.0103 Teacher Education and Compensation Helps (TEACH)  
 13681 scholarship program.—

13682 (2) The Department of Economic Opportunity ~~Agency for~~  
 13683 ~~Workforce Innovation~~ may contract for the administration of the  
 13684 Teacher Education and Compensation Helps (TEACH) scholarship  
 13685 program, which provides educational scholarships to caregivers  
 13686 and administrators of early childhood programs, family day care  
 13687 homes, and large family child care homes.

13688 (3) The department ~~agency~~ shall adopt rules under ss.  
 13689 120.536(1) and 120.54 as necessary to administer this section.

13690 Section 271. Subsections (1) and (3) of section 411.0104,  
 13691 Florida Statutes, are amended to read:

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13692 411.0104 Early Head Start collaboration grants.—  
 13693 (1) Contingent upon specific appropriations, the  
 13694 Department of Economic Opportunity ~~Agency for Workforce~~  
 13695 ~~Innovation~~ shall establish a program to award collaboration  
 13696 grants to assist local agencies in securing Early Head Start  
 13697 programs through Early Head Start program federal grants. The  
 13698 collaboration grants shall provide the required matching funds  
 13699 for public and private nonprofit agencies that have been  
 13700 approved for Early Head Start program federal grants.

13701 (3) The Department of Economic Opportunity ~~Agency for~~  
 13702 ~~Workforce Innovation~~ may adopt rules under ss. 120.536(1) and  
 13703 120.54 as necessary for the award of collaboration grants to  
 13704 competing agencies and the administration of the collaboration  
 13705 grants program under this section.

13706 Section 272. Section 411.0106, Florida Statutes, is  
 13707 amended to read:

13708 411.0106 Infants and toddlers in state-funded education  
 13709 and care programs; brain development activities.—Each state-  
 13710 funded education and care program for children from birth to 5  
 13711 years of age must provide activities to foster brain development  
 13712 in infants and toddlers. A program must provide an environment  
 13713 that helps children attain the performance standards adopted by  
 13714 the Department of Economic Opportunity ~~Agency for Workforce~~  
 13715 ~~Innovation~~ under s. 411.01(4)(d)8. and must be rich in language  
 13716 and music and filled with objects of various colors, shapes,  
 13717 textures, and sizes to stimulate visual, tactile, auditory, and  
 13718 linguistic senses in the children and must include classical  
 13719 music and at least 30 minutes of reading to the children each

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13720 day. A program may be offered through an existing early  
 13721 childhood program such as Healthy Start, the Title I program,  
 13722 the school readiness program, the Head Start program, or a  
 13723 private child care program. A program must provide training for  
 13724 the infants' and toddlers' parents including direct dialogue and  
 13725 interaction between teachers and parents demonstrating the  
 13726 urgency of brain development in the first year of a child's  
 13727 life. Family day care centers are encouraged, but not required,  
 13728 to comply with this section.

13729 Section 273. Subsection (1) and paragraph (g) of  
 13730 subsection (3) of section 411.011, Florida Statutes, are amended  
 13731 to read:

13732 411.011 Records of children in school readiness programs.—

13733 (1) The individual records of children enrolled in school  
 13734 readiness programs provided under s. 411.01, held by an early  
 13735 learning coalition or the Department of Economic Opportunity  
 13736 ~~Agency for Workforce Innovation~~, are confidential and exempt  
 13737 from s. 119.07(1) and s. 24(a), Art. I of the State  
 13738 Constitution. For purposes of this section, records include  
 13739 assessment data, health data, records of teacher observations,  
 13740 and personal identifying information.

13741 (3) School readiness records may be released to:

13742 (g) Parties to an interagency agreement among early  
 13743 learning coalitions, local governmental agencies, providers of  
 13744 school readiness programs, state agencies, and the Department of  
 13745 Economic Opportunity ~~Agency for Workforce Innovation~~ for the  
 13746 purpose of implementing the school readiness program.

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13748 Agencies, organizations, or individuals that receive school  
 13749 readiness records in order to carry out their official functions  
 13750 must protect the data in a manner that does not permit the  
 13751 personal identification of a child enrolled in a school  
 13752 readiness program and his or her parents by persons other than  
 13753 those authorized to receive the records.

13754 Section 274. Paragraph (e) of subsection (2) of section  
 13755 411.226, Florida Statutes, is amended to read:

13756 411.226 Learning Gateway.—

13757 (2) LEARNING GATEWAY STEERING COMMITTEE.—

13758 (e) To support and facilitate system improvements, the  
 13759 steering committee must consult with representatives from the  
 13760 Department of Education, the Department of Health, the  
 13761 Department of Economic Opportunity ~~Agency for Workforce~~  
 13762 ~~Innovation~~, the Department of Children and Family Services, the  
 13763 Agency for Health Care Administration, the Department of  
 13764 Juvenile Justice, and the Department of Corrections and with the  
 13765 director of the Learning Development and Evaluation Center of  
 13766 Florida Agricultural and Mechanical University.

13767 Section 275. Paragraph (d) of subsection (1), paragraph  
 13768 (a) of subsection (2), and paragraph (c) of subsection (3) of  
 13769 section 411.227, Florida Statutes, are amended to read:

13770 411.227 Components of the Learning Gateway.—The Learning  
 13771 Gateway system consists of the following components:

13772 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED  
 13773 ACCESS.—

13774 (d) In collaboration with other local resources, the  
 13775 demonstration projects shall develop public awareness strategies

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13776 | to disseminate information about developmental milestones,  
 13777 | precursors of learning problems and other developmental delays,  
 13778 | and the service system that is available. The information should  
 13779 | target parents of children from birth through age 9 and should  
 13780 | be distributed to parents, health care providers, and caregivers  
 13781 | of children from birth through age 9. A variety of media should  
 13782 | be used as appropriate, such as print, television, radio, and a  
 13783 | community-based Internet website, as well as opportunities such  
 13784 | as those presented by parent visits to physicians for well-child  
 13785 | checkups. The Learning Gateway Steering Committee shall provide  
 13786 | technical assistance to the local demonstration projects in  
 13787 | developing and distributing educational materials and  
 13788 | information.

13789 |         1. Public awareness strategies targeting parents of  
 13790 | children from birth through age 5 shall be designed to provide  
 13791 | information to public and private preschool programs, child care  
 13792 | providers, pediatricians, parents, and local businesses and  
 13793 | organizations. These strategies should include information on  
 13794 | the school readiness performance standards adopted by the  
 13795 | Department of Economic Opportunity ~~Agency for Workforce~~  
 13796 | ~~Innovation~~.

13797 |         2. Public awareness strategies targeting parents of  
 13798 | children from ages 6 through 9 must be designed to disseminate  
 13799 | training materials and brochures to parents and public and  
 13800 | private school personnel, and must be coordinated with the local  
 13801 | school board and the appropriate school advisory committees in  
 13802 | the demonstration projects. The materials should contain  
 13803 | information on state and district proficiency levels for grades

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13805 (2) SCREENING AND DEVELOPMENTAL MONITORING.—

13806 (a) In coordination with the Department of Economic

13807 Opportunity Agency for Workforce Innovation, the Department of

13808 Education, and the Florida Pediatric Society, and using

13809 information learned from the local demonstration projects, the

13810 Learning Gateway Steering Committee shall establish guidelines

13811 for screening children from birth through age 9. The guidelines

13812 should incorporate recent research on the indicators most likely

13813 to predict early learning problems, mild developmental delays,

13814 child-specific precursors of school failure, and other related

13815 developmental indicators in the domains of cognition;

13816 communication; attention; perception; behavior; and social,

13817 emotional, sensory, and motor functioning.

13818 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

13819 (c) The steering committee, in cooperation with the

13820 Department of Children and Family Services, the Department of

13821 Education, and the Department of Economic Opportunity Agency for

13822 Workforce Innovation, shall identify the elements of an

13823 effective research-based curriculum for early care and education

13824 programs.

13825 Section 276. Section 414.24, Florida Statutes, is amended

13826 to read:

13827 414.24 Integrated welfare reform and child welfare

13828 services.—The department shall develop integrated service

13829 delivery strategies to better meet the needs of families subject

13830 to work activity requirements who are involved in the child

13831 welfare system or are at high risk of involvement in the child

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13832 welfare system. To the extent that resources are available, the  
 13833 department and the Department of Economic Opportunity ~~the~~  
 13834 ~~Department of Labor and Employment Security~~ shall provide funds  
 13835 to one or more service districts to promote development of  
 13836 integrated, nonduplicative case management within the  
 13837 department, the Department of Economic Opportunity ~~the~~  
 13838 ~~Department of Labor and Employment Security~~, other participating  
 13839 government agencies, and community partners. Alternative  
 13840 delivery systems shall be encouraged which include well-defined,  
 13841 pertinent outcome measures. Other factors to be considered shall  
 13842 include innovation regarding training, enhancement of existing  
 13843 resources, and increased private sector and business sector  
 13844 participation.

13845 Section 277. Subsection (1) of section 414.295, Florida  
 13846 Statutes, is amended to read:

13847 414.295 Temporary cash assistance programs; public records  
 13848 exemption.—

13849 (1) Personal identifying information of a temporary cash  
 13850 assistance program participant, a participant's family, or a  
 13851 participant's family or household member, except for information  
 13852 identifying a parent who does not live in the same home as the  
 13853 child, held by the department, the Department of Economic  
 13854 Opportunity ~~the Agency for Workforce Innovation~~, Workforce  
 13855 Florida, Inc., the Department of Health, the Department of  
 13856 Revenue, the Department of Education, or a regional workforce  
 13857 board or local committee created pursuant to s. 445.007 is  
 13858 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 13859 of the State Constitution. Such confidential and exempt

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13860 information may be released for purposes directly connected  
 13861 with:

13862 (a) The administration of the temporary assistance for  
 13863 needy families plan under Title IV-A of the Social Security Act,  
 13864 as amended, by the department, the Department of Economic  
 13865 Opportunity ~~the Agency for Workforce Innovation~~, Workforce  
 13866 Florida, Inc., the Department of Military Affairs, the  
 13867 Department of Health, the Department of Revenue, the Department  
 13868 of Education, a regional workforce board or local committee  
 13869 created pursuant to s. 445.007, or a school district.

13870 (b) The administration of the state's plan or program  
 13871 approved under Title IV-B, Title IV-D, or Title IV-E of the  
 13872 Social Security Act, as amended, or under Title I, Title X,  
 13873 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the  
 13874 Social Security Act, as amended.

13875 (c) Any investigation, prosecution, or any criminal,  
 13876 civil, or administrative proceeding conducted in connection with  
 13877 the administration of any of the plans or programs specified in  
 13878 paragraph (a) or paragraph (b) by a federal, state, or local  
 13879 governmental entity, upon request by that entity, when such  
 13880 request is made pursuant to the proper exercise of that entity's  
 13881 duties and responsibilities.

13882 (d) The administration of any other state, federal, or  
 13883 federally assisted program that provides assistance or services  
 13884 on the basis of need, in cash or in kind, directly to a  
 13885 participant.

13886 (e) Any audit or similar activity, such as a review of  
 13887 expenditure reports or financial review, conducted in connection



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13888 | with the administration of any of the plans or programs  
 13889 | specified in paragraph (a) or paragraph (b) by a governmental  
 13890 | entity authorized by law to conduct such audit or activity.  
 13891 |       (f) The administration of the unemployment compensation  
 13892 | program.  
 13893 |       (g) The reporting to the appropriate agency or official of  
 13894 | information about known or suspected instances of physical or  
 13895 | mental injury, sexual abuse or exploitation, or negligent  
 13896 | treatment or maltreatment of a child or elderly person receiving  
 13897 | assistance, if circumstances indicate that the health or welfare  
 13898 | of the child or elderly person is threatened.  
 13899 |       (h) The administration of services to elderly persons  
 13900 | under ss. 430.601-430.606.  
 13901 |       Section 278. Subsections (1) and (3) of section 414.411,  
 13902 | Florida Statutes, are amended to read:  
 13903 |       414.411 Public assistance fraud.—  
 13904 |       (1) The Department of Financial Services shall investigate  
 13905 | all public assistance provided to residents of the state or  
 13906 | provided to others by the state. In the course of such  
 13907 | investigation the department shall examine all records,  
 13908 | including electronic benefits transfer records and make inquiry  
 13909 | of all persons who may have knowledge as to any irregularity  
 13910 | incidental to the disbursement of public moneys, food  
 13911 | assistance, or other items or benefits authorizations to  
 13912 | recipients. All public assistance recipients, as a condition  
 13913 | precedent to qualification for public assistance under chapter  
 13914 | 409, chapter 411, or this chapter, must first give in writing,  
 13915 | to the Agency for Health Care Administration, the Department of

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13916 Health, the Department of Economic Opportunity ~~the Agency for~~  
 13917 ~~Workforce Innovation~~, and the Department of Children and Family  
 13918 Services, as appropriate, and to the Department of Financial  
 13919 Services, consent to make inquiry of past or present employers  
 13920 and records, financial or otherwise.

13921 (3) The results of such investigation shall be reported by  
 13922 the Department of Financial Services to the appropriate  
 13923 legislative committees, the Agency for Health Care  
 13924 Administration, the Department of Health, the Department of  
 13925 Economic Opportunity ~~the Agency for Workforce Innovation~~, and  
 13926 the Department of Children and Family Services, and to such  
 13927 others as the department may determine.

13928 Section 279. Paragraph (b) of subsection (2) of section  
 13929 429.907, Florida Statutes, is amended to read:

13930 429.907 License requirement; fee; exemption; display.—

13931 (2)

13932 (b) If ~~In the event~~ a licensed center becomes wholly or  
 13933 substantially unusable due to a disaster ~~as defined in s.~~  
 13934 ~~252.34(1)~~ or due to an emergency as those terms are defined in  
 13935 s. 252.34~~(3)~~:

13936 1. The licensee may continue to operate under its current  
 13937 license in ~~a premise or~~ premises separate from that authorized  
 13938 under the license if the licensee has:

13939 a. Specified the location of the ~~premise or~~ premises in  
 13940 its comprehensive emergency management plan submitted to and  
 13941 approved by the applicable county emergency management  
 13942 authority; and

13943 b. Notified the agency and the county emergency management

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13944 authority within 24 hours of operating in the separate ~~premise~~  
 13945 ~~or~~ premises.

13946 2. The licensee shall operate the separate ~~premise or~~  
 13947 premises only while the licensed center's original location is  
 13948 substantially unusable and for up to ~~no longer than~~ 180 days.  
 13949 The agency may extend use of the alternate ~~premise or~~ premises  
 13950 beyond the initial 180 days. The agency may also review the  
 13951 operation of the disaster ~~premise or~~ premises quarterly.

13952 Section 280. Subsection (2) of section 440.12, Florida  
 13953 Statutes, is amended to read:

13954 440.12 Time for commencement and limits on weekly rate of  
 13955 compensation.—

13956 (2) Compensation for disability resulting from injuries  
 13957 which occur after December 31, 1974, shall not be less than \$20  
 13958 per week. However, if the employee's wages at the time of injury  
 13959 are less than \$20 per week, he or she shall receive his or her  
 13960 full weekly wages. If the employee's wages at the time of the  
 13961 injury exceed \$20 per week, compensation shall not exceed an  
 13962 amount per week which is:

13963 (a) Equal to 100 percent of the statewide average weekly  
 13964 wage, determined as hereinafter provided for the year in which  
 13965 the injury occurred; however, the increase to 100 percent from  
 13966 66 2/3 percent of the statewide average weekly wage shall apply  
 13967 only to injuries occurring on or after August 1, 1979; and

13968 (b) Adjusted to the nearest dollar.

13969  
 13970 For the purpose of this subsection, the "statewide average  
 13971 weekly wage" means the average weekly wage paid by employers

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13972 subject to the Florida Unemployment Compensation Law as reported  
 13973 to the Department of Economic Opportunity ~~the Agency for~~  
 13974 ~~Workforce Innovation~~ for the four calendar quarters ending each  
 13975 June 30, which average weekly wage shall be determined by the  
 13976 Department of Economic Opportunity ~~the Agency for Workforce~~  
 13977 ~~Innovation~~ on or before November 30 of each year and shall be  
 13978 used in determining the maximum weekly compensation rate with  
 13979 respect to injuries occurring in the calendar year immediately  
 13980 following. The statewide average weekly wage determined by the  
 13981 Department of Economic Opportunity ~~the Agency for Workforce~~  
 13982 ~~Innovation~~ shall be reported annually to the Legislature.

13983 Section 281. Paragraph (c) of subsection (9) of section  
 13984 440.15, Florida Statutes, is amended to read:

13985 440.15 Compensation for disability.—Compensation for  
 13986 disability shall be paid to the employee, subject to the limits  
 13987 provided in s. 440.12(2), as follows:

13988 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND  
 13989 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

13990 (c) Disability compensation benefits payable for any week,  
 13991 including those benefits provided by paragraph (1)(f), may not  
 13992 be reduced pursuant to this subsection until the Social Security  
 13993 Administration determines the amount otherwise payable to the  
 13994 employee under 42 U.S.C. ss. 402 and 423 and the employee has  
 13995 begun receiving such social security benefit payments. The  
 13996 employee shall, upon demand by the department, the employer, or  
 13997 the carrier, authorize the Social Security Administration to  
 13998 release disability information relating to her or him and  
 13999 authorize the Department of Economic Opportunity ~~the Agency for~~

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14000 ~~Workforce Innovation~~ to release unemployment compensation  
 14001 information relating to her or him, in accordance with rules to  
 14002 be adopted by the department prescribing the procedure and  
 14003 manner for requesting the authorization and for compliance by  
 14004 the employee. The department or the employer or carrier may not  
 14005 make any payment of benefits for total disability or those  
 14006 additional benefits provided by paragraph (1)(f) for any period  
 14007 during which the employee willfully fails or refuses to  
 14008 authorize the release of information in the manner and within  
 14009 the time prescribed by such rules. The authority for release of  
 14010 disability information granted by an employee under this  
 14011 paragraph is effective for a period not to exceed 12 months and  
 14012 such authority may be renewed, as the department prescribes by  
 14013 rule.

14014 Section 282. Subsections (4) and (7) of section 440.381,  
 14015 Florida Statutes, are amended to read:

14016 440.381 Application for coverage; reporting payroll;  
 14017 payroll audit procedures; penalties.—

14018 (4) Each employer must submit a copy of the quarterly  
 14019 earnings ~~earning~~ report required by chapter 443 at the end of  
 14020 each quarter to the carrier and submit self-audits supported by  
 14021 the quarterly earnings reports required by chapter 443 and the  
 14022 rules adopted by the Department of Economic Opportunity ~~the~~  
 14023 ~~Agency for Workforce Innovation~~ or by the Department of Revenue  
 14024 as the state agency providing unemployment tax collection  
 14025 services under an interagency agreement ~~contract~~ with the  
 14026 Department of Economic Opportunity ~~the Agency for Workforce~~  
 14027 ~~Innovation through an interagency agreement~~ pursuant to s.

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14028 | 443.1316. The reports must include a sworn statement by an  
 14029 | officer or principal of the employer attesting to the accuracy  
 14030 | of the information contained in the report.

14031 | (7) If an employee suffering a compensable injury was not  
 14032 | reported as earning wages on the last quarterly earnings report  
 14033 | filed with the Department of Economic Opportunity ~~the Agency for~~  
 14034 | ~~Workforce Innovation~~ or the state agency providing unemployment  
 14035 | tax collection services under contract with the Department of  
 14036 | Economic Opportunity ~~the Agency for Workforce Innovation~~ through  
 14037 | an interagency agreement pursuant to s. 443.1316 before the  
 14038 | accident, the employer shall indemnify the carrier for all  
 14039 | workers' compensation benefits paid to or on behalf of the  
 14040 | employee unless the employer establishes that the employee was  
 14041 | hired after the filing of the quarterly report, in which case  
 14042 | the employer and employee shall attest to the fact that the  
 14043 | employee was employed by the employer at the time of the injury.  
 14044 | Failure of the employer to indemnify the insurer within 21 days  
 14045 | after demand by the insurer is grounds for the insurer to  
 14046 | immediately cancel coverage. Any action for indemnification  
 14047 | brought by the carrier is cognizable in the circuit court having  
 14048 | jurisdiction where the employer or carrier resides or transacts  
 14049 | business. The insurer is entitled to a reasonable attorney's fee  
 14050 | if it recovers any portion of the benefits paid in the action.

14051 | Section 283. Subsections (1), (4), and (5) of section  
 14052 | 443.012, Florida Statutes, are amended to read:

14053 | 443.012 Unemployment Appeals Commission.—

14054 | (1) There is created within the the Department of Economic  
 14055 | Opportunity ~~Agency for Workforce Innovation~~ an Unemployment

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14056 Appeals Commission. The commission is composed of a chair and  
 14057 two other members appointed by the Governor, subject to  
 14058 confirmation by the Senate. Only one appointee may be a  
 14059 representative of employers, as demonstrated by his or her  
 14060 previous vocation, employment, or affiliation; and only one  
 14061 appointee may be a representative of employees, as demonstrated  
 14062 by his or her previous vocation, employment, or affiliation.

14063 (a) The chair shall devote his or her entire time to  
 14064 commission duties and is responsible for the administrative  
 14065 functions of the commission.

14066 (b) The chair has authority to appoint a general counsel  
 14067 and other personnel to carry out the duties and responsibilities  
 14068 of the commission.

14069 (c) The chair must have the qualifications required by law  
 14070 for a judge of the circuit court and may not engage in any other  
 14071 business vocation or employment. Notwithstanding any other law,  
 14072 the chair shall be paid a salary equal to that paid under state  
 14073 law to a judge of the circuit court.

14074 (d) The remaining members shall be paid a stipend of \$100  
 14075 for each day they are engaged in the work of the commission. The  
 14076 chair and other members are entitled to be reimbursed for travel  
 14077 expenses, as provided in s. 112.061.

14078 (e) The total salary and travel expenses of each member of  
 14079 the commission shall be paid from the Employment Security  
 14080 Administration Trust Fund.

14081 (4) The property, personnel, and appropriations relating  
 14082 to the specified authority, powers, duties, and responsibilities  
 14083 of the commission shall be provided to the commission by the

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14084 Department of Economic Opportunity ~~the Agency for Workforce~~  
 14085 ~~Innovation.~~

14086 (5) The commission is not subject to control, supervision,  
 14087 or direction by the Department of Economic Opportunity ~~the~~  
 14088 ~~Agency for Workforce Innovation~~ in performing its powers or  
 14089 duties under this chapter.

14090 Section 284. Subsections (16) through (40) of section  
 14091 443.036, Florida Statutes, are renumbered as subsections (17)  
 14092 through (41), respectively, present subsections (9), (18), (41),  
 14093 (43), and (45) are amended, and a new subsection (16) is added  
 14094 to that section, to read:

14095 443.036 Definitions.—As used in this chapter, the term:

14096 (9) "Benefit year" means, for an individual, the 1-year  
 14097 period beginning with the first day of the first week for which  
 14098 the individual first files a valid claim for benefits and,  
 14099 thereafter, the 1-year period beginning with the first day of  
 14100 the first week for which the individual next files a valid claim  
 14101 for benefits after the termination of his or her last preceding  
 14102 benefit year. Each claim for benefits made in accordance with s.  
 14103 443.151(2) is a valid claim under this subsection if the  
 14104 individual was paid wages for insured work in accordance with s.  
 14105 443.091(1)(g) and is unemployed as defined in subsection (43) at  
 14106 the time of filing the claim. However, the department ~~Agency for~~  
 14107 ~~Workforce Innovation~~ may adopt rules providing for the  
 14108 establishment of a uniform benefit year for all workers in one  
 14109 or more groups or classes of service or within a particular  
 14110 industry if the department ~~agency~~ determines, after notice to  
 14111 the industry and to the workers in the industry and an



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14112 opportunity to be heard in the matter, that those groups or  
 14113 classes of workers in a particular industry periodically  
 14114 experience unemployment resulting from layoffs or shutdowns for  
 14115 limited periods of time.

14116 (16) "Department" means the Department of Economic  
 14117 Opportunity.

14118 (19)~~(18)~~ "Employee leasing company" means an employing  
 14119 unit that has a valid and active license under chapter 468 and  
 14120 that maintains the records required by s. 443.171(5) and, in  
 14121 addition, is responsible for producing quarterly reports  
 14122 concerning the clients of the employee leasing company and the  
 14123 internal staff of the employee leasing company. As used in this  
 14124 subsection, the term "client" means a party who has contracted  
 14125 with an employee leasing company to provide a worker, or  
 14126 workers, to perform services for the client. Leased employees  
 14127 include employees subsequently placed on the payroll of the  
 14128 employee leasing company on behalf of the client. An employee  
 14129 leasing company must notify the Department of Revenue ~~tax~~  
 14130 ~~collection service provider~~ within 30 days after the initiation  
 14131 or termination of the company's relationship with any client  
 14132 company under chapter 468.

14133 ~~(41) "Tax collection service provider" or "service~~  
 14134 ~~provider" means the state agency providing unemployment tax~~  
 14135 ~~collection services under contract with the Agency for Workforce~~  
 14136 ~~Innovation through an interagency agreement pursuant to s.~~  
 14137 ~~443.1316.~~

14138 (43) "Unemployment" means:

14139 (a) An individual is "totally unemployed" in any week

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14140 during which he or she does not perform any services and for  
 14141 which earned income is not payable to him or her. An individual  
 14142 is "partially unemployed" in any week of less than full-time  
 14143 work if the earned income payable to him or her for that week is  
 14144 less than his or her weekly benefit amount. The department ~~The~~  
 14145 ~~Agency for Workforce Innovation~~ may adopt rules prescribing  
 14146 distinctions in the procedures for unemployed individuals based  
 14147 on total unemployment, part-time unemployment, partial  
 14148 unemployment of individuals attached to their regular jobs, and  
 14149 other forms of short-time work.

14150 (b) An individual's week of unemployment commences only  
 14151 after his or her registration with the department ~~the Agency for~~  
 14152 ~~Workforce Innovation~~ as required in s. 443.091, except as the  
 14153 department ~~agency~~ may otherwise prescribe by rule.

14154 (45) "Week" means a period of 7 consecutive days as  
 14155 defined in the rules of the department ~~the Agency for Workforce~~  
 14156 ~~Innovation~~. The department ~~the Agency for Workforce Innovation~~  
 14157 may by rule prescribe that a week is deemed to be "in,"  
 14158 "within," or "during" the benefit year that contains the greater  
 14159 part of the week.

14160 Section 285. Subsections (2) and (3) of section 443.041,  
 14161 Florida Statutes, are amended to read:

14162 443.041 Waiver of rights; fees; privileged  
 14163 communications.—

14164 (2) FEES.—

14165 (a) Except as otherwise provided in this chapter, an  
 14166 individual claiming benefits may not be charged fees of any kind  
 14167 in any proceeding under this chapter by the commission or the

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14168 Department of Economic Opportunity ~~the Agency for Workforce~~  
 14169 ~~Innovation~~, or their representatives, or by any court or any  
 14170 officer of the court. An individual claiming benefits in any  
 14171 proceeding before the commission or the Department of Economic  
 14172 Opportunity ~~the Agency for Workforce Innovation~~, or  
 14173 representatives of either, or a court may be represented by  
 14174 counsel or an authorized representative, but the counsel or  
 14175 representative may not charge or receive for those services more  
 14176 than an amount approved by the commission, the Department of  
 14177 Economic Opportunity ~~the Agency for Workforce Innovation~~, or the  
 14178 court.

14179 (b) An attorney at law representing a claimant for  
 14180 benefits in any district court of appeal of this state or in the  
 14181 Supreme Court of Florida is entitled to counsel fees payable by  
 14182 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 14183 ~~Innovation~~ as set by the court if the petition for review or  
 14184 appeal is initiated by the claimant and results in a decision  
 14185 awarding more benefits than provided in the decision from which  
 14186 appeal was taken. The amount of the fee may not exceed 50  
 14187 percent of the total amount of regular benefits permitted under  
 14188 s. 443.111(5) (a) during the benefit year.

14189 (c) The Department of Economic Opportunity ~~The Agency for~~  
 14190 ~~Workforce Innovation~~ shall pay attorneys' fees awarded under  
 14191 this section from the Employment Security Administration Trust  
 14192 Fund as part of the costs of administration of this chapter and  
 14193 may pay these fees directly to the attorney for the claimant in  
 14194 a lump sum. The Department of Economic Opportunity ~~The Agency~~  
 14195 ~~for Workforce Innovation~~ or the commission may not pay any other

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14196 fees or costs in connection with an appeal.

14197 (d) Any person, firm, or corporation who or which seeks or

14198 receives any remuneration or gratuity for any services rendered

14199 on behalf of a claimant, except as allowed by this section and

14200 in an amount approved by the Department of Economic Opportunity

14201 ~~the Agency for Workforce Innovation~~, the commission, or a court,

14202 commits a misdemeanor of the second degree, punishable as

14203 provided in s. 775.082 or s. 775.083.

14204 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,

14205 communications, or any other matters, either oral or written,

14206 between an employer and an employee or between the department

14207 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~its~~

14208 ~~tax collection service provider~~ and any of their agents,

14209 representatives, or employees which are written, sent,

14210 delivered, or made in connection with this chapter, are

14211 privileged and may not be the subject matter or basis for any

14212 suit for slander or libel in any court of the state.

14213 Section 286. Subsection (3) of section 443.051, Florida

14214 Statutes, is amended to read:

14215 443.051 Benefits not alienable; exception, child support

14216 intercept.—

14217 (3) EXCEPTION, SUPPORT INTERCEPT.—

14218 (a) The Department of Revenue shall, at least biweekly,

14219 provide the Department of Economic Opportunity ~~the Agency for~~

14220 ~~Workforce Innovation~~ with a magnetic tape or other electronic

14221 data file disclosing the individuals who owe support obligations

14222 and the amount of any legally required deductions.

14223 (b) For support obligations established on or after July

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14224 1, 2006, and for support obligations established before July 1,  
 14225 2006, when the support order does not address the withholding of  
 14226 unemployment compensation, the Department of Economic  
 14227 Opportunity ~~the Agency for Workforce Innovation~~ shall deduct and  
 14228 withhold 40 percent of the unemployment compensation otherwise  
 14229 payable to an individual disclosed under paragraph (a). If  
 14230 delinquencies, arrearages, or retroactive support are owed and  
 14231 repayment has not been ordered, the unpaid amounts are included  
 14232 in the support obligation and are subject to withholding. If the  
 14233 amount deducted exceeds the support obligation, the Department  
 14234 of Revenue shall promptly refund the amount of the excess  
 14235 deduction to the obligor. For support obligations in effect  
 14236 before July 1, 2006, if the support order addresses the  
 14237 withholding of unemployment compensation, the Department of  
 14238 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
 14239 deduct and withhold the amount ordered by the court or  
 14240 administrative agency that issued the support order as disclosed  
 14241 by the Department of Revenue.

14242 (c) The Department of Economic Opportunity ~~the Agency for~~  
 14243 ~~Workforce Innovation~~ shall pay any amount deducted and withheld  
 14244 under paragraph (b) to the Department of Revenue.

14245 (d) Any amount deducted and withheld under this subsection  
 14246 shall for all purposes be treated as if it were paid to the  
 14247 individual as unemployment compensation and paid by the  
 14248 individual to the Department of Revenue for support obligations.

14249 (e) The Department of Revenue shall reimburse the  
 14250 Department of Economic Opportunity ~~the Agency for Workforce~~  
 14251 ~~Innovation~~ for the administrative costs incurred by the

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14252 Department of Economic Opportunity ~~the agency~~ under this  
 14253 subsection which are attributable to support obligations being  
 14254 enforced by the department.

14255 Section 287. Subsections (3) and (4), paragraph (b) of  
 14256 subsection (5), and subsections (6) and (8) of section 443.071,  
 14257 Florida Statutes, are amended to read:

14258 443.071 Penalties.—

14259 (3) Any employing unit or any officer or agent of any  
 14260 employing unit or any other person who fails to furnish any  
 14261 reports required under this chapter or to produce or permit the  
 14262 inspection of or copying of records as required under this  
 14263 chapter, who fails or refuses, within 6 months after written  
 14264 demand by the department ~~the Agency for Workforce Innovation~~ or  
 14265 the Department of Revenue ~~its tax collection service provider~~,  
 14266 to keep and maintain the payroll records required by this  
 14267 chapter or by rule of the department ~~the Agency for Workforce~~  
 14268 ~~Innovation~~ or the Department of Revenue ~~state agency providing~~  
 14269 ~~tax collection services~~, or who willfully fails or refuses to  
 14270 make any contribution, reimbursement, or other payment required  
 14271 from an employer under this chapter commits a misdemeanor of the  
 14272 second degree, punishable as provided in s. 775.082 or s.  
 14273 775.083.

14274 (4) Any person who establishes a fictitious employing unit  
 14275 by submitting to the department ~~the Agency for Workforce~~  
 14276 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 14277 ~~service provider~~ fraudulent employing unit records or tax or  
 14278 wage reports by the introduction of fraudulent records into a  
 14279 computer system, the intentional or deliberate alteration or

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14280 destruction of computerized information or files, or the theft  
 14281 of financial instruments, data, and other assets, for the  
 14282 purpose of enabling herself or himself or any other person to  
 14283 receive benefits under this chapter to which such person is not  
 14284 entitled, commits a felony of the third degree, punishable as  
 14285 provided in s. 775.082, s. 775.083, or s. 775.084.

14286 (5) In any prosecution or action under this section, the  
 14287 entry into evidence of the signature of a person on a document,  
 14288 letter, or other writing constitutes prima facie evidence of the  
 14289 person's identity if the following conditions exist:

14290 (b) The signature of the person is witnessed by an agent  
 14291 or employee of the department ~~the Agency for Workforce~~  
 14292 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 14293 ~~service provider~~ at the time the document, letter, or other  
 14294 writing is filed.

14295 (6) The entry into evidence of an application for  
 14296 unemployment benefits initiated by the use of the Internet  
 14297 claims program or the interactive voice response system  
 14298 telephone claims program of the department ~~the Agency for~~  
 14299 ~~Workforce Innovation~~ constitutes prima facie evidence of the  
 14300 establishment of a personal benefit account by or for an  
 14301 individual if the following information is provided: the  
 14302 applicant's name, residence address, date of birth, social  
 14303 security number, and present or former place of work.

14304 (8) All records relating to investigations of unemployment  
 14305 compensation fraud in the custody of the department ~~the Agency~~  
 14306 ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 14307 ~~collection service provider~~ are available for examination by the

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14308 Department of Law Enforcement, the state attorneys, or the  
 14309 Office of the Statewide Prosecutor in the prosecution of  
 14310 offenses under s. 817.568 or in proceedings brought under this  
 14311 chapter.

14312 Section 288. Subsections (1) and (4) of section 443.091,  
 14313 Florida Statutes, are amended to read:

14314 443.091 Benefit eligibility conditions.—

14315 (1) An unemployed individual is eligible to receive  
 14316 benefits for any week only if the department ~~the Agency for~~  
 14317 ~~Workforce Innovation~~ finds that:

14318 (a) She or he has made a claim for benefits for that week  
 14319 in accordance with the rules adopted by the department ~~the~~  
 14320 ~~Agency for Workforce Innovation~~.

14321 (b) She or he has registered with the department ~~the~~  
 14322 ~~agency~~ for work and subsequently reports to the one-stop career  
 14323 center as directed by the regional workforce board for  
 14324 reemployment services. This requirement does not apply to  
 14325 persons who are:

- 14326 1. Non-Florida residents;
- 14327 2. On a temporary layoff, ~~as defined in s. 443.036(42);~~
- 14328 3. Union members who customarily obtain employment through  
 14329 a union hiring hall; or
- 14330 4. Claiming benefits under an approved short-time  
 14331 compensation plan as provided in s. 443.1116.

