

CHAPTER 2011-142

Senate Bill No. 2156

An act relating to governmental reorganization; transferring the functions and trust funds of the Agency for Workforce Innovation to other agencies; transferring the Office of Early Learning to the Department of Education; transferring the Office of Unemployment Compensation to the Department of Economic Opportunity; transferring the Unemployment Appeals Commission to the Department of Economic Opportunity; transferring the Office of Workforce Services to the Department of Economic Opportunity; requiring the Auditor General to conduct an audit of the Office of Early Learning; transferring the functions and trust funds of the Department of Community Affairs to other agencies; transferring the Florida Housing Finance Corporation to the Department of Economic Opportunity; transferring the Division of Housing and Community Development to the Department of Economic Opportunity; transferring the Division of Community Planning to the Department of Economic Opportunity; transferring the Division of Emergency Management to the Executive Office of the Governor; transferring the Florida Building Commission to the Department of Business and Professional Regulation; transferring the responsibilities under the Florida Communities Trust to the Department of Environmental Protection; transferring the responsibilities under the Stan Mayfield Working Waterfronts Program to the Department of Environmental Protection; transferring functions and trust funds of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to the Department of Economic Opportunity; transferring the Ready to Work program to the Department of Education; providing legislative intent with respect to the transfer of programs and administrative responsibilities; providing for a transition period; providing for coordination between the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development and other state agencies to implement the transition; requiring that the Governor appoint a representative to coordinate the transition plan; requiring that the Governor submit information and obtain waivers as required by federal law; authorizing the Governor to transfer funds and positions between agencies upon approval from the Legislative Budget Commission to implement the act; directing the nonprofit entities to enter into a plan for merger; transitioning the Florida Tourism Marketing Corporation d/b/a VISIT Florida to Enterprise Florida, Inc.; providing legislative intent with respect to the merger of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, and the Florida Black Business Investment Board, Inc., into, and the transition of the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida to, Enterprise Florida, Inc.; providing for a transition period; requiring that the Governor appoint a representative to coordinate the transition plan; providing for the transfer of any funds held in trust by the entities to be transferred to Enterprise

Florida, Inc., to be used for the funds' original purposes; requiring that the Governor submit information and obtain waivers as required by federal law; requiring the Department of Economic Opportunity to submit a business plan by September 1, 2011; specifying report details; requiring the Department of Economic Opportunity to submit a report on streamlining economic development and workforce functions by January 1, 2012; requiring a review of the Department of Economic Opportunity by July 1, 2016; specifying the details of the review; providing a directive to the Division of Statutory Revision to assist substantive committees to prepare conforming legislation; creating s. 14.2016, F.S.; establishing the Division of Emergency Management as a separate budget entity within the Executive Office of the Governor; providing for the director of the division to serve at the pleasure of the Governor; amending s. 20.15, F.S.; establishing the Office of Early Learning as a separate budget entity within the Department of Education; providing for the office to administer the school readiness system and the Voluntary Prekindergarten Education Program; providing for the director of the office to serve at the pleasure of the Governor; creating s. 20.60, F.S.; creating the Department of Economic Opportunity as a new department of state government; providing for the executive director of the Department of Economic Opportunity to be appointed by the Governor and confirmed by the Senate; establishing divisions of the Department of Economic Opportunity and specifying their responsibilities; providing for the Department of Economic Opportunity to serve as the designated agency for the purposes of federal workforce development grants; authorizing the Department of Economic Opportunity to contract for training for employees of administrative entities and case managers of contracted providers; specifying that the Unemployment Appeals Commission is not subject to control, supervision, or direction from the Department of Economic Opportunity; specifying the responsibilities of the executive director of the Department of Economic Opportunity; requiring an annual report on the business climate and economic development in the state; requiring the Department of Economic Opportunity to establish annual performance standards for public-private partnerships; providing for the Department of Economic Opportunity to have an official seal; providing for the Department of Economic Opportunity to administer the role of state government with respect to laws relating to housing; amending s. 14.32, F.S.; specifying powers and responsibilities of the Chief Inspector General in the Executive Office of the Governor with respect to public-private partnerships; amending s. 201.15, F.S.; revising the distribution of excise taxes on documents; providing for specified distributions of funds to the State Economic Enhancement and Development Trust Fund in the Department of Economic Opportunity; amending s. 215.559, F.S.; providing for the Hurricane Loss Mitigation Program to be housed within the Division of Emergency Management; extending the repeal date of the program; deleting an obsolete provision relating to the use of funds for programs to retrofit certain existing hurricane shelters; creating s. 288.005, F.S.; defining the terms "economic benefits," "department," and "executive director"; amending s. 288.061, F.S.; providing for the Department of

Economic Opportunity and Enterprise Florida, Inc., to review applications for state economic development incentives; reducing the review and approval period to 10 business days; authorizing the Department of Economic Opportunity to enter into an agreement with an applicant relating to all incentives offered by the state; amending s. 288.095, F.S.; providing for the Department of Economic Opportunity to approve applications for certification or requests for participation in certain economic development programs; amending s. 288.1081, F.S.; providing for the Economic Gardening Business Loan Pilot Program to be administered by the Department of Economic Opportunity; amending s. 288.1082, F.S.; providing for the Economic Gardening Technical Assistance Pilot Program to be administered by the Department of Economic Opportunity; amending s. 288.901, F.S.; creating Enterprise Florida, Inc., as a nonprofit corporation; specifying that Enterprise Florida, Inc., is subject to the provisions of chs. 119 and 286, F.S.; specifying that the board of directors of Enterprise Florida, Inc., is subject to certain requirements in ch. 112, F.S.; specifying the purposes of Enterprise Florida, Inc.; creating the board of directors for Enterprise Florida, Inc.; naming the Governor as chair of the board of directors; specifying appointment procedures, terms of office, selecting a vice chairperson, filling vacancies, and removing board members; providing for the appointment of at-large members to the board of directors; specifying terms; allowing the at-large members to make contributions to Enterprise Florida, Inc.; specifying ex officio, nonvoting members of the board of directors; specifying that members of the board of directors serve without compensation, but are entitled to reimbursement for all reasonable, necessary, and actual expenses as determined by the board of directors; amending s. 288.9015, F.S.; specifying the powers of Enterprise Florida, Inc., and the board of directors; authorizing liberal construction of the statutory powers of Enterprise Florida, Inc.; prohibiting Enterprise Florida, Inc., from pledging the full faith and credit of the state; allowing Enterprise Florida, Inc., to indemnify, purchase, and maintain insurance on its board members, officers, and employees; amending s. 288.903, F.S.; specifying the duties of Enterprise Florida, Inc.; amending s. 288.904, F.S.; providing for legislative appropriations; requiring a private match equal to at least 100 percent of the appropriation of public funds; specifying potential sources of private funding; requiring a one-to-one match for private to public contributions for marketing and advertising activities; directing the board of directors to develop annual budgets; providing for Enterprise Florida, Inc., to enter into an agreement with the Department of Economic Opportunity; requiring performance measures; requiring review of the activities of Enterprise Florida, Inc., as a return on the public's financial investment; amending s. 288.905, F.S.; directing the board of directors of Enterprise Florida, Inc., to hire a president, who serves at the pleasure of the Governor; specifying that the president also be known as the "Secretary of Commerce"; defining the president's role and responsibilities; forbidding an employee of Enterprise Florida, Inc., from earning more than the Governor, but providing for the granting of performance-based incentive payments to employees which may increase their total compensation in

excess of the Governor's; amending s. 288.906, F.S.; requiring Enterprise Florida, Inc., to prepare an annual report by December 1 of each year; specifying the content of the annual report; creating s. 288.907, F.S.; requiring Enterprise Florida, Inc., to create an annual incentives report; specifying the required components of the report; creating s. 288.912, F.S.; requiring that certain counties and municipalities annually provide to the partnership an overview of certain local economic development activities; creating s. 288.92, F.S.; authorizing Enterprise Florida, Inc., to create divisions; requiring certain divisions; providing for hiring of staff; creating s. 288.923, F.S.; creating the Division of Tourism Marketing; providing definitions; requiring Enterprise Florida, Inc., to contract with the Florida Tourism Industry Marketing Corporation; specifying the division's responsibilities and duties, including a 4-year marketing plan; requiring an annual report; amending s. 288.1226, F.S.; establishing the Florida Tourism Marketing Corporation as a direct-support organization of Enterprise Florida, Inc.; establishing the membership of the board of directors of the corporation; establishing the membership of the board of directors of the corporation; making changes to conform to the act; amending s. 409.942, F.S.; deleting requirements that Workforce Florida, Inc., establish an electronic transfer benefit program; amending s. 411.0102, F.S.; requiring each participating early learning coalition board to develop a plan for the use of child care purchasing pool funds; amending ss. 11.40, 11.45, 14.20195, 15.182, 16.615, 17.61, 20.181, 39.001, 45.031, 69.041, 112.63, 112.665, 112.3135, 119.071, 120.54, 120.80, 125.045, 159.803, 159.8081, 159.8083, 159.809, 161.142, 161.54, 163.3164, 166.021, 171.204, 175.021, 186.504, 186.505, 189.403, 189.412, 189.413, 189.425, 189.427, 189.4035, 190.009, 190.047, 191.009, 191.015, 202.037, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 215.5588, 216.136, 216.292, 216.231, 218.32, 218.37, 218.64, 220.03, 220.181, 220.182, 220.183, 220.1895, 220.1896, 220.1899, 220.191, 222.15, 250.06, 252.34, 252.35, 252.355, 252.371, 252.373, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.042, 255.099, 258.004, 259.035, 259.105, 260.0142, 267.0625, 272.11, 282.34, 282.709, 287.0931, 287.0943, 287.09451, 287.0947, 288.012, 288.017, 288.018, 288.019, 288.021, 288.0251, 288.035, 288.037, 288.041, 288.047, 288.063, 288.065, 288.0655, 288.0656, 288.06561, 288.0657, 288.0658, 288.0659, 288.075, 288.1045, 288.106, 288.107, 288.108, 288.1083, 288.1088, 288.1089, 288.109, 288.1095, 288.1162, 288.11621, 288.1168, 288.1169, 288.1171, 288.1175, 288.122, 288.12265, 288.124, 288.1251, 288.1252, 288.1253, 288.1254, 288.7015, 288.703, 288.705, 288.706, 288.7094, 288.7102, 288.714, 288.773, 288.774, 288.776, 288.7771, 288.816, 288.809, 288.8175, 288.826, 288.95155, 288.955, 288.9604, 288.9605, 288.9606, 288.9624, 288.9625, 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 290.004, 290.0055, 290.0056, 290.0058, 290.0065, 290.0066, 290.00710, 290.0072, 290.00725, 290.0073, 290.0074, 290.0077, 290.014, 290.4042, 290.043, 290.044, 290.046, 290.047, 290.048, 290.0491, 290.053, 290.06561, 310.0015, 311.09, 311.105, 327.803, 311.11, 311.115, 311.22, 320.08058, 320.63, 331.3051, 331.3081, 332.115, 333.065, 339.135,