14332 (c) To make continued claims for benefits, she or he is  
 14333 reporting to the Department of Economic Opportunity ~~the agency~~  
 14334 in accordance with its rules. These rules may not conflict with  
 14335 s. 443.111(1)(b), including the requirement that each claimant



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14336 | continue to report regardless of any pending appeal relating to  
 14337 | her or his eligibility or disqualification for benefits.  
 14338 |         (d) She or he is able to work and is available for work.  
 14339 | In order to assess eligibility for a claimed week of  
 14340 | unemployment, the Department of Economic Opportunity ~~the agency~~  
 14341 | shall develop criteria to determine a claimant's ability to work  
 14342 | and availability for work. However:  
 14343 |         1. Notwithstanding any other provision of this paragraph  
 14344 | or paragraphs (b) and (e), an otherwise eligible individual may  
 14345 | not be denied benefits for any week because she or he is in  
 14346 | training with the approval of the Department of Economic  
 14347 | Opportunity ~~the agency~~, or by reason of s. 443.101(2) relating  
 14348 | to failure to apply for, or refusal to accept, suitable work.  
 14349 | Training may be approved by the Department of Economic  
 14350 | Opportunity ~~the agency~~ in accordance with criteria prescribed by  
 14351 | rule. A claimant's eligibility during approved training is  
 14352 | contingent upon satisfying eligibility conditions prescribed by  
 14353 | rule.  
 14354 |         2. Notwithstanding any other provision of this chapter, an  
 14355 | otherwise eligible individual who is in training approved under  
 14356 | s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
 14357 | determined ineligible or disqualified for benefits due to her or  
 14358 | his enrollment in such training or because of leaving work that  
 14359 | is not suitable employment to enter such training. As used in  
 14360 | this subparagraph, the term "suitable employment" means work of  
 14361 | a substantially equal or higher skill level than the worker's  
 14362 | past adversely affected employment, as defined for purposes of  
 14363 | the Trade Act of 1974, as amended, the wages for which are at

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14364 | least 80 percent of the worker's average weekly wage as  
 14365 | determined for purposes of the Trade Act of 1974, as amended.

14366 |         3. Notwithstanding any other provision of this section, an  
 14367 | otherwise eligible individual may not be denied benefits for any  
 14368 | week because she or he is before any state or federal court  
 14369 | pursuant to a lawfully issued summons to appear for jury duty.

14370 |         (e) She or he participates in reemployment services, such  
 14371 | as job search assistance services, whenever the individual has  
 14372 | been determined, by a profiling system established by the rules  
 14373 | of the Department of Economic Opportunity ~~agency rule~~, to be  
 14374 | likely to exhaust regular benefits and to be in need of  
 14375 | reemployment services.

14376 |         (f) She or he has been unemployed for a waiting period of  
 14377 | 1 week. A week may not be counted as a week of unemployment  
 14378 | under this subsection:

14379 |             1. Unless it occurs within the benefit year that includes  
 14380 | the week for which she or he claims payment of benefits.

14381 |             2. If benefits have been paid for that week.

14382 |             3. Unless the individual was eligible for benefits for  
 14383 | that week as provided in this section and s. 443.101, except for  
 14384 | the requirements of this subsection and of s. 443.101(5).

14385 |         (g) She or he has been paid wages for insured work equal  
 14386 | to 1.5 times her or his high quarter wages during her or his  
 14387 | base period, except that an unemployed individual is not  
 14388 | eligible to receive benefits if the base period wages are less  
 14389 | than \$3,400.

14390 |         (h) She or he submitted to the Department of Economic  
 14391 | Opportunity ~~the agency~~ a valid social security number assigned

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14392 to her or him. The Department of Economic Opportunity ~~The agency~~  
 14393 may verify the social security number with the United States  
 14394 Social Security Administration and may deny benefits if the  
 14395 Department of Economic Opportunity ~~the agency~~ is unable to  
 14396 verify the individual's social security number, the social  
 14397 security number is invalid, or the social security number is not  
 14398 assigned to the individual.

14399 (4) In the event of national emergency, in the course of  
 14400 which the Federal Emergency Unemployment Payment Plan is, at the  
 14401 request of the Governor, invoked for all or any part of the  
 14402 state, the emergency plan shall supersede the procedures  
 14403 prescribed by this chapter, and by rules adopted under this  
 14404 chapter, and the Department of Economic Opportunity ~~the Agency~~  
 14405 ~~for Workforce Innovation~~ shall act as the Florida agency for the  
 14406 United States Department of Labor in the administration of the  
 14407 plan.

14408 Section 289. Subsections (1), (2), (4), (6), (7), and (9)  
 14409 of section 443.101, Florida Statutes, are amended to read:

14410 443.101 Disqualification for benefits.—An individual shall  
 14411 be disqualified for benefits:

14412 (1) (a) For the week in which he or she has voluntarily  
 14413 left work without good cause attributable to his or her  
 14414 employing unit or in which the individual has been discharged by  
 14415 the employing unit for misconduct connected with his or her  
 14416 work, based on a finding by the Department of Economic  
 14417 Opportunity ~~the Agency for Workforce Innovation~~. As used in this  
 14418 paragraph, the term "work" means any work, whether full-time,  
 14419 part-time, or temporary.

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14420 1. Disqualification for voluntarily quitting continues for  
 14421 the full period of unemployment next ensuing after the  
 14422 individual has left his or her full-time, part-time, or  
 14423 temporary work voluntarily without good cause and until the  
 14424 individual has earned income equal to or in excess of 17 times  
 14425 his or her weekly benefit amount. As used in this subsection,  
 14426 the term "good cause" includes only that cause attributable to  
 14427 the employing unit or which consists of the individual's illness  
 14428 or disability requiring separation from his or her work. Any  
 14429 other disqualification may not be imposed. An individual is not  
 14430 disqualified under this subsection for voluntarily leaving  
 14431 temporary work to return immediately when called to work by the  
 14432 permanent employing unit that temporarily terminated his or her  
 14433 work within the previous 6 calendar months. An individual is not  
 14434 disqualified under this subsection for voluntarily leaving work  
 14435 to relocate as a result of his or her military-connected  
 14436 spouse's permanent change of station orders, activation orders,  
 14437 or unit deployment orders.

14438 2. Disqualification for being discharged for misconduct  
 14439 connected with his or her work continues for the full period of  
 14440 unemployment next ensuing after having been discharged and until  
 14441 the individual is reemployed and has earned income of at least  
 14442 17 times his or her weekly benefit amount and for not more than  
 14443 52 weeks that immediately follow that week, as determined by the  
 14444 Department of Economic Opportunity ~~the agency~~ in each case  
 14445 according to the circumstances in each case or the seriousness  
 14446 of the misconduct, under the Department of Economic  
 14447 Opportunity's ~~the agency's~~ rules adopted for determinations of

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14448 | disqualification for benefits for misconduct.  
 14449 |         3. If an individual has provided notification to the  
 14450 | employing unit of his or her intent to voluntarily leave work  
 14451 | and the employing unit discharges the individual for reasons  
 14452 | other than misconduct before the date the voluntary quit was to  
 14453 | take effect, the individual, if otherwise entitled, shall  
 14454 | receive benefits from the date of the employer's discharge until  
 14455 | the effective date of his or her voluntary quit.  
 14456 |         4. If an individual is notified by the employing unit of  
 14457 | the employer's intent to discharge the individual for reasons  
 14458 | other than misconduct and the individual quits without good  
 14459 | cause, as defined in this section, before the date the discharge  
 14460 | was to take effect, the claimant is ineligible for benefits  
 14461 | pursuant to s. 443.091(1)(d) for failing to be available for  
 14462 | work for the week or weeks of unemployment occurring before the  
 14463 | effective date of the discharge.  
 14464 |         (b) For any week with respect to which the Department of  
 14465 | Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
 14466 | that his or her unemployment is due to a suspension for  
 14467 | misconduct connected with the individual's work.  
 14468 |         (c) For any week with respect to which the Department of  
 14469 | Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
 14470 | that his or her unemployment is due to a leave of absence, if  
 14471 | the leave was voluntarily initiated by the individual.  
 14472 |         (d) For any week with respect to which the Department of  
 14473 | Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
 14474 | that his or her unemployment is due to a discharge for  
 14475 | misconduct connected with the individual's work, consisting of

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14476 drug use, as evidenced by a positive, confirmed drug test.  
 14477 (2) If the Department of Economic Opportunity ~~the Agency~~  
 14478 ~~for Workforce Innovation~~ finds that the individual has failed  
 14479 without good cause to apply for available suitable work when  
 14480 directed by the Department of Economic Opportunity ~~the agency~~ or  
 14481 the one-stop career center, to accept suitable work when offered  
 14482 to him or her, or to return to the individual's customary self-  
 14483 employment when directed by the Department of Economic  
 14484 Opportunity ~~the agency~~, the disqualification continues for the  
 14485 full period of unemployment next ensuing after he or she failed  
 14486 without good cause to apply for available suitable work, to  
 14487 accept suitable work, or to return to his or her customary self-  
 14488 employment, under this subsection, and until the individual has  
 14489 earned income at least 17 times his or her weekly benefit  
 14490 amount. The Department of Economic Opportunity ~~The Agency for~~  
 14491 ~~Workforce Innovation~~ shall by rule adopt criteria for  
 14492 determining the "suitability of work," as used in this section.  
 14493 The Department of Economic Opportunity ~~The Agency for Workforce~~  
 14494 ~~Innovation~~ in developing these rules shall consider the duration  
 14495 of a claimant's unemployment in determining the suitability of  
 14496 work and the suitability of proposed rates of compensation for  
 14497 available work. Further, after an individual has received 25  
 14498 weeks of benefits in a single year, suitable work is a job that  
 14499 pays the minimum wage and is 120 percent or more of the weekly  
 14500 benefit amount the individual is drawing.  
 14501 (a) In determining whether or not any work is suitable for  
 14502 an individual, the Department of Economic Opportunity ~~the Agency~~  
 14503 ~~for Workforce Innovation~~ shall consider the degree of risk

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14504 involved to his or her health, safety, and morals; his or her  
 14505 physical fitness and prior training; the individual's experience  
 14506 and prior earnings; his or her length of unemployment and  
 14507 prospects for securing local work in his or her customary  
 14508 occupation; and the distance of the available work from his or  
 14509 her residence.

14510 (b) Notwithstanding any other provisions of this chapter,  
 14511 work is not deemed suitable and benefits may not be denied under  
 14512 this chapter to any otherwise eligible individual for refusing  
 14513 to accept new work under any of the following conditions:

14514 1. If the position offered is vacant due directly to a  
 14515 strike, lockout, or other labor dispute.

14516 2. If the wages, hours, or other conditions of the work  
 14517 offered are substantially less favorable to the individual than  
 14518 those prevailing for similar work in the locality.

14519 3. If as a condition of being employed, the individual  
 14520 would be required to join a company union or to resign from or  
 14521 refrain from joining any bona fide labor organization.

14522 (c) If the Department of Economic Opportunity ~~the Agency~~  
 14523 ~~for Workforce Innovation~~ finds that an individual was rejected  
 14524 for offered employment as the direct result of a positive,  
 14525 confirmed drug test required as a condition of employment, the  
 14526 individual is disqualified for refusing to accept an offer of  
 14527 suitable work.

14528 (4) For any week with respect to which the Department of  
 14529 Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
 14530 that his or her total or partial unemployment is due to a labor  
 14531 dispute in active progress which exists at the factory,

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14532 establishment, or other premises at which he or she is or was  
 14533 last employed; except that this subsection does not apply if it  
 14534 is shown to the satisfaction of the Department of Economic  
 14535 Opportunity ~~the Agency for Workforce Innovation~~ that:

14536 (a)1. He or she is not participating in, financing, or  
 14537 directly interested in the labor dispute that is in active  
 14538 progress; however, the payment of regular union dues may not be  
 14539 construed as financing a labor dispute within the meaning of  
 14540 this section; and

14541 2. He or she does not belong to a grade or class of  
 14542 workers of which immediately before the commencement of the  
 14543 labor dispute there were members employed at the premises at  
 14544 which the labor dispute occurs any of whom are participating in,  
 14545 financing, or directly interested in the dispute; if in any case  
 14546 separate branches of work are commonly conducted as separate  
 14547 businesses in separate premises, or are conducted in separate  
 14548 departments of the same premises, each department, for the  
 14549 purpose of this subsection, is deemed to be a separate factory,  
 14550 establishment, or other premise.

14551 (b) His or her total or partial unemployment results from  
 14552 a lockout by his or her employer. As used in this section, the  
 14553 term "lockout" means a situation in which employees have not  
 14554 gone on strike, nor have employees notified the employer of a  
 14555 date certain for a strike, but in which employees have been  
 14556 denied entry to the factory, establishment, or other premises of  
 14557 employment by the employer. However, benefits are not payable  
 14558 under this paragraph if the lockout action was taken in response  
 14559 to threats, actions, or other indications of impending damage to



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14560 property and equipment or possible physical violence by  
 14561 employees or in response to actual damage or violence or a  
 14562 substantial reduction in production instigated or perpetrated by  
 14563 employees.

14564 (6) For a period not to exceed 1 year from the date of the  
 14565 discovery by the Department of Economic Opportunity ~~the Agency~~  
 14566 ~~for Workforce Innovation~~ of the making of any false or  
 14567 fraudulent representation for the purpose of obtaining benefits  
 14568 contrary to this chapter, constituting a violation under s.  
 14569 443.071. This disqualification may be appealed in the same  
 14570 manner as any other disqualification imposed under this section.  
 14571 A conviction by any court of competent jurisdiction in this  
 14572 state of the offense prohibited or punished by s. 443.071 is  
 14573 conclusive upon the appeals referee and the commission of the  
 14574 making of the false or fraudulent representation for which  
 14575 disqualification is imposed under this section.

14576 (7) If the Department of Economic Opportunity ~~the Agency~~  
 14577 ~~for Workforce Innovation~~ finds that the individual is an alien,  
 14578 unless the alien is an individual who has been lawfully admitted  
 14579 for permanent residence or otherwise is permanently residing in  
 14580 the United States under color of law, including an alien who is  
 14581 lawfully present in the United States as a result of the  
 14582 application of s. 203(a)(7) or s. 212(d)(5) of the Immigration  
 14583 and Nationality Act, if any modifications to s. 3304(a)(14) of  
 14584 the Federal Unemployment Tax Act, as provided by Pub. L. No. 94-  
 14585 566, which specify other conditions or other effective dates  
 14586 than those stated under federal law for the denial of benefits  
 14587 based on services performed by aliens, and which modifications

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14588 are required to be implemented under state law as a condition  
 14589 for full tax credit against the tax imposed by the Federal  
 14590 Unemployment Tax Act, are deemed applicable under this section,  
 14591 if:

14592 (a) Any data or information required of individuals  
 14593 applying for benefits to determine whether benefits are not  
 14594 payable to them because of their alien status is uniformly  
 14595 required from all applicants for benefits; and

14596 (b) In the case of an individual whose application for  
 14597 benefits would otherwise be approved, a determination that  
 14598 benefits to such individual are not payable because of his or  
 14599 her alien status may not be made except by a preponderance of  
 14600 the evidence.

14601  
 14602 If the Department of Economic Opportunity ~~the Agency for~~  
 14603 ~~Workforce Innovation~~ finds that the individual has refused  
 14604 without good cause an offer of resettlement or relocation, which  
 14605 offer provides for suitable employment for the individual  
 14606 notwithstanding the distance of relocation, resettlement, or  
 14607 employment from the current location of the individual in this  
 14608 state, this disqualification continues for the week in which the  
 14609 failure occurred and for not more than 17 weeks immediately  
 14610 after that week, or a reduction by not more than 5 weeks from  
 14611 the duration of benefits, as determined by the Department of  
 14612 Economic Opportunity ~~the Agency for Workforce Innovation~~ in each  
 14613 case.

14614 (9) If the individual was terminated from his or her work  
 14615 for violation of any criminal law punishable by imprisonment, or

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14616 | for any dishonest act, in connection with his or her work, as  
 14617 | follows:  
 14618 |       (a) If the Department of Economic Opportunity ~~the Agency~~  
 14619 | ~~for Workforce Innovation~~ or the Unemployment Appeals Commission  
 14620 | finds that the individual was terminated from his or her work  
 14621 | for violation of any criminal law punishable by imprisonment in  
 14622 | connection with his or her work, and the individual was found  
 14623 | guilty of the offense, made an admission of guilt in a court of  
 14624 | law, or entered a plea of no contest, the individual is not  
 14625 | entitled to unemployment benefits for up to 52 weeks, under  
 14626 | rules adopted by the Department of Economic Opportunity ~~the~~  
 14627 | ~~Agency for Workforce Innovation~~, and until he or she has earned  
 14628 | income of at least 17 times his or her weekly benefit amount.  
 14629 | If, before an adjudication of guilt, an admission of guilt, or a  
 14630 | plea of no contest, the employer shows the Department of  
 14631 | Economic Opportunity ~~the Agency for Workforce Innovation~~ that  
 14632 | the arrest was due to a crime against the employer or the  
 14633 | employer's business and, after considering all the evidence, the  
 14634 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 14635 | ~~Innovation~~ finds misconduct in connection with the individual's  
 14636 | work, the individual is not entitled to unemployment benefits.  
 14637 |       (b) If the Department of Economic Opportunity ~~the Agency~~  
 14638 | ~~for Workforce Innovation~~ or the Unemployment Appeals Commission  
 14639 | finds that the individual was terminated from work for any  
 14640 | dishonest act in connection with his or her work, the individual  
 14641 | is not entitled to unemployment benefits for up to 52 weeks,  
 14642 | under rules adopted by the Department of Economic Opportunity  
 14643 | ~~the Agency for Workforce Innovation~~, and until he or she has

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14644 earned income of at least 17 times his or her weekly benefit  
 14645 amount. In addition, if the employer terminates an individual as  
 14646 a result of a dishonest act in connection with his or her work  
 14647 and the Department of Economic Opportunity ~~the Agency for~~  
 14648 ~~Workforce Innovation~~ finds misconduct in connection with his or  
 14649 her work, the individual is not entitled to unemployment  
 14650 benefits.

14651  
 14652 With respect to an individual disqualified for benefits, the  
 14653 account of the terminating employer, if the employer is in the  
 14654 base period, is noncharged at the time the disqualification is  
 14655 imposed.

14656 Section 290. Subsection (1) of section 443.111, Florida  
 14657 Statutes, is amended to read:

14658 443.111 Payment of benefits.—

14659 (1) MANNER OF PAYMENT.—Benefits are payable from the fund  
 14660 in accordance with rules adopted by the Department of Economic  
 14661 Opportunity ~~the Agency for Workforce Innovation~~, subject to the  
 14662 following requirements:

14663 (a) Benefits are payable by mail or electronically.  
 14664 ~~Notwithstanding s. 409.942(4),~~ The Department of Economic  
 14665 Opportunity ~~the agency~~ may develop a system for the payment of  
 14666 benefits by electronic funds transfer, including, but not  
 14667 limited to, debit cards, electronic payment cards, or any other  
 14668 means of electronic payment that the Department of Economic  
 14669 Opportunity ~~the agency~~ deems to be commercially viable or cost-  
 14670 effective. Commodities or services related to the development of  
 14671 such a system shall be procured by competitive solicitation,

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14672 unless they are purchased from a state term contract pursuant to  
 14673 s. 287.056. The Department of Economic Opportunity ~~The agency~~  
 14674 shall adopt rules necessary to administer the system.

14675 (b) Each claimant must report in the manner prescribed by  
 14676 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 14677 ~~Innovation~~ to certify for benefits that are paid and must  
 14678 continue to report at least biweekly to receive unemployment  
 14679 benefits and to attest to the fact that she or he is able and  
 14680 available for work, has not refused suitable work, is seeking  
 14681 work, and, if she or he has worked, to report earnings from that  
 14682 work. Each claimant must continue to report regardless of any  
 14683 appeal or pending appeal relating to her or his eligibility or  
 14684 disqualification for benefits.

14685 Section 291. Subsections (1) and (5) of section 443.1113,  
 14686 Florida Statutes, are amended to read:

14687 443.1113 Unemployment Compensation Claims and Benefits  
 14688 Information System.—

14689 (1) To the extent that funds are appropriated for each  
 14690 phase of the Unemployment Compensation Claims and Benefits  
 14691 Information System by the Legislature, the Department of  
 14692 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
 14693 replace and enhance the functionality provided in the following  
 14694 systems with an integrated Internet-based system that is known  
 14695 as the "Unemployment Compensation Claims and Benefits  
 14696 Information System":

- 14697 (a) Claims and benefit mainframe system.
- 14698 (b) Florida unemployment Internet direct.
- 14699 (c) Florida continued claim Internet directory.

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- 14700 (d) Call center interactive voice response system.
- 14701 (e) Benefit overpayment screening system.
- 14702 (f) Internet and Intranet appeals system.
- 14703 (5) The Department of Economic Opportunity ~~The Agency for~~
- 14704 ~~Workforce Innovation~~ shall implement the following project
- 14705 governance structure until such time as the project is
- 14706 completed, suspended, or terminated:
- 14707 (a) The project sponsor for the Unemployment Compensation
- 14708 Claims and Benefits Information System project is the
- 14709 Commissioner of Economic Opportunity ~~executive director of the~~
- 14710 ~~Agency for Workforce Innovation~~.
- 14711 (b) The project shall be governed by an executive steering
- 14712 committee composed of the following voting members or their
- 14713 designees:
- 14714 1. The Commissioner of Economic Opportunity ~~executive~~
- 14715 ~~director of the Agency for Workforce Innovation~~.
- 14716 2. The executive director of the Department of Revenue.
- 14717 3. The director of the Division of Workforce Services
- 14718 within the Department of Economic Opportunity ~~Office of~~
- 14719 ~~Unemployment Compensation within the Agency for Workforce~~
- 14720 ~~Innovation~~.
- 14721 4. The program director of the General Tax Administration
- 14722 Program Office within the Department of Revenue.
- 14723 5. The chief information officer of the Department of
- 14724 Economic Opportunity ~~the Agency for Workforce Innovation~~.
- 14725 (c) The executive steering committee has the overall
- 14726 responsibility for ensuring that the project meets its primary
- 14727 objectives and is specifically responsible for:

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- 14728 | 1. Providing management direction and support to the  
 14729 | project management team.
- 14730 | 2. Assessing the project's alignment with the strategic  
 14731 | goals of the Department of Economic Opportunity ~~the Agency for~~  
 14732 | ~~Workforce Innovation~~ for administering the unemployment  
 14733 | compensation program.
- 14734 | 3. Reviewing and approving or disapproving any changes to  
 14735 | the project's scope, schedule, and costs.
- 14736 | 4. Reviewing, approving or disapproving, and determining  
 14737 | whether to proceed with any major project deliverables.
- 14738 | 5. Recommending suspension or termination of the project  
 14739 | to the Governor, the President of the Senate, and the Speaker of  
 14740 | the House of Representatives if it determines that the primary  
 14741 | objectives cannot be achieved.
- 14742 | (d) The project management team shall work under the  
 14743 | direction of the executive steering committee and shall be  
 14744 | minimally comprised of senior managers and stakeholders from the  
 14745 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 14746 | ~~Innovation~~ and the Department of Revenue. The project management  
 14747 | team is responsible for:
- 14748 | 1. Providing daily planning, management, and oversight of  
 14749 | the project.
- 14750 | 2. Submitting an operational work plan and providing  
 14751 | quarterly updates to that plan to the executive steering  
 14752 | committee. The plan must specify project milestones,  
 14753 | deliverables, and expenditures.
- 14754 | 3. Submitting written monthly project status reports to  
 14755 | the executive steering committee which include:

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14756 a. Planned versus actual project costs;  
 14757 b. An assessment of the status of major milestones and  
 14758 deliverables;  
 14759 c. Identification of any issues requiring resolution, the  
 14760 proposed resolution for these issues, and information regarding  
 14761 the status of the resolution;  
 14762 d. Identification of risks that must be managed; and  
 14763 e. Identification of and recommendations regarding  
 14764 necessary changes in the project's scope, schedule, or costs.  
 14765 All recommendations must be reviewed by project stakeholders  
 14766 before submission to the executive steering committee in order  
 14767 to ensure that the recommendations meet required acceptance  
 14768 criteria.  
 14769 Section 292. Paragraph (d) of subsection (1), subsection  
 14770 (2), paragraphs (a) and (c) of subsection (3), and subsection  
 14771 (6) of section 443.1115, Florida Statutes, are amended to read:  
 14772 443.1115 Extended benefits.—  
 14773 (1) DEFINITIONS.—As used in this section, the term:  
 14774 (d) "Rate of insured unemployment" means the percentage  
 14775 derived by dividing the average weekly number of individuals  
 14776 filing claims for regular compensation in this state, excluding  
 14777 extended-benefit claimants for weeks of unemployment with  
 14778 respect to the most recent 13-consecutive-week period, as  
 14779 determined by the Department of Economic Opportunity ~~the Agency~~  
 14780 ~~for Workforce Innovation~~ on the basis of its reports to the  
 14781 United States Secretary of Labor, by the average monthly  
 14782 employment covered under this chapter for the first four of the  
 14783 most recent six completed calendar quarters ending before the



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14784 end of that 13-week period.

14785 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,  
 14786 EXTENDED BENEFITS.—Except when the result is inconsistent with  
 14787 the other provisions of this section and as provided in the  
 14788 rules of the Department of Economic Opportunity ~~the Agency for~~  
 14789 ~~Workforce Innovation~~, the provisions of this chapter applying to  
 14790 claims for, or the payment of, regular benefits apply to claims  
 14791 for, and the payment of, extended benefits. These extended  
 14792 benefits are charged to the employment records of employers to  
 14793 the extent that the share of those extended benefits paid from  
 14794 this state's Unemployment Compensation Trust Fund is not  
 14795 eligible to be reimbursed from federal sources.

14796 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

14797 (a) An individual is eligible to receive extended benefits  
 14798 for any week of unemployment in her or his eligibility period  
 14799 only if the Department of Economic Opportunity ~~the Agency for~~  
 14800 ~~Workforce Innovation~~ finds that, for that week:

- 14801 1. She or he is an exhaustee as defined in subsection (1).
- 14802 2. She or he satisfies the requirements of this chapter  
 14803 for the receipt of regular benefits applicable to individuals  
 14804 claiming extended benefits, including not being subject to  
 14805 disqualification from the receipt of benefits. An individual  
 14806 disqualified from receiving regular benefits may not receive  
 14807 extended benefits after the disqualification period terminates  
 14808 if he or she was disqualified for voluntarily leaving work,  
 14809 being discharged from work for misconduct, or refusing suitable  
 14810 work. However, if the disqualification period for regular  
 14811 benefits terminates because the individual received the required

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14812 amount of remuneration for services rendered as a common-law  
 14813 employee, she or he may receive extended benefits.

14814 3. The individual was paid wages for insured work for the  
 14815 applicable benefit year equal to 1.5 times the high quarter  
 14816 earnings during the base period.

14817 (c)1. An individual is disqualified from receiving  
 14818 extended benefits if the Department of Economic Opportunity ~~the~~  
 14819 ~~Agency for Workforce Innovation~~ finds that, during any week of  
 14820 unemployment in her or his eligibility period:

14821 a. She or he failed to apply for suitable work or, if  
 14822 offered, failed to accept suitable work, unless the individual  
 14823 can furnish to the Department of Economic Opportunity ~~the agency~~  
 14824 satisfactory evidence that her or his prospects for obtaining  
 14825 work in her or his customary occupation within a reasonably  
 14826 short period are good. If this evidence is deemed satisfactory  
 14827 for this purpose, the determination of whether any work is  
 14828 suitable for the individual shall be made in accordance with the  
 14829 definition of suitable work in s. 443.101(2). This  
 14830 disqualification begins with the week the failure occurred and  
 14831 continues until she or he is employed for at least 4 weeks and  
 14832 receives earned income of at least 17 times her or his weekly  
 14833 benefit amount.

14834 b. She or he failed to furnish tangible evidence that she  
 14835 or he actively engaged in a systematic and sustained effort to  
 14836 find work. This disqualification begins with the week the  
 14837 failure occurred and continues until she or he is employed for  
 14838 at least 4 weeks and receives earned income of at least 4 times  
 14839 her or his weekly benefit amount.

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14840 2. Except as otherwise provided in sub-subparagraph 1.a.,  
 14841 as used in this paragraph, the term "suitable work" means any  
 14842 work within the individual's capabilities to perform, if:

14843 a. The gross average weekly remuneration payable for the  
 14844 work exceeds the sum of the individual's weekly benefit amount  
 14845 plus the amount, if any, of supplemental unemployment benefits,  
 14846 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of  
 14847 1954, as amended, payable to the individual for that week;

14848 b. The wages payable for the work equal the higher of the  
 14849 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards  
 14850 Act of 1938, without regard to any exemption, or the state or  
 14851 local minimum wage; and

14852 c. The work otherwise meets the definition of suitable  
 14853 work in s. 443.101(2) to the extent that the criteria for  
 14854 suitability are not inconsistent with this paragraph.

14855 (6) COMPUTATIONS.—The Department of Economic Opportunity  
 14856 ~~The Agency for Workforce Innovation~~ shall perform the  
 14857 computations required under paragraph (1)(d) in accordance with  
 14858 regulations of the United States Secretary of Labor.

14859 Section 293. Subsection (2) and paragraphs (a) and (b) of  
 14860 subsection (5) of section 443.1116, Florida Statutes, are  
 14861 amended to read:

14862 443.1116 Short-time compensation.—

14863 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer  
 14864 wishing to participate in the short-time compensation program  
 14865 must submit a signed, written, short-time plan to the Department  
 14866 of Economic Opportunity ~~the director of the Agency for Workforce~~  
 14867 ~~Innovation~~ for approval. The commissioner ~~director~~ or his or her

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14868 | designee shall approve the plan if:  
 14869 |       (a) The plan applies to and identifies each specific  
 14870 | affected unit;  
 14871 |       (b) The individuals in the affected unit are identified by  
 14872 | name and social security number;  
 14873 |       (c) The normal weekly hours of work for individuals in the  
 14874 | affected unit are reduced by at least 10 percent and by not more  
 14875 | than 40 percent;  
 14876 |       (d) The plan includes a certified statement by the  
 14877 | employer that the aggregate reduction in work hours is in lieu  
 14878 | of temporary layoffs that would affect at least 10 percent of  
 14879 | the employees in the affected unit and that would have resulted  
 14880 | in an equivalent reduction in work hours;  
 14881 |       (e) The plan applies to at least 10 percent of the  
 14882 | employees in the affected unit;  
 14883 |       (f) The plan is approved in writing by the collective  
 14884 | bargaining agent for each collective bargaining agreement  
 14885 | covering any individual in the affected unit;  
 14886 |       (g) The plan does not serve as a subsidy to seasonal  
 14887 | employers during the off-season or as a subsidy to employers who  
 14888 | traditionally use part-time employees; and  
 14889 |       (h) The plan certifies the manner in which the employer  
 14890 | will treat fringe benefits of the individuals in the affected  
 14891 | unit if the hours of the individuals are reduced to less than  
 14892 | their normal weekly hours of work. As used in this paragraph,  
 14893 | the term "fringe benefits" includes, but is not limited to,  
 14894 | health insurance, retirement benefits under defined benefit  
 14895 | pension plans as defined in subsection 35 of s. 1002 of the

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14896 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid  
 14897 vacation and holidays, and sick leave.

14898 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION  
 14899 BENEFITS.—

14900 (a) Except as provided in this subsection, an individual  
 14901 is eligible to receive short-time compensation benefits for any  
 14902 week only if she or he complies with this chapter and the  
 14903 Department of Economic Opportunity ~~the Agency for Workforce~~  
 14904 ~~Innovation~~ finds that:

14905 1. The individual is employed as a member of an affected  
 14906 unit in an approved plan that was approved before the week and  
 14907 is in effect for the week;

14908 2. The individual is able to work and is available for  
 14909 additional hours of work or for full-time work with the short-  
 14910 time employer; and

14911 3. The normal weekly hours of work of the individual are  
 14912 reduced by at least 10 percent but not by more than 40 percent,  
 14913 with a corresponding reduction in wages.

14914 (b) The Department of Economic Opportunity ~~The Agency for~~  
 14915 ~~Workforce Innovation~~ may not deny short-time compensation  
 14916 benefits to an individual who is otherwise eligible for these  
 14917 benefits for any week by reason of the application of any  
 14918 provision of this chapter relating to availability for work,  
 14919 active search for work, or refusal to apply for or accept work  
 14920 from other than the short-time compensation employer of that  
 14921 individual.

14922 Section 294. Subsection (3) of section 443.1215, Florida  
 14923 Statutes, is amended to read:

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14924 443.1215 Employers.—  
 14925 (3) An employing unit that fails to keep the records of  
 14926 employment required by this chapter and by the rules of the  
 14927 Department of Economic Opportunity ~~the Agency for Workforce~~  
 14928 ~~Innovation~~ and the Department of Revenue ~~the state agency~~  
 14929 ~~providing unemployment tax collection services~~ is presumed to be  
 14930 an employer liable for the payment of contributions under this  
 14931 chapter, regardless of the number of individuals employed by the  
 14932 employing unit. However, the tax collection service provider  
 14933 shall make written demand that the employing unit keep and  
 14934 maintain required payroll records. The demand must be made at  
 14935 least 6 months before assessing contributions against an  
 14936 employing unit determined to be an employer that is subject to  
 14937 this chapter solely by reason of this subsection.

14938 Section 295. Paragraphs (a) and (d) of subsection (1),  
 14939 subsection (12), and paragraphs (f) and (p) of subsection (13)  
 14940 of section 443.1216, Florida Statutes, are amended to read:

14941 443.1216 Employment.—Employment, as defined in s. 443.036,  
 14942 is subject to this chapter under the following conditions:

14943 (1) (a) The employment subject to this chapter includes a  
 14944 service performed, including a service performed in interstate  
 14945 commerce, by:

14946 1. An officer of a corporation.

14947 2. An individual who, under the usual common-law rules  
 14948 applicable in determining the employer-employee relationship, is  
 14949 an employee. However, whenever a client, as defined in s.

14950 443.036~~(18)~~, which would otherwise be designated as an employing  
 14951 unit has contracted with an employee leasing company to supply

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14952 | it with workers, those workers are considered employees of the  
 14953 | employee leasing company. An employee leasing company may lease  
 14954 | corporate officers of the client to the client and other workers  
 14955 | to the client, except as prohibited by regulations of the  
 14956 | Internal Revenue Service. Employees of an employee leasing  
 14957 | company must be reported under the employee leasing company's  
 14958 | tax identification number and contribution rate for work  
 14959 | performed for the employee leasing company.

14960 |       a. In addition to any other report required to be filed by  
 14961 | law, an employee leasing company shall submit a report to the  
 14962 | Labor Market Statistics Center within the Department of Economic  
 14963 | Opportunity ~~the Agency for Workforce Innovation~~ which includes  
 14964 | each client establishment and each establishment of the employee  
 14965 | leasing company, or as otherwise directed by the Department of  
 14966 | Economic Opportunity ~~the agency~~. The report must include the  
 14967 | following information for each establishment:

- 14968 |       (I) The trade or establishment name;
- 14969 |       (II) The former unemployment compensation account number,  
 14970 | if available;
- 14971 |       (III) The former federal employer's identification number  
 14972 | (FEIN), if available;
- 14973 |       (IV) The industry code recognized and published by the  
 14974 | United States Office of Management and Budget, if available;
- 14975 |       (V) A description of the client's primary business  
 14976 | activity in order to verify or assign an industry code;
- 14977 |       (VI) The address of the physical location;
- 14978 |       (VII) The number of full-time and part-time employees who  
 14979 | worked during, or received pay that was subject to unemployment

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14980 compensation taxes for, the pay period including the 12th of the  
 14981 month for each month of the quarter;  
 14982 (VIII) The total wages subject to unemployment  
 14983 compensation taxes paid during the calendar quarter;  
 14984 (IX) An internal identification code to uniquely identify  
 14985 each establishment of each client;  
 14986 (X) The month and year that the client entered into the  
 14987 contract for services; and  
 14988 (XI) The month and year that the client terminated the  
 14989 contract for services.  
 14990 b. The report shall be submitted electronically or in a  
 14991 manner otherwise prescribed by the Department of Economic  
 14992 Opportunity ~~the Agency for Workforce Innovation~~ in the format  
 14993 specified by the Bureau of Labor Statistics of the United States  
 14994 Department of Labor for its Multiple Worksite Report for  
 14995 Professional Employer Organizations. The report must be provided  
 14996 quarterly to the Labor Market Statistics Center within the  
 14997 Department of Economic Opportunity ~~the Agency for Workforce~~  
 14998 ~~Innovation~~, or as otherwise directed by the Department of  
 14999 Economic Opportunity ~~the agency~~, and must be filed by the last  
 15000 day of the month immediately following the end of the calendar  
 15001 quarter. The information required in sub-sub-subparagraphs a.(X)  
 15002 and (XI) need be provided only in the quarter in which the  
 15003 contract to which it relates was entered into or terminated. The  
 15004 sum of the employment data and the sum of the wage data in this  
 15005 report must match the employment and wages reported in the  
 15006 unemployment compensation quarterly tax and wage report. A  
 15007 report is not required for any calendar quarter preceding the



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15008 | third calendar quarter of 2010.