339.175, 342.201, 369.303, 369.318, 369.321, 369.322, 369.323, 369.324, 373.199, 373.4149, 373.453, 375.021, 376.60, 376.86, 377.809, 378.411, 379.2291, 380.031, 380.06, 380.061, 380.0677, 380.285, 380.503, 380.504, 380.5115, 381.0054, 381.0086, 381.0303, 381.7354, 383.14, 393.067, 395.1055, 395.1056, 397.321, 397.801, 400.23, 400.497, 400.506, 400.605, 400.935, 400.967, 401.245, 402.281, 402.45, 402.56, 403.0752, 403.42, 403.507, 403.508, 403.524, 403.526, 403.527, 403.757, 403.7032, 403.941, 403.9411, 403.973, 404.056, 404.0617, 409.017, 409.1451, 409.2576, 409.508, 409.509, 410.502, 411.01, 411.0101, 411.01013, 411.01014, 411.01015, 411.0103, 411.0104, 411.0105, 411.0106, 411.011, 411.226, 411.227, 414.24, 414.40, 414.295, 414.411, 418.12, 420.0003, 420.0004, 420.0005, 420.101, 420.111, 420.36, 420.424, 420.503, 420.504, 420.506, 420.5095, 420.602, 402.609, 420.622, 420.631, 420.635, 421.001, 422.001, 423.001, 427.012, 429.41, 429.907, 429.929, 440.12, 440.15, 440.45, 422.001, 473.3065, 440.381, 443.012, 443.036, 443.041, 443.051, 443.071, 443.091, 443.101, 443.111, 443.1113, 443.1115, 443.1116, 443.1215, 443.1216, 443.1217, 443.131, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.1715, 443.181, 443.191, 443.211, 443.221, 445.002, 445.003, 445.004, 445.007, 445.009, 445.016, 445.024, 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051, 445.056, 450.261, 446.41, 446.50, 446.52, 448.109, 448.110, 450.161, 450.191, 450.31, 468.529, 489.103, 489.109, 489.509, 497.271, 526.144, 551.104, 553.36, 553.382, 553.512, 553.71, 553.721, 553.74, 553.841, 553.896, 553.901, 553.9085, 553.954, 553.955, 553.973, 553.992, 553.995, 570.71, 570.96, 597.006, 604.006, 624.5105, 625.3255, 627.0628, 627.0629, 627.3511, 641.217, 657.042, 658.67, 720.403, 720.404, 720.406, 760.854, 768.13, 943.03101, 943.0311, 943.0313, 944.801, 945.10, 985.601, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79, 1002.75, 1003.491, 1003.492, 1003.493, 1003.575, 1003.4285, 1004.226, 1004.435, 1004.46, 1008.39, 1008.41, 1011.76, 1012.2251, 1013.37, 1013.372, and 1013.74, F.S.; conforming provisions to changes made by the act; conforming cross-references; deleting obsolete provisions; amending s. 288.012, F.S.; creating the state protocol officer; amending s. 411.01, F.S.; providing that the Department of Education provides preservation of parental choice; amending s. 1002.67, F.S.; providing for private prekindergarten providers or public schools that are on probation to use a staff development plan to strengthen instruction in language development and phonological awareness approved by the department; transferring, renumbering, and amending ss. 20.505 and 1004.99, F.S.; conforming provisions to changes made by the act; repealing s. 14.2015, F.S., relating to the creation of the Office of Tourism, Trade, and Economic Development; repealing s. 20.18, F.S., relating to the creation of the Department of Community Affairs; repealing s. 20.50, F.S., relating to the creation of the Agency for Workforce Innovation; repealing 23.22(2), F.S., to conform a cross-reference; repealing 165.031(6), F.S., which includes the Department of Community Affairs in a definition; repealing 165.093, F.S., relating to the directing of all state and local agencies to cooperate in administering ch. 165, F.S.; repealing ss. 216.235, 216.236, 216.237, and 216.238, F.S., relating to the Innovation

Investment Program, the selection of review boards to evaluate innovative investment projects, the appointment of the State Innovation Committee and approval of such projects, the funding, recordkeeping, and reporting for such projects, the establishment by state agencies of internal innovations funds, and the adoption of rules by the Department of Management Services for the program; repealing s. 287.115, F.S., relating to a requirement for the Chief Financial Officer to submit a report on contractual service contracts disallowed; repealing ss. 288.1221, 288.1222, 288.1223, 288.1224, 288.1227, and 288.1229, F.S., relating to the Florida Commission on Tourism and the Florida Tourism Industry Marketing Corporation; repealing s. 288.7011, F.S., relating to contracts between the Office of Tourism, Trade, and Economic Development and a certain nonprofit statewide development corporation; repealing ss. 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, F.S., relating to the Black Business Investment Board; repealing s. 288.12295, F.S., relating to a public-records exemption for donors for a direct-support organization on promotion and development of sports-related industries and amateur athletics; repealing s. 288.90151, F.S., relating to return on investment from activities of Enterprise Florida, Inc.; repealing s. 288.9415, F.S., relating to Enterprise Florida, Inc., and international trade grants; repealing ss. 409.944, 409.945, and 409.946, F.S., relating to the Inner City Redevelopment Assistance Grants Program, eligibility criteria for the program, and the membership of the Inner City Redevelopment Review Panel; repealing s. 943.402, F.S., relating to transfer of the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; repealing s. 42, ch. 2005-71, and s. 1, ch. 2005-261, Laws of Florida, relating to the authorization for funding certain dredging projects, to delete obsolete provisions; amending s. 220.191, F.S.; waiving the requirement that a facility located in a Disproportionally Affected County be in a high-impact sector in order to qualify for the capital investment tax credit; amending s. 288.106, F.S.; creating a process for the Department of Economic Opportunity to waive wage or local financial support eligibility requirements; providing a special incentive under the tax refund program for a limited time for a qualified target industry business that relocates from another state to a Disproportionally Affected County; creating s. 252.363, F.S.; tolling and extending the expiration dates of certain building permits or other authorizations following the declaration of a state of emergency by the Governor; providing exceptions; providing for the laws, administrative rules, and ordinances in effect when the permit was issued to apply to activities described in a permit or other authorization; providing an exception; amending s. 253.02, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to recommend to the Legislature whether existing multistate compacts for mutual aid should be modified or if a new multistate compact is necessary to address the Deepwater Horizon event or similar future incidents; requiring that the Board of Trustees of the Internal Improvement Trust Fund appoint members to the Commission on Oil Spill Response Coordination; providing for the designation of the chair of the commission by the Governor; requiring the commission to

prepare a report for review and approval by the board of trustees; specifying the subject matter of the report; providing for future expiration; defining the term “Disproportionally Affected County”; creating a process for the Department of Economic Opportunity to waive any or all job or wage eligibility requirements under certain circumstances when in the best interest of the public; defining the term “Disproportionally Affected County”; providing an appropriation to the Department of Economic Opportunity to contract with the Office of Economic Development and Engagement within the University of West Florida in order to develop and implement an economic development program for a Disproportionally Affected County; specifying a preference for a Disproportionally Affected County or municipalities within a Disproportionally Affected County which provide for expedited or combined permitting for certain purposes; providing for the appropriation to be placed in reserve by the Executive Office of the Governor for release as authorized by law or the Legislative Budget Commission; defining the term “Disproportionally Affected County”; providing for the deposit of funds received by entities involved in the Deepwater Horizon oil spill into applicable state trust funds; specifying permissible uses of such funds; designating the Department of Environmental Protection as the lead agency for expending funds for environmental restoration; designating the Department of Economic Opportunity as the lead agency for funds designated for economic incentives and diversification efforts; providing for a type two transfer of the Florida Energy and Climate Commission within the Executive Office of the Governor to the Department of Agriculture and Consumer Services; amending ss. 220.192, 288.9607, 366.82, 366.92, 377.6015, 377.602, 377.603, 377.604, 377.605, 377.606, 377.608, F.S.; eliminating the Florida Energy and Climate Commission and transferring its duties to the Department of Agriculture and Consumer Services; conforming provisions to changes made by the act; amending s. 377.701; transferring the duties of petroleum allocation from the Florida Energy and Climate Commission to the Division of Emergency Management; amending s. 377.703; conforming provisions to changes made by the act; transferring energy emergency contingency plans to the Division of Emergency Management; providing that the Department of Management Services shall coordinate the energy conservation programs of all state agencies; transferring administration of the Coastal Energy Impact Program to the Department of Environmental Protection; amending ss. 377.711, 377.801, 377.803, 377.804, 377.806, 377.807, 377.808, 403.44, 526.207, 570.954, and 1004.648, F.S.; conforming provisions to changes made by the act; amending s. 570.074, F.S.; providing for the creation of the Office of Energy and Water within the Department of Agriculture and Consumer Services; amending chapter 2010-282, Laws of Florida; conforming provisions to changes made by the act; authorizing the Department of Agriculture and Consumer Services to submit a budget amendment for a fixed capital outlay appropriation for federal energy grants; providing an effective date.

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

Section 1. Type two transfers from the Agency for Workforce Innovation.

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the following programs in the Agency for Workforce Innovation are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, as follows:

(a) The Office of Early Learning Services, including all related policies and procedures, is transferred to the Department of Education.

(b) The Office of Unemployment Compensation is transferred to the Department of Economic Opportunity.

(c) The Unemployment Appeals Commission is transferred to the Department of Economic Opportunity.

(d) The Office of Workforce Services is transferred to the Department of Economic Opportunity.

(2) The following trust funds are transferred:

(a) From the Agency for Workforce Innovation to the Department of Education, the Child Care and Development Block Grant Trust Fund.

(b) From the Agency for Workforce Innovation to the Department of Economic Opportunity:

- 1. The Administrative Trust Fund.
- 2. The Employment Security Administration Trust Fund.
- 3. The Special Employment Security Administration Trust Fund.
- 4. The Unemployment Compensation Benefit Trust Fund.
- 5. The Unemployment Compensation Clearing Trust Fund.
- 6. The Revolving Trust Fund.
- 7. The Welfare Transition Trust Fund.
- 8. The Displaced Homemaker Trust Fund.