15009 |       c. The Department of Economic Opportunity ~~The Agency for~~

15010 | ~~Workforce Innovation~~ shall adopt rules as necessary to

15011 | administer this subparagraph, and may administer, collect,

15012 | enforce, and waive the penalty imposed by s. 443.141(1)(b) for

15013 | the report required by this subparagraph.

15014 |       d. For the purposes of this subparagraph, the term

15015 | "establishment" means any location where business is conducted

15016 | or where services or industrial operations are performed.

15017 |       3. An individual other than an individual who is an

15018 | employee under subparagraph 1. or subparagraph 2., who performs

15019 | services for remuneration for any person:

15020 |       a. As an agent-driver or commission-driver engaged in

15021 | distributing meat products, vegetable products, fruit products,

15022 | bakery products, beverages other than milk, or laundry or

15023 | drycleaning services for his or her principal.

15024 |       b. As a traveling or city salesperson engaged on a full-

15025 | time basis in the solicitation on behalf of, and the

15026 | transmission to, his or her principal of orders from

15027 | wholesalers, retailers, contractors, or operators of hotels,

15028 | restaurants, or other similar establishments for merchandise for

15029 | resale or supplies for use in their business operations. This

15030 | sub-subparagraph does not apply to an agent-driver or a

15031 | commission-driver and does not apply to sideline sales

15032 | activities performed on behalf of a person other than the

15033 | salesperson's principal.

15034 |       4. The services described in subparagraph 3. are

15035 | employment subject to this chapter only if:

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15036 a. The contract of service contemplates that substantially  
 15037 all of the services are to be performed personally by the  
 15038 individual;

15039 b. The individual does not have a substantial investment  
 15040 in facilities used in connection with the services, other than  
 15041 facilities used for transportation; and

15042 c. The services are not in the nature of a single  
 15043 transaction that is not part of a continuing relationship with  
 15044 the person for whom the services are performed.

15045 (d) If two or more related corporations concurrently  
 15046 employ the same individual and compensate the individual through  
 15047 a common paymaster, each related corporation is considered to  
 15048 have paid wages to the individual only in the amounts actually  
 15049 disbursed by that corporation to the individual and is not  
 15050 considered to have paid the wages actually disbursed to the  
 15051 individual by another of the related corporations. The  
 15052 Department of Economic Opportunity ~~The Agency for Workforce~~  
 15053 ~~Innovation~~ and the Department of Revenue ~~the state agency~~  
 15054 ~~providing unemployment tax collection services~~ may adopt rules  
 15055 necessary to administer this paragraph.

15056 1. As used in this paragraph, the term "common paymaster"  
 15057 means a member of a group of related corporations that disburses  
 15058 wages to concurrent employees on behalf of the related  
 15059 corporations and that is responsible for keeping payroll records  
 15060 for those concurrent employees. A common paymaster is not  
 15061 required to disburse wages to all the employees of the related  
 15062 corporations; however, this subparagraph does not apply to wages  
 15063 of concurrent employees which are not disbursed through a common

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15064 paymaster. A common paymaster must pay concurrently employed  
 15065 individuals under this subparagraph by one combined paycheck.

15066 2. As used in this paragraph, the term "concurrent  
 15067 employment" means the existence of simultaneous employment  
 15068 relationships between an individual and related corporations.  
 15069 Those relationships require the performance of services by the  
 15070 employee for the benefit of the related corporations, including  
 15071 the common paymaster, in exchange for wages that, if deductible  
 15072 for the purposes of federal income tax, are deductible by the  
 15073 related corporations.

15074 3. Corporations are considered related corporations for an  
 15075 entire calendar quarter if they satisfy any one of the following  
 15076 tests at any time during the calendar quarter:

15077 a. The corporations are members of a "controlled group of  
 15078 corporations" as defined in s. 1563 of the Internal Revenue Code  
 15079 of 1986 or would be members if s. 1563(a)(4) and (b) did not  
 15080 apply.

15081 b. In the case of a corporation that does not issue stock,  
 15082 at least 50 percent of the members of the board of directors or  
 15083 other governing body of one corporation are members of the board  
 15084 of directors or other governing body of the other corporation or  
 15085 the holders of at least 50 percent of the voting power to select  
 15086 those members are concurrently the holders of at least 50  
 15087 percent of the voting power to select those members of the other  
 15088 corporation.

15089 c. At least 50 percent of the officers of one corporation  
 15090 are concurrently officers of the other corporation.

15091 d. At least 30 percent of the employees of one corporation

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15092 are concurrently employees of the other corporation.

15093 4. The common paymaster must report to the tax collection  
 15094 service provider, as part of the unemployment compensation  
 15095 quarterly tax and wage report, the state unemployment  
 15096 compensation account number and name of each related corporation  
 15097 for which concurrent employees are being reported. Failure to  
 15098 timely report this information shall result in the related  
 15099 corporations being denied common paymaster status for that  
 15100 calendar quarter.

15101 5. The common paymaster also has the primary  
 15102 responsibility for remitting contributions due under this  
 15103 chapter for the wages it disburses as the common paymaster. The  
 15104 common paymaster must compute these contributions as though it  
 15105 were the sole employer of the concurrently employed individuals.  
 15106 If a common paymaster fails to timely remit these contributions  
 15107 or reports, in whole or in part, the common paymaster remains  
 15108 liable for the full amount of the unpaid portion of these  
 15109 contributions. In addition, each of the other related  
 15110 corporations using the common paymaster is jointly and severally  
 15111 liable for its appropriate share of these contributions. Each  
 15112 related corporation's share equals the greater of:

15113 a. The liability of the common paymaster under this  
 15114 chapter, after taking into account any contributions made.

15115 b. The liability under this chapter which, notwithstanding  
 15116 this section, would have existed for the wages from the other  
 15117 related corporations, reduced by an allocable portion of any  
 15118 contributions previously paid by the common paymaster for those  
 15119 wages.

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15120 (12) The employment subject to this chapter includes  
 15121 services covered by a reciprocal arrangement under s. 443.221  
 15122 between the Department of Economic Opportunity ~~the Agency for~~  
 15123 ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 15124 ~~collection service provider~~ and the agency charged with the  
 15125 administration of another state unemployment compensation law or  
 15126 a federal unemployment compensation law, under which all  
 15127 services performed by an individual for an employing unit are  
 15128 deemed to be performed entirely within this state, if the  
 15129 Department of Economic Opportunity ~~the Agency for Workforce~~  
 15130 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 15131 ~~service provider~~ approved an election of the employing unit in  
 15132 which all of the services performed by the individual during the  
 15133 period covered by the election are deemed to be insured work.

15134 (13) The following are exempt from coverage under this  
 15135 chapter:

15136 (f) Service performed in the employ of a public employer  
 15137 as defined in s. 443.036, except as provided in subsection (2),  
 15138 and service performed in the employ of an instrumentality of a  
 15139 public employer as described in s. 443.036(36) ~~(35)~~ (b) or (c), to  
 15140 the extent that the instrumentality is immune under the United  
 15141 States Constitution from the tax imposed by s. 3301 of the  
 15142 Internal Revenue Code for that service.

15143 (p) Service covered by an arrangement between the  
 15144 Department of Economic Opportunity ~~the Agency for Workforce~~  
 15145 ~~Innovation~~, or the Department of Revenue ~~its tax collection~~  
 15146 ~~service provider~~, and the agency charged with the administration  
 15147 of another state or federal unemployment compensation law under

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15148 | which all services performed by an individual for an employing  
 15149 | unit during the period covered by the employing unit's duly  
 15150 | approved election is deemed to be performed entirely within the  
 15151 | other agency's state or under the federal law.

15152 |       Section 296. Subsection (1) of section 443.1217, Florida  
 15153 | Statutes, is amended to read:

15154 |           443.1217 Wages.—

15155 |       (1) The wages subject to this chapter include all  
 15156 | remuneration for employment, including commissions, bonuses,  
 15157 | back pay awards, and the cash value of all remuneration paid in  
 15158 | any medium other than cash. The reasonable cash value of  
 15159 | remuneration in any medium other than cash must be estimated and  
 15160 | determined in accordance with rules adopted by the Department of  
 15161 | Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 15162 | state agency providing tax collection services. The wages  
 15163 | subject to this chapter include tips or gratuities received  
 15164 | while performing services that constitute employment and are  
 15165 | included in a written statement furnished to the employer under  
 15166 | s. 6053(a) of the Internal Revenue Code of 1954. As used in this  
 15167 | section only, the term "employment" includes services  
 15168 | constituting employment under any employment security law of  
 15169 | another state or of the Federal Government.

15170 |       Section 297. Subsection (1) and paragraphs (a), (g), and  
 15171 | (i) of subsection (3) of section 443.131, Florida Statutes, are  
 15172 | amended to read:

15173 |           443.131 Contributions.—

15174 |       (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are  
 15175 | payable by each employer for each calendar quarter he or she is

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15176 | subject to this chapter for wages paid during each calendar  
 15177 | quarter for employment. Contributions are due and payable by  
 15178 | each employer to the tax collection service provider, in  
 15179 | accordance with the rules adopted by the Department of Economic  
 15180 | Opportunity ~~the Agency for Workforce Innovation~~ or the state  
 15181 | agency providing tax collection services. This subsection does  
 15182 | not prohibit the tax collection service provider from allowing,  
 15183 | at the request of the employer, employers of employees  
 15184 | performing domestic services, as defined in s. 443.1216(6), to  
 15185 | pay contributions or report wages at intervals other than  
 15186 | quarterly when the nonquarterly payment or reporting assists the  
 15187 | service provider and when nonquarterly payment and reporting is  
 15188 | authorized under federal law. Employers of employees performing  
 15189 | domestic services may report wages and pay contributions  
 15190 | annually, with a due date of January 1 and a delinquency date of  
 15191 | February 1. To qualify for this election, the employer must  
 15192 | employ only employees performing domestic services, be eligible  
 15193 | for a variation from the standard rate computed under subsection  
 15194 | (3), apply to this program no later than December 1 of the  
 15195 | preceding calendar year, and agree to provide the Department of  
 15196 | Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 15197 | Department of Revenue ~~its tax collection service provider~~ with  
 15198 | any special reports that are requested, including copies of all  
 15199 | federal employment tax forms. An employer who fails to timely  
 15200 | furnish any wage information required by the Department of  
 15201 | Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 15202 | Department of Revenue ~~its tax collection service provider~~ loses  
 15203 | the privilege to participate in this program, effective the

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15204 | calendar quarter immediately after the calendar quarter the  
 15205 | failure occurred. The employer may reapply for annual reporting  
 15206 | when a complete calendar year elapses after the employer's  
 15207 | disqualification if the employer timely furnished any requested  
 15208 | wage information during the period in which annual reporting was  
 15209 | denied. An employer may not deduct contributions, interests,  
 15210 | penalties, fines, or fees required under this chapter from any  
 15211 | part of the wages of his or her employees. A fractional part of  
 15212 | a cent less than one-half cent shall be disregarded from the  
 15213 | payment of contributions, but a fractional part of at least one-  
 15214 | half cent shall be increased to 1 cent.

15215 | (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
 15216 | EXPERIENCE.—

15217 | (a) Employment records.—The regular and short-time  
 15218 | compensation benefits paid to an eligible individual shall be  
 15219 | charged to the employment record of each employer who paid the  
 15220 | individual wages of at least \$100 during the individual's base  
 15221 | period in proportion to the total wages paid by all employers  
 15222 | who paid the individual wages during the individual's base  
 15223 | period. Benefits may not be charged to the employment record of  
 15224 | an employer who furnishes part-time work to an individual who,  
 15225 | because of loss of employment with one or more other employers,  
 15226 | is eligible for partial benefits while being furnished part-time  
 15227 | work by the employer on substantially the same basis and in  
 15228 | substantially the same amount as the individual's employment  
 15229 | during his or her base period, regardless of whether this part-  
 15230 | time work is simultaneous or successive to the individual's lost  
 15231 | employment. Further, as provided in s. 443.151(3), benefits may



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15232 not be charged to the employment record of an employer who  
 15233 furnishes the Department of Economic Opportunity ~~the Agency for~~  
 15234 ~~Workforce Innovation~~ with notice, as prescribed in ~~agency~~ rules  
 15235 of the Department of Economic Opportunity, that any of the  
 15236 following apply:

15237 1. If an individual leaves his or her work without good  
 15238 cause attributable to the employer or is discharged by the  
 15239 employer for misconduct connected with his or her work, benefits  
 15240 subsequently paid to the individual based on wages paid by the  
 15241 employer before the separation may not be charged to the  
 15242 employment record of the employer.

15243 2. If an individual is discharged by the employer for  
 15244 unsatisfactory performance during an initial employment  
 15245 probationary period, benefits subsequently paid to the  
 15246 individual based on wages paid during the probationary period by  
 15247 the employer before the separation may not be charged to the  
 15248 employer's employment record. As used in this subparagraph, the  
 15249 term "initial employment probationary period" means an  
 15250 established probationary plan that applies to all employees or a  
 15251 specific group of employees and that does not exceed 90 calendar  
 15252 days following the first day a new employee begins work. The  
 15253 employee must be informed of the probationary period within the  
 15254 first 7 days of work. The employer must demonstrate by  
 15255 conclusive evidence that the individual was separated because of  
 15256 unsatisfactory work performance and not because of lack of work  
 15257 due to temporary, seasonal, casual, or other similar employment  
 15258 that is not of a regular, permanent, and year-round nature.

15259 3. Benefits subsequently paid to an individual after his

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15260 or her refusal without good cause to accept suitable work from  
 15261 an employer may not be charged to the employment record of the  
 15262 employer if any part of those benefits are based on wages paid  
 15263 by the employer before the individual's refusal to accept  
 15264 suitable work. As used in this subparagraph, the term "good  
 15265 cause" does not include distance to employment caused by a  
 15266 change of residence by the individual. The Department of  
 15267 Economic Opportunity ~~The Agency for Workforce Innovation~~ shall  
 15268 adopt rules prescribing for the payment of all benefits whether  
 15269 this subparagraph applies regardless of whether a  
 15270 disqualification under s. 443.101 applies to the claim.

15271 4. If an individual is separated from work as a direct  
 15272 result of a natural disaster declared under the Robert T.  
 15273 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.  
 15274 ss. 5121 et seq., benefits subsequently paid to the individual  
 15275 based on wages paid by the employer before the separation may  
 15276 not be charged to the employment record of the employer.

15277 (g) Transfer of unemployment experience upon transfer or  
 15278 acquisition of a business.—Notwithstanding any other provision  
 15279 of law, upon transfer or acquisition of a business, the  
 15280 following conditions apply to the assignment of rates and to  
 15281 transfers of unemployment experience:

15282 1.a. If an employer transfers its trade or business, or a  
 15283 portion thereof, to another employer and, at the time of the  
 15284 transfer, there is any common ownership, management, or control  
 15285 of the two employers, the unemployment experience attributable  
 15286 to the transferred trade or business shall be transferred to the  
 15287 employer to whom the business is so transferred. The rates of

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15288 both employers shall be recalculated and made effective as of  
 15289 the beginning of the calendar quarter immediately following the  
 15290 date of the transfer of the trade or business unless the  
 15291 transfer occurred on the first day of a calendar quarter, in  
 15292 which case the rate shall be recalculated as of that date.

15293 b. If, following a transfer of experience under sub-  
 15294 subparagraph a., the Department of Economic Opportunity ~~the~~  
 15295 ~~Agency for Workforce Innovation~~ or the tax collection service  
 15296 provider determines that a substantial purpose of the transfer  
 15297 of trade or business was to obtain a reduced liability for  
 15298 contributions, the experience rating account of the employers  
 15299 involved shall be combined into a single account and a single  
 15300 rate assigned to the account.

15301 2. Whenever a person who is not an employer under this  
 15302 chapter at the time it acquires the trade or business of an  
 15303 employer, the unemployment experience of the acquired business  
 15304 shall not be transferred to the person if the Department of  
 15305 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 15306 tax collection service provider finds that such person acquired  
 15307 the business solely or primarily for the purpose of obtaining a  
 15308 lower rate of contributions. Instead, such person shall be  
 15309 assigned the new employer rate under paragraph (2) (a). In  
 15310 determining whether the business was acquired solely or  
 15311 primarily for the purpose of obtaining a lower rate of  
 15312 contributions, the tax collection service provider shall  
 15313 consider, but not be limited to, the following factors:

15314 a. Whether the person continued the business enterprise of  
 15315 the acquired business;

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15316           b. How long such business enterprise was continued; or  
 15317           c. Whether a substantial number of new employees was hired  
 15318 for performance of duties unrelated to the business activity  
 15319 conducted before the acquisition.

15320           3. If a person knowingly violates or attempts to violate  
 15321 subparagraph 1. or subparagraph 2. or any other provision of  
 15322 this chapter related to determining the assignment of a  
 15323 contribution rate, or if a person knowingly advises another  
 15324 person to violate the law, the person shall be subject to the  
 15325 following penalties:

15326           a. If the person is an employer, the employer shall be  
 15327 assigned the highest rate assignable under this chapter for the  
 15328 rate year during which such violation or attempted violation  
 15329 occurred and for the 3 rate years immediately following this  
 15330 rate year. However, if the person's business is already at the  
 15331 highest rate for any year, or if the amount of increase in the  
 15332 person's rate would be less than 2 percent for such year, then a  
 15333 penalty rate of contribution of 2 percent of taxable wages shall  
 15334 be imposed for such year and the following 3 rate years.

15335           b. If the person is not an employer, such person shall be  
 15336 subject to a civil money penalty of not more than \$5,000. The  
 15337 procedures for the assessment of a penalty shall be in  
 15338 accordance with the procedures set forth in s. 443.141(2), and  
 15339 the provisions of s. 443.141(3) shall apply to the collection of  
 15340 the penalty. Any such penalty shall be deposited in the penalty  
 15341 and interest account established under s. 443.211(2).

15342           4. For purposes of this paragraph, the term:

15343           a. "Knowingly" means having actual knowledge of or acting

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15344 with deliberate ignorance or reckless disregard for the  
 15345 prohibition involved.

15346       b. "Violates or attempts to violate" includes, but is not  
 15347 limited to, intent to evade, misrepresent, or willfully  
 15348 nondisclose.

15349       5. In addition to the penalty imposed by subparagraph 3.,  
 15350 any person who violates this paragraph commits a felony of the  
 15351 third degree, punishable as provided in s. 775.082, s. 775.083,  
 15352 or s. 775.084.

15353       6. The Department of Economic Opportunity ~~The Agency for~~  
 15354 ~~Workforce Innovation~~ and the tax collection service provider  
 15355 shall establish procedures to identify the transfer or  
 15356 acquisition of a business for the purposes of this paragraph and  
 15357 shall adopt any rules necessary to administer this paragraph.

15358       7. For purposes of this paragraph:

15359       a. "Person" has the meaning given to the term by s.  
 15360 7701(a)(1) of the Internal Revenue Code of 1986.

15361       b. "Trade or business" shall include the employer's  
 15362 workforce.

15363       8. This paragraph shall be interpreted and applied in such  
 15364 a manner as to meet the minimum requirements contained in any  
 15365 guidance or regulations issued by the United States Department  
 15366 of Labor.

15367       (i) Notice of determinations of contribution rates;  
 15368 redeterminations.—The state agency providing tax collection  
 15369 services:

15370       1. Shall promptly notify each employer of his or her  
 15371 contribution rate as determined for any calendar year under this

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15372 section. The determination is conclusive and binding on the  
 15373 employer unless within 20 days after mailing the notice of  
 15374 determination to the employer's last known address, or, in the  
 15375 absence of mailing, within 20 days after delivery of the notice,  
 15376 the employer files an application for review and redetermination  
 15377 setting forth the grounds for review. An employer may not, in  
 15378 any proceeding involving his or her contribution rate or  
 15379 liability for contributions, contest the chargeability to his or  
 15380 her employment record of any benefits paid in accordance with a  
 15381 determination, redetermination, or decision under s. 443.151,  
 15382 except on the ground that the benefits charged were not based on  
 15383 services performed in employment for him or her and then only if  
 15384 the employer was not a party to the determination,  
 15385 redetermination, or decision, or to any other proceeding under  
 15386 this chapter, in which the character of those services was  
 15387 determined.

15388       2. Shall, upon discovery of an error in computation,  
 15389 reconsider any prior determination or redetermination of a  
 15390 contribution rate after the 20-day period has expired and issue  
 15391 a revised notice of contribution rate as redetermined. A  
 15392 redetermination is subject to review, and is conclusive and  
 15393 binding if review is not sought, in the same manner as review of  
 15394 a determination under subparagraph 1. A reconsideration may not  
 15395 be made after March 31 of the calendar year immediately after  
 15396 the calendar year for which the contribution rate is applicable,  
 15397 and interest may not accrue on any additional contributions  
 15398 found to be due until 30 days after the employer is mailed  
 15399 notice of his or her revised contribution rate.

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15400 3. May adopt rules providing for periodic notification to  
 15401 employers of benefits paid and charged to their employment  
 15402 records or of the status of those employment records. A  
 15403 notification, unless an application for redetermination is filed  
 15404 in the manner and within the time limits prescribed by the  
 15405 Department of Economic Opportunity ~~the Agency for Workforce~~  
 15406 ~~Innovation~~, is conclusive and binding on the employer under this  
 15407 chapter. The redetermination, and the Department of Economic  
 15408 Opportunity's ~~the Agency for Workforce Innovation's~~ finding of  
 15409 fact in connection with the redetermination, may be introduced  
 15410 in any subsequent administrative or judicial proceeding  
 15411 involving the determination of the contribution rate of an  
 15412 employer for any calendar year. A redetermination becomes final  
 15413 in the same manner provided in this subsection for findings of  
 15414 fact made by the Department of Economic Opportunity ~~the Agency~~  
 15415 ~~for Workforce Innovation~~ in proceedings to redetermine the  
 15416 contribution rate of an employer. Pending a redetermination or  
 15417 an administrative or judicial proceeding, the employer must file  
 15418 reports and pay contributions in accordance with this section.

15419 Section 298. Paragraph (d) of subsection (2) and paragraph  
 15420 (d) of subsection (3) of section 443.1312, Florida Statutes, are  
 15421 amended to read:

15422 443.1312 Reimbursements; nonprofit organizations.—Benefits  
 15423 paid to employees of nonprofit organizations shall be financed  
 15424 in accordance with this section.

15425 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF  
 15426 REIMBURSEMENT.—A nonprofit organization that is, or becomes,  
 15427 subject to this chapter under s. 443.1215(1)(c) or s.

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15428 443.121(3)(a) must pay contributions under s. 443.131 unless it  
 15429 elects, in accordance with this subsection, to reimburse the  
 15430 Unemployment Compensation Trust Fund for all of the regular  
 15431 benefits, short-time compensation benefits, and one-half of the  
 15432 extended benefits paid, which are attributable to service in the  
 15433 employ of the nonprofit organization, to individuals for weeks  
 15434 of unemployment which begin during the effective period of the  
 15435 election.

15436 (d) In accordance with rules adopted by the Department of  
 15437 Economic Opportunity ~~the Agency for Workforce Innovation or the~~  
 15438 Department of Revenue ~~the state agency providing unemployment~~  
 15439 ~~tax collection services~~, the tax collection service provider  
 15440 shall notify each nonprofit organization of any determination of  
 15441 the organization's status as an employer, the effective date of  
 15442 any election the organization makes, and the effective date of  
 15443 any termination of the election. Each determination is subject  
 15444 to reconsideration, appeal, and review under s. 443.141(2)(c).

15445 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of  
 15446 contributions must be paid in accordance with this subsection.

15447 (d) The amount due, as specified in any bill from the tax  
 15448 collection service provider, is conclusive, and the nonprofit  
 15449 organization is liable for payment of that amount unless, within  
 15450 20 days after the bill is mailed to the organization's last  
 15451 known address or otherwise delivered to the organization, the  
 15452 organization files an application for redetermination by the  
 15453 Department of Economic Opportunity ~~the Agency for Workforce~~  
 15454 ~~Innovation~~, setting forth the grounds for the application. The  
 15455 Department of Economic Opportunity ~~The Agency for Workforce~~



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15456 ~~Innovation~~ shall promptly review and reconsider the amount due,  
 15457 as specified in the bill, and shall issue a redetermination in  
 15458 each case in which an application for redetermination is filed.  
 15459 The redetermination is conclusive and the nonprofit organization  
 15460 is liable for payment of the amount due, as specified in the  
 15461 redetermination, unless, within 20 days after the  
 15462 redetermination is mailed to the organization's last known  
 15463 address or otherwise delivered to the organization, the  
 15464 organization files a protest, setting forth the grounds for the  
 15465 appeal. Proceedings on the protest shall be conducted in  
 15466 accordance with s. 443.141(2).

15467 Section 299. Paragraph (b) of subsection (1) of section  
 15468 443.1313, Florida Statutes, is amended to read:

15469 443.1313 Public employers; reimbursements; election to pay  
 15470 contributions.—Benefits paid to employees of a public employer,  
 15471 as defined in s. 443.036, based on service described in s.  
 15472 443.1216(2) shall be financed in accordance with this section.

15473 (1) PAYMENT OF REIMBURSEMENTS.—

15474 (b) If a state agency is more than 120 days delinquent on  
 15475 reimbursements due to the Unemployment Compensation Trust Fund,  
 15476 the tax collection service provider shall certify to the Chief  
 15477 Financial Officer the amount due and the Chief Financial Officer  
 15478 shall transfer the amount due to the Unemployment Compensation  
 15479 Trust Fund from the funds of the agency which legally may be  
 15480 used for that purpose. If a public employer other than a state  
 15481 agency is more than 120 days delinquent on reimbursements due to  
 15482 the Unemployment Compensation Trust Fund, upon request by the  
 15483 tax collection service provider after a hearing, the Department

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15484 of Revenue or the Department of Financial Services, as  
 15485 applicable, shall deduct the amount owed by the public employer  
 15486 from any funds to be distributed by the applicable department to  
 15487 the public employer for further distribution to the trust fund  
 15488 in accordance with this chapter. If an employer for whom the  
 15489 municipal or county tax collector collects taxes fails to make  
 15490 the reimbursements to the Unemployment Compensation Trust Fund  
 15491 required by this chapter, the tax collector after a hearing, at  
 15492 the request of the tax collection service provider and upon  
 15493 receipt of a certificate showing the amount owed by the  
 15494 employer, shall deduct the certified amount from any taxes  
 15495 collected for the employer and remit that amount to the tax  
 15496 collection service provider for further distribution to the  
 15497 trust fund in accordance with this chapter. This paragraph does  
 15498 not apply to amounts owed by a political subdivision of the  
 15499 state for benefits erroneously paid in which the claimant must  
 15500 repay to the Department of Economic Opportunity ~~the Agency for~~  
 15501 ~~Workforce Innovation~~ under s. 443.151(6) (a) or (b) any sum as  
 15502 benefits received.

15503 Section 300. Paragraphs (b) and (c) of subsection (4) and  
 15504 subsection (7) of section 443.1315, Florida Statutes, are  
 15505 amended to read:

15506 443.1315 Treatment of Indian tribes.-

15507 (4)

15508 (b)1. Services performed for an Indian tribe or tribal  
 15509 unit that fails to make required reimbursements, including  
 15510 assessments of interest and penalty, after all collection  
 15511 activities deemed necessary by the tax collection service

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15512 provider, subject to approval by the Department of Economic  
 15513 Opportunity ~~the Agency for Workforce Innovation~~, are exhausted  
 15514 may not be treated as employment for purposes of paragraph  
 15515 (1) (b).

15516 2. The tax collection service provider may determine that  
 15517 any Indian tribe that loses coverage under subparagraph 1. may  
 15518 have services performed for the tribe subsequently included as  
 15519 employment for purposes of paragraph (1) (b) if all  
 15520 contributions, reimbursements, penalties, and interest are paid.

15521 (c) The Department of Economic Opportunity ~~The Agency for~~  
 15522 ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 15523 ~~collection service provider~~ shall immediately notify the United  
 15524 States Internal Revenue Service and the United States Department  
 15525 of Labor when an Indian tribe fails to make reimbursements  
 15526 required under this section, including assessments of interest  
 15527 and penalty, within 90 days after a final notice of delinquency.

15528 (7) The Department of Economic Opportunity ~~The Agency for~~  
 15529 ~~Workforce Innovation~~ and the Department of Revenue ~~the state~~  
 15530 ~~agency providing unemployment tax collection services~~ shall  
 15531 adopt rules necessary to administer this section.

15532 Section 301. Section 443.1316, Florida Statutes, is  
 15533 amended to read:

15534 443.1316 Unemployment tax collection services; interagency  
 15535 agreement.—

15536 (1) The department ~~The Agency for Workforce Innovation~~  
 15537 shall contract with the Department of Revenue, through an  
 15538 interagency agreement, to perform the duties assigned to the  
 15539 Department of Revenue ~~of the tax collection service provider~~ and

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15540 provide other unemployment tax collection services under this  
 15541 chapter. Under the interagency agreement, the Department of  
 15542 Revenue ~~tax collection service provider~~ may only implement:  
 15543 (a) The provisions of this chapter conferring duties upon  
 15544 the Department of Revenue ~~tax collection service provider~~.  
 15545 (b) The provisions of law conferring duties upon the  
 15546 Department of Economic Opportunity ~~the Agency for Workforce~~  
 15547 ~~Innovation~~ which are specifically delegated to the Department of  
 15548 Revenue through ~~tax collection service provider in the~~  
 15549 interagency agreement.  
 15550 (2) (a) The Department of Revenue is considered to be  
 15551 administering a revenue law of this state when it ~~the department~~  
 15552 implements this chapter, or otherwise provides unemployment tax  
 15553 collection services, under contract with the Department of  
 15554 Economic Opportunity ~~the Agency for Workforce Innovation~~ through  
 15555 the interagency agreement.  
 15556 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);  
 15557 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;  
 15558 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;  
 15559 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;  
 15560 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and  
 15561 213.757 apply to the collection of unemployment contributions  
 15562 and reimbursements by the Department of Revenue unless  
 15563 prohibited by federal law.  
 15564 Section 302. Section 443.1317, Florida Statutes, is  
 15565 amended to read:  
 15566 443.1317 Rulemaking authority; enforcement of rules.-  
 15567 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY ~~AGENCY FOR~~

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15568 ~~WORKFORCE INNOVATION.~~—

15569       (a) Except as otherwise provided in s. 443.012, the

15570 Department of Economic Opportunity ~~the Agency for Workforce~~

15571 ~~Innovation~~ has ultimate authority over the administration of the

15572 Unemployment Compensation Program.

15573       (b) The Department of Economic Opportunity ~~The Agency for~~

15574 ~~Workforce Innovation~~ may adopt rules under ss. 120.536(1) and

15575 120.54 to administer the provisions of this chapter conferring

15576 duties upon either the Department of Economic Opportunity ~~the~~

15577 ~~agency~~ or its tax collection service provider.

15578       (2) DEPARTMENT OF REVENUE ~~TAX COLLECTION SERVICE~~

15579 ~~PROVIDER.~~—The Department of Revenue ~~state agency providing~~

15580 ~~unemployment tax collection services under contract with the~~

15581 ~~Agency for Workforce Innovation through an interagency agreement~~

15582 ~~pursuant to s. 443.1316~~ may adopt rules under ss. 120.536(1) and

15583 120.54, subject to approval by the Department of Economic

15584 Opportunity ~~the Agency for Workforce Innovation~~, to administer

15585 the provisions of law described in s. 443.1316(1) (a) and (b)

15586 which are within this chapter. These rules must not conflict

15587 with the rules adopted by the Department of Economic Opportunity

15588 ~~the Agency for Workforce Innovation~~ or with the interagency

15589 agreement.

15590       (3) ENFORCEMENT OF RULES.—The Department of Economic

15591 Opportunity ~~Agency for Workforce Innovation~~ may enforce any rule

15592 adopted by the Department of Revenue ~~state agency providing~~

15593 ~~unemployment tax collection services~~ to administer this chapter.

15594 The Department of Revenue ~~tax collection service provider~~ may

15595 enforce any rule adopted by the Department of Economic

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15596 Opportunity ~~the Agency for Workforce Innovation~~ to administer  
 15597 the provisions of law described in s. 443.1316(1)(a) and (b).  
 15598 Section 303. Paragraphs (b), (c), and (f) of subsection  
 15599 (1), subsection (2), paragraphs (f) and (g) of subsection (3),  
 15600 and paragraph (c) of subsection (4) of section 443.141, Florida  
 15601 Statutes, are amended to read:  
 15602 443.141 Collection of contributions and reimbursements.—  
 15603 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,  
 15604 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—  
 15605 (b) Penalty for delinquent, erroneous, incomplete, or  
 15606 insufficient reports.—  
 15607 1. An employing unit that fails to file any report  
 15608 required by the Department of Economic Opportunity ~~the Agency~~  
 15609 ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 15610 ~~collection service provider~~, in accordance with rules for  
 15611 administering this chapter, shall pay to the service provider  
 15612 for each delinquent report the sum of \$25 for each 30 days or  
 15613 fraction thereof that the employing unit is delinquent, unless  
 15614 the agency or its service provider, whichever required the  
 15615 report, finds that the employing unit has good reason for  
 15616 failing to file the report. The Department of Economic  
 15617 Opportunity ~~The agency~~ or its service provider may assess  
 15618 penalties only through the date of the issuance of the final  
 15619 assessment notice. However, additional penalties accrue if the  
 15620 delinquent report is subsequently filed.  
 15621 2.a. An employing unit that files an erroneous,  
 15622 incomplete, or insufficient report with the Department of  
 15623 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the

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15624 Department of Revenue ~~its tax collection service provider~~ shall  
 15625 pay a penalty. The amount of the penalty is \$50 or 10 percent of  
 15626 any tax due, whichever is greater, but no more than \$300 per  
 15627 report. The penalty shall be added to any tax, penalty, or  
 15628 interest otherwise due.

15629 b. The Department of Economic Opportunity ~~The agency or~~  
 15630 the Department of Revenue ~~its tax collection service provider~~  
 15631 shall waive the penalty if the employing unit files an accurate,  
 15632 complete, and sufficient report within 30 days after a penalty  
 15633 notice is issued to the employing unit. The penalty may not be  
 15634 waived pursuant to this subparagraph more than one time during a  
 15635 12-month period.

15636 c. As used in this subsection, the term "erroneous,  
 15637 incomplete, or insufficient report" means a report so lacking in  
 15638 information, completeness, or arrangement that the report cannot  
 15639 be readily understood, verified, or reviewed. Such reports  
 15640 include, but are not limited to, reports having missing wage or  
 15641 employee information, missing or incorrect social security  
 15642 numbers, or illegible entries; reports submitted in a format  
 15643 that is not approved by the Department of Economic Opportunity  
 15644 ~~the agency or the Department of Revenue~~ its tax collection  
 15645 ~~service provider~~; and reports showing gross wages that do not  
 15646 equal the total of the wages of each employee. However, the term  
 15647 does not include a report that merely contains inaccurate data  
 15648 that was supplied to the employer by the employee, if the  
 15649 employer was unaware of the inaccuracy.

15650 3. Penalties imposed pursuant to this paragraph shall be  
 15651 deposited in the Special Employment Security Administration

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15652 Trust Fund.

15653 4. The penalty and interest for a delinquent, erroneous,  
 15654 incomplete, or insufficient report may be waived if the penalty  
 15655 or interest is inequitable. The provisions of s. 213.24(1) apply  
 15656 to any penalty or interest that is imposed under this section.

15657 (c) Application of partial payments.—If a delinquency  
 15658 exists in the employment record of an employer not in  
 15659 bankruptcy, a partial payment less than the total delinquency  
 15660 amount shall be applied to the employment record as the payor  
 15661 directs. In the absence of specific direction, the partial  
 15662 payment shall be applied to the payor's employment record as  
 15663 prescribed in the rules of the Department of Economic  
 15664 Opportunity ~~the Agency for Workforce Innovation~~ or the state  
 15665 agency providing tax collection services.

15666 (f) Adoption of rules.—The Department of Economic  
 15667 Opportunity ~~The Agency for Workforce Innovation~~ and the  
 15668 Department of Revenue ~~the state agency providing unemployment~~  
 15669 ~~tax collection services~~ may adopt rules to administer this  
 15670 subsection.

15671 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

15672 (a) Failure to make reports and pay contributions.—If an  
 15673 employing unit determined by the tax collection service provider  
 15674 to be an employer subject to this chapter fails to make and file  
 15675 any report as and when required by this chapter or by any rule  
 15676 of the Department of Economic Opportunity ~~the Agency for~~  
 15677 ~~Workforce Innovation~~ or the state agency providing tax  
 15678 collection services, for the purpose of determining the amount  
 15679 of contributions due by the employer under this chapter, or if



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15680 any filed report is found by the service provider to be  
 15681 incorrect or insufficient, and the employer, after being  
 15682 notified in writing by the service provider to file the report,  
 15683 or a corrected or sufficient report, as applicable, fails to  
 15684 file the report within 15 days after the date of the mailing of  
 15685 the notice, the tax collection service provider may:

15686 1. Determine the amount of contributions due from the  
 15687 employer based on the information readily available to it, which  
 15688 determination is deemed to be prima facie correct;

15689 2. Assess the employer the amount of contributions  
 15690 determined to be due; and

15691 3. Immediately notify the employer by mail of the  
 15692 determination and assessment including penalties as provided in  
 15693 this chapter, if any, added and assessed, and demand payment  
 15694 together with interest on the amount of contributions from the  
 15695 date that amount was due and payable.

15696 (b) Hearings.—The determination and assessment are final  
 15697 15 days after the date the assessment is mailed unless the  
 15698 employer files with the tax collection service provider within  
 15699 the 15 days a written protest and petition for hearing  
 15700 specifying the objections thereto. The tax collection service  
 15701 provider shall promptly review each petition and may reconsider  
 15702 its determination and assessment in order to resolve the  
 15703 petitioner's objections. The tax collection service provider  
 15704 shall forward each petition remaining unresolved to the  
 15705 Department of Economic Opportunity ~~the Agency for Workforce~~  
 15706 ~~Innovation~~ for a hearing on the objections. Upon receipt of a  
 15707 petition, the Department of Economic Opportunity ~~the Agency for~~

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15708 ~~Workforce Innovation~~ shall schedule a hearing and notify the  
 15709 petitioner of the time and place of the hearing. The Department  
 15710 of Economic Opportunity ~~The Agency for Workforce Innovation~~ may  
 15711 appoint special deputies to conduct hearings and to submit their  
 15712 findings together with a transcript of the proceedings before  
 15713 them and their recommendations to the Department of Economic  
 15714 Opportunity ~~the agency~~ for its final order. Special deputies are  
 15715 subject to the prohibition against ex parte communications in s.  
 15716 120.66. At any hearing conducted by the Department of Economic  
 15717 Opportunity ~~the Agency for Workforce Innovation~~ or its special  
 15718 deputy, evidence may be offered to support the determination and  
 15719 assessment or to prove it is incorrect. In order to prevail,  
 15720 however, the petitioner must either prove that the determination  
 15721 and assessment are incorrect or file full and complete corrected  
 15722 reports. Evidence may also be submitted at the hearing to rebut  
 15723 the determination by the tax collection service provider that  
 15724 the petitioner is an employer under this chapter. Upon evidence  
 15725 taken before it or upon the transcript submitted to it with the  
 15726 findings and recommendation of its special deputy, the  
 15727 Department of Economic Opportunity ~~the Agency for Workforce~~  
 15728 ~~Innovation~~ shall either set aside the tax collection service  
 15729 provider's determination that the petitioner is an employer  
 15730 under this chapter or reaffirm the determination. The amounts  
 15731 assessed under the final order, together with interest and  
 15732 penalties, must be paid within 15 days after notice of the final  
 15733 order is mailed to the employer, unless judicial review is  
 15734 instituted in a case of status determination. Amounts due when  
 15735 the status of the employer is in dispute are payable within 15

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15736 days after the entry of an order by the court affirming the  
 15737 determination. However, any determination that an employing unit  
 15738 is not an employer under this chapter does not affect the  
 15739 benefit rights of any individual as determined by an appeals  
 15740 referee or the commission unless:

15741 1. The individual is made a party to the proceedings  
 15742 before the special deputy; or

15743 2. The decision of the appeals referee or the commission  
 15744 has not become final or the employing unit and the Department of  
 15745 Economic Opportunity ~~the Agency for Workforce Innovation~~ were  
 15746 not made parties to the proceedings before the appeals referee  
 15747 or the commission.

15748 (c) Appeals.—The Department of Economic Opportunity ~~The~~  
 15749 ~~Agency for Workforce Innovation~~ and the Department of Revenue  
 15750 ~~the state agency providing unemployment tax collection services~~  
 15751 shall adopt rules prescribing the procedures for an employing  
 15752 unit determined to be an employer to file an appeal and be  
 15753 afforded an opportunity for a hearing on the determination.  
 15754 Pending a hearing, the employing unit must file reports and pay  
 15755 contributions in accordance with s. 443.131.

15756 (3) COLLECTION PROCEEDINGS.—

15757 (f) Reproductions.—In any proceedings in any court under  
 15758 this chapter, reproductions of the original records of the  
 15759 Department of Economic Opportunity ~~the Agency for Workforce~~  
 15760 ~~Innovation,~~ the Department of Revenue ~~its tax collection service~~  
 15761 ~~provider,~~ the former Agency for Workforce Innovation, the former  
 15762 Department of Labor and Employment Security, or the commission,  
 15763 including, but not limited to, photocopies or microfilm, are

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15764 primary evidence in lieu of the original records or of the  
 15765 documents that were transcribed into those records.  
 15766 (g) Jeopardy assessment and warrant.—If the tax collection  
 15767 service provider reasonably believes that the collection of  
 15768 contributions or reimbursements from an employer will be  
 15769 jeopardized by delay, the service provider may assess the  
 15770 contributions or reimbursements immediately, together with  
 15771 interest or penalties when due, regardless of whether the  
 15772 contributions or reimbursements accrued are due, and may  
 15773 immediately issue a notice of lien and jeopardy warrant upon  
 15774 which proceedings may be conducted as provided in this section  
 15775 for notice of lien and warrant of the service provider. Within  
 15776 15 days after mailing the notice of lien by registered mail, the  
 15777 employer may protest the issuance of the lien in the same manner  
 15778 provided in paragraph (2) (a). The protest does not operate as a  
 15779 supersedeas or stay of enforcement unless the employer files  
 15780 with the sheriff seeking to enforce the warrant a good and  
 15781 sufficient surety bond in twice the amount demanded by the  
 15782 notice of lien or warrant. The bond must be conditioned upon  
 15783 payment of the amount subsequently found to be due from the  
 15784 employer to the tax collection service provider in the final  
 15785 order of the Department of Economic Opportunity ~~the Agency for~~  
 15786 ~~Workforce Innovation~~ upon protest of assessment. The jeopardy  
 15787 warrant and notice of lien are satisfied in the manner provided  
 15788 in this section upon payment of the amount finally determined to  
 15789 be due from the employer. If enforcement of the jeopardy warrant  
 15790 is not superseded as provided in this section, the employer is  
 15791 entitled to a refund from the fund of all amounts paid as

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15792 contributions or reimbursements in excess of the amount finally  
 15793 determined to be due by the employer upon application being made  
 15794 as provided in this chapter.

15795 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF  
 15796 CONTRIBUTIONS AND REIMBURSEMENTS.—

15797 (c) Any agent or employee designated by the Department of  
 15798 Economic Opportunity ~~the Agency for Workforce Innovation or the~~  
 15799 Department of Revenue ~~its tax collection service provider~~ may  
 15800 administer an oath to any person for any return or report  
 15801 required by this chapter or by the rules of the Department of  
 15802 Economic Opportunity ~~the Agency for Workforce Innovation or the~~  
 15803 Department of Revenue ~~the state agency providing unemployment~~  
 15804 ~~tax collection services~~, and an oath made before the Department  
 15805 of Economic Opportunity ~~the agency~~ or its service provider or  
 15806 any authorized agent or employee has the same effect as an oath  
 15807 made before any judicial officer or notary public of the state.

15808 Section 304. Section 443.151, Florida Statutes, is amended  
 15809 to read:

15810 443.151 Procedure concerning claims.—

15811 (1) POSTING OF INFORMATION.—

15812 (a) Each employer must post and maintain in places readily  
 15813 accessible to individuals in her or his employ printed  
 15814 statements concerning benefit rights, claims for benefits, and  
 15815 other matters relating to the administration of this chapter as  
 15816 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 15817 ~~Innovation~~ may by rule prescribe. Each employer must supply to  
 15818 individuals copies of printed statements or other materials  
 15819 relating to claims for benefits as directed by the ~~agency's~~

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15820 | rules of the Department of Economic Opportunity. The Department  
 15821 | of Economic Opportunity ~~The Agency for Workforce Innovation~~  
 15822 | shall supply these printed statements and other materials to  
 15823 | each employer without cost to the employer.

15824 | (b)1. The Department of Economic Opportunity ~~The Agency~~  
 15825 | ~~for Workforce Innovation~~ shall advise each individual filing a  
 15826 | new claim for unemployment compensation, at the time of filing  
 15827 | the claim, that:

15828 | a. Unemployment compensation is subject to federal income  
 15829 | tax.

15830 | b. Requirements exist pertaining to estimated tax  
 15831 | payments.

15832 | c. The individual may elect to have federal income tax  
 15833 | deducted and withheld from the individual's payment of  
 15834 | unemployment compensation at the amount specified in the federal  
 15835 | Internal Revenue Code.

15836 | d. The individual is not permitted to change a previously  
 15837 | elected withholding status more than twice per calendar year.

15838 | 2. Amounts deducted and withheld from unemployment  
 15839 | compensation must remain in the Unemployment Compensation Trust  
 15840 | Fund until transferred to the federal taxing authority as  
 15841 | payment of income tax.

15842 | 3. The Department of Economic Opportunity ~~The Agency for~~  
 15843 | ~~Workforce Innovation~~ shall follow all procedures specified by  
 15844 | the United States Department of Labor and the federal Internal  
 15845 | Revenue Service pertaining to the deducting and withholding of  
 15846 | income tax.

15847 | 4. If more than one authorized request for deduction and

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15848 withholding is made, amounts must be deducted and withheld in  
 15849 accordance with the following priorities:

- 15850 a. Unemployment overpayments have first priority;
- 15851 b. Child support payments have second priority; and
- 15852 c. Withholding under this subsection has third priority.

15853 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF  
 15854 CLAIMANTS AND EMPLOYERS.—

15855 (a) In general.—Claims for benefits must be made in  
 15856 accordance with the rules adopted by the Department of Economic  
 15857 Opportunity ~~the Agency for Workforce Innovation~~. The Department  
 15858 of Economic Opportunity ~~The agency~~ must notify claimants and  
 15859 employers regarding monetary and nonmonetary determinations of  
 15860 eligibility. Investigations of issues raised in connection with  
 15861 a claimant which may affect a claimant's eligibility for  
 15862 benefits or charges to an employer's employment record shall be  
 15863 conducted by the Department of Economic Opportunity ~~the agency~~  
 15864 through written, telephonic, or electronic means as prescribed  
 15865 by rule.

15866 (b) Process.—When the Unemployment Compensation Claims and  
 15867 Benefits Information System described in s. 443.1113 is fully  
 15868 operational, the process for filing claims must incorporate the  
 15869 process for registering for work with the workforce information  
 15870 systems established pursuant to s. 445.011. A claim for benefits  
 15871 may not be processed until the work registration requirement is  
 15872 satisfied. The Department of Economic Opportunity ~~The Agency for~~  
 15873 ~~Workforce Innovation~~ may adopt rules as necessary to administer  
 15874 the work registration requirement set forth in this paragraph.

15875 (3) DETERMINATION OF ELIGIBILITY.—

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15876 (a) Notices of claim.—The Department of Economic  
 15877 Opportunity ~~The Agency for Workforce Innovation~~ shall promptly  
 15878 provide a notice of claim to the claimant's most recent  
 15879 employing unit and all employers whose employment records are  
 15880 liable for benefits under the monetary determination. The  
 15881 employer must respond to the notice of claim within 20 days  
 15882 after the mailing date of the notice, or in lieu of mailing,  
 15883 within 20 days after the delivery of the notice. If a  
 15884 contributing employer fails to timely respond to the notice of  
 15885 claim, the employer's account may not be relieved of benefit  
 15886 charges as provided in s. 443.131(3)(a), notwithstanding  
 15887 paragraph (5)(b). The Department of Economic Opportunity ~~The~~  
 15888 ~~agency~~ may adopt rules as necessary to implement the processes  
 15889 described in this paragraph relating to notices of claim.

15890 (b) Monetary determinations.—In addition to the notice of  
 15891 claim, the Department of Economic Opportunity ~~the agency~~ shall  
 15892 also promptly provide an initial monetary determination to the  
 15893 claimant and each base period employer whose account is subject  
 15894 to being charged for its respective share of benefits on the  
 15895 claim. The monetary determination must include a statement of  
 15896 whether and in what amount the claimant is entitled to benefits,  
 15897 and, in the event of a denial, must state the reasons for the  
 15898 denial. A monetary determination for the first week of a benefit  
 15899 year must also include a statement of whether the claimant was  
 15900 paid the wages required under s. 443.091(1)(g) and, if so, the  
 15901 first day of the benefit year, the claimant's weekly benefit  
 15902 amount, and the maximum total amount of benefits payable to the  
 15903 claimant for a benefit year. The monetary determination is final



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15904 unless within 20 days after the mailing of the notices to the  
 15905 parties' last known addresses, or in lieu of mailing, within 20  
 15906 days after the delivery of the notices, an appeal or written  
 15907 request for reconsideration is filed by the claimant or other  
 15908 party entitled to notice. The Department of Economic Opportunity  
 15909 ~~The agency~~ may adopt rules as necessary to implement the  
 15910 processes described in this paragraph relating to notices of  
 15911 monetary determinations and the appeals or reconsideration  
 15912 requests filed in response to such notices.

15913 (c) Nonmonetary determinations.—If the Department of  
 15914 Economic Opportunity ~~the agency~~ receives information that may  
 15915 result in a denial of benefits, the Department of Economic  
 15916 Opportunity ~~the agency~~ must complete an investigation of the  
 15917 claim required by subsection (2) and provide notice of a  
 15918 nonmonetary determination to the claimant and the employer from  
 15919 whom the claimant's reason for separation affects his or her  
 15920 entitlement to benefits. The determination must state the reason  
 15921 for the determination and whether the unemployment tax account  
 15922 of the contributing employer is charged for benefits paid on the  
 15923 claim. The nonmonetary determination is final unless within 20  
 15924 days after the mailing of the notices to the parties' last known  
 15925 addresses, or in lieu of mailing, within 20 days after the  
 15926 delivery of the notices, an appeal or written request for  
 15927 reconsideration is filed by the claimant or other party entitled  
 15928 to notice. The Department of Economic Opportunity ~~The agency~~ may  
 15929 adopt rules as necessary to implement the processes described in  
 15930 this paragraph relating to notices of nonmonetary determination  
 15931 and the appeals or reconsideration requests filed in response to

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15932 such notices, and may adopt rules prescribing the manner and  
 15933 procedure by which employers within the base period of a  
 15934 claimant become entitled to notice of nonmonetary determination.

15935 (d) Determinations in labor dispute cases.—Whenever any  
 15936 claim involves a labor dispute described in s. 443.101(4), the  
 15937 Department of Economic Opportunity ~~the Agency for Workforce~~  
 15938 ~~Innovation~~ shall promptly assign the claim to a special examiner  
 15939 who shall make a determination on the issues involving  
 15940 unemployment due to the labor dispute. The special examiner  
 15941 shall make the determination after an investigation, as  
 15942 necessary. The claimant or another party entitled to notice of  
 15943 the determination may appeal a determination under subsection  
 15944 (4).

15945 (e) Redeterminations.—

15946 1. The Department of Economic Opportunity ~~The Agency for~~  
 15947 ~~Workforce Innovation~~ may reconsider a determination if it finds  
 15948 an error or if new evidence or information pertinent to the  
 15949 determination is discovered after a prior determination or  
 15950 redetermination. A redetermination may not be made more than 1  
 15951 year after the last day of the benefit year unless the  
 15952 disqualification for making a false or fraudulent representation  
 15953 under s. 443.101(6) is applicable, in which case the  
 15954 redetermination may be made within 2 years after the false or  
 15955 fraudulent representation. The Department of Economic  
 15956 Opportunity ~~The agency~~ must promptly give notice of  
 15957 redetermination to the claimant and to any employers entitled to  
 15958 notice in the manner prescribed in this section for the notice  
 15959 of an initial determination.

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15960           2. If the amount of benefits is increased by the  
 15961 redetermination, an appeal of the redetermination based solely  
 15962 on the increase may be filed as provided in subsection (4). If  
 15963 the amount of benefits is decreased by the redetermination, the  
 15964 redetermination may be appealed by the claimant if a subsequent  
 15965 claim for benefits is affected in amount or duration by the  
 15966 redetermination. If the final decision on the determination or  
 15967 redetermination to be reconsidered was made by an appeals  
 15968 referee, the commission, or a court, the Department of Economic  
 15969 Opportunity ~~the Agency for Workforce Innovation~~ may apply for a  
 15970 revised decision from the body or court that made the final  
 15971 decision.

15972           3. If an appeal of an original determination is pending  
 15973 when a redetermination is issued, the appeal unless withdrawn is  
 15974 treated as an appeal from the redetermination.

15975           (4) APPEALS.—

15976           (a) Appeals referees.—The Department of Economic  
 15977 Opportunity ~~The Agency for Workforce Innovation~~ shall appoint  
 15978 one or more impartial salaried appeals referees in accordance  
 15979 with s. 443.171(3) to hear and decide appealed claims. A person  
 15980 may not participate on behalf of the Department of Economic  
 15981 Opportunity ~~the Agency for Workforce Innovation~~ as an appeals  
 15982 referee in any case in which she or he is an interested party.  
 15983 The Department of Economic Opportunity ~~The Agency for Workforce~~  
 15984 ~~Innovation~~ may designate alternates to serve in the absence or  
 15985 disqualification of any appeals referee on a temporary basis.  
 15986 These alternates must have the same qualifications required of  
 15987 appeals referees. The Department of Economic Opportunity ~~The~~

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15988 | ~~Agency for Workforce Innovation~~ shall provide the commission and  
 15989 | the appeals referees with proper facilities and assistance for  
 15990 | the execution of their functions.

15991 | (b) Filing and hearing.—

15992 | 1. The claimant or any other party entitled to notice of a  
 15993 | determination may appeal an adverse determination to an appeals  
 15994 | referee within 20 days after the date of mailing of the notice  
 15995 | to her or his last known address or, if the notice is not  
 15996 | mailed, within 20 days after the date of delivery of the notice.

15997 | 2. Unless the appeal is untimely or withdrawn or review is  
 15998 | initiated by the commission, the appeals referee, after mailing  
 15999 | all parties and attorneys of record a notice of hearing at least  
 16000 | 10 days before the date of hearing, notwithstanding the 14-day  
 16001 | notice requirement in s. 120.569(2)(b), may only affirm, modify,  
 16002 | or reverse the determination. An appeal may not be withdrawn  
 16003 | without the permission of the appeals referee.

16004 | 3. However, when an appeal appears to have been filed  
 16005 | after the permissible time limit, the Office of Appeals may  
 16006 | issue an order to show cause to the appellant, requiring the  
 16007 | appellant to show why the appeal should not be dismissed as  
 16008 | untimely. If the appellant does not, within 15 days after the  
 16009 | mailing date of the order to show cause, provide written  
 16010 | evidence of timely filing or good cause for failure to appeal  
 16011 | timely, the appeal shall be dismissed.

16012 | 4. When an appeal involves a question of whether services  
 16013 | were performed by a claimant in employment or for an employer,  
 16014 | the referee must give special notice of the question and of the  
 16015 | pendency of the appeal to the employing unit and to the

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16016 Department of Economic Opportunity ~~the Agency for Workforce~~  
 16017 ~~Innovation~~, both of which become parties to the proceeding.

16018 5. The parties must be notified promptly of the referee's  
 16019 decision. The referee's decision is final unless further review  
 16020 is initiated under paragraph (c) within 20 days after the date  
 16021 of mailing notice of the decision to the party's last known  
 16022 address or, in lieu of mailing, within 20 days after the  
 16023 delivery of the notice.

16024 (c) Review by commission.—The commission may, on its own  
 16025 motion, within the time limit in paragraph (b), initiate a  
 16026 review of the decision of an appeals referee. The commission may  
 16027 also allow the Department of Economic Opportunity ~~the Agency for~~  
 16028 ~~Workforce Innovation~~ or any adversely affected party entitled to  
 16029 notice of the decision to appeal the decision by filing an  
 16030 application within the time limit in paragraph (b). An adversely  
 16031 affected party has the right to appeal the decision if the  
 16032 Department of Economic Opportunity's ~~the Agency for Workforce~~  
 16033 ~~Innovation's~~ determination is not affirmed by the appeals  
 16034 referee. The commission may affirm, modify, or reverse the  
 16035 findings and conclusions of the appeals referee based on  
 16036 evidence previously submitted in the case or based on additional  
 16037 evidence taken at the direction of the commission. The  
 16038 commission may assume jurisdiction of or transfer to another  
 16039 appeals referee the proceedings on any claim pending before an  
 16040 appeals referee. Any proceeding in which the commission assumes  
 16041 jurisdiction before completion must be heard by the commission  
 16042 in accordance with the requirement of this subsection for  
 16043 proceedings before an appeals referee. When the commission

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16044 | denies an application to hear an appeal of an appeals referee's  
 16045 | decision, the decision of the appeals referee is the decision of  
 16046 | the commission for purposes of this paragraph and is subject to  
 16047 | judicial review within the same time and manner as decisions of  
 16048 | the commission, except that the time for initiating review runs  
 16049 | from the date of notice of the commission's order denying the  
 16050 | application to hear an appeal.

16051 | (d) Procedure.—The manner that appealed claims are  
 16052 | presented must comply with the commission's rules. Witnesses  
 16053 | subpoenaed under this section are allowed fees at the rate  
 16054 | established by s. 92.142, and fees of witnesses subpoenaed on  
 16055 | behalf of the Department of Economic Opportunity ~~the Agency for~~  
 16056 | ~~Workforce Innovation~~ or any claimant are deemed part of the  
 16057 | expense of administering this chapter.

16058 | (e) Judicial review.—Orders of the commission entered  
 16059 | under paragraph (c) are subject to review only by notice of  
 16060 | appeal in the district court of appeal in the appellate district  
 16061 | in which the issues involved were decided by an appeals referee.  
 16062 | Notwithstanding chapter 120, the commission is a party  
 16063 | respondent to every such proceeding. The Department of Economic  
 16064 | Opportunity ~~The Agency for Workforce Innovation~~ may initiate  
 16065 | judicial review of orders in the same manner and to the same  
 16066 | extent as any other party.

16067 | (5) PAYMENT OF BENEFITS.—

16068 | (a) The Department of Economic Opportunity ~~The Agency for~~  
 16069 | ~~Workforce Innovation~~ shall promptly pay benefits in accordance  
 16070 | with a determination or redetermination regardless of any appeal  
 16071 | or pending appeal. Before payment of benefits to the claimant,

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16072 however, each employer who is liable for reimbursements in lieu  
 16073 of contributions for payment of the benefits must be notified,  
 16074 at the address on file with the Department of Economic  
 16075 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 16076 Department of Revenue ~~its tax collection service provider~~, of  
 16077 the initial determination of the claim and must be given 10 days  
 16078 to respond.

16079 (b) The Department of Economic Opportunity ~~The Agency for~~  
 16080 ~~Workforce Innovation~~ shall promptly pay benefits, regardless of  
 16081 whether a determination is under appeal if the determination  
 16082 allowing benefits is affirmed in any amount by an appeals  
 16083 referee or is affirmed by the commission, or if a decision of an  
 16084 appeals referee allowing benefits is affirmed in any amount by  
 16085 the commission. In these instances, a court may not issue an  
 16086 injunction, supersedeas, stay, or other writ or process  
 16087 suspending payment of benefits. A contributing employer that  
 16088 responded to the notice of claim within the time limit provided  
 16089 in subsection (3) may not, however, be charged with benefits  
 16090 paid under an erroneous determination if the decision is  
 16091 ultimately reversed. Benefits are not paid for any subsequent  
 16092 weeks of unemployment involved in a reversal.

16093 (c) The provisions of paragraph (b) relating to charging  
 16094 an employer liable for contributions do not apply to reimbursing  
 16095 employers.

16096 (6) RECOVERY AND RECOUPMENT.—

16097 (a) Any person who, by reason of her or his fraud,  
 16098 receives benefits under this chapter to which she or he is not  
 16099 entitled is liable for repaying those benefits to the Department

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16100 of Economic Opportunity ~~the Agency for Workforce Innovation~~ on  
 16101 behalf of the trust fund or, in the ~~agency's~~ discretion of the  
 16102 Department of Economic Opportunity, to have those benefits  
 16103 deducted from future benefits payable to her or him under this  
 16104 chapter. To enforce this paragraph, the Department of Economic  
 16105 Opportunity ~~the agency~~ must find the existence of fraud through  
 16106 a redetermination or decision under this section within 2 years  
 16107 after the fraud was committed. Any recovery or recoupment of  
 16108 benefits must be effected within 5 years after the  
 16109 redetermination or decision.

16110 (b) Any person who, by reason other than her or his fraud,  
 16111 receives benefits under this chapter to which, under a  
 16112 redetermination or decision pursuant to this section, she or he  
 16113 is not entitled, is liable for repaying those benefits to the  
 16114 Department of Economic Opportunity ~~the Agency for Workforce~~  
 16115 ~~Innovation~~ on behalf of the trust fund or, in the ~~agency's~~  
 16116 discretion of the Department of Economic Opportunity, to have  
 16117 those benefits deducted from any future benefits payable to her  
 16118 or him under this chapter. Any recovery or recoupment of  
 16119 benefits must be effected within 3 years after the  
 16120 redetermination or decision.

16121 (c) Any person who, by reason other than fraud, receives  
 16122 benefits under this chapter to which she or he is not entitled  
 16123 as a result of an employer's failure to respond to a claim  
 16124 within the timeframe provided in subsection (3) is not liable  
 16125 for repaying those benefits to the Department of Economic  
 16126 Opportunity ~~the Agency for Workforce Innovation~~ on behalf of the  
 16127 trust fund or to have those benefits deducted from any future



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16128 | benefits payable to her or him under this chapter.

16129 |       (d) Recoupment from future benefits is not permitted if

16130 | the benefits are received by any person without fault on the

16131 | person's part and recoupment would defeat the purpose of this

16132 | chapter or would be inequitable and against good conscience.

16133 |       (e) The Department of Economic Opportunity ~~The Agency for~~

16134 | ~~Workforce Innovation~~ shall collect the repayment of benefits

16135 | without interest by the deduction of benefits through a

16136 | redetermination or by a civil action.

16137 |       (f) Notwithstanding any other provision of this chapter,

16138 | any person who is determined by this state, a cooperating state

16139 | agency, the United States Secretary of Labor, or a court to have

16140 | received any payments under the Trade Act of 1974, as amended,

16141 | to which the person was not entitled shall have those payments

16142 | deducted from any regular benefits, as defined in s.

16143 | 443.1115(1)(e), payable to her or him under this chapter. Each

16144 | such deduction may not exceed 50 percent of the amount otherwise

16145 | payable. The payments deducted shall be remitted to the agency

16146 | that issued the payments under the Trade Act of 1974, as

16147 | amended, for return to the United States Treasury. Except for

16148 | overpayments determined by a court, a deduction may not be made

16149 | under this paragraph until a determination by the state agency

16150 | or the United States Secretary of Labor is final.

16151 |       (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any

16152 | administrative proceeding conducted under this chapter, an

16153 | employer or a claimant has the right, at his or her own expense,

16154 | to be represented by counsel or by an authorized representative.

16155 | Notwithstanding s. 120.62(2), the authorized representative need

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16156 not be a qualified representative.

16157 (8) BILINGUAL REQUIREMENTS.—

16158 (a) The Department of Economic Opportunity ~~The Agency for~~  
 16159 ~~Workforce Innovation~~ shall provide printed bilingual  
 16160 instructional and educational materials in the appropriate  
 16161 language in those counties in which 5 percent or more of the  
 16162 households in the county are classified as a single-language  
 16163 minority.

16164 (b) The Department of Economic Opportunity ~~The Agency for~~  
 16165 ~~Workforce Innovation~~ shall ensure that one-stop career centers  
 16166 and appeals offices located in counties subject to the  
 16167 requirements of paragraph (c) prominently post notices in the  
 16168 appropriate languages and that translators are available in  
 16169 those centers and offices.

16170 (c) As used in this subsection, the term "single-language  
 16171 minority" means households that speak the same non-English  
 16172 language and that do not contain an adult fluent in English. The  
 16173 Department of Economic Opportunity ~~The Agency for Workforce~~  
 16174 ~~Innovation~~ shall develop estimates of the percentages of single-  
 16175 language minority households for each county by using data from  
 16176 the United States Bureau of the Census.

16177 Section 305. Subsection (1), paragraphs (a) and (c) of  
 16178 subsection (3), and subsection (4) of section 443.163, Florida  
 16179 Statutes, are amended to read:

16180 443.163 Electronic reporting and remitting of  
 16181 contributions and reimbursements.—

16182 (1) An employer may file any report and remit any  
 16183 contributions or reimbursements required under this chapter by

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16184 | electronic means. The Department of Economic Opportunity ~~The~~  
 16185 | ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~the~~  
 16186 | ~~state agency providing unemployment tax collection services~~  
 16187 | shall adopt rules prescribing the format and instructions  
 16188 | necessary for electronically filing reports and remitting  
 16189 | contributions and reimbursements to ensure a full collection of  
 16190 | contributions and reimbursements due. The acceptable method of  
 16191 | transfer, the method, form, and content of the electronic means,  
 16192 | and the method, if any, by which the employer will be provided  
 16193 | with an acknowledgment shall be prescribed by the Department of  
 16194 | Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 16195 | Department of Revenue ~~its tax collection service provider~~.  
 16196 | However, any employer who employed 10 or more employees in any  
 16197 | quarter during the preceding state fiscal year must file the  
 16198 | Employers Quarterly Reports (UCT-6) for the current calendar  
 16199 | year and remit the contributions and reimbursements due by  
 16200 | electronic means approved by the tax collection service  
 16201 | provider. A person who prepared and reported for 100 or more  
 16202 | employers in any quarter during the preceding state fiscal year  
 16203 | must file the Employers Quarterly Reports (UCT-6) for each  
 16204 | calendar quarter in the current calendar year, beginning with  
 16205 | reports due for the second calendar quarter of 2003, by  
 16206 | electronic means approved by the tax collection service  
 16207 | provider.

16208 |           (3) The tax collection service provider may waive the  
 16209 | requirement to file an Employers Quarterly Report (UCT-6) by  
 16210 | electronic means for employers that are unable to comply despite  
 16211 | good faith efforts or due to circumstances beyond the employer's

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16212 reasonable control.

16213 (a) As prescribed by the Department of Economic  
 16214 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 16215 Department of Revenue ~~its tax collection service provider,~~  
 16216 grounds for approving the waiver include, but are not limited  
 16217 to, circumstances in which the employer does not:

16218 1. Currently file information or data electronically with  
 16219 any business or government agency; or

16220 2. Have a compatible computer that meets or exceeds the  
 16221 standards prescribed by the Department of Economic Opportunity  
 16222 ~~the Agency for Workforce Innovation~~ or the Department of Revenue  
 16223 ~~its tax collection service provider.~~

16224 (c) The Department of Economic Opportunity ~~The Agency for~~  
 16225 ~~Workforce Innovation~~ or the Department of Revenue ~~the state~~  
 16226 ~~agency providing unemployment tax collection services~~ may  
 16227 establish by rule the length of time a waiver is valid and may  
 16228 determine whether subsequent waivers will be authorized, based  
 16229 on this subsection.

16230 (4) As used in this section, the term "electronic means"  
 16231 includes, but is not limited to, electronic data interchange;  
 16232 electronic funds transfer; and use of the Internet, telephone,  
 16233 or other technology specified by the Department of Economic  
 16234 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 16235 Department of Revenue ~~its tax collection service provider.~~

16236 Section 306. Section 443.171, Florida Statutes, is amended  
 16237 to read:

16238 443.171 The Department of Economic Opportunity ~~Agency for~~  
 16239 ~~Workforce Innovation~~ and commission; powers and duties; records

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16240 and reports; proceedings; state-federal cooperation.-  
 16241 (1) POWERS AND DUTIES.—The Department of Economic  
 16242 Opportunity ~~The Agency for Workforce Innovation~~ shall administer  
 16243 this chapter. The Department of Economic Opportunity ~~The agency~~  
 16244 may employ those persons, make expenditures, require reports,  
 16245 conduct investigations, and take other action necessary or  
 16246 suitable to administer this chapter. The Department of Economic  
 16247 Opportunity ~~The Agency for Workforce Innovation~~ shall annually  
 16248 submit information to Workforce Florida, Inc., covering the  
 16249 administration and operation of this chapter during the  
 16250 preceding calendar year for inclusion in the strategic plan  
 16251 under s. 445.006 and may make recommendations for amendment to  
 16252 this chapter.  
 16253 (2) PUBLICATION OF ACTS AND RULES.—The Department of  
 16254 Economic Opportunity ~~The Agency for Workforce Innovation~~ shall  
 16255 cause to be printed and distributed to the public, or otherwise  
 16256 distributed to the public through the Internet or similar  
 16257 electronic means, the text of this chapter and of the rules for  
 16258 administering this chapter adopted by the Department of Economic  
 16259 Opportunity ~~the agency~~ or the Department of Revenue ~~the state~~  
 16260 ~~agency providing unemployment tax collection services~~ and any  
 16261 other matter relevant and suitable. The Department of Economic  
 16262 Opportunity ~~The Agency for Workforce Innovation~~ shall furnish  
 16263 this information to any person upon request. However, any  
 16264 pamphlet, rules, circulars, or reports required by this chapter  
 16265 may not contain any matter except the actual data necessary to  
 16266 complete them or the actual language of the rule, together with  
 16267 the proper notices.

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16268 (3) PERSONNEL.—Subject to chapter 110 and the other  
 16269 provisions of this chapter, the Department of Economic  
 16270 Opportunity ~~the Agency for Workforce Innovation~~ may appoint, set  
 16271 the compensation of, and prescribe the duties and powers of  
 16272 employees, accountants, attorneys, experts, and other persons as  
 16273 necessary for the performance of the ~~agency's~~ duties of the  
 16274 Department of Economic Opportunity under this chapter. The  
 16275 Department of Economic Opportunity ~~The Agency for Workforce~~  
 16276 ~~Innovation~~ may delegate to any person its power and authority  
 16277 under this chapter as necessary for the effective administration  
 16278 of this chapter and may bond any person handling moneys or  
 16279 signing checks under this chapter. The cost of these bonds must  
 16280 be paid from the Employment Security Administration Trust Fund.

16281 (4) EMPLOYMENT STABILIZATION.—The Department of Economic  
 16282 Opportunity ~~The Agency for Workforce Innovation~~, under the  
 16283 direction of Workforce Florida, Inc., shall take all appropriate  
 16284 steps to reduce and prevent unemployment; to encourage and  
 16285 assist in the adoption of practical methods of career training,  
 16286 retraining, and career guidance; to investigate, recommend,  
 16287 advise, and assist in the establishment and operation, by  
 16288 municipalities, counties, school districts, and the state, of  
 16289 reserves for public works to be used in times of business  
 16290 depression and unemployment; to promote the reemployment of the  
 16291 unemployed workers throughout the state in every other way that  
 16292 may be feasible; to refer any claimant entitled to extended  
 16293 benefits to suitable work which meets the criteria of this  
 16294 chapter; and, to these ends, to carry on and publish the results  
 16295 of investigations and research studies.