(3) Any binding contract or interagency agreement existing before October 1, 2011, between the Agency for Workforce Innovation, or an entity or agent of the agency, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Agency for Workforce Innovation which are not specifically transferred by this section are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

Section 2. Before December 31, 2011, the Auditor General shall conduct a financial and performance audit, as defined in s. 11.45, Florida Statutes, of the Office of Early Learning Services' programs and related delivery systems.

Section 3. Type two transfers from the Department of Community Affairs.—

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the following programs in the Department of Community Affairs are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, as follows:

(a) The Florida Housing Finance Corporation is transferred to the Department of Economic Opportunity.

(b) The Division of Housing and Community Development is transferred to the Department of Economic Opportunity.

(c) The Division of Community Planning is transferred to the Department of Economic Opportunity.

(d) The Division of Emergency Management is transferred to the Executive Office of the Governor.

(e) The Florida Building Commission is transferred to the Department of Business and Professional Regulation.

(f) The responsibilities under the Florida Communities Trust, part III of chapter 380, Florida Statutes, are transferred to the Department of Environmental Protection.

(g) The responsibilities under the Stan Mayfield Working Waterfronts program authorized in s. 380.5105, Florida Statutes, are transferred to the Department of Environmental Protection.

(2) The following trust funds are transferred:

(a) From the Department of Community Affairs to the Department of Economic Opportunity:

1. The State Housing Trust Fund.

2. The Community Services Block Grant Trust Fund.
3. The Local Government Housing Trust Fund.
4. The Florida Small Cities Community Development Block Grant Trust Fund.
5. The Federal Grants Trust Fund.
6. The Grants and Donations Trust Fund.
7. The Energy Consumption Trust Fund.
8. The Low-Income Home Energy Assistance Trust Fund.

(b) From the Department of Community Affairs to the Executive Office of the Governor:

1. The Emergency Management Preparedness and Assistance Trust Fund.
2. The Federal Emergency Management Programs Support Trust Fund.
3. The U.S. Contributions Trust Fund.
4. The Operating Trust Fund.
5. The Administrative Trust Fund.

(c) From the Department of Community Affairs to the Department of Environmental Protection:

1. The Florida Forever Program Trust Fund.
2. The Florida Communities Trust Fund.

(3) Any binding contract or interagency agreement existing before October 1, 2011, between the Department of Community Affairs or Division of Emergency Management, or an entity or agent of the department or division, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Department of Community Affairs which are not specifically transferred by this section are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

Section 4. Type two transfers from Executive Office of the Governor.—

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

(2) The following trust funds are transferred from the Executive Office of the Governor to the Department of Economic Opportunity:

(a) The Economic Development Trust Fund.

(b) The Economic Development Transportation Trust Fund.

(c) The Tourism Promotional Trust Fund.

(d) The Professional Sports Development Trust Fund.

(e) The Florida International Trade and Promotion Trust Fund.

(3) Any binding contract or interagency agreement existing before October 1, 2011, between the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor, or an entity or agent of the office, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor which are not specifically transferred by this section are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

Section 5. All powers, duties, functions, records, pending issues, existing contracts, and unexpended balances of appropriations, allocations, and other funds relating to the Ready to Work program within the Department of Education are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

Section 6. (1) It is the intent of the Legislature that the changes made by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization. To that end, the Legislature directs all applicable units of state government to contribute to the successful implementation of this act, and the Legislature

believes that a transition period between the effective date of this act and October 1, 2011, is appropriate and warranted.

(2) The Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor shall each coordinate the development and implementation of a transition plan that supports the implementation of this act. Any state agency identified by the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education or the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor shall cooperate fully in developing and implementing the plan and shall dedicate the financial and staff resources that are necessary to implement the plan.

(3)(a) The director of the Agency for Workforce Innovation, the Secretary of the Department of Community Affairs, the commissioner of the Department of Education, and the director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor shall each designate a transition coordinator to serve as the primary representative on matters related to implementing this act and the transition plans required under this section.

(b) The Governor shall designate a transition coordinator to serve as the Governor's primary representative on matters related to implementing this act, implementation of the transition plans developed pursuant to this section, and coordinator of the transition activities of the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development.

(4) The transition coordinators designated under subsection (3) shall submit a joint progress report by August 15, 2011, to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this act and the transition plans, including, but not limited to, any adverse impact or negative consequences on programs and services, of meeting any deadline imposed by this act, and any difficulties experienced by the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, or the Office of Tourism, Trade, and Economic Development in securing the full participation and cooperation of applicable state agencies. Each representative shall also coordinate the submission of any budget amendments, in accordance with chapter 216, Florida Statutes, which may be necessary to implement this act.

(5) Notwithstanding ss. 216.292 and 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds and positions between agencies to implement this act.

(6) Upon the recommendation and guidance of transition coordinators designated in subsection (3), the Governor shall submit in a timely manner to

the applicable federal departments or agencies any necessary amendments or supplemental information concerning plans that the state is required to submit to the Federal Government in connection with any federal or state program. The Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of this act.

(7) The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Unless otherwise provided, the successor organization to any program, activity, duty, or function transferred under this act shall become the custodian of any property of the organization that was responsible for the program, activity, duty, or function immediately prior to the transfer.

Section 7. (1) The nonprofit corporations established in ss. 288.1229 and 288.707, Florida Statutes, are merged into and transferred to Enterprise Florida, Inc.

(2) The Florida Sports Foundation Incorporated and the Florida Black Business Investment Board, Inc., must enter into a plan to merge into Enterprise Florida, Inc. Such merger must be completed by December 31, 2011. The merger is subject to chapter 617, Florida Statutes, related to the merger of nonprofit corporations.

(3) The nonprofit corporation established in s. 288.1226, Florida Statutes, shall be the direct-support organization for Enterprise Florida, Inc. The Florida Tourism Industry Marketing Corporation and Enterprise Florida, Inc., must establish a plan to transfer the contractual relationship with the Florida Commission on Tourism to Enterprise Florida, Inc., by December 31, 2011.

(4) It is the intent of the Legislature that the changes made by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization. To that end, the Legislature directs that notwithstanding the changes made by this act, the Florida Sports Foundation Incorporated, and the Florida Black Business Investment Board, Inc., may continue with such powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts as provided in Florida Statutes 2010 until December 31, 2011. The Legislature believes that a transition period between the effective date of this act and December 31, 2011, is appropriate and warranted.

(5) The Governor shall designate a transition coordinator to serve as the Governor's primary representative on matters related to implementing this act for the merger of the Florida Sports Foundation Incorporated and the Florida Black Business Investment Board, Inc., into Enterprise Florida, Inc., the transition of the direct-support activities of the Florida Tourism Industry Marketing Corporation for the benefit of Enterprise Florida, Inc., and the transition plans required under this section. The Governor's

transition coordinator shall submit a progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this act and the transition plans, including, but not limited to, any adverse impact or negative consequences on programs and services, of meeting any deadline imposed by this act, and any difficulties experienced by the entities. The transition coordinator shall also coordinate the submission of any budget amendments, pursuant to chapter 216, Florida Statutes, which may be necessary to implement this act.

(6) Any funds held in trust which were donated to or earned by the Florida Sports Foundation Incorporated and the Florida Black Business Investment Board, Inc., while previously organized as a corporation under chapter 617, Florida Statutes, shall be transferred to Enterprise Florida, Inc., to be used by the relevant division for the original purposes of the funds.

(7) Upon the recommendation and guidance of the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation, the Florida Black Business Investment Board, Inc., or Space Florida, the Governor shall submit in a timely manner to the applicable Federal departments or agencies any necessary amendments or supplemental information concerning plans which the state or one of the entities is required to submit to the Federal Government in connection with any federal or state program. The Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of this act.

(8) The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Except as otherwise provided by law, Enterprise Florida, Inc., shall become the custodian of any property of the Florida Sports Foundation, Inc., and the Florida Black Business Investment Board, Inc., on the date specified in the plan of merger or December 31, 2011, whichever occurs first.

(9) The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who was employed by the Florida Black Business Investment Board, Inc., under a previous lease agreement under s. 288.708(2), Florida Statutes 2010. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System and shall continue until the employee voluntarily or involuntarily terminates his or her status with Enterprise Florida, Inc. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 8. (1) By September 1, 2011, the Department of Economic Opportunity, or its predecessor agencies, in conjunction with Enterprise Florida, Inc., or any predecessor public-private partnerships, and Workforce Florida, Inc., must prepare and submit to the Governor, the President of the

Senate, and the Speaker of the House of Representatives a business plan for the use of the economic development incentive funds administered by the department and Enterprise Florida, Inc., beginning October 1, 2011. Additionally, the plan should include any plans for attracting out-of-state industries to Florida, promoting the expansion of existing industries in this state, and encouraging the creation of businesses in this state by Florida residents. At a minimum, the business plan should include:

(a) Strategies to be used by the department and Enterprise Florida, Inc., to recruit out-of-state companies, promote existing businesses to expand, and encourage the creation of new businesses;

(b) Benchmarks related to:

1. Out-of-state business recruitment and in-state business creation and expansion by the department and Enterprise Florida, Inc.;

2. The numbers of jobs created or retained through the efforts of the department and Enterprise Florida, Inc.; and

3. The number of new international trade clients and new international sales, including a projected amount of contracts for Florida-based goods or services;

(c) The minimum amount of annual financial resources the department and Enterprise Florida, Inc., project will be necessary to achieve the benchmarks;

(d) The tools, financial and otherwise, necessary to achieve the benchmarks; and

(e) Time-frames to achieve the benchmarks.

(2) By January 1, 2012, the Department of Economic Opportunity shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with recommendations for further reorganization and streamlining of economic development and workforce functions that improve the effectiveness and operation of economic development and workforce programs.

Section 9. Agency review; Department of Economic Opportunity.—

(1) Not later than July 1, 2016, the Department of Economic Opportunity shall provide the Legislature with a report on the department and Enterprise Florida, Inc., which includes:

(a) The performance measures for each program and activity as defined in s. 216.011 and 3 years of data for each measure which provides actual results for the immediately preceding 2 years and projected results for the fiscal year that begins in the year that the agency report is scheduled to be submitted to the Legislature.

(b) An explanation of factors that have contributed to any failure to achieve the legislative standards.

(c) The promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency.

(d) The extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates and the extent to which public participation has resulted in rules compatible with the objectives of the agency.

(e) The extent to which the agency has complied with applicable requirements of state law and applicable rules regarding purchasing goals and programs for small and minority-owned businesses.

(f) A statement of any statutory objectives intended for each program and activity, the problem or need that the program and activity were intended to address, and the extent to which these objectives have been achieved.

(g) An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which the programs can be consolidated with those of other agencies.

(h) An assessment of less restrictive or alternative methods of providing services for which the agency is responsible which would reduce costs or improve performance while adequately protecting the public.

(i) An assessment of the extent to which the agency has corrected deficiencies and implemented recommendations contained in reports of the Auditor General, the Office of Program Policy Analysis and Government Accountability, legislative interim studies, and federal audit entities.

(j) The process by which an agency actively measures quality and efficiency of services it provides to the public.

(k) The extent to which the agency complies with public records and public meetings requirements under chapters 119 and 286 and s. 24, Art. I of the State Constitution.

(l) The extent to which alternative program delivery options, such as privatization, outsourcing, or insourcing, have been considered to reduce costs or improve services to state residents.

(m) Recommendations to the Legislature for statutory, budgetary, or regulatory changes that would improve the quality and efficiency of services delivered to the public, reduce costs, or reduce duplication.

(n) The effect of federal intervention or loss of federal funds if the agency, program, or activity is abolished.

(o) A list of all advisory committees, including those established in statute and those established by managerial initiative; their purpose, activities, composition, and related expenses; the extent to which their purposes have been achieved; and the rationale for continuing or eliminating each advisory committee.

(p) Agency programs or functions that are performed without specific statutory authority.

(q) Other information requested by the Legislature.

(2) Information and data reported by the agency shall be validated by its agency head and inspector general before submission to the Legislature.

(3) The Office of Program Policy Analysis and Government Accountability shall review the department and Enterprise Florida, Inc. The review shall include an examination of the cost of each program, an evaluation of best practices and alternatives that would result in the administration of the department in a more efficient or effective manner, an examination of the viability of privatization or a different state agency performing the functions, and an evaluation of the cost and consequences of discontinuing the agency. The review shall be comprehensive in scope and shall consider the information provided by the department report in addition to information deemed necessary by the office and the appropriate legislative committees. The Office of Program Policy Analysis and Government Accountability shall include in the report recommendations for consideration by the Legislature and shall submit the report to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2016.

Section 10. The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in this act and that there is a need to resolve apparent conflicts between any other legislation that has been or may be enacted during the 2011 Regular Session of the Legislature and the transfer of duties made by this act. Therefore, in the interim between this act becoming law and the 2012 Regular Session of the Legislature or an earlier special session addressing this issue, the Division of Statutory Revision shall provide the relevant substantive committees of the Senate and the House of Representatives with assistance, upon request, to enable such committees to prepare draft legislation to conform the Florida Statutes and any legislation enacted during 2011 to the provisions of this act.

Section 11. Section 14.2016, Florida Statutes, is created to read:

14.2016 Division of Emergency Management.—The Division of Emergency Management is established within the Executive Office of the Governor. The division shall be a separate budget entity, as provided in the General Appropriations Act and shall prepare and submit a budget request in accordance with chapter 216. The division shall be responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities under part I of chapter 252. The director of the

division shall be appointed by and serve at the pleasure of the Governor, and shall be the head of the division for all purposes. The division shall administer programs to rapidly apply all available aid to communities stricken by an emergency as defined in s. 252.34 and, for this purpose, shall provide liaison with federal agencies and other public and private agencies.

Section 12. Paragraph (h) is added to subsection (3) of section 20.15, Florida Statutes, to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(h) The Office of Early Learning, which shall administer the school readiness system in accordance with s. 411.01 and the operational requirements of the Voluntary Prekindergarten Education Program in accordance with part V of chapter 1002. The office is a separate budget entity and is not subject to control, supervision, or direction by the Department of Education or the State Board of Education in any manner including, but not limited to, personnel, purchasing, transactions involving personal property, and budgetary matters. The office director shall be appointed by the Governor and confirmed by the Senate, shall serve at the pleasure of the Governor, and shall be the agency head of the office for all purposes. The office shall enter into a service agreement with the department for professional, technological, and administrative support services. The office shall be subject to review and oversight by the Chief Inspector General or his or her designee.

Section 13. Section 20.60, Florida Statutes, is created to read:

20.60 Department of Economic Opportunity; creation; powers and duties.

(1) There is created the Department of Economic Opportunity.

(2) The head of the department is the executive director, who shall be appointed by the Governor, subject to confirmation by the Senate. The executive director shall serve at the pleasure of and report to the Governor.

(3) The following divisions of the Department of Economic Opportunity are established:

(a) The Division of Strategic Business Development.

(b) The Division of Community Development.

(c) The Division of Workforce Services.

(d) The Division of Finance and Administration.

(4) The purpose of the department is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic

development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians. To accomplish such purposes, the department shall:

(a) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development and workforce development projects designed to create, expand, and retain businesses in this state, to recruit business from around the world, and to facilitate other job-creating efforts.

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

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

(d) Ensure that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies.

(e) Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; rural community development; commercialization of products, services, or ideas developed in public universities or other public institutions; and the development and promotion of professional and amateur sporting events.

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

(a) The Division of Strategic Business Development shall:

1. Analyze and evaluate business prospects identified by the Governor, the executive director of the department, and Enterprise Florida, Inc.

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

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

sanctions must be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of the strategic plan for contracts entered into for delivery of programs authorized by this section.

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

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

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

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

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

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

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

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

5. Update the strategic plan every 5 years.

6. Involve Enterprise Florida, Inc.; Workforce Florida, Inc.; local governments; the general public; local and regional economic development organizations; other local, state, and federal economic, international, and workforce development entities; the business community; and educational institutions to assist with the strategic plan.

(b) The Division of Community Development shall:

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

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

a. The Community Services Block Grant Program.

b. The Community Development Block Grant Program in chapter 290.

c. The Low-Income Home Energy Assistance Program in chapter 409.

d. The Weatherization Assistance Program in chapter 409.

e. The Neighborhood Stabilization Program.

f. The local comprehensive planning process and the development of regional impact process.

g. The Front Porch Florida Initiative through the Office of Urban Opportunity, which is created within the division. The purpose of the office is to administer the Front Porch Florida initiative, a comprehensive, community-based urban core redevelopment program that enables urban core residents to craft solutions to the unique challenges of each designated community.

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

(c) The Division of Workforce Services shall:

1. Prepare and submit a unified budget request for workforce in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board.

2. Ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and midyear amendments thereto must be part of such contract.

a. All program and fiscal instructions to regional workforce boards shall emanate from the Department of Economic Opportunity pursuant to plans and policies of Workforce Florida, Inc., which shall be responsible for all policy directions to the regional workforce boards.

b. Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies of the Department of Economic Opportunity shall apply.

3. Implement the state's unemployment compensation program. The Department of Economic Opportunity shall ensure that the state appropriately administers the unemployment compensation program pursuant to state and federal law.

4. Assist in developing the 5-year statewide strategic plan required by this section.

(6)(a) The Department of Economic Opportunity is the administrative agency designated for receipt of federal workforce development grants and other federal funds. The department shall administer the duties and responsibilities assigned by the Governor under each federal grant assigned to the department. The department shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. The department may serve as the contract administrator for contracts entered into by Workforce Florida, Inc., pursuant to s. 445.004(5), as directed by Workforce Florida, Inc.

(b) The Department of Economic Opportunity shall serve as the designated agency for purposes of each federal workforce development grant assigned to it for administration. The department shall carry out the duties assigned to it by the Governor, under the terms and conditions of each grant. The department shall have the level of authority and autonomy necessary to be the designated recipient of each federal grant assigned to it, and shall disburse such grants pursuant to the plans and policies of Workforce Florida, Inc. The executive director may, upon delegation from the Governor and pursuant to agreement with Workforce Florida, Inc., sign contracts, grants, and other instruments as necessary to execute functions assigned to the department. Notwithstanding other provision of law, the department shall administer other programs funded by federal or state appropriations, as determined by the Legislature in the General Appropriations Act or by law.

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

(8) The Unemployment Appeals Commission, authorized by s. 443.012, is not subject to control, supervision, or direction by the department in the performance of its powers and duties but shall receive any and all support

and assistance from the department which is required for the performance of its duties.

(9) The executive director shall:

(a) Manage all activities and responsibilities of the department.

(b) Serve as the manager for the state with respect to contracts with Enterprise Florida, Inc., the Institute for the Commercialization of Public Research, and all applicable direct-support organizations. To accomplish the provisions of this section and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the director shall enter into specific contracts with Enterprise Florida, Inc., the Institute for the Commercialization of Public Research, and other appropriate direct-support organizations. Such contracts may be for multiyear terms and shall include specific performance measures for each year. For purposes of this section, the Florida Tourism Industry Marketing Corporation is not an appropriate direct-support organization.

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

(11) The department shall establish annual performance standards for Enterprise Florida, Inc., Workforce Florida, Inc., the Florida Tourism Industry Marketing Corporation, and Space Florida and report annually on how these performance measures are being met in the annual report required under subsection (10).

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

(13) The department shall administer the role of state government under part I of chapter 421, relating to public housing, chapter 422, relating to housing cooperation law, and chapter 423, tax exemption of housing authorities. The department is the agency of state government responsible for the state's role in housing and urban development.

Section 14. Present subsection (3) is renumbered as subsection (4), and a new subsection (3) is added to section 14.32, Florida Statutes, to read:

14.32 Office of Chief Inspector General.—

(3) Related to public-private partnerships, the Chief Inspector General:

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

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

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

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

(e) Shall monitor public-private partnerships for compliance with the terms and conditions of contracts with the department and report noncompliance to the Governor.

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

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

Section 15. Paragraph (c) of subsection (1), and subsections (9) and (10) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes shall be used for the following purposes:

(c) After the required payments under paragraphs (a) and (b), the remainder shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or \$541.75 million in each fiscal year. Out of such funds, the first \$50 million for the 2012-2013 fiscal year; \$65 million for the 2013-2014 fiscal year; and \$75 million for the 2014-2015 fiscal year and all subsequent years, shall be transferred to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder is; to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds. Effective July 1, 2014, the percentage allocated under this sub-subparagraph shall be increased to 10 percent;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b. Effective July 1, 2014, the first \$60 million of the funds allocated pursuant to this sub-subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

2. The Grants and Donations Trust Fund in the Department of Economic Opportunity ~~Community Affairs~~ in the amount of the lesser of .23 percent of the remainder or \$3.25 million in each fiscal year to fund technical assistance to local governments and school boards on the requirements and implementation of this act.

3. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or \$30 million in each fiscal year, to be used for the preservation and repair of the state’s beaches as provided in ss. 161.091-161.212.

4. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or \$300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(9) Seven and fifty-three hundredths ~~The lesser of 7.53~~ percent of the remaining taxes ~~or \$107 million~~ in each fiscal year shall be paid into the

State Treasury to the credit of the State Housing Trust Fund. Out of such funds, beginning in the 2012-2013 fiscal year, the first \$35 million shall be transferred annually, subject to any distribution required under subsection (15), to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be ~~and~~ used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) Eight and sixty-six hundredths ~~The lesser of 8.66 percent of the remaining taxes or \$136 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. Out of such funds, beginning in the 2012-2013 fiscal year, the first \$40 million shall be transferred annually, subject to any distribution required under subsection (15), to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be~~ and used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Economic Opportunity Community Affairs ~~and by the Florida Housing Finance Corporation~~ for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

Section 16. Section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

~~(1) There is created A Hurricane Loss Mitigation Program~~ is established in the Division of Emergency Management.

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

~~(2)(a)~~ Seven million dollars in funds ~~provided in subsection (1)~~ shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct

assistance; educating persons concerning the Florida Building Code cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds ~~provided in subsection (1)~~ shall be used to retrofit existing facilities used as public hurricane shelters. Each year the division shall ~~department must~~ prioritize the use of these funds for projects included in the annual report of the September 1, 2000, version of the Shelter Retrofit Report prepared in accordance with s. 252.385(3), ~~and each annual report thereafter.~~ The division ~~department~~ must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize the use of state funds.

~~(2)(3)~~(a) Forty percent of the total appropriation in paragraph ~~(1)(a)~~~~(2)(a)~~ shall be used to inspect and improve tie-downs for mobile homes.

(b)1. ~~There is created~~ The Manufactured Housing and Mobile Home Mitigation and Enhancement Program is established. The program shall require the mitigation of damage to or the enhancement of homes for the areas of concern raised by the Department of Highway Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on the effects of the 2004 and 2005 hurricanes on manufactured and mobile homes in this state. The mitigation or enhancement must include, but need not be limited to, problems associated with weakened trusses, studs, and other structural components caused by wood rot or termite damage; site-built additions; or tie-down systems and may also address any other issues deemed appropriate by Tallahassee Community College, the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The program shall include an education and outreach component to ensure that owners of manufactured and mobile homes are aware of the benefits of participation.

2. The program shall be a grant program that ensures that entire manufactured home communities and mobile home parks may be improved wherever practicable. The moneys appropriated for this program shall be distributed directly to Tallahassee Community College for the uses set forth under this subsection.

3. Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The discount on the premium must be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation must reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew. Rates resulting from the completion of the Manufactured

Housing and Mobile Home Mitigation and Enhancement Program are not considered competitive rates for the purposes of s. 627.351(6)(d)1. and 2.

4. On or before January 1 of each year, Tallahassee Community College shall provide a report of activities under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must set forth the number of homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured or mobile homes and attachments to such homes, and whether there has been an increase in availability of insurance products to owners of manufactured or mobile homes.

Tallahassee Community College shall develop the programs set forth in this subsection in consultation with the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The moneys appropriated for the programs set forth in this subsection shall be distributed directly to Tallahassee Community College to be used as set forth in this subsection.

~~(3)(4)~~ Of moneys provided to the division ~~Department of Community Affairs~~ in paragraph ~~(1)(a)(2)(a)~~, 10 percent shall be allocated to the Florida International University center dedicated to hurricane research. The center shall develop a preliminary work plan approved by the advisory council set forth in subsection ~~(4)(5)~~ to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the division ~~Department of Community Affairs~~ and assist the division ~~department~~ with the report required under subsection ~~(6)(7)~~.

~~(4)(5)~~ Except for the programs set forth in subsection ~~(3)(4)~~, the division ~~Department of Community Affairs~~ shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the Florida Home Builders Association, a representative designated by the Florida Insurance Council, a representative designated by the Federation of Manufactured Home Owners, a representative designated by the Florida Association of Counties, ~~and~~ a representative designated by the Florida Manufactured Housing Association, ~~and~~ a representative designated by the Florida Building Commission.

~~(5)(6)~~ Moneys provided to the division ~~Department of Community Affairs~~ under this section are intended to supplement, not supplant, the division's ~~the division's~~ other funding sources of the ~~Department of Community Affairs~~ and may ~~not supplant other funding sources of the Department of Community Affairs.~~

~~(6)(7)~~ On January 1st of each year, the division Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. Upon completion of the report, the division Department of Community Affairs shall deliver the report to the Office of Insurance Regulation. The Office of Insurance Regulation shall review the report and shall make such recommendations available to the insurance industry as the Office of Insurance Regulation deems appropriate. These recommendations may be used by insurers for potential discounts or rebates pursuant to s. 627.0629. The Office of Insurance Regulation shall make such the recommendations within 1 year after receiving the report.

~~(8)(a)~~ Notwithstanding any other provision of this section and for the 2010-2011 fiscal year only, the \$3 million appropriation provided for in paragraph ~~(2)(b)~~ may be used for hurricane shelters as identified in the General Appropriations Act.

~~(b)~~ This subsection expires June 30, 2011.

~~(7)(9)~~ This section is repealed June 30, 2021 2011.

Section 17. Section 288.005, Florida Statutes, is created to read:

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

(1) “Economic benefits” means the direct, indirect, and induced gains in state revenues as a percentage of the state’s investment. The state’s investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.

(2) “Department” means the Department of Economic Opportunity.

(3) “Executive director” means the executive director of the Department of Economic Opportunity, unless otherwise stated.

Section 18. Section 288.061, Florida Statutes, is amended to read:

288.061 Economic development incentive application process.—

(1) ~~Within 10 business days after~~ Upon receiving a submitted economic development incentive application, the Division of Strategic Business Development of the Department of Economic Opportunity and designated staff of Enterprise Florida, Inc., shall review the application to ensure that the and inform the applicant business whether or not its application is complete, whether and what type of state and local permits may be necessary for the applicant’s project, whether it is possible to waive such permits, and what state incentives and amounts of such incentives may be available to the applicant. The department shall recommend to the executive director to approve or disapprove an applicant business. If review of the application

~~demonstrates that the application is incomplete, the executive director shall notify the applicant business within the first 5 business days after receiving the application. Within 10 business days after the application is deemed complete, Enterprise Florida, Inc., shall evaluate the application and recommend approval or disapproval of the application to the director of the Office of Tourism, Trade, and Economic Development. In recommending an applicant business for approval, Enterprise Florida, Inc., shall include in its evaluation a recommended grant award amount and a review of the applicant's ability to meet specific program criteria.~~

~~(2) Within 10 business 10-calendar days after the department receives the submitted economic development incentive application, the executive director shall approve or disapprove the application and the Office of Tourism, Trade, and Economic Development receives the evaluation and recommendation from Enterprise Florida, Inc., the Office shall notify Enterprise Florida, Inc., whether or not the application is reviewable. Within 22-calendar days after the Office receives the recommendation from Enterprise Florida, Inc., the director of the Office shall review the application and issue a letter of certification to the applicant which that approves or disapproves an applicant business and includes a justification of that decision, unless the business requests an extension of that time.~~

~~(a) The contract or agreement with the applicant final order shall specify the total amount of the award, the performance conditions that must be met to obtain the award, and the schedule for payment, and sanctions that would apply for failure to meet performance conditions. The department may enter into one agreement or contract covering all of the state incentives that are being provided to the applicant. The contract must provide that release of funds is contingent upon sufficient appropriation of funds by the Legislature.~~

~~(b) The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.~~

~~(3) The department shall validate contractor performance. Such validation shall be reported in the annual incentive report required under s. 288.907.~~

Section 19. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

~~(1) The Economic Development Trust Fund is created within the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development. Moneys deposited into the fund must be used only to support the authorized activities and operations of the department Office.~~

~~(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development~~

Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under ss. 288.1045 and 288.106, and local financial support provided under ss. 288.1045 and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

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

(b) The total amount of tax refund claims approved for payment by the ~~department Office of Tourism, Trade, and Economic Development~~ based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. Claims for tax refunds under ss. 288.1045 and 288.106 shall be paid in the order the claims are approved by the ~~department Office of Tourism, Trade, and Economic Development~~. In the event the Legislature does not appropriate an amount sufficient to satisfy the tax refunds under ss. 288.1045 and 288.106 in a fiscal year, the ~~department Office of Tourism, Trade, and Economic Development~~ shall pay the tax refunds from the appropriation for the following fiscal year. By March 1 of each year, the ~~department Office of Tourism, Trade, and Economic Development~~ shall notify the legislative appropriations committees of the Senate and House of Representatives of any anticipated shortfall in the amount of funds needed to satisfy claims for tax refunds from the appropriation for the current fiscal year.

(c) Pursuant to s. 288.907 ~~By December 31 of each year~~, Enterprise Florida, Inc., shall submit a complete and detailed annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, ~~and the director of the Office of Tourism, Trade, and Economic Development~~ of all applications received, recommendations made to the ~~department Office of Tourism, Trade, and Economic Development~~, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The department Enterprise Florida, Inc., shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065, rural communities, brownfield areas, and distressed urban communities. The report must also discuss the efforts made by the ~~department Office of Tourism, Trade, and Economic Development~~ to amend tax refund agreements to require tax refund claims to be submitted by January 31 for the net new full-time equivalent jobs in this state as of December 31 of the preceding calendar year. The report must also list the name and tax refund amount for each business that has received a tax refund under s. 288.1045 or s. 288.106 during the preceding fiscal year. ~~The Office of~~

~~Tourism, Trade, and Economic Development shall assist Enterprise Florida, Inc., in the collection of data related to business performance and incentive payments.~~

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

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

Section 20. Paragraph (b) of subsection (3), and subsections (1), (5), (7), and (8) of section 288.1081, Florida Statutes, are amended to read:

288.1081 Economic Gardening Business Loan Pilot Program.—

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

(3)

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

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

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

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

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

5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.

6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.

7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.

8. The total number of full-time equivalent employees the applicant currently employs in this state.

9. The date that the applicant anticipates it needs the loan.

10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.

11. A statement that all of the applicant’s available corporate assets are pledged as collateral for the amount of the loan.

12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.

14. Any additional information requested by the department office or the loan administrator.

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

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

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

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

(b) The department Office, upon selecting a loan administrator, shall enter into a grant agreement with the administrator to issue the available

loans to eligible applicants. The grant agreement must specify the aggregate amount of the loans authorized for award by the loan administrator. The term of the grant agreement must be at least 4 years, except that the department Office may terminate the agreement earlier if the loan administrator fails to meet minimum performance standards set by the department office. The grant agreement may be amended by mutual consent of both parties.