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16296 (5) RECORDS AND REPORTS.—Each employing unit shall keep  
 16297 true and accurate work records, containing the information  
 16298 required by the Department of Economic Opportunity ~~the Agency~~  
 16299 ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
 16300 ~~collection service provider~~. These records must be open to  
 16301 inspection and are subject to being copied by the Department of  
 16302 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
 16303 Department of Revenue ~~its tax collection service provider~~ at any  
 16304 reasonable time and as often as necessary. The Department of  
 16305 Economic Opportunity ~~The Agency for Workforce Innovation~~ or the  
 16306 Department of Revenue ~~its tax collection service provider~~ may  
 16307 require from any employing unit any sworn or unsworn reports,  
 16308 for persons employed by the employing unit, necessary for the  
 16309 effective administration of this chapter. However, a state or  
 16310 local governmental agency performing intelligence or  
 16311 counterintelligence functions need not report an employee if the  
 16312 head of that agency determines that reporting the employee could  
 16313 endanger the safety of the employee or compromise an ongoing  
 16314 investigation or intelligence mission. Information revealing the  
 16315 employing unit's or individual's identity obtained from the  
 16316 employing unit or from any individual through the administration  
 16317 of this chapter, is, except to the extent necessary for the  
 16318 proper presentation of a claim or upon written authorization of  
 16319 the claimant who has a workers' compensation claim pending,  
 16320 confidential and exempt from s. 119.07(1). This confidential  
 16321 information is available only to public employees in the  
 16322 performance of their public duties. Any claimant, or the  
 16323 claimant's legal representative, at a hearing before an appeals

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16324 referee or the commission must be supplied with information from  
 16325 these records to the extent necessary for the proper  
 16326 presentation of her or his claim. Any employee or member of the  
 16327 commission, any employee of the Department of Economic  
 16328 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 16329 Department of Revenue ~~its tax collection service provider~~, or  
 16330 any other person receiving confidential information who violates  
 16331 this subsection commits a misdemeanor of the second degree,  
 16332 punishable as provided in s. 775.082 or s. 775.083. However, the  
 16333 Department of Economic Opportunity ~~the Agency for Workforce~~  
 16334 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 16335 ~~service provider~~ may furnish to any employer copies of any  
 16336 report previously submitted by that employer, upon the request  
 16337 of the employer. The Department of Economic Opportunity ~~The~~  
 16338 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~its~~  
 16339 ~~tax collection service provider~~ may charge a reasonable fee for  
 16340 copies of reports, which may not exceed the actual reasonable  
 16341 cost of the preparation of the copies as prescribed by rules  
 16342 adopted by the Department of Economic Opportunity ~~the Agency for~~  
 16343 ~~Workforce Innovation~~ or the state agency providing tax  
 16344 collection services. Fees received by the Department of Economic  
 16345 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 16346 Department of Revenue ~~its tax collection service provider~~ for  
 16347 copies furnished under this subsection must be deposited in the  
 16348 Employment Security Administration Trust Fund.

16349 (6) OATHS AND WITNESSES.—In the discharge of the duties  
 16350 imposed by this chapter, the Department of Economic Opportunity  
 16351 ~~the Agency for Workforce Innovation~~, the Department of Revenue



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16352 ~~its tax collection service provider~~, the members of the  
 16353 commission, and any authorized representative of any of these  
 16354 entities may administer oaths and affirmations, take  
 16355 depositions, certify to official acts, and issue subpoenas to  
 16356 compel the attendance of witnesses and the production of books,  
 16357 papers, correspondence, memoranda, and other records deemed  
 16358 necessary as evidence in connection with the administration of  
 16359 this chapter.

16360 (7) SUBPOENAS.—If a person refuses to obey a subpoena  
 16361 issued to that person, any court of this state within the  
 16362 jurisdiction of which the inquiry is carried on, or within the  
 16363 jurisdiction of which the person is found, resides, or transacts  
 16364 business, upon application by the Department of Economic  
 16365 Opportunity ~~the Agency for Workforce Innovation~~, the Department  
 16366 of Revenue ~~its tax collection service provider~~, the commission,  
 16367 or any authorized representative of any of these entities has  
 16368 jurisdiction to order the person to appear before the entity to  
 16369 produce evidence or give testimony on the matter under  
 16370 investigation or in question. Failure to obey the order of the  
 16371 court may be punished by the court as contempt. Any person who  
 16372 fails or refuses without just cause to appear or testify; to  
 16373 answer any lawful inquiry; or to produce books, papers,  
 16374 correspondence, memoranda, and other records within her or his  
 16375 control as commanded in a subpoena of the Department of Economic  
 16376 Opportunity ~~the Agency for Workforce Innovation~~, the Department  
 16377 of Revenue ~~its tax collection service provider~~, the commission,  
 16378 or any authorized representative of any of these entities  
 16379 commits a misdemeanor of the second degree, punishable as

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16380 provided in s. 775.082 or s. 775.083. Each day that a violation  
 16381 continues is a separate offense.

16382 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not  
 16383 excused from appearing or testifying, or from producing books,  
 16384 papers, correspondence, memoranda, or other records, before the  
 16385 Department of Economic Opportunity ~~the Agency for Workforce~~  
 16386 Innovation, the Department of Revenue ~~its tax collection service~~  
 16387 ~~provider~~, the commission, or any authorized representative of  
 16388 any of these entities or as commanded in a subpoena of any of  
 16389 these entities in any proceeding before the Department of  
 16390 Economic Opportunity ~~the Agency for Workforce Innovation~~, the  
 16391 commission, an appeals referee, or a special deputy on the  
 16392 ground that the testimony or evidence, documentary or otherwise,  
 16393 required of the person may incriminate her or him or subject her  
 16394 or him to a penalty or forfeiture. That person may not be  
 16395 prosecuted or subjected to any penalty or forfeiture for or on  
 16396 account of any transaction, matter, or thing concerning which  
 16397 she or he is compelled, after having claimed her or his  
 16398 privilege against self-incrimination, to testify or produce  
 16399 evidence, documentary or otherwise, except that the person  
 16400 testifying is not exempt from prosecution and punishment for  
 16401 perjury committed while testifying.

16402 (9) STATE-FEDERAL COOPERATION.—

16403 (a)1. In the administration of this chapter, the  
 16404 Department of Economic Opportunity ~~the Agency for Workforce~~  
 16405 ~~Innovation~~ and the Department of Revenue ~~its tax collection~~  
 16406 ~~service provider~~ shall cooperate with the United States  
 16407 Department of Labor to the fullest extent consistent with this

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16408 chapter and shall take those actions, through the adoption of  
 16409 appropriate rules, administrative methods, and standards,  
 16410 necessary to secure for this state all advantages available  
 16411 under the provisions of federal law relating to unemployment  
 16412 compensation.

16413 2. In the administration of the provisions in s. 443.1115,  
 16414 which are enacted to conform with the Federal-State Extended  
 16415 Unemployment Compensation Act of 1970, the Department of  
 16416 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
 16417 take those actions necessary to ensure that those provisions are  
 16418 interpreted and applied to meet the requirements of the federal  
 16419 act as interpreted by the United States Department of Labor and  
 16420 to secure for this state the full reimbursement of the federal  
 16421 share of extended benefits paid under this chapter which is  
 16422 reimbursable under the federal act.

16423 3. The Department of Economic Opportunity ~~The Agency for~~  
 16424 ~~Workforce Innovation~~ and the Department of Revenue ~~its tax~~  
 16425 ~~collection service provider~~ shall comply with the regulations of  
 16426 the United States Department of Labor relating to the receipt or  
 16427 expenditure by this state of funds granted under federal law;  
 16428 shall submit the reports in the form and containing the  
 16429 information the United States Department of Labor requires; and  
 16430 shall comply with directions of the United States Department of  
 16431 Labor necessary to assure the correctness and verification of  
 16432 these reports.

16433 (b) The Department of Economic Opportunity ~~The Agency for~~  
 16434 ~~Workforce Innovation~~ and the Department of Revenue ~~its tax~~  
 16435 ~~collection service provider~~ may cooperate with every agency of

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16436 the United States charged with administration of any  
 16437 unemployment insurance law.

16438 (c) The Department of Economic Opportunity ~~The Agency for~~  
 16439 ~~Workforce Innovation~~ and the Department of Revenue ~~its tax~~  
 16440 ~~collection service provider~~ shall cooperate with the agencies of  
 16441 other states, and shall make every proper effort within their  
 16442 means, to oppose and prevent any further action leading to the  
 16443 complete or substantial federalization of state unemployment  
 16444 compensation funds or state employment security programs. The  
 16445 Department of Economic Opportunity ~~The Agency for Workforce~~  
 16446 ~~Innovation~~ and the Department of Revenue ~~its tax collection~~  
 16447 ~~service provider~~ may make, and may cooperate with other  
 16448 appropriate agencies in making, studies as to the practicability  
 16449 and probable cost of possible new state-administered social  
 16450 security programs and the relative desirability of state, rather  
 16451 than federal, action in that field of study.

16452 Section 307. Subsections (1) and (2) of section 443.1715,  
 16453 Florida Statutes, are amended to read:

16454 443.1715 Disclosure of information; confidentiality.—

16455 (1) RECORDS AND REPORTS.—Information revealing an  
 16456 employing unit's or individual's identity obtained from the  
 16457 employing unit or any individual under the administration of  
 16458 this chapter, and any determination revealing that information,  
 16459 except to the extent necessary for the proper presentation of a  
 16460 claim or upon written authorization of the claimant who has a  
 16461 workers' compensation claim pending or is receiving compensation  
 16462 benefits, is confidential and exempt from s. 119.07(1) and s.  
 16463 24(a), Art. I of the State Constitution. This confidential

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16464 information may be released only to public employees in the  
 16465 performance of their public duties. Except as otherwise provided  
 16466 by law, public employees receiving this confidential information  
 16467 must maintain the confidentiality of the information. Any  
 16468 claimant, or the claimant's legal representative, at a hearing  
 16469 before an appeals referee or the commission is entitled to  
 16470 information from these records to the extent necessary for the  
 16471 proper presentation of her or his claim. A person receiving  
 16472 confidential information who violates this subsection commits a  
 16473 misdemeanor of the second degree, punishable as provided in s.  
 16474 775.082 or s. 775.083. The Department of Economic Opportunity  
 16475 ~~The Agency for Workforce Innovation~~ or the Department of Revenue  
 16476 ~~its tax collection service provider~~ may, however, furnish to any  
 16477 employer copies of any report submitted by that employer upon  
 16478 the request of the employer and may furnish to any claimant  
 16479 copies of any report submitted by that claimant upon the request  
 16480 of the claimant. The Department of Economic Opportunity ~~The~~  
 16481 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~its~~  
 16482 ~~tax collection service provider~~ may charge a reasonable fee for  
 16483 copies of these reports as prescribed by rule, which may not  
 16484 exceed the actual reasonable cost of the preparation of the  
 16485 copies. Fees received for copies under this subsection must be  
 16486 deposited in the Employment Security Administration Trust Fund.

(2) DISCLOSURE OF INFORMATION.—

16488 (a) Subject to restrictions the Department of Economic  
 16489 Opportunity ~~the Agency for Workforce Innovation~~ or the  
 16490 Department of Revenue ~~the state agency providing unemployment~~  
 16491 ~~tax collection services~~ adopts by rule, information declared

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16492 confidential under this section is available to any agency of  
 16493 this or any other state, or any federal agency, charged with the  
 16494 administration of any unemployment compensation law or the  
 16495 maintenance of the one-stop delivery system, or the Bureau of  
 16496 Internal Revenue of the United States Department of the  
 16497 Treasury, ~~the Governor's Office of Tourism, Trade, and Economic~~  
 16498 ~~Development,~~ or the Florida Department of Revenue. Information  
 16499 obtained in connection with the administration of the one-stop  
 16500 delivery system may be made available to persons or agencies for  
 16501 purposes appropriate to the operation of a public employment  
 16502 service or a job-preparatory or career education or training  
 16503 program. The Department of Economic Opportunity ~~The Agency for~~  
 16504 ~~Workforce Innovation~~ shall, on a quarterly basis, furnish the  
 16505 National Directory of New Hires with information concerning the  
 16506 wages and unemployment benefits paid to individuals, by the  
 16507 dates, in the format, and containing the information specified  
 16508 in the regulations of the United States Secretary of Health and  
 16509 Human Services. Upon request, the Department of Economic  
 16510 Opportunity ~~the Agency for Workforce Innovation~~ shall furnish  
 16511 any agency of the United States charged with the administration  
 16512 of public works or assistance through public employment, and may  
 16513 furnish to any state agency similarly charged, the name,  
 16514 address, ordinary occupation, and employment status of each  
 16515 recipient of benefits and the recipient's rights to further  
 16516 benefits under this chapter. Except as otherwise provided by  
 16517 law, the receiving agency must retain the confidentiality of  
 16518 this information as provided in this section. The tax collection  
 16519 service provider may request the Comptroller of the Currency of

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16520 | the United States to examine the correctness of any return or  
 16521 | report of any national banking association rendered under this  
 16522 | chapter and may in connection with that request transmit any  
 16523 | report or return for examination to the Comptroller of the  
 16524 | Currency of the United States as provided in s. 3305(c) of the  
 16525 | federal Internal Revenue Code.

16526 | (b) The employer or the employer's workers' compensation  
 16527 | carrier against whom a claim for benefits under chapter 440 has  
 16528 | been made, or a representative of either, may request from the  
 16529 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 16530 | ~~Innovation~~ records of wages of the employee reported to the  
 16531 | Department of Economic Opportunity ~~the agency~~ by any employer  
 16532 | for the quarter that includes the date of the accident that is  
 16533 | the subject of such claim and for subsequent quarters.

16534 | 1. The request must be made with the authorization or  
 16535 | consent of the employee or any employer who paid wages to the  
 16536 | employee after the date of the accident.

16537 | 2. The employer or carrier shall make the request on a  
 16538 | form prescribed by rule for such purpose by the Department of  
 16539 | Economic Opportunity ~~the agency~~. Such form shall contain a  
 16540 | certification by the requesting party that it is a party  
 16541 | entitled to the information requested.

16542 | 3. The Department of Economic Opportunity ~~The agency~~ shall  
 16543 | provide the most current information readily available within 15  
 16544 | days after receiving the request.

16545 | Section 308. Section 443.181, Florida Statutes, is amended  
 16546 | to read:

16547 | 443.181 Public employment service.—

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16548 (1) The one-stop delivery system established under s.  
 16549 445.009 is this state's public employment service as part of the  
 16550 national system of public employment offices under 29 U.S.C. s.  
 16551 49. The Department of Economic Opportunity ~~The Agency for~~  
 16552 ~~Workforce Innovation~~, under policy direction from Workforce  
 16553 Florida, Inc., shall cooperate with any official or agency of  
 16554 the United States having power or duties under 29 U.S.C. ss. 49-  
 16555 491-1 and shall perform those duties necessary to secure to this  
 16556 state the funds provided under federal law for the promotion and  
 16557 maintenance of the state's public employment service. In  
 16558 accordance with 29 U.S.C. s. 49c, this state accepts 29 U.S.C.  
 16559 ss. 49-491-1. The Department of Economic Opportunity ~~The Agency~~  
 16560 ~~for Workforce Innovation~~ is designated the state agency  
 16561 responsible for cooperating with the United States Secretary of  
 16562 Labor under 29 U.S.C. s. 49c. The Department of Economic  
 16563 Opportunity ~~The Agency for Workforce Innovation~~ shall appoint  
 16564 sufficient employees to administer this section. The Department  
 16565 of Economic Opportunity ~~The Agency for Workforce Innovation~~ may  
 16566 cooperate with or enter into agreements with the Railroad  
 16567 Retirement Board for the establishment, maintenance, and use of  
 16568 one-stop career centers.

16569 (2) All funds received by this state under 29 U.S.C. ss.  
 16570 49-491-1 must be paid into the Employment Security  
 16571 Administration Trust Fund, and these funds are available to the  
 16572 Department of Economic Opportunity ~~the Agency for Workforce~~  
 16573 ~~Innovation~~ for expenditure as provided by this chapter or by  
 16574 federal law. For the purpose of establishing and maintaining  
 16575 one-stop career centers, the Department of Economic Opportunity



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16576 ~~the Agency for Workforce Innovation~~ may enter into agreements  
 16577 with the Railroad Retirement Board or any other agency of the  
 16578 United States charged with the administration of an unemployment  
 16579 compensation law, with any political subdivision of this state,  
 16580 or with any private, nonprofit organization. As a part of any  
 16581 such agreement, the Department of Economic Opportunity ~~the~~  
 16582 ~~Agency for Workforce Innovation~~ may accept moneys, services, or  
 16583 quarters as a contribution to the Employment Security  
 16584 Administration Trust Fund.

16585 Section 309. Subsections (1) through (4) of section  
 16586 443.191, Florida Statutes, are amended to read:

16587 443.191 Unemployment Compensation Trust Fund;  
 16588 establishment and control.—

16589 (1) There is established, as a separate trust fund apart  
 16590 from all other public funds of this state, an Unemployment  
 16591 Compensation Trust Fund, which shall be administered by the  
 16592 Department of Economic Opportunity ~~the Agency for Workforce~~  
 16593 ~~Innovation~~ exclusively for the purposes of this chapter. The  
 16594 fund shall consist of:

16595 (a) All contributions and reimbursements collected under  
 16596 this chapter;

16597 (b) Interest earned on any moneys in the fund;

16598 (c) Any property or securities acquired through the use of  
 16599 moneys belonging to the fund;

16600 (d) All earnings of these properties or securities;

16601 (e) All money credited to this state's account in the  
 16602 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.  
 16603 1103; and

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16604 (f) Advances on the amount in the federal Unemployment  
 16605 Compensation Trust Fund credited to the state under 42 U.S.C. s.  
 16606 1321, as requested by the Governor or the Governor's designee.

16607  
 16608 Except as otherwise provided in s. 443.1313(4), all moneys in  
 16609 the fund shall be mingled and undivided.

16610 (2) The Chief Financial Officer shall serve ~~is the~~ ex  
 16611 officio as treasurer and custodian of the fund and shall  
 16612 administer the fund in accordance with the directions of the  
 16613 Department of Economic Opportunity ~~the Agency for Workforce~~  
 16614 ~~Innovation~~. All payments from the fund must be approved by the  
 16615 Department of Economic Opportunity ~~the Agency for Workforce~~  
 16616 ~~Innovation~~ or by an authorized agent. The Chief Financial  
 16617 Officer shall maintain within the fund three separate accounts:

- 16618 (a) A clearing account;
- 16619 (b) An Unemployment Compensation Trust Fund account; and
- 16620 (c) A benefit account.

16621  
 16622 All moneys payable to the fund, including moneys received from  
 16623 the United States as reimbursement for extended benefits paid by  
 16624 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 16625 ~~Innovation~~, must be forwarded to the Chief Financial Officer,  
 16626 who shall immediately deposit them in the clearing account.  
 16627 Refunds payable under s. 443.141 may be paid from the clearing  
 16628 account. After clearance, all other moneys in the clearing  
 16629 account must be immediately deposited with the Secretary of the  
 16630 Treasury of the United States to the credit of this state's  
 16631 account in the federal Unemployment Compensation Trust Fund

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16632 notwithstanding any state law relating to the deposit,  
 16633 administration, release, or disbursement of moneys in the  
 16634 possession or custody of this state. The benefit account  
 16635 consists of all moneys requisitioned from this state's account  
 16636 in the federal Unemployment Compensation Trust Fund. Except as  
 16637 otherwise provided by law, moneys in the clearing and benefit  
 16638 accounts may be deposited by the Chief Financial Officer, under  
 16639 the direction of the Department of Economic Opportunity ~~the~~  
 16640 ~~Agency for Workforce Innovation~~, in any bank or public  
 16641 depository in which general funds of the state are deposited,  
 16642 but a public deposit insurance charge or premium may not be paid  
 16643 out of the fund. If any warrant issued against the clearing  
 16644 account or the benefit account is not presented for payment  
 16645 within 1 year after issuance, the Chief Financial Officer must  
 16646 cancel the warrant and credit without restriction the amount of  
 16647 the warrant to the account upon which it is drawn. When the  
 16648 payee or person entitled to a canceled warrant requests payment  
 16649 of the warrant, the Chief Financial Officer, upon direction of  
 16650 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 16651 ~~Innovation~~, must issue a new warrant, payable from the account  
 16652 against which the canceled warrant was drawn.

16653 (3) Moneys may only be requisitioned from the state's  
 16654 account in the federal Unemployment Compensation Trust Fund  
 16655 solely for the payment of benefits and extended benefits and for  
 16656 payment in accordance with rules prescribed by the Department of  
 16657 Economic Opportunity ~~the Agency for Workforce Innovation~~, or for  
 16658 the repayment of advances made pursuant to 42 U.S.C. s. 1321, as  
 16659 authorized by the Governor or the Governor's designee, except

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16660 | that money credited to this state's account under 42 U.S.C. s.  
 16661 | 1103 may only be used exclusively as provided in subsection (5).  
 16662 | The Department of Economic Opportunity ~~The Agency for Workforce~~  
 16663 | ~~Innovation~~, through the Chief Financial Officer, shall  
 16664 | requisition from the federal Unemployment Compensation Trust  
 16665 | Fund amounts, not exceeding the amounts credited to this state's  
 16666 | account in the fund, as necessary for the payment of benefits  
 16667 | and extended benefits for a reasonable future period. Upon  
 16668 | receipt of these amounts, the Chief Financial Officer shall  
 16669 | deposit the moneys in the benefit account in the State Treasury  
 16670 | and warrants for the payment of benefits and extended benefits  
 16671 | shall be drawn upon the order of the Department of Economic  
 16672 | Opportunity ~~the Agency for Workforce Innovation~~ against the  
 16673 | account. All warrants for benefits and extended benefits are  
 16674 | payable directly to the ultimate beneficiary. Expenditures of  
 16675 | these moneys in the benefit account and refunds from the  
 16676 | clearing account are not subject to any law requiring specific  
 16677 | appropriations or other formal release by state officers of  
 16678 | money in their custody. All warrants issued for the payment of  
 16679 | benefits and refunds must bear the signature of the Chief  
 16680 | Financial Officer. Any balance of moneys requisitioned from this  
 16681 | state's account in the federal Unemployment Compensation Trust  
 16682 | Fund which remains unclaimed or unpaid in the benefit account  
 16683 | after the period for which the moneys were requisitioned shall  
 16684 | be deducted from estimates for, and may be used for the payment  
 16685 | of, benefits and extended benefits during succeeding periods,  
 16686 | or, in the discretion of the Department of Economic Opportunity  
 16687 | ~~the Agency for Workforce Innovation~~, shall be redeposited with

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16688 | the Secretary of the Treasury of the United States, to the  
 16689 | credit of this state's account in the federal Unemployment  
 16690 | Compensation Trust Fund, as provided in subsection (2).  
 16691 |       (4) Subsections (1), (2), and (3), to the extent they  
 16692 | relate to the federal Unemployment Compensation Trust Fund,  
 16693 | apply only while the fund continues to exist and while the  
 16694 | Secretary of the Treasury of the United States continues to  
 16695 | maintain for this state a separate account of all funds  
 16696 | deposited by this state for the payment of benefits, together  
 16697 | with this state's proportionate share of the earnings of the  
 16698 | federal Unemployment Compensation Trust Fund, from which no  
 16699 | other state is permitted to make withdrawals. If the federal  
 16700 | Unemployment Compensation Trust Fund ceases to exist, or the  
 16701 | separate account is no longer maintained, all moneys,  
 16702 | properties, or securities belonging to this state's account in  
 16703 | the federal Unemployment Compensation Trust Fund must be  
 16704 | transferred to the treasurer of the Unemployment Compensation  
 16705 | Trust Fund, who must hold, invest, transfer, sell, deposit, and  
 16706 | release those moneys, properties, or securities in a manner  
 16707 | approved by the Department of Economic Opportunity ~~the Agency~~  
 16708 | ~~for Workforce Innovation~~ in accordance with this chapter. These  
 16709 | moneys must, however, be invested in the following readily  
 16710 | marketable classes of securities: bonds or other interest-  
 16711 | bearing obligations of the United States or of the state.  
 16712 | Further, the investment must at all times be made in a manner  
 16713 | that allows all the assets of the fund to always be readily  
 16714 | convertible into cash when needed for the payment of benefits.  
 16715 | The treasurer may only dispose of securities or other properties

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16716 | belonging to the Unemployment Compensation Trust Fund under the  
 16717 | direction of the Department of Economic Opportunity ~~the Agency~~  
 16718 | ~~for Workforce Innovation~~.

16719 |       Section 310. Section 443.211, Florida Statutes, is amended  
 16720 | to read:

16721 |       443.211 Employment Security Administration Trust Fund;  
 16722 | appropriation; reimbursement.—

16723 |       (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There  
 16724 | is created in the State Treasury the "Employment Security  
 16725 | Administration Trust Fund." All moneys deposited into this fund  
 16726 | remain continuously available to the Department of Economic  
 16727 | Opportunity ~~the Agency for Workforce Innovation~~ for expenditure  
 16728 | in accordance with this chapter and do not revert at any time  
 16729 | and may not be transferred to any other fund. All moneys in this  
 16730 | fund which are received from the Federal Government or any  
 16731 | federal agency or which are appropriated by this state under ss.  
 16732 | 443.171 and 443.181, except money received under s.  
 16733 | 443.191(5)(c), must be expended solely for the purposes and in  
 16734 | the amounts found necessary by the authorized cooperating  
 16735 | federal agencies for the proper and efficient administration of  
 16736 | this chapter. The fund consists of: all moneys appropriated by  
 16737 | this state; all moneys received from the United States or any  
 16738 | federal agency; all moneys received from any other source for  
 16739 | the administration of this chapter; any funds collected for  
 16740 | enhanced, specialized, or value-added labor market information  
 16741 | services; any moneys received from any agency of the United  
 16742 | States or any other state as compensation for services or  
 16743 | facilities supplied to that agency; any amounts received from

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16744 any surety bond or insurance policy or from other sources for  
 16745 losses sustained by the Employment Security Administration Trust  
 16746 Fund or by reason of damage to equipment or supplies purchased  
 16747 from moneys in the fund; and any proceeds from the sale or  
 16748 disposition of such equipment or supplies. All money  
 16749 requisitioned and deposited in this fund under s. 443.191(5)(c)  
 16750 remains part of the Unemployment Compensation Trust Fund and  
 16751 must be used only in accordance with s. 443.191(5). All moneys  
 16752 in this fund must be deposited, administered, and disbursed in  
 16753 the same manner and under the same conditions and requirements  
 16754 as provided by law for other trust funds in the State Treasury.  
 16755 These moneys must be secured by the depositary in which they are  
 16756 held to the same extent and in the same manner as required by  
 16757 the general depositary law of the state, and collateral pledged  
 16758 must be maintained in a separate custody account. All payments  
 16759 from the Employment Security Administration Trust Fund must be  
 16760 approved by the Department of Economic Opportunity ~~the Agency~~  
 16761 ~~for Workforce Innovation~~ or by an authorized agent and must be  
 16762 made by the Chief Financial Officer. Any balances in this fund  
 16763 do not revert at any time and must remain continuously available  
 16764 to the Department of Economic Opportunity ~~the Agency for~~  
 16765 ~~Workforce Innovation~~ for expenditure consistent with this  
 16766 chapter.

16767 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST  
 16768 FUND.—There is created in the State Treasury the "Special  
 16769 Employment Security Administration Trust Fund," into which shall  
 16770 be deposited or transferred all interest on contributions and  
 16771 reimbursements, penalties, and fines or fees collected under

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16772 | this chapter. Interest on contributions and reimbursements,  
 16773 | penalties, and fines or fees deposited during any calendar  
 16774 | quarter in the clearing account in the Unemployment Compensation  
 16775 | Trust Fund shall, as soon as practicable after the close of that  
 16776 | calendar quarter and upon certification of the Department of  
 16777 | Economic Opportunity ~~the Agency for Workforce Innovation~~, be  
 16778 | transferred to the Special Employment Security Administration  
 16779 | Trust Fund. The amount certified by the Department of Economic  
 16780 | Opportunity ~~the Agency for Workforce Innovation~~ as required  
 16781 | under this chapter to pay refunds of interest on contributions  
 16782 | and reimbursements, penalties, and fines or fees collected and  
 16783 | erroneously deposited into the clearing account in the  
 16784 | Unemployment Compensation Trust Fund shall, however, be withheld  
 16785 | from this transfer. The interest and penalties certified for  
 16786 | transfer are deemed as being erroneously deposited in the  
 16787 | clearing account, and their transfer to the Special Employment  
 16788 | Security Administration Trust Fund is deemed to be a refund of  
 16789 | the erroneous deposits. All moneys in this fund shall be  
 16790 | deposited, administered, and disbursed in the same manner and  
 16791 | under the same requirements as provided by law for other trust  
 16792 | funds in the State Treasury. These moneys may not be expended or  
 16793 | be available for expenditure in any manner that would permit  
 16794 | their substitution for, or permit a corresponding reduction in,  
 16795 | federal funds that would, in the absence of these moneys, be  
 16796 | available to finance expenditures for the administration of this  
 16797 | chapter. This section does not prevent these moneys from being  
 16798 | used as a revolving fund to cover lawful expenditures for which  
 16799 | federal funds are requested but not yet received, subject to the



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16800 | charging of the expenditures against the funds when received.  
 16801 | The moneys in this fund, with the approval of the Executive  
 16802 | Office of the Governor, shall be used by the Department of  
 16803 | Economic Opportunity ~~the Agency for Workforce Innovation~~ for  
 16804 | paying administrative costs that are not chargeable against  
 16805 | funds obtained from federal sources. All moneys in the Special  
 16806 | Employment Security Administration Trust Fund shall be  
 16807 | continuously available to the Department of Economic Opportunity  
 16808 | ~~the Agency for Workforce Innovation~~ for expenditure in  
 16809 | accordance with this chapter and do not revert at any time. All  
 16810 | payments from the Special Employment Security Administration  
 16811 | Trust Fund must be approved by the Department of Economic  
 16812 | Opportunity ~~the Agency for Workforce Innovation~~ or by an  
 16813 | authorized agent and shall be made by the Chief Financial  
 16814 | Officer. The moneys in this fund are available to replace, as  
 16815 | contemplated by subsection (3), expenditures from the Employment  
 16816 | Security Administration Trust Fund which the United States  
 16817 | Secretary of Labor, or other authorized federal agency or  
 16818 | authority, finds are lost or improperly expended because of any  
 16819 | action or contingency. The Chief Financial Officer is liable on  
 16820 | her or his official bond for the faithful performance of her or  
 16821 | his duties in connection with the Special Employment Security  
 16822 | Administration Trust Fund.

16823 |       (3) REIMBURSEMENT OF FUND.—If any moneys received from the  
 16824 | United States Secretary of Labor under 42 U.S.C. ss. 501-504,  
 16825 | any unencumbered balances in the Employment Security  
 16826 | Administration Trust Fund, any moneys granted to this state  
 16827 | under the Wagner-Peyser Act, or any moneys made available by

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16828 | this state or its political subdivisions and matched by the  
 16829 | moneys granted to this state under the Wagner-Peyser Act, are  
 16830 | after reasonable notice and opportunity for hearing, found by  
 16831 | the United States Secretary of Labor, because of any action or  
 16832 | contingency, to be lost or expended for purposes other than, or  
 16833 | in amounts in excess of, those allowed by the United States  
 16834 | Secretary of Labor for the administration of this chapter, these  
 16835 | moneys shall be replaced by moneys appropriated for that purpose  
 16836 | from the General Revenue Fund to the Employment Security  
 16837 | Administration Trust Fund for expenditure as provided in  
 16838 | subsection (1). Upon receipt of notice of such a finding by the  
 16839 | United States Secretary of Labor, the Department of Economic  
 16840 | Opportunity ~~the Agency for Workforce Innovation~~ shall promptly  
 16841 | report the amount required for replacement to the Governor. The  
 16842 | Governor shall, at the earliest opportunity, submit to the  
 16843 | Legislature a request for the appropriation of the replacement  
 16844 | funds.

16845 | (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its  
 16846 | duties under s. 443.181, the Department of Economic Opportunity  
 16847 | ~~the Agency for Workforce Innovation~~ is responsible for the  
 16848 | deposit, requisition, expenditure, approval of payment,  
 16849 | reimbursement, and reporting in regard to the trust funds  
 16850 | established by this section.

16851 | Section 311. Section 443.221, Florida Statutes, is amended  
 16852 | to read:

16853 | 443.221 Reciprocal arrangements.—

16854 | (1) (a) The Department of Economic Opportunity ~~The Agency~~  
 16855 | ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~

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16856 ~~collection service provider~~ may enter into reciprocal  
 16857 arrangements with other states or with the Federal Government,  
 16858 or both, for considering services performed by an individual for  
 16859 a single employing unit for which services are performed by the  
 16860 individual in more than one state as services performed entirely  
 16861 within any one of the states:

16862 1. In which any part of the individual's service is  
 16863 performed;

16864 2. In which the individual has her or his residence; or

16865 3. In which the employing unit maintains a place of  
 16866 business.

16867 (b) For services to be considered as performed within a  
 16868 state under a reciprocal agreement, the employing unit must have  
 16869 an election in effect for those services, which is approved by  
 16870 the agency charged with the administration of such state's  
 16871 unemployment compensation law, under which all the services  
 16872 performed by the individual for the employing unit are deemed to  
 16873 be performed entirely within that state.

16874 (c) The Department of Economic Opportunity ~~The Agency for~~  
 16875 ~~Workforce Innovation~~ shall participate in any arrangements for  
 16876 the payment of compensation on the basis of combining an  
 16877 individual's wages and employment covered under this chapter  
 16878 with her or his wages and employment covered under the  
 16879 unemployment compensation laws of other states, which are  
 16880 approved by the United States Secretary of Labor, in  
 16881 consultation with the state unemployment compensation agencies,  
 16882 as reasonably calculated to assure the prompt and full payment  
 16883 of compensation in those situations and which include provisions

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16884 for:

16885       1. Applying the base period of a single state law to a

16886 claim involving the combining of an individual's wages and

16887 employment covered under two or more state unemployment

16888 compensation laws; and

16889       2. Avoiding the duplicate use of wages and employment

16890 because of the combination.

16891       (d) Contributions or reimbursements due under this chapter

16892 with respect to wages for insured work are, for the purposes of

16893 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid

16894 to the fund as of the date payment was made as contributions or

16895 reimbursements therefor under another state or federal

16896 unemployment compensation law, but an arrangement may not be

16897 entered into unless it contains provisions for reimbursement to

16898 the fund of the contributions or reimbursements and the actual

16899 earnings thereon as the Department of Economic Opportunity ~~the~~

16900 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~its~~

16901 ~~tax collection service provider~~ finds are fair and reasonable as

16902 to all affected interests.

16903       (2) The Department of Economic Opportunity ~~The Agency for~~

16904 ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~

16905 ~~collection service provider~~ may make to other state or federal

16906 agencies and receive from these other state or federal agencies

16907 reimbursements from or to the fund, in accordance with

16908 arrangements entered into under subsection (1).

16909       (3) The Department of Economic Opportunity ~~The Agency for~~

16910 ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~

16911 ~~collection service provider~~ may enter into reciprocal

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16912 arrangements with other states or the Federal Government, or  
 16913 both, for exchanging services, determining and enforcing payment  
 16914 obligations, and making available facilities and information.  
 16915 The Department of Economic Opportunity ~~The Agency for Workforce~~  
 16916 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
 16917 ~~service provider~~ may conduct investigations, secure and transmit  
 16918 information, make available services and facilities, and  
 16919 exercise other powers provided under this chapter to facilitate  
 16920 the administration of any unemployment compensation or public  
 16921 employment service law and, in a similar manner, accept and use  
 16922 information, services, and facilities made available to this  
 16923 state by the agency charged with the administration of any other  
 16924 unemployment compensation or public employment service law.

16925 (4) To the extent permissible under federal law, the  
 16926 Department of Economic Opportunity ~~the Agency for Workforce~~  
 16927 ~~Innovation~~ may enter into or cooperate in arrangements whereby  
 16928 facilities and services provided under this chapter and  
 16929 facilities and services provided under the unemployment  
 16930 compensation law of any foreign government may be used for the  
 16931 taking of claims and the payment of benefits under the  
 16932 employment security law of the state or under a similar law of  
 16933 that government.

16934 Section 312. Section 445.002, Florida Statutes, is amended  
 16935 to read:

16936 445.002 Definitions.—As used in this chapter, the term:

16937 (1) "Department" means the Department of Economic  
 16938 Opportunity.