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

(d) A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a servicing fee of 0.625 percent per annum of the loan's outstanding principal balance, payable monthly. During the first 12 months of the loan, the servicing fee shall be paid from the disbursement from the Economic Development Trust Fund, and thereafter the loan administrator shall collect the servicing fee from the payments made by the borrower, charging the fee against repayments of principal.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall remit the borrower's collected interest, principal payments, and charges for late payments to the department office on a quarterly basis. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The loan administrator, upon collecting payments for a defaulted loan, shall remit the payments to the department office but, to the extent authorized in the grant agreement, may deduct the costs of the administrator's collection efforts. The department office shall deposit all funds received under this paragraph in the General Revenue Fund.

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

(7) The department Office shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. ~~To the extent necessary to expedite implementation of the pilot program, the Office may adopt initial emergency rules for the pilot program in accordance with s. 120.54(4).~~

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

Section 21. Paragraph (b) of subsection (5) and subsections (1), (2), (7), (8), and (9) of section 288.1082, Florida Statutes, are amended to read:

288.1082 Economic Gardening Technical Assistance Pilot Program.—

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

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

(5)

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

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

(8) On December 31 of each year, the department beginning in 2009, the Office shall submit a report to the Governor, the President of the Senate, and

the Speaker of the House of Representatives which describes in detail the progress of the pilot program. The report must include, at a minimum, the number of businesses receiving assistance, the number of full-time equivalent jobs created as a result of the assistance, if any, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the businesses.

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

Section 22. Section 288.901, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 288.901, F.S., for present text.)

288.901 Enterprise Florida, Inc.—

(1) CREATION.—

(a) There is created a nonprofit corporation, to be known as “Enterprise Florida, Inc.,” which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which is not a unit or entity of state government.

(b) The Legislature determines it is in the public interest and reflects the state’s public policy that Enterprise Florida, Inc., operate in the most open and accessible manner consistent with its public purposes. To this end, the Legislature specifically declares that Enterprise Florida, Inc., and its divisions, boards, and advisory councils, or similar entities created or managed by Enterprise Florida, Inc., are subject to the provisions of chapter 119, relating to public records and those provisions of chapter 286 relating to public meetings and records.

(c) The Legislature determines that it is in the public interest for the members of Enterprise Florida, Inc., board of directors to be subject to the requirements of ss. 112.3135, 112.3143, and 112.313, excluding s. 112.313(2), notwithstanding the fact that the board members are not public officers or employees. For purposes of those sections, the board members shall be considered to be public officers or employees. The exemption set forth in s. 112.313(12) for advisory boards applies to the members of Enterprise Florida, Inc., board of directors. Further, each member of the board of directors who is not otherwise required to file financial disclosures pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.

(2) PURPOSES.—Enterprise Florida, Inc., shall act as the economic-development organization for the state, utilizing private-sector and public-sector expertise in collaboration with the department to:

(a) Increase private investment in Florida;

(b) Advance international and domestic trade opportunities;

(c) Market the state both as a pro-business location for new investment and as an unparalleled tourist destination;

(d) Revitalize Florida’s space and aerospace industries, and promote emerging complementary industries;

(e) Promote opportunities for minority-owned businesses;

(f) Assist and market professional and amateur sport teams and sporting events in Florida; and

(g) Assist, promote, and enhance economic opportunities in this state’s rural and urban communities.

(3) PERFORMANCE.—Enterprise Florida, Inc., shall enter into a performance-based contract with the department, pursuant to s. 20.60, which includes annual measurements of the performance of Enterprise Florida, Inc.

(4) GOVERNANCE.—Enterprise Florida, Inc., shall be governed by a board of directors. The Governor shall serve as chairperson of the board. The board of directors shall biennially elect one of its members as vice chairperson.

(5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

(a) In addition to the Governor or the Governor’s designee, the board of directors shall consist of the following appointed members:

1. The Commissioner of Education or the commissioner’s designee.

2. The Chief Financial Officer or his or her designee.

3. The chairperson of the board of directors of Workforce Florida, Inc.

4. The Secretary of State or the secretary’s designee.

5. Twelve members from the private sector, six of whom shall be appointed by the Governor, three of whom shall be appointed by the President of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives. All appointees are subject to Senate confirmation.

(b) In making their appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure that the composition of the board of directors reflects the diversity of Florida’s business community and is representative of the economic development goals in subsection (2). The board must include at least one director for each of the following areas of expertise: international business, tourism marketing, the space or aerospace industry, managing or financing a minority-

owned business, manufacturing, finance and accounting, and sports marketing.

(c) The Governor, the President of the Senate, and the Speaker of the House of Representatives also shall consider appointees who reflect Florida's racial, ethnic, and gender diversity. Efforts shall be taken to ensure participation from all geographic areas of the state, including representation from urban and rural communities.

(d) Appointed members shall be appointed to 4-year terms, except that initially, to provide for staggered terms, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one member to serve a 2-year term and one member to serve a 3-year term, with the remaining initial appointees serving 4-year terms. All subsequent appointments shall be for 4-year terms.

(e) Initial appointments must be made by October 1, 2011, and be eligible for confirmation at the earliest available Senate session. Terms end on September 30.

(f) Any member is eligible for reappointment, except that a member may not serve more than two terms.

(g) A vacancy on the board of directors shall be filled for the remainder of the unexpired term. Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.

(h) Appointed members may be removed by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, for cause. Absence from three consecutive meetings results in automatic removal.

(6) AT-LARGE MEMBERS OF THE BOARD OF DIRECTORS.—The board of directors may by resolution appoint at-large members to the board from the private sector, each of whom may serve a term of up to 3 years. At-large members shall have the powers and duties of other members of the board. An at-large member is eligible for reappointment but may not vote on his or her own reappointment. An at-large member shall be eligible to fill vacancies occurring among private-sector appointees under subsection (5). At-large members may annually provide contributions to Enterprise Florida, Inc., in an amount determined by the board of directors. The contributions must be used to defray the operating expenses of Enterprise Florida, Inc., and help meet the required private match to the state's annual appropriation.

(7) EX OFFICIO BOARD MEMBERS.—In addition to the members specified in subsections (5) and (6), the board of directors shall consist of the following ex officio members:

(a) A member of the Senate, who shall be appointed by the President of the Senate and serve at the pleasure of the President.

(b) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker.

(8) MEETING.—The board of directors shall meet at least four times each year, upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the total number of current voting members shall constitute a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present.

(9) SERVICE.—Members of the board of directors shall serve without compensation, but members may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors.

(10) PROHIBITION.—Enterprise Florida, Inc., may not endorse any candidate for any elected public office or contribute moneys to the campaign of any such candidate.

Section 23. Section 288.9015, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 288.9015, F.S., for present text.)

288.9015 Powers of Enterprise Florida, Inc.; board of directors.—

(1) Enterprise Florida, Inc., shall integrate its efforts in business recruitment and expansion, job creation, marketing the state for tourism and sports, and promoting economic opportunities for minority-owned businesses and promoting economic opportunities for rural and distressed urban communities with those of the department, to create an aggressive, agile, and collaborative effort to reinvigorate the state's economy.

(2) The board of directors of Enterprise Florida, Inc., may:

(a) Secure funding for its programs and activities, and for its boards from federal, state, local, and private sources and from fees charged for services and published materials.

(b) Solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property and make expenditures consistent with the powers granted to it.

(c) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions. A contract executed by Enterprise Florida, Inc., with a person or organization under which such person or organization agrees to perform economic development services or

similar business assistance services on behalf of Enterprise Florida, Inc., or the state must include provisions requiring a performance report on the contracted activities and must account for the proper use of funds provided under the contract, coordinate with other components of state and local economic development systems, and avoid duplication of existing state and local services and activities.

(d) Elect or appoint such officers, employees, and agents as required for its activities and for its divisions and pay such persons reasonable compensation.

(e) Carry forward any unexpended state appropriations into succeeding fiscal years.

(f) Create and dissolve advisory councils pursuant to s. 288.92, working groups, task forces, or similar organizations, as necessary to carry out its mission. Members of advisory councils, working groups, task forces, or similar organizations created by Enterprise Florida, Inc., shall serve without compensation, but may be reimbursed for reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.

(g) Establish an executive committee consisting of the chairperson or a designee, the vice chairperson, and as many additional members of the board of directors as the board deems appropriate, except that such committee must have a minimum of five members. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate the authority to hire or fire the president or the authority to establish or adjust the compensation paid to the president.

(h) Sue and be sued, and appear and defend in all actions and proceedings, in its corporate name to the same extent as a natural person.

(i) Adopt, use, and alter a common corporate seal for Enterprise Florida, Inc., and its divisions. Notwithstanding any provision of chapter 617 to the contrary, this seal is not required to contain the words "corporation not for profit."

(j) Adopt, amend, and repeal bylaws, not inconsistent with the powers granted to it or the articles of incorporation, for the administration of the activities of Enterprise Florida, Inc., and the exercise of its corporate powers.

(k) Acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses, royalties, and other rights or interests thereunder or therein.

(l) Use the state seal, notwithstanding the provisions of s. 15.03, when appropriate, for standard corporate identity applications. Use of the state seal is not intended to replace use of a corporate seal as provided in this section.

(m) Procure insurance or require bond against any loss in connection with the property of Enterprise Florida, Inc., and its divisions, in such amounts and from such insurers as is necessary or desirable.

(3) The powers granted to Enterprise Florida, Inc., shall be liberally construed in order that Enterprise Florida, Inc., may pursue and succeed in its responsibilities under this part.

(4) Under no circumstances may the credit of the State of Florida be pledged on behalf of Enterprise Florida, Inc.

(5) In addition to any indemnification available under chapter 617, Enterprise Florida, Inc., may indemnify, and purchase and maintain insurance on behalf of, it directors, officers, and employees of Enterprise Florida, Inc., and its divisions against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

Section 24. Section 288.903, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 288.903, F.S., for present text.)

288.903 Duties of Enterprise Florida, Inc.—Enterprise Florida, Inc., shall have the following duties:

(1) Responsibly and prudently manage all public and private funds received, and ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements.

(2) Administer the entities or programs created pursuant to part IX of this chapter; ss. 288.9622-288.9624; ss. 288.95155 and 288.9519; and chapter 95-429, Laws of Florida, line 1680Y.

(3) Prepare an annual report pursuant to s. 288.906 and an annual incentives report pursuant to s. 288.907.

(4) Assist the department with the development of an annual and a long-range strategic business blueprint for economic development required in s. 20.60.

(5) In coordination with Workforce Florida, Inc., identify education and training programs that will ensure Florida businesses have access to a skilled and competent workforce necessary to compete successfully in the domestic and global marketplace.