16939 ~~(1) "Agency" means the Agency for Workforce Innovation.~~

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16940 (2) "Services and one-time payments" or "services," when  
 16941 used in reference to individuals who are not receiving temporary  
 16942 cash assistance, means nonrecurrent, short-term benefits  
 16943 designed to deal with a specific crisis situation or episode of  
 16944 need and other services; work subsidies; supportive services  
 16945 such as child care and transportation; services such as  
 16946 counseling, case management, peer support, and child care  
 16947 information and referral; transitional services, job retention,  
 16948 job advancement, and other employment-related services;  
 16949 nonmedical treatment for substance abuse or mental health  
 16950 problems; teen pregnancy prevention; two-parent family support,  
 16951 including noncustodial parent employment; court-ordered  
 16952 supervised visitation, and responsible fatherhood services; and  
 16953 any other services that are reasonably calculated to further the  
 16954 purposes of the welfare transition program. Such terms do not  
 16955 include assistance as defined in federal regulations at 45  
 16956 C.F.R. s. 260.31(a).

16957 (3) "Welfare transition services" means those workforce  
 16958 services provided to current or former recipients of temporary  
 16959 cash assistance under chapter 414.

16960 Section 313. Paragraphs (a) and (b) of subsection (3) of  
 16961 section 445.003, Florida Statutes, are amended to read:

16962 445.003 Implementation of the federal Workforce Investment  
 16963 Act of 1998.—

16964 (3) FUNDING.—

16965 (a) Title I, Workforce Investment Act of 1998 funds;  
 16966 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended  
 16967 based on the 5-year plan of Workforce Florida, Inc. The plan

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16968 shall outline and direct the method used to administer and  
 16969 coordinate various funds and programs that are operated by  
 16970 various agencies. The following provisions shall also apply to  
 16971 these funds:

16972 1. At least 50 percent of the Title I funds for Adults and  
 16973 Dislocated Workers that are passed through to regional workforce  
 16974 boards shall be allocated to Individual Training Accounts unless  
 16975 a regional workforce board obtains a waiver from Workforce  
 16976 Florida, Inc. Tuition and fees qualify as an Individual Training  
 16977 Account expenditure, as do other programs developed by regional  
 16978 workforce boards in compliance with policies of Workforce  
 16979 Florida, Inc.

16980 2. Fifteen percent of Title I funding shall be retained at  
 16981 the state level and shall be dedicated to state administration  
 16982 and used to design, develop, induce, and fund innovative  
 16983 Individual Training Account pilots, demonstrations, and  
 16984 programs. Of such funds retained at the state level, \$2 million  
 16985 shall be reserved for the Incumbent Worker Training Program,  
 16986 created under subparagraph 3. Eligible state administration  
 16987 costs include the costs of: funding for the board and staff of  
 16988 Workforce Florida, Inc.; operating fiscal, compliance, and  
 16989 management accountability systems through Workforce Florida,  
 16990 Inc.; conducting evaluation and research on workforce  
 16991 development activities; and providing technical and capacity  
 16992 building assistance to regions at the direction of Workforce  
 16993 Florida, Inc. Notwithstanding s. 445.004, such administrative  
 16994 costs shall not exceed 25 percent of these funds. An amount not  
 16995 to exceed 75 percent of these funds shall be allocated to

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16996 Individual Training Accounts and other workforce development  
 16997 strategies for other training designed and tailored by Workforce  
 16998 Florida, Inc., including, but not limited to, programs for  
 16999 incumbent workers, displaced homemakers, nontraditional  
 17000 employment, and enterprise zones. Workforce Florida, Inc., shall  
 17001 design, adopt, and fund Individual Training Accounts for  
 17002 distressed urban and rural communities.

17003 3. The Incumbent Worker Training Program is created for  
 17004 the purpose of providing grant funding for continuing education  
 17005 and training of incumbent employees at existing Florida  
 17006 businesses. The program will provide reimbursement grants to  
 17007 businesses that pay for preapproved, direct, training-related  
 17008 costs.

17009 a. The Incumbent Worker Training Program shall ~~will~~ be  
 17010 administered by Workforce Florida, Inc. Workforce Florida, Inc.,  
 17011 at its discretion, may contract with a private business  
 17012 organization to serve as grant administrator.

17013 b. To be eligible for the program's grant funding, a  
 17014 business must be ~~have been~~ in operation in the state ~~Florida~~ for  
 17015 at least ~~a minimum of~~ 1 year before ~~prior to~~ the application for  
 17016 grant funding; have at least one full-time employee; demonstrate  
 17017 financial viability; and be current on all state tax  
 17018 obligations. Priority for funding shall be given to businesses  
 17019 with 25 employees or fewer, businesses in rural areas,  
 17020 businesses in distressed inner-city areas, businesses in a  
 17021 qualified targeted industry, businesses whose grant proposals  
 17022 represent a significant upgrade in employee skills, or  
 17023 businesses whose grant proposals represent a significant layoff



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17024 avoidance strategy.

17025       c. All costs reimbursed by the program must be preapproved  
 17026 by Workforce Florida, Inc., or the grant administrator. The  
 17027 program may ~~will~~ not reimburse businesses for trainee wages, the  
 17028 purchase of capital equipment, or the purchase of any item or  
 17029 service that may possibly be used outside the training project.  
 17030 A business approved for a grant may be reimbursed for  
 17031 preapproved, direct, training-related costs including tuition;  
 17032 fees; books and training materials; and overhead or indirect  
 17033 costs not to exceed 5 percent of the grant amount.

17034       d. A business that is selected to receive grant funding  
 17035 must provide a matching contribution to the training project,  
 17036 including, but not limited to, wages paid to trainees or the  
 17037 purchase of capital equipment used in the training project; must  
 17038 sign an agreement with Workforce Florida, Inc., or the grant  
 17039 administrator to complete the training project as proposed in  
 17040 the application; must keep accurate records of the project's  
 17041 implementation process; and must submit monthly or quarterly  
 17042 reimbursement requests with required documentation.

17043       e. All Incumbent Worker Training Program grant projects  
 17044 shall be performance-based with specific measurable performance  
 17045 outcomes, including completion of the training project and job  
 17046 retention. Workforce Florida, Inc., or the grant administrator  
 17047 shall withhold the final payment to the grantee until a final  
 17048 grant report is submitted and all performance criteria specified  
 17049 in the grant contract have been achieved.

17050       f. Workforce Florida, Inc., may establish guidelines  
 17051 necessary to implement the Incumbent Worker Training Program.

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17052 g. No more than 10 percent of the Incumbent Worker  
 17053 Training Program's total appropriation may be used for overhead  
 17054 or indirect purposes.

17055 4. At least 50 percent of Rapid Response funding shall be  
 17056 dedicated to Intensive Services Accounts and Individual Training  
 17057 Accounts for dislocated workers and incumbent workers who are at  
 17058 risk of dislocation. Workforce Florida, Inc., shall also  
 17059 maintain an Emergency Preparedness Fund from Rapid Response  
 17060 funds which will immediately issue Intensive Service Accounts  
 17061 and Individual Training Accounts as well as other federally  
 17062 authorized assistance to eligible victims of natural or other  
 17063 disasters. At the direction of the Governor, for events that  
 17064 qualify under federal law, these Rapid Response funds shall be  
 17065 released to regional workforce boards for immediate use. Funding  
 17066 shall also be dedicated to maintain a unit at the state level to  
 17067 respond to Rapid Response emergencies around the state, to work  
 17068 with state emergency management officials, and to work with  
 17069 regional workforce boards. All Rapid Response funds must be  
 17070 expended based on a plan developed by Workforce Florida, Inc.,  
 17071 and approved by the Governor.

17072 (b) The administrative entity for Title I, Workforce  
 17073 Investment Act of 1998 funds, and Rapid Response activities,  
 17074 shall be the department ~~the Agency for Workforce Innovation~~,  
 17075 which shall provide direction to regional workforce boards  
 17076 regarding Title I programs and Rapid Response activities  
 17077 pursuant to the direction of Workforce Florida, Inc.

17078 Section 314. Subsection (1), paragraph (a) of subsection  
 17079 (3), and paragraphs (b), (c), (d), (e), and (g) of subsection

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17080 (5) of section 445.004, Florida Statutes, are amended to read:  
 17081 445.004 Workforce Florida, Inc.; creation; purpose;  
 17082 membership; duties and powers.—  
 17083 (1) There is created a not-for-profit corporation, to be  
 17084 known as "Workforce Florida, Inc.," which shall be registered,  
 17085 incorporated, organized, and operated in compliance with chapter  
 17086 617, and which shall not be a unit or entity of state government  
 17087 and shall be exempt from chapters 120 and 287. Workforce  
 17088 Florida, Inc., shall apply the procurement and expenditure  
 17089 procedures required by federal law for the expenditure of  
 17090 federal funds. Workforce Florida, Inc., shall be  
 17091 administratively housed within the department ~~the Agency for~~  
 17092 ~~Workforce Innovation~~; however, Workforce Florida, Inc., shall  
 17093 not be subject to control, supervision, or direction by the  
 17094 department ~~the Agency for Workforce Innovation~~ in any manner.  
 17095 The Legislature determines, however, that public policy dictates  
 17096 that Workforce Florida, Inc., operate in the most open and  
 17097 accessible manner consistent with its public purpose. To this  
 17098 end, the Legislature specifically declares that Workforce  
 17099 Florida, Inc., its board, councils, and any advisory committees  
 17100 or similar groups created by Workforce Florida, Inc., are  
 17101 subject to the provisions of chapter 119 relating to public  
 17102 records, and those provisions of chapter 286 relating to public  
 17103 meetings.  
 17104 (3) (a) Workforce Florida, Inc., shall be governed by a  
 17105 board of directors, the number of directors to be determined by  
 17106 the Governor, whose membership and appointment must be  
 17107 consistent with Pub. L. No. 105-220, Title I, s. 111(b), ~~and~~

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17108 ~~contain one member representing the licensed nonpublic~~  
 17109 ~~postsecondary educational institutions authorized as individual~~  
 17110 ~~training account providers, one member from the staffing service~~  
 17111 ~~industry, at least one member who is a current or former~~  
 17112 ~~recipient of welfare transition services as defined in s.~~  
 17113 ~~445.002(3) or workforce services as provided in s. 445.009(1),~~  
 17114 ~~and five representatives of organized labor who shall be~~  
 17115 ~~appointed by the Governor.~~ Members described in Pub. L. No. 105-  
 17116 220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members.  
 17117 The importance of minority, gender, and geographic  
 17118 representation shall be considered when making appointments to  
 17119 the board. The Governor, when in attendance, shall preside at  
 17120 all meetings of the board of directors.

17121 (5) Workforce Florida, Inc., shall have all the powers and  
 17122 authority, not explicitly prohibited by statute, necessary or  
 17123 convenient to carry out and effectuate the purposes as  
 17124 determined by statute, Pub. L. No. 105-220, and the Governor, as  
 17125 well as its functions, duties, and responsibilities, including,  
 17126 but not limited to, the following:

17127 (b) Providing oversight and policy direction to ensure  
 17128 that the following programs are administered by the department  
 17129 ~~the Agency for Workforce Innovation~~ in compliance with approved  
 17130 plans and under contract with Workforce Florida, Inc.:

17131 1. Programs authorized under Title I of the Workforce  
 17132 Investment Act of 1998, Pub. L. No. 105-220, with the exception  
 17133 of programs funded directly by the United States Department of  
 17134 Labor under Title I, s. 167.

17135 2. Programs authorized under the Wagner-Peyser Act of

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- 17136 1933, as amended, 29 U.S.C. ss. 49 et seq.
- 17137 3. Activities authorized under Title II of the Trade Act
- 17138 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
- 17139 Adjustment Assistance Program.
- 17140 4. Activities authorized under 38 U.S.C., chapter 41,
- 17141 including job counseling, training, and placement for veterans.
- 17142 5. Employment and training activities carried out under
- 17143 funds awarded to this state by the United States Department of
- 17144 Housing and Urban Development.
- 17145 6. Welfare transition services funded by the Temporary
- 17146 Assistance for Needy Families Program, created under the
- 17147 Personal Responsibility and Work Opportunity Reconciliation Act
- 17148 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
- 17149 of the Social Security Act, as amended.
- 17150 7. Displaced homemaker programs, provided under s. 446.50.
- 17151 8. The Florida Bonding Program, provided under Pub. L. No.
- 17152 97-300, s. 164(a)(1).
- 17153 9. The Food Assistance Employment and Training Program,
- 17154 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
- 17155 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
- 17156 and the Hunger Prevention Act, Pub. L. No. 100-435.
- 17157 10. The Quick-Response Training Program, as provided under
- 17158 s. 288.047 ~~ss. 288.046-288.047. Matching funds and in-kind~~
- 17159 ~~contributions that are provided by clients of the Quick-Response~~
- 17160 ~~Training Program shall count toward the requirements of s.~~
- 17161 ~~288.90151(5)(d), pertaining to the return on investment from~~
- 17162 ~~activities of Enterprise Florida, Inc.~~
- 17163 11. The Work Opportunity Tax Credit, provided under the

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17164 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,  
 17165 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

17166 12. Offender placement services, provided under ss.  
 17167 944.707-944.708.

17168 (c) The department ~~The agency~~ may adopt rules necessary to  
 17169 administer the provisions of this chapter which relate to  
 17170 implementing and administering the programs listed in paragraph  
 17171 (b) as well as rules related to eligible training providers and  
 17172 auditing and monitoring subrecipients of the workforce system  
 17173 grant funds.

17174 (d) Contracting with public and private entities as  
 17175 necessary to further the directives of this section. All  
 17176 contracts executed by Workforce Florida, Inc., must include  
 17177 specific performance expectations and deliverables. All  
 17178 Workforce Florida, Inc., contracts, including those solicited,  
 17179 managed, or paid by the department ~~the Agency for Workforce~~  
 17180 ~~Innovation~~ pursuant to s. 20.60(5)(c), ~~20.50(2)~~ are exempt from  
 17181 s. 112.061, but shall be governed by subsection (1).

17182 (e) Notifying the Governor, the President of the Senate,  
 17183 and the Speaker of the House of Representatives of noncompliance  
 17184 by the department ~~the Agency for Workforce Innovation~~ or other  
 17185 agencies or obstruction of the board's efforts by the department  
 17186 or such agencies. Upon such notification, the Executive Office  
 17187 of the Governor shall assist the department or agencies to bring  
 17188 them into compliance with board objectives.

17189 (g) Establish a dispute resolution process for all  
 17190 memoranda of understanding or other contracts or agreements  
 17191 entered into between the department ~~the agency~~ and regional

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17192 workforce boards.

17193 Section 315. Subsection (1) of section 445.007, Florida

17194 Statutes, is amended to read:

17195 445.007 Regional workforce boards.—

17196 (1) One regional workforce board shall be appointed in

17197 each designated service delivery area and shall serve as the

17198 local workforce investment board pursuant to Pub. L. No. 105-

17199 220. The membership of the board shall be consistent with Pub.

17200 L. No. 105-220, Title I, s. 117(b), ~~and contain one~~

17201 ~~representative from a nonpublic postsecondary educational~~

17202 ~~institution that is an authorized individual training account~~

17203 ~~provider within the region and confers certificates and~~

17204 ~~diplomas, one representative from a nonpublic postsecondary~~

17205 ~~educational institution that is an authorized individual~~

17206 ~~training account provider within the region and confers degrees,~~

17207 ~~and three representatives of organized labor.~~ The board shall

17208 include one nonvoting representative from a military

17209 installation if a military installation is located within the

17210 region and the appropriate military command or organization

17211 authorizes such representation. It is the intent of the

17212 Legislature that membership of a regional workforce board

17213 include persons who are current or former recipients of welfare

17214 transition assistance as defined in s. 445.002(3) or workforce

17215 services as provided in s. 445.009(1) or that such persons be

17216 included as ex officio members of the board or of committees

17217 organized by the board. The importance of minority and gender

17218 representation shall be considered when making appointments to

17219 the board. The board, its committees, subcommittees, and

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17220 subdivisions, and other units of the workforce system, including  
 17221 units that may consist in whole or in part of local governmental  
 17222 units, may use any method of telecommunications to conduct  
 17223 meetings, including establishing a quorum through  
 17224 telecommunications, provided that the public is given proper  
 17225 notice of the telecommunications meeting and reasonable access  
 17226 to observe and, when appropriate, participate. Regional  
 17227 workforce boards are subject to chapters 119 and 286 and s. 24,  
 17228 Art. I of the State Constitution. If the regional workforce  
 17229 board enters into a contract with an organization or individual  
 17230 represented on the board of directors, the contract must be  
 17231 approved by a two-thirds vote of the ~~entire~~ board, a quorum  
 17232 having been established, and the board member who could benefit  
 17233 financially from the transaction must abstain from voting on the  
 17234 contract. A board member must disclose any such conflict in a  
 17235 manner that is consistent with the procedures outlined in s.  
 17236 112.3143.

17237 Section 316. Subsections (3) and (9) of section 445.009,  
 17238 Florida Statutes, are amended to read:

17239 445.009 One-stop delivery system.—

17240 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards  
 17241 shall enter into a memorandum of understanding with the  
 17242 department ~~the Agency for Workforce Innovation~~ for the delivery  
 17243 of employment services authorized by the federal Wagner-Peyser  
 17244 Act. This memorandum of understanding must be performance based.

17245 (a) Unless otherwise required by federal law, at least 90  
 17246 percent of the Wagner-Peyser funding must go into direct  
 17247 customer service costs.



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17248 (b) Employment services must be provided through the one-  
 17249 stop delivery system, under the guidance of one-stop delivery  
 17250 system operators. One-stop delivery system operators shall have  
 17251 overall authority for directing the staff of the workforce  
 17252 system. Personnel matters shall remain under the ultimate  
 17253 authority of the department ~~the Agency for Workforce Innovation~~.  
 17254 However, the one-stop delivery system operator shall submit to  
 17255 the department ~~the agency~~ information concerning the job  
 17256 performance of ~~agency~~ employees of the department who deliver  
 17257 employment services. The department ~~The agency~~ shall consider  
 17258 any such information submitted by the one-stop delivery system  
 17259 operator in conducting performance appraisals of the employees.

17260 (c) The department ~~The agency~~ shall retain fiscal  
 17261 responsibility and accountability for the administration of  
 17262 funds allocated to the state under the Wagner-Peyser Act. An  
 17263 ~~agency~~ employee of the department who is providing services  
 17264 authorized under the Wagner-Peyser Act shall be paid using  
 17265 Wagner-Peyser Act funds.

17266 (9) (a) Workforce Florida, Inc., working with the  
 17267 department ~~the Agency for Workforce Innovation~~, shall coordinate  
 17268 among the agencies a plan for a One-Stop Electronic Network made  
 17269 up of one-stop delivery system centers and other partner  
 17270 agencies that are operated by authorized public or private for-  
 17271 profit or not-for-profit agents. The plan shall identify  
 17272 resources within existing revenues to establish and support this  
 17273 electronic network for service delivery that includes Government  
 17274 Services Direct. If necessary, the plan shall identify  
 17275 additional funding needed to achieve the provisions of this

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17276 subsection.

17277 (b) The network shall assure that a uniform method is used

17278 to determine eligibility for and management of services provided

17279 by agencies that conduct workforce development activities. The

17280 Department of Management Services shall develop strategies to

17281 allow access to the databases and information management systems

17282 of the following systems in order to link information in those

17283 databases with the one-stop delivery system:

17284 1. The Unemployment Compensation Program under chapter 443

17285 ~~of the Agency for Workforce Innovation.~~

17286 2. The public employment service described in s. 443.181.

17287 3. The FLORIDA System and the components related to

17288 temporary cash assistance, food assistance, and Medicaid

17289 eligibility.

17290 4. The Student Financial Assistance System of the

17291 Department of Education.

17292 5. Enrollment in the public postsecondary education

17293 system.

17294 6. Other information systems determined appropriate by

17295 Workforce Florida, Inc.

17296 Section 317. Subsection (5) of section 445.016, Florida

17297 Statutes, is amended to read:

17298 445.016 Untried Worker Placement and Employment Incentive

17299 Act.—

17300 (5) Incentives must be paid according to the incentive

17301 schedule developed by Workforce Florida, Inc., the Department of

17302 Economic Opportunity ~~the Agency for Workforce Development,~~ and

17303 the Department of Children and Family Services which costs the

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17304 state less per placement than the state's 12-month expenditure  
 17305 on a welfare recipient.

17306 Section 318. Subsection (1) of section 445.024, Florida  
 17307 Statutes, is amended to read:

17308 445.024 Work requirements.—

17309 (1) WORK ACTIVITIES.—The Department of Economic  
 17310 Opportunity ~~The Agency for Workforce Innovation~~ may develop  
 17311 activities under each of the following categories of work  
 17312 activities. The following categories of work activities, based  
 17313 on federal law and regulations, may be used individually or in  
 17314 combination to satisfy the work requirements for a participant  
 17315 in the temporary cash assistance program:

- 17316 (a) Unsubsidized employment.
- 17317 (b) Subsidized private sector employment.
- 17318 (c) Subsidized public sector employment.
- 17319 (d) On-the-job training.
- 17320 (e) Community service programs.
- 17321 (f) Work experience.
- 17322 (g) Job search and job readiness assistance.
- 17323 (h) Vocational educational training.
- 17324 (i) Job skills training directly related to employment.
- 17325 (j) Education directly related to employment.
- 17326 (k) Satisfactory attendance at a secondary school or in a  
 17327 course of study leading to a graduate equivalency diploma.
- 17328 (l) Providing child care services.

17329 Section 319. Subsection (1) of section 445.0325, Florida  
 17330 Statutes, is amended to read:

17331 445.0325 Welfare Transition Trust Fund.—

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17332 (1) The Welfare Transition Trust Fund is created in the  
 17333 State Treasury, to be administered by the Department of Economic  
 17334 Opportunity ~~the Agency for Workforce Innovation~~. Funds shall be  
 17335 credited to the trust fund to be used for the purposes of the  
 17336 welfare transition program set forth in ss. 445.017-445.032.

17337 Section 320. Section 445.038, Florida Statutes, is amended  
 17338 to read:

17339 445.038 Digital media; job training.—Workforce Florida,  
 17340 Inc., through the Department of Economic Opportunity ~~the Agency~~  
 17341 ~~for Workforce Innovation~~, may use funds dedicated for Incumbent  
 17342 Worker Training for the digital media industry. Training may be  
 17343 provided by public or private training providers for broadband  
 17344 digital media jobs listed on the targeted occupations list  
 17345 developed by the Workforce Estimating Conference or Workforce  
 17346 Florida, Inc. Programs that operate outside the normal semester  
 17347 time periods and coordinate the use of industry and public  
 17348 resources should be given priority status for funding.

17349 Section 321. Subsection (2), paragraph (b) of subsection  
 17350 (4), and subsections (5) and (6) of section 445.045, Florida  
 17351 Statutes, are amended to read:

17352 445.045 Development of an Internet-based system for  
 17353 information technology industry promotion and workforce  
 17354 recruitment.—

17355 (2) Workforce Florida, Inc., shall coordinate with the  
 17356 Agency for Enterprise Information Technology and the Department  
 17357 of Economic Opportunity ~~the Agency for Workforce Innovation~~ to  
 17358 ensure links, where feasible and appropriate, to existing job  
 17359 information websites maintained by the state and state agencies

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17360 and to ensure that information technology positions offered by  
 17361 the state and state agencies are posted on the information  
 17362 technology website.

17363 (4)

17364 (b) Workforce Florida, Inc., may enter into an agreement  
 17365 with the Agency for Enterprise Information Technology, the  
 17366 Department of Economic Opportunity ~~the Agency for Workforce~~  
 17367 ~~Innovation~~, or any other public agency with the requisite  
 17368 information technology expertise for the provision of design,  
 17369 operating, or other technological services necessary to develop  
 17370 and maintain the website.

17371 (5) In furtherance of the requirements of this section  
 17372 that the website promote and market the information technology  
 17373 industry by communicating information on the scope of the  
 17374 industry in this state, Workforce Florida, Inc., shall  
 17375 coordinate its efforts with the high-technology industry  
 17376 marketing efforts of Enterprise Florida, Inc., ~~under s. 288.911.~~  
 17377 Through links or actual content, the website developed under  
 17378 this section shall serve as a forum for distributing the  
 17379 marketing campaign developed by Enterprise Florida, Inc., ~~under~~  
 17380 ~~s. 288.911.~~ In addition, Workforce Florida, Inc., shall solicit  
 17381 input from the not-for-profit corporation created to advocate on  
 17382 behalf of the information technology industry as an outgrowth of  
 17383 the Information Service Technology Development Task Force  
 17384 created under chapter 99-354, Laws of Florida.

17385 (6) In fulfilling its responsibilities under this section,  
 17386 Workforce Florida, Inc., may enlist the assistance of and act  
 17387 through the department ~~Agency for Workforce Innovation~~. The

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17388 | department ~~The agency~~ is authorized and directed to provide the  
 17389 | services that Workforce Florida, Inc., and the department ~~the~~  
 17390 | ~~agency~~ consider necessary to implement this section.

17391 | Section 322. Subsection (1), paragraph (b) of subsection  
 17392 | (4), and subsection (5) of section 445.048, Florida Statutes,  
 17393 | are amended to read:

17394 | 445.048 Passport to Economic Progress program.—

17395 | (1) AUTHORIZATION.—Notwithstanding any law to the  
 17396 | contrary, Workforce Florida, Inc., in conjunction with the  
 17397 | Department of Children and Family Services and the Department of  
 17398 | Economic Opportunity ~~the Agency for Workforce Innovation~~, shall  
 17399 | implement a Passport to Economic Progress program consistent  
 17400 | with the provisions of this section. Workforce Florida, Inc.,  
 17401 | may designate regional workforce boards to participate in the  
 17402 | program. Expenses for the program may come from appropriated  
 17403 | revenues or from funds otherwise available to a regional  
 17404 | workforce board which may be legally used for such purposes.  
 17405 | Workforce Florida, Inc., must consult with the applicable  
 17406 | regional workforce boards and the applicable local offices of  
 17407 | the Department of Children and Family Services which serve the  
 17408 | program areas and must encourage community input into the  
 17409 | implementation process.

17410 | (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

17411 | (b) Workforce Florida, Inc., in cooperation with the  
 17412 | Department of Children and Family Services and the Department of  
 17413 | Economic Opportunity ~~the Agency for Workforce Innovation~~, shall  
 17414 | offer performance-based incentive bonuses as a component of the  
 17415 | Passport to Economic Progress program. The bonuses do not

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17416 represent a program entitlement and shall be contingent on  
 17417 achieving specific benchmarks prescribed in the self-sufficiency  
 17418 plan. If the funds appropriated for this purpose are  
 17419 insufficient to provide this financial incentive, the board of  
 17420 directors of Workforce Florida, Inc., may reduce or suspend the  
 17421 bonuses in order not to exceed the appropriation or may direct  
 17422 the regional boards to use resources otherwise given to the  
 17423 regional workforce to pay such bonuses if such payments comply  
 17424 with applicable state and federal laws.

17425 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,  
 17426 Inc., in conjunction with the Department of Children and Family  
 17427 Services, the Department of Economic Opportunity ~~the Agency for~~  
 17428 ~~Workforce Innovation~~, and the regional workforce boards, shall  
 17429 conduct a comprehensive evaluation of the effectiveness of the  
 17430 program operated under this section. Evaluations and  
 17431 recommendations for the program shall be submitted by Workforce  
 17432 Florida, Inc., as part of its annual report to the Legislature.

17433 Section 323. Subsection (2) of section 445.049, Florida  
 17434 Statutes, is amended to read:

17435 445.049 Digital Divide Council.—

17436 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is  
 17437 created in the Department of Education. The council shall  
 17438 consist of:

17439 (a) A representative from the information technology  
 17440 industry in this state appointed by the Governor.

17441 (b) The Commissioner of Economic Opportunity, or his or  
 17442 ~~her designee The director of the Office of Tourism, Trade, and~~  
 17443 ~~Economic Development in the Executive Office of the Governor.~~

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17444 (c) The president of Workforce Florida, Inc.  
 17445 ~~(d) The director of the Agency for Workforce Innovation.~~  
 17446 (d)~~(e)~~ The chair of itflorida.com, Inc.  
 17447 (e)~~(f)~~ The Commissioner of Education.  
 17448 (f)~~(g)~~ A representative of the information technology  
 17449 industry in this state appointed by the Speaker of the House of  
 17450 Representatives.  
 17451 (g)~~(h)~~ A representative of the information technology  
 17452 industry in this state appointed by the President of the Senate.  
 17453 (h)~~(i)~~ Two members of the House of Representatives, who  
 17454 shall serve ~~be~~ ex officio as~~r~~ nonvoting members of the council,  
 17455 appointed by the Speaker of the House of Representatives, one of  
 17456 whom shall be a member of the Republican Caucus and the other of  
 17457 whom shall be a member of the Democratic Caucus.  
 17458 (i)~~(j)~~ Two members of the Senate, who shall serve ~~be~~ ex  
 17459 officio as~~r~~ nonvoting members of the council, appointed by the  
 17460 President of the Senate, one of whom shall be a member of the  
 17461 Republican Caucus and the other of whom shall be a member of the  
 17462 Democratic Caucus.  
 17463 Section 324. Subsection (13) of section 445.051, Florida  
 17464 Statutes, is amended to read:  
 17465 445.051 Individual development accounts.—  
 17466 (13) Pursuant to policy direction by Workforce Florida,  
 17467 Inc., the Department of Economic Opportunity ~~the Agency for~~  
 17468 ~~Workforce Innovation~~ shall adopt such rules as are necessary to  
 17469 implement this act.  
 17470 Section 325. Section 446.41, Florida Statutes, is amended  
 17471 to read:



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17472 446.41 Legislative intent with respect to rural workforce  
 17473 training and development; establishment of Rural Workforce  
 17474 Services Program.—In order that the state may achieve its full  
 17475 economic and social potential, consideration must be given to  
 17476 rural workforce training and development to enable its rural  
 17477 citizens as well as urban citizens to develop their maximum  
 17478 capacities and participate productively in our society. It is,  
 17479 therefore, the policy of the state to make available those  
 17480 services needed to assist individuals and communities in rural  
 17481 areas to improve their quality of life. It is with a great sense  
 17482 of urgency that a Rural Workforce Services Program is  
 17483 established within the Department of Economic Opportunity ~~the~~  
 17484 ~~Agency for Workforce Innovation~~, under the direction of  
 17485 Workforce Florida, Inc., to provide equal access to all manpower  
 17486 training programs available to rural as well as urban areas.

17487 Section 326. Paragraph (b) of subsection (5) of section  
 17488 446.44, Florida Statutes, is amended to read:

17489 446.44 Duties of Rural Workforce Services Program.—It  
 17490 shall be the direct responsibility of the Rural Workforce  
 17491 Services Program to promote and deliver employment and workforce  
 17492 services and resources to the rural undeveloped and  
 17493 underdeveloped counties of the state in an effort to:

17494 (5) Develop rural workforce programs that will be  
 17495 evaluated, planned, and implemented through communications and  
 17496 planning with appropriate:

17497 (b) Divisions ~~Units~~ of Enterprise Florida, Inc.

17498 Section 327. Section 446.50, Florida Statutes, is amended  
 17499 to read:

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17500 446.50 Displaced homemakers; multiservice programs; report  
 17501 to the Legislature; Displaced Homemaker Trust Fund created.—

17502 (1) INTENT.—It is the intent of the Legislature to require  
 17503 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 17504 ~~Innovation~~ to enter into contracts with, and make grants to,  
 17505 public and nonprofit private entities for purposes of  
 17506 establishing multipurpose service programs to provide necessary  
 17507 training, counseling, and services for displaced homemakers so  
 17508 that they may enjoy the independence and economic security vital  
 17509 to a productive life.

17510 (2) DEFINITIONS.—For the purposes of this section, the  
 17511 term:

17512 (a) "Displaced homemaker" means an individual who:

17513 1. Is 35 years of age or older;

17514 2. Has worked in the home, providing unpaid household  
 17515 services for family members;

17516 3. Is not adequately employed, as defined by rule of the  
 17517 agency;

17518 4. Has had, or would have, difficulty in securing adequate  
 17519 employment; and

17520 5. Has been dependent on the income of another family  
 17521 member but is no longer supported by such income, or has been  
 17522 dependent on federal assistance.

17523 (b) "Department" means the Department of Economic  
 17524 Opportunity.

17525 ~~(b) "Agency" means the Agency for Workforce Innovation.~~

17526 (3) AGENCY POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC  
 17527 OPPORTUNITY.—

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17528           (a) The department ~~The agency~~, under plans established by  
 17529 Workforce Florida, Inc., shall establish, or contract for the  
 17530 establishment of, programs for displaced homemakers which shall  
 17531 include:  
 17532           1. Job counseling, by professionals and peers,  
 17533 specifically designed for a person entering the job market after  
 17534 a number of years as a homemaker.  
 17535           2. Job training and placement services, including:  
 17536           a. Training programs for available jobs in the public and  
 17537 private sectors, taking into account the skills and job  
 17538 experiences of a homemaker and developed by working with public  
 17539 and private employers.  
 17540           b. Assistance in locating available employment for  
 17541 displaced homemakers, some of whom could be employed in existing  
 17542 job training and placement programs.  
 17543           c. Utilization of the services of the state employment  
 17544 service in locating employment opportunities.  
 17545           3. Financial management services providing information and  
 17546 assistance with respect to insurance, including, but not limited  
 17547 to, life, health, home, and automobile insurance, and taxes,  
 17548 estate and probate problems, mortgages, loans, and other related  
 17549 financial matters.  
 17550           4. Educational services, including high school equivalency  
 17551 degree and such other courses as the department ~~the agency~~  
 17552 determines would be of interest and benefit to displaced  
 17553 homemakers.  
 17554           5. Outreach and information services with respect to  
 17555 federal and state employment, education, health, and

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17556 unemployment assistance programs which the department ~~the agency~~  
 17557 determines would be of interest and benefit to displaced  
 17558 homemakers.

17559 (b)1. The department ~~The agency~~ shall enter into contracts  
 17560 with, and make grants to, public and nonprofit private entities  
 17561 for purposes of establishing multipurpose service programs for  
 17562 displaced homemakers under this section. Such grants and  
 17563 contracts shall be awarded pursuant to chapter 287 and based on  
 17564 criteria established in the state plan developed pursuant to  
 17565 this section. The department ~~The agency~~ shall designate  
 17566 catchment areas which together shall comprise the entire state,  
 17567 and, to the extent possible from revenues in the Displaced  
 17568 Homemaker Trust Fund, the department ~~the agency~~ shall contract  
 17569 with, and make grants to, entities which will serve entire  
 17570 catchment areas so that displaced homemaker service programs are  
 17571 available statewide. These catchment areas shall be coterminous  
 17572 with the state's workforce development regions. The department  
 17573 ~~The agency~~ may give priority to existing displaced homemaker  
 17574 programs when evaluating bid responses to the ~~agency's~~ request  
 17575 for proposals.

17576 2. In order to receive funds under this section, and  
 17577 unless specifically prohibited by law from doing so, an entity  
 17578 that provides displaced homemaker service programs must receive  
 17579 at least 25 percent of its funding from one or more local,  
 17580 municipal, or county sources or nonprofit private sources. In-  
 17581 kind contributions may be evaluated by the department ~~the agency~~  
 17582 and counted as part of the required local funding.

17583 3. The department ~~The agency~~ shall require an entity that

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17584 receives funds under this section to maintain appropriate data  
 17585 to be compiled in an annual report to the department ~~the agency~~.  
 17586 Such data shall include, but shall not be limited to, the number  
 17587 of clients served, the units of services provided, designated  
 17588 client-specific information including intake and outcome  
 17589 information specific to each client, costs associated with  
 17590 specific services and program administration, total program  
 17591 revenues by source and other appropriate financial data, and  
 17592 client followup information at specified intervals after the  
 17593 placement of a displaced homemaker in a job.

17594 (c) The department ~~The agency~~ shall consult and cooperate  
 17595 with the Commissioner of Education, the United States  
 17596 Commissioner of the Social Security Administration, and such  
 17597 other persons in the executive branch of the state government as  
 17598 the department ~~the agency~~ considers appropriate to facilitate  
 17599 the coordination of multipurpose service programs established  
 17600 under this section with existing programs of a similar nature.