Section 25. Section 288.904, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 288.904, F.S., for present text.)

288.904 Funding for Enterprise Florida, Inc.; performance and return on the public's investment.—

(1)(a) The Legislature may annually appropriate to Enterprise Florida, Inc., a sum of money for its operations, and separate line-item appropriations for each of the divisions listed in s. 288.92.

(b) The state's operating investment in Enterprise Florida, Inc., and its divisions is the budget contracted by the department to Enterprise Florida, Inc., less any funding that is directed by the Legislature to be subcontracted to a specific recipient entity.

(c) The board of directors of Enterprise Florida, Inc., shall adopt for each upcoming fiscal year an operating budget for the organization, including its divisions, which specifies the intended uses of the state's operating investment and a plan for securing private-sector support.

(2)(a) The Legislature finds that it is a priority to maximize private-sector support in operating Enterprise Florida, Inc., and its divisions, as an endorsement of its value and as an enhancement of its efforts. Thus, the state appropriations must be matched with private-sector support equal to at least 100 percent of the state operational funding.

(b) Private-sector support in operating Enterprise Florida, Inc., and its divisions includes:

1. Cash given directly to Enterprise Florida, Inc., for its operations, including contributions from at-large members of the board of directors;

2. Cash donations from organizations assisted by the divisions;

3. Cash jointly raised by Enterprise Florida, Inc., and a private local economic development organization, a group of such organizations, or a statewide private business organization that supports collaborative projects;

4. Cash generated by fees charged for products or services of Enterprise Florida, Inc., and its divisions by sponsorship of events, missions, programs, and publications; and

5. Copayments, stock, warrants, royalties, or other private resources dedicated to Enterprise Florida, Inc., or its divisions.

(3)(a) Specifically for the marketing and advertising activities of the Division of Tourism Marketing or as contracted through the Florida Tourism Industry Corporation, a one-to-one match is required of private to public contributions within 4 calendar years after the implementation date of the marketing plan pursuant to s. 288.923.

(b) For purposes of calculating the required one-to-one match, matching private funds shall be divided into four categories. Documentation for the

components of the four private match categories shall be kept on file for inspection as determined necessary. The four private match categories are:

1. Direct cash contributions, which include, but are not limited to, cash derived from strategic alliances, contributions of stocks and bonds, and partnership contributions.

2. Fees for services, which include, but are not limited to, event participation, research, and brochure placement and transparencies.

3. Cooperative advertising, which is the value based on cost of contributed productions, air time, and print space.

4. In-kind contributions, which include, but are not limited to, the value of strategic alliance services contributed, the value of loaned employees, discounted service fees, items contributed for use in promotions, and radio or television air time or print space for promotions. The value of air time or print space shall be calculated by taking the actual time or space and multiplying by the nonnegotiated unit price for that specific time or space which is known as the media equivalency value. In order to avoid duplication in determining media equivalency value, only the value of the promotion itself shall be included; the value of the items contributed for the promotion may not be included.

(4) Enterprise Florida, Inc., shall fully comply with the performance measures, standards, and sanctions in its contract with the department, under s. 20.60. The department shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that it is required to develop and track under performance-based program budgeting. The contract shall also include performance measures for the divisions.

(5) The Legislature intends to review the performance of Enterprise Florida, Inc., in achieving the performance goals stated in its annual contract with the department to determine whether the public is receiving a positive return on its investment in Enterprise Florida, Inc., and its divisions. It also is the intent of the Legislature that Enterprise Florida, Inc., coordinate its operations with local economic development organizations to maximize the state and local return on investment to create jobs for Floridians.

(6) As part of the annual report required under s. 288.906, Enterprise Florida, Inc., shall provide the Legislature with information quantifying the return on the public's investment each fiscal year. Enterprise Florida, Inc., in consultation with the Office of Economic and Demographic Research, shall hire an economic analysis firm to develop the methodology for establishing and reporting the return on the public's investment and in-kind contributions as described in this section. The Office of Economic and Demographic Research shall review and offer feedback on the methodology before it is implemented.

Section 26. Section 288.905, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 288.905, F.S., for present text.)

288.905 President and employees of Enterprise Florida, Inc.—

(1) The board of directors of Enterprise Florida, Inc., shall appoint a president, who shall serve at the pleasure of the Governor. The president shall also be known as the “secretary of commerce” and shall serve as the Governor’s chief negotiator for business recruitment and business expansion.

(2) The president is the chief administrative and operational officer of the board of directors and of Enterprise Florida, Inc., and shall direct and supervise the administrative affairs of the board of directors and any divisions, councils, or boards. The board of directors may delegate to the president those powers and responsibilities it deems appropriate, including hiring and management of all staff, except for the appointment of a president.

(3) The board of directors shall establish and adjust the president’s compensation.

(4) No employee of Enterprise Florida, Inc., may receive compensation for employment that exceeds the salary paid to the Governor, unless the board of directors and the employee have executed a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the employee’s total compensation to a level above the salary paid to the Governor.

Section 27. Section 288.906, Florida Statutes, is amended to read:

288.906 Annual report of Enterprise Florida, Inc., and its divisions; audits.—

(1) Before ~~Prior to~~ December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report including, but not limited to:

(a)(1) A description of the operations and accomplishments of Enterprise Florida, Inc., and its divisions, boards, and advisory councils ~~committees~~ or similar entities ~~groups~~ created by Enterprise Florida, Inc., and an identification of any major trends, initiatives, or developments affecting the performance of any program or activity. The individual annual reports prepared by each division shall be included as addenda.

(b)(2) An evaluation of progress ~~toward~~ towards achieving organizational goals and specific performance outcomes, both short-term and long-term,

established pursuant to this part or under the agreement with the department s. 288.905.

~~(c)(3)~~ Methods for implementing and funding the operations of Enterprise Florida, Inc., and its divisions, including the private-sector support required under s. 288.904 boards.

~~(d)(4)~~ A description of the operations and accomplishments of Enterprise Florida, Inc., and its divisions boards with respect to aggressively marketing Florida’s rural communities and distressed urban communities as locations for potential new investment and job creation, aggressively assisting in the creation, retention, and expansion of existing businesses and job growth in these communities, and aggressively assisting these communities in the identification and development of new economic development opportunities.

~~(e)(5)~~ A description and evaluation of the operations and accomplishments of Enterprise Florida, Inc., and its divisions boards with respect to interaction with local and private economic development organizations, including the an identification of each organization that is a primary partner and any specific programs or activities which promoted the activities of such organizations and an identification of any specific programs or activities that which promoted a comprehensive and coordinated approach to economic development in this state.

~~(f)(6)~~ An assessment of job creation that directly benefits participants in the welfare transition program or other programs designed to put long-term unemployed persons back to work.

~~(g)~~ The results of a customer-satisfaction survey of businesses served. The survey shall be conducted by an independent entity with expertise in survey research that is under contract with Enterprise Florida, Inc., to develop, analyze, and report the results.

~~(h)(7)~~ An annual compliance and financial audit of accounts and records by an independent certified public accountant at the end of its most recent fiscal year performed in accordance with rules adopted by the Auditor General.

~~(2)~~ The detailed report required by this section ~~subsection~~ shall also include the information identified in subsection (1) ~~subsections (1)-(7)~~, if applicable, for each division ~~any board~~ established within the corporate structure of Enterprise Florida, Inc.

Section 28. Section 288.907, Florida Statutes, is created to read:

288.907 Annual incentives report.—

(1) In addition to the annual report required under s. 288.906, Enterprise Florida, Inc., by December 30 of each year, shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed incentives report quantifying the economic benefits for all of the

economic development incentive programs marketed by Enterprise Florida, Inc.

(a) The annual incentives report must include for each incentive program:

1. A brief description of the incentive program.
2. The amount of awards granted, by year, since inception.
3. The economic benefits, as defined in s. 288.005, based on the actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years.
4. The report shall also include the actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years for each target industry sector.

(b) For projects completed during the previous state fiscal year, the report must include:

1. The number of economic development incentive applications received.
2. The number of recommendations made to the department by Enterprise Florida, Inc., including the number recommended for approval and the number recommended for denial.
3. The number of final decisions issued by the department for approval and for denial.
4. The projects for which a tax refund, tax credit, or cash grant agreement was executed, identifying:
 - a. The number of jobs committed to be created.
 - b. The amount of capital investments committed to be made.
 - c. The annual average wage committed to be paid.
 - d. The amount of state economic development incentives committed to the project from each incentive program under the project's terms of agreement with the Department of Economic Opportunity.
 - e. The amount and type of local matching funds committed to the project.

(c) For economic development projects that received tax refunds, tax credits, or cash grants under the terms of an agreement for incentives, the report must identify:

1. The number of jobs actually created.

2. The amount of capital investments actually made.

3. The annual average wage paid.

(d) For a project receiving economic development incentives approved by the department and receiving federal or local incentives, the report must include a description of the federal or local incentives, if available.

(e) The report must state the number of withdrawn or terminated projects that did not fulfill the terms of their agreements with the department and consequently are not receiving incentives.

(f) The report must include an analysis of the economic benefits, as defined in s. 288.005, of tax refunds, tax credits, or other payments made to projects locating or expanding in state enterprise zones, rural communities, brownfield areas, or distressed urban communities.

(g) The report must identify the target industry businesses and high-impact businesses.

(h) The report must describe the trends relating to business interest in, and usage of, the various incentives, and the number of minority-owned or woman-owned businesses receiving incentives.

(i) The report must identify incentive programs not utilized.

(2) The Division of Strategic Business Development within the department shall assist Enterprise Florida, Inc., in the preparation of the annual incentives report.

Section 29. Section 288.912, Florida Statutes, is created to read:

288.912 Inventory of communities seeking to recruit businesses.—By September 30 of each year, a county or municipality that has a population of at least 25,000 or its local economic development organization must submit to Enterprise Florida, Inc., a brief overview of the strengths, services, and economic development incentives that its community offers. The local government or its local economic development organization also must identify any industries that it is encouraging to locate or relocate to its area. A county or municipality having a population of 25,000 or fewer or its local economic development organization seeking to recruit businesses may submit information as required in this section and may participate in any activity or initiative resulting from the collection, analysis, and reporting of the information to Enterprise Florida, Inc., pursuant to this section.

Section 30. Section 288.92, Florida Statutes, is created to read:

288.92 Divisions of Enterprise Florida, Inc.—

(1) Enterprise Florida, Inc., may create and dissolve divisions as necessary to carry out its mission. Each division shall have distinct

responsibilities and complementary missions. At a minimum, Enterprise Florida, Inc., shall have divisions related to the following areas:

- (a) International Trade and Business Development;
- (b) Business Retention and Recruitment;
- (c) Tourism Marketing;
- (d) Minority Business Development; and
- (e) Sports Industry Development.