17601 (d) Supervisory, technical, and administrative positions  
 17602 relating to programs established under this section shall, to  
 17603 the maximum extent practicable, be filled by displaced  
 17604 homemakers.

17605 (e) The department ~~The agency~~ shall adopt rules  
 17606 establishing minimum standards necessary for entities that  
 17607 provide displaced homemaker service programs to receive funds  
 17608 ~~from the agency~~ and any other rules necessary to administer this  
 17609 section.

17610 (4) STATE PLAN.—

17611 (a) The department ~~The Agency for Workforce Innovation~~

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17612 shall develop a 3-year state plan for the displaced homemaker  
 17613 program which shall be updated annually. The plan must address,  
 17614 at a minimum, the need for programs specifically designed to  
 17615 serve displaced homemakers, any necessary service components for  
 17616 such programs in addition to those enumerated in this section,  
 17617 goals of the displaced homemaker program with an analysis of the  
 17618 extent to which those goals are being met, and recommendations  
 17619 for ways to address any unmet program goals. Any request for  
 17620 funds for program expansion must be based on the state plan.

17621 (b) Each annual update must address any changes in the  
 17622 components of the 3-year state plan and a report which must  
 17623 include, but need not be limited to, the following:

17624 1. The scope of the incidence of displaced homemakers;  
 17625 2. A compilation and report, by program, of data submitted  
 17626 to the department ~~the agency~~ pursuant to subparagraph 3. by  
 17627 funded displaced homemaker service programs;

17628 3. An identification and description of the programs in  
 17629 the state that receive funding from the department ~~the agency~~,  
 17630 including funding information; and

17631 4. An assessment of the effectiveness of each displaced  
 17632 homemaker service program based on outcome criteria established  
 17633 by rule of the department ~~the agency~~.

17634 (c) The 3-year state plan must be submitted to the  
 17635 President of the Senate, the Speaker of the House of  
 17636 Representatives, and the Governor on or before January 1, 2001,  
 17637 and annual updates of the plan must be submitted by January 1 of  
 17638 each subsequent year.

17639 (5) DISPLACED HOMEMAKER TRUST FUND.—

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17640 (a) There is established within the State Treasury a  
 17641 Displaced Homemaker Trust Fund to be used by the department ~~the~~  
 17642 ~~agency~~ for its administration of the displaced homemaker program  
 17643 and to fund displaced homemaker service programs according to  
 17644 criteria established under this section.

17645 (b) The trust fund shall receive funds generated from an  
 17646 additional fee on marriage license applications and dissolution  
 17647 of marriage filings as specified in ss. 741.01(3) and 28.101,  
 17648 respectively, and may receive funds from any other public or  
 17649 private source.

17650 (c) Funds that are not expended by the department ~~the~~  
 17651 ~~agency~~ at the end of the budget cycle or through a supplemental  
 17652 budget approved by the department ~~the agency~~ shall revert to the  
 17653 trust fund.

17654 Section 328. Section 446.52, Florida Statutes, is amended  
 17655 to read:

17656 446.52 Confidentiality of information.—Information about  
 17657 displaced homemakers who receive services under ss. 446.50 and  
 17658 446.51 which is received through files, reports, inspections, or  
 17659 otherwise, by the Department of Economic Opportunity ~~the~~  
 17660 ~~division~~ or by its authorized employees ~~of the division~~, by  
 17661 persons who volunteer services, or by persons who provide  
 17662 services to displaced homemakers under ss. 446.50 and 446.51  
 17663 through contracts with the department ~~division~~ is confidential  
 17664 and exempt from ~~the provisions of~~ s. 119.07(1). Such information  
 17665 may not be disclosed publicly in such a manner as to identify a  
 17666 displaced homemaker, unless such person or the person's legal  
 17667 guardian provides written consent.

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17668 Section 329. Paragraph (a) of subsection (3) of section  
 17669 448.109, Florida Statutes, is amended to read:

17670 448.109 Notification of the state minimum wage.—

17671 (3) (a) Each year the Department of Economic Opportunity  
 17672 ~~Agency for Workforce Innovation~~ shall, on or before December 1,  
 17673 create and make available to employers a poster in English and  
 17674 in Spanish which reads substantially as follows:

17675

17676 NOTICE TO EMPLOYEES

17677

17678 The Florida minimum wage is \$ ...(amount)... per hour, with a  
 17679 minimum wage of at least \$ ...(amount)... per hour for tipped  
 17680 employees, in addition to tips, for January 1, ...(year)...,  
 17681 through December 31, ...(year)....

17682

17683 The rate of the minimum wage is recalculated yearly on September  
 17684 30, based on the Consumer Price Index. Every year on January 1  
 17685 the new Florida minimum wage takes effect.

17686

17687 An employer may not retaliate against an employee for exercising  
 17688 his or her right to receive the minimum wage. Rights protected  
 17689 by the State Constitution include the right to:

17690 1. File a complaint about an employer's alleged  
 17691 noncompliance with lawful minimum wage requirements.

17692 2. Inform any person about an employer's alleged  
 17693 noncompliance with lawful minimum wage requirements.

17694 3. Inform any person of his or her potential rights under  
 17695 Section 24, Article X of the State Constitution and to assist



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17696 | him or her in asserting such rights.  
 17697 |  
 17698 | An employee who has not received the lawful minimum wage after  
 17699 | notifying his or her employer and giving the employer 15 days to  
 17700 | resolve any claims for unpaid wages may bring a civil action in  
 17701 | a court of law against an employer to recover back wages plus  
 17702 | damages and attorney's fees.  
 17703 |  
 17704 | An employer found liable for intentionally violating minimum  
 17705 | wage requirements is subject to a fine of \$1,000 per violation,  
 17706 | payable to the state.  
 17707 |  
 17708 | The Attorney General or other official designated by the  
 17709 | Legislature may bring a civil action to enforce the minimum  
 17710 | wage.  
 17711 |  
 17712 | For details see Section 24, Article X of the State Constitution.  
 17713 |       Section 330. Subsections (2), (4), and (11) of section  
 17714 | 448.110, Florida Statutes, are amended to read:  
 17715 |       448.110 State minimum wage; annual wage adjustment;  
 17716 | enforcement.—  
 17717 |       (2) The purpose of this section is to provide measures  
 17718 | appropriate for the implementation of s. 24, Art. X of the State  
 17719 | Constitution, in accordance with authority granted to the  
 17720 | Legislature pursuant to s. 24(f), Art. X of the State  
 17721 | Constitution. To implement s. 24, Art. X of the State  
 17722 | Constitution, the Department of Economic Opportunity is  
 17723 | designated as the state Agency for Workforce Innovation.

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17724 (4) (a) Beginning September 30, 2005, and annually on  
 17725 September 30 thereafter, the Department of Economic Opportunity  
 17726 ~~the Agency for Workforce Innovation~~ shall calculate an adjusted  
 17727 state minimum wage rate by increasing the state minimum wage by  
 17728 the rate of inflation for the 12 months prior to September 1. In  
 17729 calculating the adjusted state minimum wage, the Department of  
 17730 Economic Opportunity ~~the agency~~ shall use the Consumer Price  
 17731 Index for Urban Wage Earners and Clerical Workers, not  
 17732 seasonally adjusted, for the South Region or a successor index  
 17733 as calculated by the United States Department of Labor. Each  
 17734 adjusted state minimum wage rate shall take effect on the  
 17735 following January 1, with the initial adjusted minimum wage rate  
 17736 to take effect on January 1, 2006.

17737 (b) ~~The Agency for Workforce Innovation and the~~ Department  
 17738 of Revenue and the Department of Economic Opportunity shall  
 17739 annually publish the amount of the adjusted state minimum wage  
 17740 and the effective date. Publication shall occur by posting the  
 17741 adjusted state minimum wage rate and the effective date on the  
 17742 Internet home pages of the Department of Economic Opportunity  
 17743 ~~the agency~~ and the Department of Revenue by October 15 of each  
 17744 year. In addition, to the extent funded in the General  
 17745 Appropriations Act, the Department of Economic Opportunity ~~the~~  
 17746 ~~agency~~ shall provide written notice of the adjusted rate and the  
 17747 effective date of the adjusted state minimum wage to all  
 17748 employers registered in the most current unemployment  
 17749 compensation database. Such notice shall be mailed by November  
 17750 15 of each year using the addresses included in the database.  
 17751 Employers are responsible for maintaining current address

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17752 information in the unemployment compensation database. The  
 17753 Department of Economic Opportunity is ~~The agency shall not be~~  
 17754 responsible for failure to provide notice due to incorrect or  
 17755 incomplete address information in the database. The Department  
 17756 of Economic Opportunity ~~The agency~~ shall provide the Department  
 17757 of Revenue with the adjusted state minimum wage rate information  
 17758 and effective date in a timely manner.

17759 (11) Except for calculating the adjusted state minimum  
 17760 wage and publishing the initial state minimum wage and any  
 17761 annual adjustments thereto, the authority of the Department of  
 17762 Economic Opportunity ~~the Agency for Workforce Innovation~~ in  
 17763 implementing s. 24, Art. X of the State Constitution, pursuant  
 17764 to this section, shall be limited to that authority expressly  
 17765 granted by the Legislature.

17766 Section 331. Section 450.161, Florida Statutes, is amended  
 17767 to read:

17768 450.161 Chapter not to affect career education of  
 17769 children; other exceptions.—Nothing in this chapter shall  
 17770 prevent minors of any age from receiving career education  
 17771 furnished by the United States, this state, or any county or  
 17772 other political subdivision of this state and duly approved by  
 17773 the Department of Education or other duly constituted authority,  
 17774 nor any apprentice indentured under a plan approved by the  
 17775 Department of Economic Opportunity ~~Division of Jobs and~~  
 17776 ~~Benefits~~, or prevent the employment of any minor 14 years of age  
 17777 or older when such employment is authorized as an integral part  
 17778 of, or supplement to, such a course in career education and is  
 17779 authorized by regulations of the district school board of the

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17780 district in which such minor is employed, provided the  
 17781 employment is in compliance with the provisions of ss.  
 17782 450.021(4) and 450.061. Exemptions for the employment of student  
 17783 learners 16 to 18 years of age are provided in s. 450.061. Such  
 17784 an exemption shall apply when:

17785 (1) The student learner is enrolled in a youth vocational  
 17786 training program under a recognized state or local educational  
 17787 authority.

17788 (2) Such student learner is employed under a written  
 17789 agreement which provides:

17790 (a) That the work of the student learner in the occupation  
 17791 declared particularly hazardous shall be incidental to the  
 17792 training.

17793 (b) That such work shall be intermittent and for short  
 17794 periods of time and under the direct and close supervision of a  
 17795 qualified and experienced person.

17796 (c) That safety instructions shall be given by the school  
 17797 and correlated by the employer with on-the-job training.

17798 (d) That a schedule of organized and progressive work  
 17799 processes to be performed on the job shall have been prepared.

17800  
 17801 Each such written agreement shall contain the name of the  
 17802 student learner and shall be signed by the employer, the school  
 17803 coordinator and principal, and the parent or legal guardian.  
 17804 Copies of each agreement shall be kept on file by both the  
 17805 school and the employer. This exemption for the employment of  
 17806 student learners may be revoked in any individual situation when  
 17807 it is found that reasonable precautions have not been observed

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17808 | for the safety of minors employed thereunder. A high school  
 17809 | graduate may be employed in an occupation in which he or she has  
 17810 | completed training as a student learner, as provided in this  
 17811 | section, even though he or she is not yet 18 years of age.

17812 | Section 332. Paragraph (j) of subsection (1) of section  
 17813 | 450.191, Florida Statutes, is amended to read:

17814 | 450.191 Executive Office of the Governor; powers and  
 17815 | duties.—

17816 | (1) The Executive Office of the Governor is authorized and  
 17817 | directed to:

17818 | (j) Cooperate with the Department of Economic Opportunity  
 17819 | ~~the Agency for Workforce Innovation~~ in the recruitment and  
 17820 | referral of migrant laborers and other persons for the planting,  
 17821 | cultivation, and harvesting of agricultural crops in Florida.

17822 | Section 333. Paragraph (e) of subsection (2) of section  
 17823 | 450.31, Florida Statutes, is amended to read:

17824 | 450.31 Issuance, revocation, and suspension of, and  
 17825 | refusal to issue or renew, certificate of registration.—

17826 | (2) The department may revoke, suspend, or refuse to issue  
 17827 | or renew any certificate of registration when it is shown that  
 17828 | the farm labor contractor has:

17829 | (e) Failed to pay unemployment compensation taxes as  
 17830 | determined by the Department of Economic Opportunity ~~the Agency~~  
 17831 | ~~for Workforce Innovation~~; or

17832 | Section 334. Paragraph (d) of subsection (1) of section  
 17833 | 464.203, Florida Statutes, is amended to read:

17834 | 464.203 Certified nursing assistants; certification  
 17835 | requirement.—

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17836 (1) The board shall issue a certificate to practice as a  
 17837 certified nursing assistant to any person who demonstrates a  
 17838 minimum competency to read and write and successfully passes the  
 17839 required background screening pursuant to s. 400.215 and meets  
 17840 one of the following requirements:

17841 ~~(d) Has completed the curriculum developed under the~~  
 17842 ~~Enterprise Florida Jobs and Education Partnership Grant and~~  
 17843 ~~achieved a minimum score, established by rule of the board, on~~  
 17844 ~~the nursing assistant competency examination, which consists of~~  
 17845 ~~a written portion and skills demonstration portion, approved by~~  
 17846 ~~the board and administered at a site and by personnel approved~~  
 17847 ~~by the department.~~

17848 Section 335. Subsection (3) of section 468.529, Florida  
 17849 Statutes, is amended to read:

17850 468.529 Licensee's insurance; employment tax; benefit  
 17851 plans.-

17852 (3) A licensed employee leasing company shall within 30  
 17853 days after initiation or termination notify its workers'  
 17854 compensation insurance carrier, the Division of Workers'  
 17855 Compensation of the Department of Financial Services, and the  
 17856 Department of Revenue as the state agency providing unemployment  
 17857 tax collection services under an interagency agreement ~~contract~~  
 17858 with the Department of Economic Opportunity ~~the Agency for~~  
 17859 ~~Workforce Innovation through an interagency agreement~~ pursuant  
 17860 to s. 443.1316 of both the initiation or the termination of the  
 17861 company's relationship with any client company.

17862 Section 336. Paragraph (b) of subsection (1) of section  
 17863 489.1455, Florida Statutes, is amended to read:

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17864 489.1455 Journeyman; reciprocity; standards.—  
 17865 (1) An individual who holds a valid, active journeyman  
 17866 license in the plumbing/pipe fitting, mechanical, or HVAC trades  
 17867 issued by any county or municipality in this state may work as a  
 17868 journeyman in the trade in which he or she is licensed in any  
 17869 county or municipality of this state without taking an  
 17870 additional examination or paying an additional license fee, if  
 17871 he or she:

17872 (b) Has completed an apprenticeship program registered  
 17873 with the Department of Economic Opportunity ~~Department of Labor~~  
 17874 ~~and Employment Security~~ and demonstrates 4 years' verifiable  
 17875 practical experience in the trade for which he or she is  
 17876 licensed, or demonstrates 6 years' verifiable practical  
 17877 experience in the trade for which he or she is licensed;

17878 Section 337. Paragraph (b) of subsection (1) of section  
 17879 489.5335, Florida Statutes, is amended to read:

17880 489.5335 Journeyman; reciprocity; standards.—

17881 (1) An individual who holds a valid, active journeyman  
 17882 license in the electrical trade issued by any county or  
 17883 municipality in this state may work as a journeyman in any other  
 17884 county or municipality of this state without taking an  
 17885 additional examination or paying an additional license fee, if  
 17886 he or she:

17887 (b) Has completed an apprenticeship program registered  
 17888 with the Department of Economic Opportunity ~~Department of Labor~~  
 17889 ~~and Employment Security~~ and demonstrates 4 years' verifiable  
 17890 practical experience in the electrical trade, or demonstrates 6  
 17891 years' verifiable practical experience in the electrical trade;

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17892 Section 338. Paragraph (i) of subsection (4) of section  
 17893 551.104, Florida Statutes, is amended to read:  
 17894 551.104 License to conduct slot machine gaming.—  
 17895 (4) As a condition of licensure and to maintain continued  
 17896 authority for the conduct of slot machine gaming, the slot  
 17897 machine licensee shall:  
 17898 (i) Create and file with the division a written policy  
 17899 for:  
 17900 1. Creating opportunities to purchase from vendors in this  
 17901 state, including minority vendors.  
 17902 2. Creating opportunities for employment of residents of  
 17903 this state, including minority residents.  
 17904 3. Ensuring opportunities for construction services from  
 17905 minority contractors.  
 17906 4. Ensuring that opportunities for employment are offered  
 17907 on an equal, nondiscriminatory basis.  
 17908 5. Training for employees on responsible gaming and  
 17909 working with a compulsive or addictive gambling prevention  
 17910 program to further its purposes as provided for in s. 551.118.  
 17911 6. The implementation of a drug-testing program that  
 17912 includes, but is not limited to, requiring each employee to sign  
 17913 an agreement that he or she understands that the slot machine  
 17914 facility is a drug-free workplace.  
 17915  
 17916 The slot machine licensee shall use the Internet-based job-  
 17917 listing system of the Department of Economic Opportunity ~~the~~  
 17918 ~~Agency for Workforce Innovation~~ in advertising employment  
 17919 opportunities. Beginning in June 2007, each slot machine



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17920 licensee shall provide an annual report to the division  
 17921 containing information indicating compliance with this paragraph  
 17922 in regard to minority persons.

17923 Section 339. Section 553.62, Florida Statutes, is amended  
 17924 to read:

17925 553.62 State standard.—The Occupational Safety and Health  
 17926 Administration's excavation safety standards, 29 C.F.R. s.  
 17927 1926.650 Subpart P, are hereby incorporated as the state  
 17928 standard. ~~The Department of Labor and Employment Security may,~~  
 17929 ~~by rule, adopt updated or revised versions of those standards,~~  
 17930 ~~provided that the updated or revised versions are consistent~~  
 17931 ~~with the intent expressed in this act and s. 553.72, and are not~~  
 17932 ~~otherwise inconsistent with state law. Any rule adopted as~~  
 17933 ~~provided in this section shall be complied with upon its~~  
 17934 ~~effective date.~~

17935 Section 340. Section 944.708, Florida Statutes, is amended  
 17936 to read:

17937 944.708 Rules.—The Department of Corrections ~~and the~~  
 17938 ~~Agency for Workforce Innovation~~ shall adopt rules to implement  
 17939 the provisions of ss. 944.701-944.707.

17940 Section 341. Paragraph (h) of subsection (3) of section  
 17941 944.801, Florida Statutes, is amended to read:

17942 944.801 Education for state prisoners.—

17943 (3) The responsibilities of the Correctional Education  
 17944 Program shall be to:

17945 (h) Develop a written procedure for selecting programs to  
 17946 add to or delete from the vocational curriculum. The procedure  
 17947 shall include labor market analyses which demonstrate the

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17948 | projected demand for certain occupations and the projected  
 17949 | supply of potential employees. In conducting these analyses, the  
 17950 | department shall evaluate the feasibility of adding vocational  
 17951 | education programs which have been identified by the Department  
 17952 | of Economic Opportunity, the Department of Education, ~~the Agency~~  
 17953 | ~~for Workforce Innovation~~ or a regional coordinating council as  
 17954 | being in undersupply in this state. The department shall  
 17955 | periodically reevaluate the vocational education programs in  
 17956 | major institutions to determine which of the programs support  
 17957 | and provide relevant skills to inmates who could be assigned to  
 17958 | a correctional work program that is operated as a Prison  
 17959 | Industry Enhancement Program.

17960 |         Section 342. Paragraph (d) of subsection (3) of section  
 17961 | 945.10, Florida Statutes, is amended to read:

17962 |             945.10 Confidential information.—

17963 |         (3) Due to substantial concerns regarding institutional  
 17964 | security and unreasonable and excessive demands on personnel and  
 17965 | resources if an inmate or an offender has unlimited or routine  
 17966 | access to records of the Department of Corrections, an inmate or  
 17967 | an offender who is under the jurisdiction of the department may  
 17968 | not have unrestricted access to the department's records or to  
 17969 | information contained in the department's records. However,  
 17970 | except as to another inmate's or offender's records, the  
 17971 | department may permit limited access to its records if an inmate  
 17972 | or an offender makes a written request and demonstrates an  
 17973 | exceptional need for information contained in the department's  
 17974 | records and the information is otherwise unavailable.  
 17975 | Exceptional circumstances include, but are not limited to:

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17976 (d) The requested records contain information required to  
 17977 process an application or claim by the inmate or offender with  
 17978 the Internal Revenue Service, the Social Security  
 17979 Administration, the Department of Economic Opportunity ~~the~~  
 17980 ~~Agency for Workforce Innovation~~, or any other similar  
 17981 application or claim with a state agency or federal agency.

17982 Section 343. Subsection (4) of section 985.601, Florida  
 17983 Statutes, is amended to read:

17984 985.601 Administering the juvenile justice continuum.—

17985 (4) The department shall maintain continuing cooperation  
 17986 with the Department of Education, the Department of Children and  
 17987 Family Services, the Department of Economic Opportunity ~~the~~  
 17988 ~~Agency for Workforce Innovation~~, and the Department of  
 17989 Corrections for the purpose of participating in agreements with  
 17990 respect to dropout prevention and the reduction of suspensions,  
 17991 expulsions, and truancy; increased access to and participation  
 17992 in GED, vocational, and alternative education programs; and  
 17993 employment training and placement assistance. The cooperative  
 17994 agreements between the departments shall include an  
 17995 interdepartmental plan to cooperate in accomplishing the  
 17996 reduction of inappropriate transfers of children into the adult  
 17997 criminal justice and correctional systems.

17998 Section 344. Subsections (1) and (2) of section 1002.375,  
 17999 Florida Statutes, are amended to read:

18000 1002.375 Alternative credit for high school courses; pilot  
 18001 project.—

18002 (1) The Commissioner of Education shall implement a pilot  
 18003 project in up to three school districts beginning in the 2008-

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18004 2009 school year which allows school districts to award  
 18005 alternative course credit for students enrolled in nationally or  
 18006 state-recognized industry certification programs, as defined by  
 18007 the former Agency for Workforce Innovation or the Department of  
 18008 Economic Opportunity, in accordance with the criteria described  
 18009 in s. 1003.492(2). The Commissioner of Education shall establish  
 18010 criteria for districts that participate in the pilot program.  
 18011 School districts interested in participating in the program must  
 18012 submit a letter of interest by July 15, 2008, to the  
 18013 Commissioner of Education identifying up to five nationally or  
 18014 state-recognized industry certification programs, as defined by  
 18015 the former Agency for Workforce Innovation or the Department of  
 18016 Economic Opportunity, in accordance with the criteria described  
 18017 in s. 1003.492(2), under which the district would like to award  
 18018 alternative credit for the eligible courses identified in  
 18019 subsection (2). The Commissioner of Education shall select up to  
 18020 three participating school districts by July 30, 2008. The  
 18021 Commissioner of Education shall submit a report to the Governor,  
 18022 the President of the Senate, and the Speaker of the House of  
 18023 Representatives identifying the number of students choosing to  
 18024 earn alternative credit, the number of students that received  
 18025 alternative credit, and legislative recommendations for  
 18026 expanding the use of alternative credit for core academic  
 18027 courses required for high school graduation. The report shall be  
 18028 submitted by January 1, 2010.

18029 (2) For purposes of designing and implementing a  
 18030 successful pilot project, eligible alternative credit courses  
 18031 include Algebra 1a, Algebra 1b, Algebra 1, Geometry, and

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18032 Biology. Alternative credits shall be awarded for courses in  
 18033 which a student is not enrolled, but for which the student may  
 18034 earn academic credit by enrolling in another course or sequence  
 18035 of courses required to earn a nationally or state-recognized  
 18036 industry certificate, as defined by the former Agency for  
 18037 Workforce Innovation or the Department of Economic Opportunity,  
 18038 in accordance with the criteria described in s. 1003.492(2), of  
 18039 which the majority of the standards-based content in the course  
 18040 description is consistent with the alternative credit course  
 18041 description approved by the Department of Education.

18042 Section 345. Paragraph (b) of subsection (4) and  
 18043 subsection (5) of section 1002.53, Florida Statutes, are amended  
 18044 to read:

18045 1002.53 Voluntary Prekindergarten Education Program;  
 18046 eligibility and enrollment.—

18047 (4)

18048 (b) The application must be submitted on forms prescribed  
 18049 by the Department of Economic Opportunity ~~the Agency for~~  
 18050 ~~Workforce Innovation~~ and must be accompanied by a certified copy  
 18051 of the child's birth certificate. The forms must include a  
 18052 certification, in substantially the form provided in s.  
 18053 1002.71(6)(b)2., that the parent chooses the private  
 18054 prekindergarten provider or public school in accordance with  
 18055 this section and directs that payments for the program be made  
 18056 to the provider or school. The Department of Economic  
 18057 Opportunity ~~The Agency for Workforce Innovation~~ may authorize  
 18058 alternative methods for submitting proof of the child's age in  
 18059 lieu of a certified copy of the child's birth certificate.

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18060 (5) The early learning coalition shall provide each parent  
 18061 enrolling a child in the Voluntary Prekindergarten Education  
 18062 Program with a profile of every private prekindergarten provider  
 18063 and public school delivering the program within the county where  
 18064 the child is being enrolled. The profiles shall be provided to  
 18065 parents in a format prescribed by the Department of Economic  
 18066 Opportunity ~~the Agency for Workforce Innovation~~. The profiles  
 18067 must include, at a minimum, the following information about each  
 18068 provider and school:

18069 (a) The provider's or school's services, curriculum,  
 18070 instructor credentials, and instructor-to-student ratio; and

18071 (b) The provider's or school's kindergarten readiness rate  
 18072 calculated in accordance with s. 1002.69, based upon the most  
 18073 recent available results of the statewide kindergarten  
 18074 screening.

18075 Section 346. Paragraphs (e) and (h) of subsection (3) of  
 18076 section 1002.55, Florida Statutes, are amended to read:

18077 1002.55 School-year prekindergarten program delivered by  
 18078 private prekindergarten providers.—

18079 (3) To be eligible to deliver the prekindergarten program,  
 18080 a private prekindergarten provider must meet each of the  
 18081 following requirements:

18082 (e) A private prekindergarten provider may assign a  
 18083 substitute instructor to temporarily replace a credentialed  
 18084 instructor if the credentialed instructor assigned to a  
 18085 prekindergarten class is absent, as long as the substitute  
 18086 instructor is of good moral character and has been screened  
 18087 before employment in accordance with level 2 background

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18088 screening requirements in chapter 435. The Department of  
 18089 Economic Opportunity ~~The Agency for Workforce Innovation~~ shall  
 18090 adopt rules to implement this paragraph which shall include  
 18091 required qualifications of substitute instructors and the  
 18092 circumstances and time limits for which a private  
 18093 prekindergarten provider may assign a substitute instructor.

18094 (h) The private prekindergarten provider must register  
 18095 with the early learning coalition on forms prescribed by the  
 18096 Department of Economic Opportunity ~~the Agency for Workforce~~  
 18097 ~~Innovation~~.

18098 Section 347. Subsections (6) and (8) of section 1002.61,  
 18099 Florida Statutes, are amended to read:

18100 1002.61 Summer prekindergarten program delivered by public  
 18101 schools and private prekindergarten providers.—

18102 (6) A public school or private prekindergarten provider  
 18103 may assign a substitute instructor to temporarily replace a  
 18104 credentialed instructor if the credentialed instructor assigned  
 18105 to a prekindergarten class is absent, as long as the substitute  
 18106 instructor is of good moral character and has been screened  
 18107 before employment in accordance with level 2 background  
 18108 screening requirements in chapter 435. This subsection does not  
 18109 supersede employment requirements for instructional personnel in  
 18110 public schools which are more stringent than the requirements of  
 18111 this subsection. The Department of Economic Opportunity ~~The~~  
 18112 ~~Agency for Workforce Innovation~~ shall adopt rules to implement  
 18113 this subsection which shall include required qualifications of  
 18114 substitute instructors and the circumstances and time limits for  
 18115 which a public school or private prekindergarten provider may

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18116 assign a substitute instructor.

18117 (8) Each public school delivering the summer

18118 prekindergarten program must also:

18119 (a) Register with the early learning coalition on forms

18120 prescribed by the Department of Economic Opportunity ~~the Agency~~

18121 ~~for Workforce Innovation~~; and

18122 (b) Deliver the Voluntary Prekindergarten Education

18123 Program in accordance with this part.

18124 Section 348. Subsections (6) and (8) of section 1002.63,

18125 Florida Statutes, are amended to read:

18126 1002.63 School-year prekindergarten program delivered by

18127 public schools.—

18128 (6) A public school prekindergarten provider may assign a

18129 substitute instructor to temporarily replace a credentialed

18130 instructor if the credentialed instructor assigned to a

18131 prekindergarten class is absent, as long as the substitute

18132 instructor is of good moral character and has been screened

18133 before employment in accordance with level 2 background

18134 screening requirements in chapter 435. This subsection does not

18135 supersede employment requirements for instructional personnel in

18136 public schools which are more stringent than the requirements of

18137 this subsection. The Department of Economic Opportunity ~~The~~

18138 ~~Agency for Workforce Innovation~~ shall adopt rules to implement

18139 this subsection which shall include required qualifications of

18140 substitute instructors and the circumstances and time limits for

18141 which a public school prekindergarten provider may assign a

18142 substitute instructor.

18143 (8) Each public school delivering the school-year



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18144 | prekindergarten program must:

18145 |       (a) Register with the early learning coalition on forms

18146 | prescribed by the Department of Economic Opportunity ~~the Agency~~

18147 | ~~for Workforce Innovation~~; and

18148 |       (b) Deliver the Voluntary Prekindergarten Education

18149 | Program in accordance with this part.

18150 |       Section 349. Subsections (1) and (3) of section 1002.67,

18151 | Florida Statutes, are amended to read:

18152 |       1002.67 Performance standards; curricula and

18153 | accountability.—

18154 |       (1) ~~By April 1, 2005,~~ The department shall develop and

18155 | adopt performance standards for students in the Voluntary

18156 | Prekindergarten Education Program. The performance standards

18157 | must address the age-appropriate progress of students in the

18158 | development of:

18159 |       (a) The capabilities, capacities, and skills required

18160 | under s. 1(b), Art. IX of the State Constitution; and

18161 |       (b) Emergent literacy skills, including oral

18162 | communication, knowledge of print and letters, phonemic and

18163 | phonological awareness, and vocabulary and comprehension

18164 | development.

18165 |       (3) (a) Each early learning coalition shall verify that

18166 | each private prekindergarten provider delivering the Voluntary

18167 | Prekindergarten Education Program within the coalition's county

18168 | or multicounty region complies with this part. Each district

18169 | school board shall verify that each public school delivering the

18170 | program within the school district complies with this part.

18171 |       (b) If a private prekindergarten provider or public school

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18172 fails or refuses to comply with this part, or if a provider or  
 18173 school engages in misconduct, the Department of Economic  
 18174 Opportunity ~~the Agency for Workforce Innovation~~ shall require  
 18175 the early learning coalition to remove the provider, and the  
 18176 Department of Education shall require the school district to  
 18177 remove the school, from eligibility to deliver the Voluntary  
 18178 Prekindergarten Education Program and receive state funds under  
 18179 this part.

18180 (c)1. If the kindergarten readiness rate of a private  
 18181 prekindergarten provider or public school falls below the  
 18182 minimum rate adopted by the State Board of Education as  
 18183 satisfactory under s. 1002.69(6), the early learning coalition  
 18184 or school district, as applicable, shall require the provider or  
 18185 school to submit an improvement plan for approval by the  
 18186 coalition or school district, as applicable, and to implement  
 18187 the plan.

18188 2. If a private prekindergarten provider or public school  
 18189 fails to meet the minimum rate adopted by the State Board of  
 18190 Education as satisfactory under s. 1002.69(6) for 2 consecutive  
 18191 years, the early learning coalition or school district, as  
 18192 applicable, shall place the provider or school on probation and  
 18193 must require the provider or school to take certain corrective  
 18194 actions, including the use of a curriculum approved by the  
 18195 department under paragraph (2)(c).

18196 3. A private prekindergarten provider or public school  
 18197 that is placed on probation must continue the corrective actions  
 18198 required under subparagraph 2., including the use of a  
 18199 curriculum approved by the department, until the provider or

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18200 school meets the minimum rate adopted by the State Board of  
 18201 Education as satisfactory under s. 1002.69(6).

18202 4. If a private prekindergarten provider or public school  
 18203 remains on probation for 2 consecutive years and fails to meet  
 18204 the minimum rate adopted by the State Board of Education as  
 18205 satisfactory under s. 1002.69(6) and is not granted a good cause  
 18206 exemption by the department pursuant to s. 1002.69(7), the  
 18207 Department of Economic Opportunity ~~the Agency for Workforce~~  
 18208 ~~Innovation~~ shall require the early learning coalition or the  
 18209 Department of Education shall require the school district to  
 18210 remove, as applicable, the provider or school from eligibility  
 18211 to deliver the Voluntary Prekindergarten Education Program and  
 18212 receive state funds for the program.

18213 (d) Each early learning coalition, the Department of  
 18214 Economic Opportunity ~~Agency for Workforce Innovation~~, and the  
 18215 department shall coordinate with the Child Care Services Program  
 18216 Office of the Department of Children and Family Services to  
 18217 minimize interagency duplication of activities for monitoring  
 18218 private prekindergarten providers for compliance with  
 18219 requirements of the Voluntary Prekindergarten Education Program  
 18220 under this part, the school readiness programs under s. 411.01,  
 18221 and the licensing of providers under ss. 402.301-402.319.

18222 Section 350. Paragraph (f) of subsection (7) of section  
 18223 1002.69, Florida Statutes, is amended to read:

18224 1002.69 Statewide kindergarten screening; kindergarten  
 18225 readiness rates.-

18226 (7)

18227 (f) The State Board of Education shall notify the

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18228 | Department of Economic Opportunity ~~the Agency for Workforce~~  
 18229 | ~~Innovation~~ of any good cause exemption granted to a private  
 18230 | prekindergarten provider under this subsection. If a good cause  
 18231 | exemption is granted to a private prekindergarten provider who  
 18232 | remains on probation for 2 consecutive years, the Department of  
 18233 | Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
 18234 | notify the early learning coalition of the good cause exemption  
 18235 | and direct that the coalition, notwithstanding s.  
 18236 | 1002.67(3)(c)4., not remove the provider from eligibility to  
 18237 | deliver the Voluntary Prekindergarten Education Program or to  
 18238 | receive state funds for the program, if the provider meets all  
 18239 | other applicable requirements of this part.

18240 |       Section 351. Paragraph (c) of subsection (3), subsection  
 18241 | (4), paragraph (b) of subsection (5), and subsections (6) and  
 18242 | (7) of section 1002.71, Florida Statutes, are amended to read:

18243 |       1002.71 Funding; financial and attendance reporting.—  
 18244 |       (3)  
 18245 |       (c) The initial allocation shall be based on estimated  
 18246 | student enrollment in each coalition service area. The  
 18247 | Department of Economic Opportunity ~~The Agency for Workforce~~  
 18248 | ~~Innovation~~ shall reallocate funds among the coalitions based on  
 18249 | actual full-time equivalent student enrollment in each coalition  
 18250 | service area.

18251 |       (4) Notwithstanding s. 1002.53(3) and subsection (2):  
 18252 |       (a) A child who, for any of the prekindergarten programs  
 18253 | listed in s. 1002.53(3), has not completed more than 70 percent  
 18254 | of the hours authorized to be reported for funding under  
 18255 | subsection (2), or has not expended more than 70 percent of the

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18256 funds authorized for the child under s. 1002.66, may withdraw  
 18257 from the program for good cause and reenroll in one of the  
 18258 programs. The total funding for a child who reenrolls in one of  
 18259 the programs for good cause may not exceed one full-time  
 18260 equivalent student. Funding for a child who withdraws and  
 18261 reenrolls in one of the programs for good cause shall be issued  
 18262 in accordance with the Department of Economic Opportunity's ~~the~~  
 18263 ~~agency's~~ uniform attendance policy adopted pursuant to paragraph  
 18264 (6) (d).

18265 (b) A child who has not substantially completed any of the  
 18266 prekindergarten programs listed in s. 1002.53(3) may withdraw  
 18267 from the program due to an extreme hardship that is beyond the  
 18268 child's or parent's control, reenroll in one of the summer  
 18269 programs, and be reported for funding purposes as a full-time  
 18270 equivalent student in the summer program for which the child is  
 18271 reenrolled.

18272  
 18273 A child may reenroll only once in a prekindergarten program  
 18274 under this section. A child who reenrolls in a prekindergarten  
 18275 program under this subsection may not subsequently withdraw from  
 18276 the program and reenroll. The Department of Economic Opportunity  
 18277 ~~The Agency for Workforce Innovation~~ shall establish criteria  
 18278 specifying whether a good cause exists for a child to withdraw  
 18279 from a program under paragraph (a), whether a child has  
 18280 substantially completed a program under paragraph (b), and  
 18281 whether an extreme hardship exists which is beyond the child's  
 18282 or parent's control under paragraph (b).

18283 (5)

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18284 (b) The Department of Economic Opportunity ~~The Agency for~~  
 18285 ~~Workforce Innovation~~ shall adopt procedures for the payment of  
 18286 private prekindergarten providers and public schools delivering  
 18287 the Voluntary Prekindergarten Education Program. The procedures  
 18288 shall provide for the advance payment of providers and schools  
 18289 based upon student enrollment in the program, the certification  
 18290 of student attendance, and the reconciliation of advance  
 18291 payments in accordance with the uniform attendance policy  
 18292 adopted under paragraph (6) (d). The procedures shall provide for  
 18293 the monthly distribution of funds by the Department of Economic  
 18294 Opportunity ~~the Agency for Workforce Innovation~~ to the early  
 18295 learning coalitions for payment by the coalitions to private  
 18296 prekindergarten providers and public schools. The department  
 18297 shall transfer to the Department of Economic Opportunity ~~Agency~~  
 18298 ~~for Workforce Innovation~~ at least once each quarter the funds  
 18299 available for payment to private prekindergarten providers and  
 18300 public schools in accordance with this paragraph from the funds  
 18301 appropriated for that purpose.

18302 (6) (a) Each parent enrolling his or her child in the  
 18303 Voluntary Prekindergarten Education Program must agree to comply  
 18304 with the attendance policy of the private prekindergarten  
 18305 provider or district school board, as applicable. Upon  
 18306 enrollment of the child, the private prekindergarten provider or  
 18307 public school, as applicable, must provide the child's parent  
 18308 with a copy of the provider's or school district's attendance  
 18309 policy, as applicable.

18310 (b)1. Each private prekindergarten provider's and district  
 18311 school board's attendance policy must require the parent of each

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18312 student in the Voluntary Prekindergarten Education Program to  
 18313 verify, each month, the student's attendance on the prior  
 18314 month's certified student attendance.

18315 2. The parent must submit the verification of the  
 18316 student's attendance to the private prekindergarten provider or  
 18317 public school on forms prescribed by the Department of Economic  
 18318 Opportunity ~~the Agency for Workforce Innovation~~. The forms must  
 18319 include, in addition to the verification of the student's  
 18320 attendance, a certification, in substantially the following  
 18321 form, that the parent continues to choose the private  
 18322 prekindergarten provider or public school in accordance with s.  
 18323 1002.53 and directs that payments for the program be made to the  
 18324 provider or school:

18325  
 18326 VERIFICATION OF STUDENT'S ATTENDANCE  
 18327 AND CERTIFICATION OF PARENTAL CHOICE  
 18328

18329 I, ...(Name of Parent)..., swear (or affirm) that my child,  
 18330 ...(Name of Student)..., attended the Voluntary Prekindergarten  
 18331 Education Program on the days listed above and certify that I  
 18332 continue to choose ...(Name of Provider or School)... to deliver  
 18333 the program for my child and direct that program funds be paid  
 18334 to the provider or school for my child.

18335 ...(Signature of Parent)...

18336 ...(Date)...

18337  
 18338 3. The private prekindergarten provider or public school  
 18339 must keep each original signed form for at least 2 years. Each

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18340 private prekindergarten provider must permit the early learning  
 18341 coalition, and each public school must permit the school  
 18342 district, to inspect the original signed forms during normal  
 18343 business hours. The Department of Economic Opportunity ~~The~~  
 18344 ~~Agency for Workforce Innovation~~ shall adopt procedures for early  
 18345 learning coalitions and school districts to review the original  
 18346 signed forms against the certified student attendance. The  
 18347 review procedures shall provide for the use of selective  
 18348 inspection techniques, including, but not limited to, random  
 18349 sampling. Each early learning coalition and the school districts  
 18350 must comply with the review procedures.

18351 (c) A private prekindergarten provider or school district,  
 18352 as applicable, may dismiss a student who does not comply with  
 18353 the provider's or district's attendance policy. A student  
 18354 dismissed under this paragraph is not removed from the Voluntary  
 18355 Prekindergarten Education Program and may continue in the  
 18356 program through reenrollment with another private  
 18357 prekindergarten provider or public school. Notwithstanding s.  
 18358 1002.53(6)(b), a school district is not required to provide for  
 18359 the admission of a student dismissed under this paragraph.

18360 (d) The Department of Economic Opportunity ~~The Agency for~~  
 18361 ~~Workforce Innovation~~ shall adopt, for funding purposes, a  
 18362 uniform attendance policy for the Voluntary Prekindergarten  
 18363 Education Program. The attendance policy must apply statewide  
 18364 and apply equally to all private prekindergarten providers and  
 18365 public schools. The attendance policy must include at least the  
 18366 following provisions:

18367 1. ~~Beginning with the 2009-2010 fiscal year for school-~~



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18368 ~~year programs,~~ A student's attendance may be reported on a pro  
 18369 rata basis as a fractional part of a full-time equivalent  
 18370 student.

18371 2. At a maximum, 20 percent of the total payment made on  
 18372 behalf of a student to a private prekindergarten provider or a  
 18373 public school may be for hours a student is absent.

18374 3. A private prekindergarten provider or public school may  
 18375 not receive payment for absences that occur before a student's  
 18376 first day of attendance or after a student's last day of  
 18377 attendance.

18378  
 18379 The uniform attendance policy shall be used only for funding  
 18380 purposes and does not prohibit a private prekindergarten  
 18381 provider or public school from adopting and enforcing its  
 18382 attendance policy under paragraphs (a) and (c).

18383 (7) The Department of Economic Opportunity ~~The Agency for~~  
 18384 ~~Workforce Innovation~~ shall require that administrative  
 18385 expenditures be kept to the minimum necessary for efficient and  
 18386 effective administration of the Voluntary Prekindergarten  
 18387 Education Program. Administrative policies and procedures shall  
 18388 be revised, to the maximum extent practicable, to incorporate  
 18389 the use of automation and electronic submission of forms,  
 18390 including those required for child eligibility and enrollment,  
 18391 provider and class registration, and monthly certification of  
 18392 attendance for payment. A school district may use its automated  
 18393 daily attendance reporting system for the purpose of  
 18394 transmitting attendance records to the early learning coalition  
 18395 in a mutually agreed-upon format. In addition, actions shall be

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18396 taken to reduce paperwork, eliminate the duplication of reports,  
 18397 and eliminate other duplicative activities. Beginning with the  
 18398 2010-2011 fiscal year, each early learning coalition may retain  
 18399 and expend no more than 4.5 percent of the funds paid by the  
 18400 coalition to private prekindergarten providers and public  
 18401 schools under paragraph (5) (b). Funds retained by an early  
 18402 learning coalition under this subsection may be used only for  
 18403 administering the Voluntary Prekindergarten Education Program  
 18404 and may not be used for the school readiness program or other  
 18405 programs.

18406 Section 352. Subsection (1) of section 1002.72, Florida  
 18407 Statutes, is amended to read:

18408 1002.72 Records of children in the Voluntary  
 18409 Prekindergarten Education Program.—

18410 (1) (a) The records of a child enrolled in the Voluntary  
 18411 Prekindergarten Education Program held by an early learning  
 18412 coalition, the Department of Economic Opportunity ~~the Agency for~~  
 18413 ~~Workforce Innovation~~, or a Voluntary Prekindergarten Education  
 18414 Program provider are confidential and exempt from s. 119.07(1)  
 18415 and s. 24(a), Art. I of the State Constitution. For purposes of  
 18416 this section, such records include assessment data, health data,  
 18417 records of teacher observations, and personal identifying  
 18418 information of an enrolled child and his or her parent.

18419 (b) This exemption applies to the records of a child  
 18420 enrolled in the Voluntary Prekindergarten Education Program held  
 18421 by an early learning coalition, the Department of Economic  
 18422 Opportunity ~~the Agency for Workforce Innovation~~, or a Voluntary  
 18423 Prekindergarten Education Program provider before, on, or after

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18424 the effective date of this exemption.

18425 Section 353. Section 1002.75, Florida Statutes, is amended

18426 to read:

18427 1002.75 Department of Economic Opportunity ~~Agency for~~

18428 ~~Workforce Innovation~~; powers and duties; operational

18429 requirements.-

18430 (1) The Department of Economic Opportunity ~~Agency for~~

18431 ~~Workforce Innovation~~ shall administer the operational

18432 requirements of the Voluntary Prekindergarten Education Program

18433 at the state level.

18434 (2) The Department of Economic Opportunity ~~Agency for~~

18435 ~~Workforce Innovation~~ shall adopt procedures governing the

18436 administration of the Voluntary Prekindergarten Education

18437 Program by the early learning coalitions and school districts

18438 for:

18439 (a) Enrolling children in and determining the eligibility

18440 of children for the Voluntary Prekindergarten Education Program

18441 under s. 1002.53.

18442 (b) Providing parents with profiles of private

18443 prekindergarten providers and public schools under s. 1002.53.

18444 (c) Registering private prekindergarten providers and

18445 public schools to deliver the program under ss. 1002.55,

18446 1002.61, and 1002.63.

18447 (d) Determining the eligibility of private prekindergarten

18448 providers to deliver the program under ss. 1002.55 and 1002.61.

18449 (e) Verifying the compliance of private prekindergarten

18450 providers and public schools and removing providers or schools

18451 from eligibility to deliver the program due to noncompliance or

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18452 misconduct as provided in s. 1002.67.

18453 (f) Paying private prekindergarten providers and public  
18454 schools under s. 1002.71.

18455 (g) Documenting and certifying student enrollment and  
18456 student attendance under s. 1002.71.

18457 (h) Reconciling advance payments in accordance with the  
18458 uniform attendance policy under s. 1002.71.

18459 (i) Reenrolling students dismissed by a private  
18460 prekindergarten provider or public school for noncompliance with  
18461 the provider's or school district's attendance policy under s.  
18462 1002.71.

18463 (3) The Department of Economic Opportunity ~~Agency for~~  
18464 ~~Workforce Innovation~~ shall adopt, in consultation with and  
18465 subject to approval by the department, procedures governing the  
18466 administration of the Voluntary Prekindergarten Education  
18467 Program by the early learning coalitions and school districts  
18468 for:

18469 (a) Approving improvement plans of private prekindergarten  
18470 providers and public schools under s. 1002.67.

18471 (b) Placing private prekindergarten providers and public  
18472 schools on probation and requiring corrective actions under s.  
18473 1002.67.

18474 (c) Removing a private prekindergarten provider or public  
18475 school from eligibility to deliver the program due to the  
18476 provider's or school's remaining on probation beyond the time  
18477 permitted under s. 1002.67.

18478 (d) Enrolling children in and determining the eligibility  
18479 of children for the Voluntary Prekindergarten Education Program

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18480 | under s. 1002.66.

18481 |       (e) Paying specialized instructional services providers

18482 | under s. 1002.66.

18483 |       (4) The Department of Economic Opportunity ~~Agency for~~

18484 | ~~Workforce Innovation~~ shall also adopt procedures for the

18485 | agency's distribution of funds to early learning coalitions

18486 | under s. 1002.71.

18487 |       (5) Except as provided by law, the Department of Economic

18488 | Opportunity ~~Agency for Workforce Innovation~~ may not impose

18489 | requirements on a private prekindergarten provider or public

18490 | school that does not deliver the Voluntary Prekindergarten

18491 | Education Program or receive state funds under this part.

18492 |       Section 354. Subsections (1) and (5) of section 1002.77,

18493 | Florida Statutes, are amended to read:

18494 |       1002.77 Florida Early Learning Advisory Council.—

18495 |       (1) There is created the Florida Early Learning Advisory

18496 | Council within the Department of Economic Opportunity ~~the Agency~~

18497 | ~~for Workforce Innovation~~. The purpose of the advisory council is

18498 | to submit recommendations to the department and the Department

18499 | of Economic Opportunity ~~the Agency for Workforce Innovation~~ on

18500 | the early learning policy of this state, including

18501 | recommendations relating to administration of the Voluntary

18502 | Prekindergarten Education Program under this part and the school

18503 | readiness programs under s. 411.01.

18504 |       (5) The Department of Economic Opportunity ~~The Agency for~~

18505 | ~~Workforce Innovation~~ shall provide staff and administrative

18506 | support for the advisory council.

18507 |       Section 355. Subsection (2) of section 1002.79, Florida

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18508 Statutes, is amended to read:  
 18509 1002.79 Rulemaking authority.—  
 18510 (2) The Department of Economic Opportunity ~~Agency for~~  
 18511 ~~Workforce Innovation~~ shall adopt rules under ss. 120.536(1) and  
 18512 120.54 to administer the provisions of this part conferring  
 18513 duties upon the department ~~agency~~.  
 18514 Section 356. Subsection (4) of section 1003.4285, Florida  
 18515 Statutes, is amended to read:  
 18516 1003.4285 Standard high school diploma designations.—Each  
 18517 standard high school diploma shall include, as applicable:  
 18518 (4) A designation reflecting a Florida Ready to Work  
 18519 Credential in accordance with s. 445.063 ~~1004.99~~.  
 18520 Section 357. Subsection (2), paragraph (a) of subsection  
 18521 (3), paragraph (c) of subsection (4), and subsection (5) of  
 18522 section 1003.491, Florida Statutes, are amended to read:  
 18523 1003.491 Florida Career and Professional Education Act.—  
 18524 The Florida Career and Professional Education Act is created to  
 18525 provide a statewide planning partnership between the business  
 18526 and education communities in order to attract, expand, and  
 18527 retain targeted, high-value industry and to sustain a strong,  
 18528 knowledge-based economy.  
 18529 (2) ~~Beginning with the 2007-2008 school year,~~ Each  
 18530 district school board shall develop, in collaboration with local  
 18531 workforce boards and postsecondary institutions approved to  
 18532 operate in the state, a strategic 5-year plan to address and  
 18533 meet local and regional workforce demands. If involvement of the  
 18534 local workforce board in the strategic plan development is not  
 18535 feasible, the local school board, with the approval of the

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18536 Department of Economic Opportunity ~~the Agency for Workforce~~  
 18537 ~~Innovation~~, shall collaborate with the most appropriate local  
 18538 business leadership board. Two or more school districts may  
 18539 collaborate in the development of the strategic plan and offer a  
 18540 career and professional academy as a joint venture. Such plans  
 18541 must describe in detail provisions for efficient transportation  
 18542 of students, maximum use of shared resources, and access to  
 18543 courses through the Florida Virtual School when appropriate.  
 18544 Each strategic plan shall ~~be completed no later than June 30,~~  
 18545 ~~2008, and shall~~ include provisions to have in place at least one  
 18546 operational career and professional academy, pursuant to s.  
 18547 1003.492, ~~no later than the beginning of the 2008-2009 school~~  
 18548 ~~year.~~

18549 (3) The strategic 5-year plan developed jointly between  
 18550 the local school district, local workforce boards, and state-  
 18551 approved postsecondary institutions shall be constructed and  
 18552 based on:

18553 (a) Research conducted to objectively determine local and  
 18554 regional workforce needs for the ensuing 5 years, using labor  
 18555 projections of the United States Department of Labor and the  
 18556 Department of Economic Opportunity ~~the Agency for Workforce~~  
 18557 ~~Innovation~~;

18558 (4) The State Board of Education shall establish a process  
 18559 for the continual and uninterrupted review of newly proposed  
 18560 core secondary courses and existing courses requested to be  
 18561 considered as core courses to ensure that sufficient rigor and  
 18562 relevance is provided for workforce skills and postsecondary  
 18563 education and aligned to state curriculum standards. The review

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18564 of newly proposed core secondary courses shall be the  
 18565 responsibility of a curriculum review committee whose membership  
 18566 is approved by the Workforce Florida Board as described in s.  
 18567 445.004, and shall include:

18568 (c) Three workforce representatives recommended by the  
 18569 Department of Economic Opportunity ~~the Agency for Workforce~~  
 18570 ~~Innovation.~~

18571 (5) The submission and review of newly proposed core  
 18572 courses shall be conducted electronically, and each proposed  
 18573 core course shall be approved or denied within 60 days. All  
 18574 courses approved as core courses for high school graduation  
 18575 purposes shall be immediately added to the Course Code  
 18576 Directory. Approved core courses shall also be reviewed and  
 18577 considered for approval for dual enrollment credit. The Board of  
 18578 Governors and the Commissioner of Education shall jointly  
 18579 recommend an annual deadline for approval of new core courses to  
 18580 be included for purposes of postsecondary admissions and dual  
 18581 enrollment credit the following academic year. The State Board  
 18582 of Education shall establish an appeals process in the event  
 18583 that a proposed course is denied which shall require a consensus  
 18584 ruling by the Department of Economic Opportunity ~~the Agency for~~  
 18585 ~~Workforce Innovation~~ and the Commissioner of Education within 15  
 18586 days. ~~The curriculum review committee must be established and~~  
 18587 ~~operational no later than September 1, 2007.~~

18588 Section 358. Subsections (2) and (3) of section 1003.492,  
 18589 Florida Statutes, are amended to read:

18590 1003.492 Industry-certified career education programs.—

18591 (2) The State Board of Education shall use the expertise



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18592 of Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to  
 18593 develop and adopt rules pursuant to ss. 120.536(1) and 120.54  
 18594 for implementing an industry certification process. Industry  
 18595 certification shall be defined by the Department of Economic  
 18596 Opportunity ~~the Agency for Workforce Innovation,~~ based upon the  
 18597 highest available national standards for specific industry  
 18598 certification, to ensure student skill proficiency and to  
 18599 address emerging labor market and industry trends. A regional  
 18600 workforce board or a career and professional academy may apply  
 18601 to Workforce Florida, Inc., to request additions to the approved  
 18602 list of industry certifications based on high-demand job  
 18603 requirements in the regional economy. The list of industry  
 18604 certifications approved by Workforce Florida, Inc., and the  
 18605 Department of Education shall be published and updated annually  
 18606 by a date certain, to be included in the adopted rule.

18607 (3) The Department of Education shall collect student  
 18608 achievement and performance data in industry-certified career  
 18609 education programs and shall work with Workforce Florida, Inc.,  
 18610 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.  
 18611 The data collection and analyses shall examine the performance  
 18612 of participating students over time. Performance factors shall  
 18613 include, but not be limited to, graduation rates, retention  
 18614 rates, Florida Bright Futures Scholarship awards, additional  
 18615 educational attainment, employment records, earnings, industry  
 18616 certification, and employer satisfaction. The results of this  
 18617 study shall be submitted to the President of the Senate and the  
 18618 Speaker of the House of Representatives annually by December 31.

18619 Section 359. Paragraphs (f), (j), and (k) of subsection

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18620 (4) of section 1003.493, Florida Statutes, are amended to read:  
 18621 1003.493 Career and professional academies.—  
 18622 (4) Each career and professional academy must:  
 18623 (f) Provide instruction in careers designated as high  
 18624 growth, high demand, and high pay by the local workforce  
 18625 development board, the chamber of commerce, or the Department of  
 18626 Economic Opportunity ~~the Agency for Workforce Innovation~~.  
 18627 (j) Provide opportunities for students to obtain the  
 18628 Florida Ready to Work Certification pursuant to s. 445.063  
 18629 ~~1004.99~~.  
 18630 (k) Include an evaluation plan developed jointly with the  
 18631 Department of Education and the local workforce board. The  
 18632 evaluation plan must include an assessment tool based on  
 18633 national industry standards, such as the Career Academy National  
 18634 Standards of Practice, and outcome measures, including, but not  
 18635 limited to, achievement of national industry certifications  
 18636 identified in the Industry Certification Funding List, pursuant  
 18637 to rules adopted by the State Board of Education, graduation  
 18638 rates, enrollment in postsecondary education, business and  
 18639 industry satisfaction, employment and earnings, awards of  
 18640 postsecondary credit and scholarships, and student achievement  
 18641 levels and learning gains on statewide assessments administered  
 18642 under s. 1008.22(3)(c). The Department of Education shall use  
 18643 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.~~, in  
 18644 identifying industry experts to participate in developing and  
 18645 implementing such assessments.  
 18646 Section 360. Subsection (3) of section 1003.575, Florida  
 18647 Statutes, is amended to read:

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18648 | 1003.575 Assistive technology devices; findings;  
 18649 | interagency agreements.—Accessibility, utilization, and  
 18650 | coordination of appropriate assistive technology devices and  
 18651 | services are essential as a young person with disabilities moves  
 18652 | from early intervention to preschool, from preschool to school,  
 18653 | from one school to another, and from school to employment or  
 18654 | independent living. To ensure that an assistive technology  
 18655 | device issued to a young person as part of his or her  
 18656 | individualized family support plan, individual support plan, or  
 18657 | an individual education plan remains with the individual through  
 18658 | such transitions, the following agencies shall enter into  
 18659 | interagency agreements, as appropriate, to ensure the  
 18660 | transaction of assistive technology devices:

18661 | (3) The Voluntary Prekindergarten Education Program  
 18662 | administered by the Department of Education and the Department  
 18663 | of Economic Opportunity ~~Agency for Workforce Innovation~~.

18664 |  
 18665 | Interagency agreements entered into pursuant to this section  
 18666 | shall provide a framework for ensuring that young persons with  
 18667 | disabilities and their families, educators, and employers are  
 18668 | informed about the utilization and coordination of assistive  
 18669 | technology devices and services that may assist in meeting  
 18670 | transition needs, and shall establish a mechanism by which a  
 18671 | young person or his or her parent may request that an assistive  
 18672 | technology device remain with the young person as he or she  
 18673 | moves through the continuum from home to school to postschool.

18674 | Section 361. Section 1004.99, Florida Statutes, is  
 18675 | transferred, renumbered as section 445.063, Florida Statutes,

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18676 and amended to read:  
 18677 445.063 ~~1004.99~~ Florida Ready to Work Certification  
 18678 Program.—  
 18679 (1) There is created the Florida Ready to Work  
 18680 Certification Program to enhance the workplace skills of  
 18681 Floridians ~~Florida's students~~ to better prepare them for  
 18682 successful employment in specific occupations.  
 18683 (2) The Florida Ready to Work Certification Program may be  
 18684 conducted in public middle and high schools, community colleges,  
 18685 technical centers, one-stop career centers, vocational  
 18686 rehabilitation centers, and Department of Juvenile Justice  
 18687 educational facilities. The program may be made available to  
 18688 other entities that provide job assistance or training. The  
 18689 Department of Economic Opportunity, in coordination with the  
 18690 Department of Education, shall establish institutional readiness  
 18691 criteria for program implementation.  
 18692 (3) The Florida Ready to Work Certification Program shall  
 18693 be composed of:  
 18694 (a) A comprehensive identification of workplace skills for  
 18695 each occupation identified for inclusion in the program by the  
 18696 Department of Economic Opportunity ~~the Agency for Workforce~~  
 18697 ~~Innovation and the Department of Education~~.  
 18698 (b) A preinstructional assessment that delineates an  
 18699 individual's ~~the student's~~ mastery level on the specific  
 18700 workplace skills identified for that occupation.  
 18701 (c) A targeted instructional program limited to those  
 18702 identified workplace skills in which the individual ~~student~~ is  
 18703 not proficient as measured by the preinstructional assessment.

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18704 Instruction must utilize a web-based program and be customized  
 18705 to meet identified specific needs of local employers.

18706 (d) A Florida Ready to Work Credential and portfolio  
 18707 awarded to individuals ~~students~~ upon successful completion of  
 18708 the instruction. Each portfolio must delineate the skills  
 18709 demonstrated by the individual ~~student~~ as evidence of the  
 18710 individual's ~~student's~~ preparation for employment.

18711 (4) A Florida Ready to Work Credential shall be awarded to  
 18712 an individual ~~a student~~ who successfully passes assessments in  
 18713 Reading for Information, Applied Mathematics, and Locating  
 18714 Information or any other assessments of comparable rigor. Each  
 18715 assessment shall be scored on a scale of 3 to 7. The level of  
 18716 the credential each individual ~~student~~ receives is based on the  
 18717 following:

18718 (a) A bronze-level credential requires a minimum score of  
 18719 3 or above on each of the assessments.

18720 (b) A silver-level credential requires a minimum score of  
 18721 4 or above on each of the assessments.

18722 (c) A gold-level credential requires a minimum score of 5  
 18723 or above on each of the assessments.

18724 (5) The Department of Economic Opportunity ~~The State Board~~  
 18725 ~~of Education, in consultation with the Agency for Workforce~~  
 18726 ~~Innovation,~~ may adopt rules pursuant to ss. 120.536(1) and  
 18727 120.54 to implement ~~the provisions of~~ this section.

18728 Section 362. Subsection (3) of section 1008.39, Florida  
 18729 Statutes, is amended to read:

18730 1008.39 Florida Education and Training Placement  
 18731 Information Program.—

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18732 (3) The Florida Education and Training Placement  
 18733 Information Program must not make public any information that  
 18734 could identify an individual or the individual's employer. The  
 18735 Department of Education must ensure that the purpose of  
 18736 obtaining placement information is to evaluate and improve  
 18737 public programs or to conduct research for the purpose of  
 18738 improving services to the individuals whose social security  
 18739 numbers are used to identify their placement. If an agreement  
 18740 assures that this purpose will be served and that privacy will  
 18741 be protected, the Department of Education shall have access to  
 18742 the unemployment insurance wage reports maintained by the  
 18743 Department of Economic Opportunity ~~the Agency for Workforce~~  
 18744 ~~Innovation~~, the files of the Department of Children and Family  
 18745 Services that contain information about the distribution of  
 18746 public assistance, the files of the Department of Corrections  
 18747 that contain records of incarcerations, and the files of the  
 18748 Department of Business and Professional Regulation that contain  
 18749 the results of licensure examination.

18750 Section 363. Subsection (3) of section 1008.41, Florida  
 18751 Statutes, is amended to read:

18752 1008.41 Workforce education; management information  
 18753 system.—

18754 (3) Planning and evaluation of job-preparatory programs  
 18755 shall be based on standard sources of data and use standard  
 18756 occupational definitions and coding structures, including, but  
 18757 not limited to:

- 18758 (a) The Florida Occupational Information System;
- 18759 (b) The Florida Education and Training Placement

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18760 Information Program;

18761 (c) The Department of Economic Opportunity ~~The Agency for~~

18762 ~~Workforce Innovation~~;

18763 (d) The United States Department of Labor; and

18764 (e) Other sources of data developed using statistically

18765 valid procedures.

18766 Section 364. Subsections (2) through (6) of section

18767 1011.76, Florida Statutes, are amended to read:

18768 1011.76 Small School District Stabilization Program.—

18769 (2) In order to participate in this program, a school

18770 district must be located in a rural area of critical economic

18771 concern designated by the Executive Office of the Governor, and

18772 the district school board must submit a resolution to the

18773 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~

18774 ~~and Economic Development~~ requesting participation in the

18775 program. A rural area of critical economic concern must be a

18776 rural community, or a region composed of such, that has been

18777 adversely affected by an extraordinary economic event or a

18778 natural disaster or that presents a unique economic development

18779 concern or opportunity of regional impact. The resolution must

18780 be accompanied with documentation of the economic conditions in

18781 the community and, provide information indicating the negative

18782 impact of these conditions on the school district's financial

18783 stability, and the school district must participate in a best

18784 financial management practices review to determine potential

18785 efficiencies that could be implemented to reduce program costs

18786 in the district.

18787 (3) The Department of Economic Opportunity ~~The Office of~~

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18788 ~~Tourism, Trade, and Economic Development~~, in consultation with  
 18789 the Department of Education, shall review the resolution and  
 18790 other information required by subsection (2) and determine  
 18791 whether the school district is eligible to participate in the  
 18792 program. Factors influencing the department's office's  
 18793 determination may include, but are not limited to, reductions in  
 18794 the county tax roll resulting from business closures or other  
 18795 causes, or a reduction in student enrollment due to business  
 18796 closures or impacts in the local economy.

18797 (4) ~~Effective July 1, 2000, and thereafter,~~ When the  
 18798 Department of Economic Opportunity ~~the Office of Tourism, Trade,~~  
 18799 ~~and Economic Development~~ authorizes a school district to  
 18800 participate in the program, the Legislature may give priority to  
 18801 that district for a best financial management practices review  
 18802 in the school district, subject to approval pursuant to s.  
 18803 1008.35(7), to the extent that funding is provided annually for  
 18804 such purpose in the General Appropriations Act. The scope of the  
 18805 review shall be as set forth in s. 1008.35.

18806 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department  
 18807 of Education may award the school district a stabilization grant  
 18808 intended to protect the district from continued financial  
 18809 reductions. The amount of the grant will be determined by the  
 18810 Department of Education and may be equivalent to the amount of  
 18811 the decline in revenues projected for the next fiscal year. In  
 18812 addition, the Department of Economic Opportunity ~~the Office of~~  
 18813 ~~Tourism, Trade, and Economic Development~~ may implement a rural  
 18814 economic development initiative to identify the economic factors  
 18815 that are negatively impacting the community and may consult with



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18816 Enterprise Florida, Inc., in developing a plan to assist the  
 18817 county with its economic transition. The grant will be available  
 18818 to the school district for a period of up to 5 years to the  
 18819 extent that funding is provided for such purpose in the General  
 18820 Appropriations Act.

18821 (6) Based on the availability of funds, the Department of  
 18822 Economic Opportunity ~~the Office of Tourism, Trade, and Economic~~  
 18823 ~~Development~~ or the Department of Education may enter into  
 18824 contracts or issue grants necessary to implement the program.

18825 Section 365. Section 1012.2251, Florida Statutes, is  
 18826 amended to read:

18827 1012.2251 End-of-course examinations for Merit Award  
 18828 Program. ~~Beginning with the 2007-2008 school year,~~ School  
 18829 districts that participate in the Merit Award Program under s.  
 18830 1012.225 must be able to administer end-of-course examinations  
 18831 based on the Sunshine State Standards in order to measure a  
 18832 student's understanding and mastery of the entire course in all  
 18833 grade groupings and subjects for any year in which the districts  
 18834 participate in the program. The statewide standardized  
 18835 assessment, College Board Advanced Placement Examination,  
 18836 International Baccalaureate examination, Advanced International  
 18837 Certificate of Education examination, or examinations resulting  
 18838 in national or state industry certification recognized by the  
 18839 Department of Economic Opportunity ~~the Agency for Workforce~~  
 18840 ~~Innovation~~ satisfy the requirements of this section for the  
 18841 respective grade groupings and subjects assessed by these  
 18842 examinations and assessments.

18843 Section 366. Section 446.60, Florida Statutes, is

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18844 repealed.

18845 Section 367. Section 445.056, Florida Statutes, is

18846 repealed.

18847 Section 368. The Department of Economic Opportunity, the

18848 Department of Education, and the Department of Children and

18849 Family Services shall jointly evaluate the state and local

18850 governance structure of the state's early learning programs and

18851 shall submit a report to the President of the Senate and the

18852 Speaker of the House of Representatives by November 30, 2011.

18853 The report shall consider:

18854 (a) Alternative governance structures that would provide

18855 effective and efficient service delivery.

18856 (b) Enhancing standardization and removing duplication in

18857 administration and implementation of the programs.

18858 (c) Easing access and providing seamless services for

18859 families.

18860 (d) Streamlining processes and removing unnecessary

18861 regulations on providers.

18862 (e) Providing continued parental choice and multiple

18863 options for program participation.

18864 (f) Other recommendations concerning the state's early

18865 learning programs that may improve service delivery for

18866 participants.

18867 Section 369. Before November 1, 2011, the Auditor General

18868 shall conduct an operational audit and performance audit, as

18869 defined in s. 11.45, Florida Statutes, of the early learning

18870 coalitions created under s. 411.01, Florida Statutes.

18871 Section 370. (1) The Legislature intends that the changes

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18872 made by this act be accomplished with minimal disruption of  
 18873 services provided to the public and with minimal disruption to  
 18874 employees of any organization. The Legislature accordingly  
 18875 directs all applicable units of state government to contribute  
 18876 to the successful implementation of this act, and the  
 18877 Legislature believes that a transition period between the  
 18878 effective date of this act and October 1, 2011, is appropriate  
 18879 and warranted.

18880 (2) The Department of Community Affairs, the Agency for  
 18881 Workforce Innovation, and the Office of Tourism, Trade, and  
 18882 Economic Development of the Executive Office of the Governor  
 18883 shall each coordinate the development and implementation of a  
 18884 transition plan that supports the implementation of this act.  
 18885 Any state agency identified by either the Department of  
 18886 Community Affairs, the Agency for Workforce Innovation, or the  
 18887 Office of Tourism, Trade, and Economic Development shall  
 18888 cooperate fully in developing and implementing the plan and  
 18889 shall dedicate the financial and staff resources that are  
 18890 necessary to implement the plan.

18891 (3) (a) The Secretary of Community Affairs, the director of  
 18892 Workforce Innovation, and the director of the Office of Tourism,  
 18893 Trade, and Economic Development shall each designate a  
 18894 transition coordinator, who shall serve as the department's,  
 18895 agency's, or office's primary representative on matters related  
 18896 to the implementation of this act and the transition plans  
 18897 developed pursuant to this section.

18898 (b) The Governor shall also designate a transition  
 18899 coordinator who shall serve as the Governor's primary

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18900 representative on matters related to the implementation of this  
 18901 act, implementation of the transition plans developed pursuant  
 18902 to this section, and coordination of the transition activities  
 18903 of the Department of Community Affairs, the Agency for Workforce  
 18904 Innovation, and the Office of Tourism, Trade, and Economic  
 18905 Development.

18906 (4) The transition coordinators designated under  
 18907 subsection (3) shall submit a joint progress report by August  
 18908 15, 2011, to the Governor, the President of the Senate, and the  
 18909 Speaker of the House of Representatives on the implementation of  
 18910 this act and the transition plans, including, but not limited  
 18911 to, any adverse impact or negative consequences on programs and  
 18912 services; of meeting any deadline imposed by this act; or any  
 18913 difficulties experienced by the Department of Community Affairs,  
 18914 the Agency for Workforce Innovation, or the Office of Tourism,  
 18915 Trade, and Economic Development in securing the full  
 18916 participation and cooperation of applicable state agencies. Each  
 18917 representative shall also coordinate the submission of any  
 18918 budget amendments, in accordance with chapter 216, Florida  
 18919 Statutes, that may be necessary to implement this act.

18920 (5) Notwithstanding ss. 216.292 and 216.351, Florida  
 18921 Statutes, upon approval by the Legislative Budget Commission,  
 18922 the Executive Office of the Governor may transfer funds and  
 18923 positions between agencies to implement this act.

18924 (6) Upon the recommendation and guidance of the transition  
 18925 coordinators designated under subsection (3), the Governor shall  
 18926 submit in a timely manner to the applicable federal departments  
 18927 or agencies any necessary amendments or supplemental information

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18928 | concerning plans that the state is required to submit to the  
 18929 | Federal Government in connection with any federal or state  
 18930 | program. The Governor shall seek any waivers from the  
 18931 | requirements of federal law or regulations which may be  
 18932 | necessary to administer this act.

18933 |       (7) The transfer of any program, activity, duty, or  
 18934 | function under this act includes the transfer of any records and  
 18935 | unexpended balances of appropriations, allocations, or other  
 18936 | funds related to such program, activity, duty, or function.  
 18937 | Except as otherwise provided in this act, the successor  
 18938 | organization to any program, activity, duty, or function  
 18939 | transferred under this act shall become the custodian of any  
 18940 | property of the organization that was responsible for the  
 18941 | program, activity, duty, or function immediately before the  
 18942 | transfer.

18943 |       Section 371. Except as otherwise provided in this act,  
 18944 | this act shall take effect July 1, 2011.