(2)(a) The officers and agents of the divisions shall be hired and their annual compensation established by the president of Enterprise Florida, Inc., as deemed appropriate by the board of directors, and may be eligible for performance bonuses pursuant to s. 288.905. This paragraph does not apply to any employees of the corporation established pursuant to s. 288.1226.

(b) The board of directors of Enterprise Florida, Inc., may organize the divisions and, to the greatest extent possible, minimize costs by requiring that the divisions share administrative staff.

(3) By October 15 each year, each division shall draft and submit an annual report which details the division's activities during the prior fiscal year and includes any recommendations for improving current statutes related to the division's related area.

Section 31. Section 288.923, Florida Statutes, is created to read:

288.923 Division of Tourism Marketing; definitions; responsibilities.—

(1) There is created within Enterprise Florida, Inc., the Division of Tourism Marketing.

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

(a) "Tourism marketing" means any effort exercised to attract domestic and international visitors from outside the state to destinations in this state and to stimulate Florida resident tourism to areas within the state.

(b) "Tourist" means any person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient living quarters or accommodations as described in s. 125.0104(3)(a).

(c) "County destination marketing organization" means a public or private agency that is funded by local option tourist development tax revenues under s. 125.0104, or local option convention development tax revenues under s. 212.0305, and is officially designated by a county commission to market and promote the area for tourism or convention business or, in any county that has not levied such taxes, a public or private

agency that is officially designated by the county commission to market and promote the area for tourism or convention business.

(d) “Direct-support organization” means the Florida Tourism Industry Marketing Corporation.

(3) Enterprise Florida, Inc., shall contract with the Florida Tourism Industry Marketing Corporation, a direct-support organization established in s. 288.1226, to execute tourism promotion and marketing services, functions, and programs for the state, including, but not limited to, the activities prescribed by the 4-year marketing plan. The division shall assist to maintain and implement the contract.

(4) The division’s responsibilities and duties include, but are not limited to:

(a) Maintaining and implementing the contract with the Florida Tourism Industry Marketing Corporation.

(b) Advising the department and Enterprise Florida, Inc., on development of domestic and international tourism marketing campaigns featuring Florida; and

(c) Developing a 4-year marketing plan.

1. At a minimum, the marketing plan shall discuss the following:

a. Continuation of overall tourism growth in this state;

b. Expansion to new or under-represented tourist markets;

c. Maintenance of traditional and loyal tourist markets;

d. Coordination of efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private-sector partners to create a seamless, four-season advertising campaign for the state and its regions;

e. Development of innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population;

f. Consideration of innovative sources of state funding for tourism marketing;

g. Promotion of nature-based tourism and heritage tourism.

h. Development of a component to address emergency response to natural and man-made disasters from a marketing standpoint.

2. The plan shall be annual in construction and ongoing in nature. Any annual revisions of the plan shall carry forward the concepts of the remaining 3-year portion of the plan and consider a continuum portion to preserve the 4-

year time-frame of the plan. The plan also shall include recommendations for specific performance standards and measurable outcomes for the division and direct-support organization. The department, in consultation with the board of directors of Enterprise Florida, Inc., shall base the actual performance metrics on these recommendations.

3. The 4-year marketing plan shall be developed in collaboration with the Florida Tourism Industry Marketing Corporation. The plan shall be annually reviewed and approved by the board of directors of Enterprise Florida, Inc.

(d) Drafting and submitting an annual report required by s. 288.92. The annual report shall set forth for the division and the direct-support organization:

1. Operations and accomplishments during the fiscal year, including the economic benefit of the state's investment and effectiveness of the marketing plan.

2. The 4-year marketing plan, including recommendations on methods for implementing and funding the plan.

3. The assets and liabilities of the direct-support organization at the end of its most recent fiscal year.

4. A copy of the annual financial and compliance audit conducted under s. 288.1226(6).

(5) Notwithstanding s. 288.92, the division shall be staffed by the Florida Tourism Industry Marketing Corporation. Such staff shall not be considered to be employees of the division and shall remain employees of the Florida Tourism Industry Marketing Corporation. Section 288.905 does not apply to the Florida Tourism Industry Marketing Corporation.

Section 32. Section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term “corporation” means the Florida Tourism Industry Marketing Corporation.

~~(2) ESTABLISHMENT.—The Florida Commission on Tourism shall establish, no later than July 31, 1996, The Florida Tourism Industry Marketing Corporation is~~ as a direct-support organization of Enterprise Florida, Inc.:

(a) The Florida Tourism Industry Marketing Corporation ~~Which~~ is a corporation not for profit, as defined in s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, that is incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) The corporation Which is organized and operated exclusively to request, receive, hold, invest, and administer property and to manage and make expenditures for the operation of the activities, services, functions, and programs of this state which relate to the statewide, national, and international promotion and marketing of tourism.

~~(c) Which the Florida Commission on Tourism and the Office of Tourism, Trade, and Economic Development, after review, have certified whether it is operating in a manner consistent with the policies and goals of the commission and its long-range marketing plan.~~

(d) The corporation is Which shall not be considered an agency for the purposes of chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254, relating to leasing of buildings; ss. 283.33 and 283.35, relating to bids for printing; s. 215.31; and parts I, II, and IV-VIII of chapter 112.

(e) The corporation is Which shall be subject to the provisions of chapter 119, relating to public meetings, and those provisions of chapter 286 relating to public meetings and records.

(3) USE OF PROPERTY.—Enterprise Florida, Inc. ~~The commission:~~

(a) Is authorized to permit the use of property and facilities of Enterprise Florida, Inc., ~~the commission~~ by the corporation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the corporation must comply in order to use property and facilities of Enterprise Florida, Inc ~~the commission~~. Such conditions shall provide for budget and audit review and for oversight by Enterprise Florida, Inc ~~the commission~~.

(c) ~~May~~ Shall not permit the use of property and facilities of Enterprise Florida, Inc., ~~the commission~~ if the corporation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(4) BOARD OF DIRECTORS.—The board of directors of the corporation shall be composed of 31 tourism-industry-related members, appointed by Enterprise Florida, Inc., in conjunction with the department ~~the Florida Commission on Tourism from its own membership.~~ ~~the vice chair of the commission shall serve as chair of the corporation's board of directors.~~

(a) The board shall consist of 16 members, appointed in such a manner as to equitably represent all geographic areas of the state, with no fewer than two members from any of the following regions:

- 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

2. Region 2, composed of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union Counties.

3. Region 3, composed of Brevard, Indian River, Lake, Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and Volusia Counties.

4. Region 4, composed of Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

5. Region 5, composed of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.

6. Region 6, composed of Broward, Martin, Miami-Dade, Monroe, and Palm Beach Counties.

(b) The 15 additional tourism-industry-related members, shall include 1 representatives from the statewide rental car industry, 7 representatives from tourist-related statewide associations, including those that represent hotels, campgrounds, county destination marketing organizations, museums, restaurants, retail, and attractions, 3 representatives from county destination marketing organizations, 1 representative from the cruise industry, 1 representative from an automobile and travel services membership organization that has at least 2.8 million members in Florida, 1 representative from the airline industry, and 1 representative from the space tourism industry, who will each serve for a term of 2 years.

(5) POWERS AND DUTIES.—The corporation, in the performance of its duties:

(a) May make and enter into contracts and assume such other functions as are necessary to carry out the provisions of the ~~Florida Commission on Tourism's 4-year marketing plan required by s. 288.923,~~ and the corporation's contract with Enterprise Florida, Inc., ~~the commission~~ which are not inconsistent with this or any other provision of law.

(b) May develop a program to provide incentives and to attract and recognize those entities which make significant financial and promotional contributions towards the expanded tourism promotion activities of the corporation.

~~(c) May commission and adopt, in cooperation with the commission, an official tourism logo to be used in all promotional materials directly produced by the corporation. The corporation May establish a cooperative marketing program with other public and private entities which allows the use of the VISIT Florida this logo in tourism promotion campaigns which meet the standards of Enterprise Florida, Inc., the commission and the Office of Tourism, Trade, and Economic Development for which the corporation may charge a reasonable fee.~~

(d) May sue and be sued and appear and defend in all actions and proceedings in its corporate name to the same extent as a natural person.

(e) May adopt, use, and alter a common corporate seal. However, such seal must always contain the words “corporation not for profit.”

(f) Shall elect or appoint such officers and agents as its affairs shall require and allow them reasonable compensation.

(g) Shall hire and establish salaries and personnel and employee benefit programs for such permanent and temporary employees as are necessary to carry out the provisions of the ~~Florida Commission on Tourism’s~~ 4-year marketing plan and the corporation’s contract with Enterprise Florida, Inc., ~~the commission~~ which are not inconsistent with this or any other provision of law.

(h) Shall provide staff support to the Division of Tourism Promotion of Enterprise Florida, Inc ~~the Florida Commission on Tourism~~. The president and chief executive officer of the Florida Tourism Industry Marketing Corporation shall serve without compensation as the ~~executive~~ director of the ~~division~~ ~~commission~~.

(i) May adopt, change, amend, and repeal bylaws, not inconsistent with law or its articles of incorporation, for the administration of the provisions of the ~~Florida Commission on Tourism’s~~ 4-year marketing plan and the corporation’s contract with Enterprise Florida, Inc ~~the commission~~.

(j) May conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this act in any state, territory, district, or possession of the United States or any foreign country. Where feasible, appropriate, and recommended by the 4-year marketing plan developed by the Division of Tourism Promotion of Enterprise Florida, Inc ~~Florida Commission on Tourism~~, the corporation may collocate the programs of foreign tourism offices in cooperation with any foreign office operated by any agency of this state.

(k) May appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.

(l) May request or accept any grant, payment, or gift, of funds or property made by this state or by the United States or any department or agency thereof or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes of the ~~Florida Commission on Tourism’s~~ 4-year marketing plan and the corporation’s contract with Enterprise Florida, Inc., ~~the commission~~ that are not inconsistent with this or any other provision of law. Such funds shall be deposited in a bank account established by the corporation’s board of directors. The corporation may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift, in the pursuit of its administration or in support of the programs it administers. The corporation shall separately account for

the public funds and the private funds deposited into the corporation's bank account.

(m) Shall establish a plan for participation in the corporation which will provide additional funding for the administration and duties of the corporation.

(n) In the performance of its duties, may undertake, or contract for, marketing projects and advertising research projects.

(o) In addition to any indemnification available under chapter 617, the corporation may indemnify, and purchase and maintain insurance on behalf of, directors, officers, and employees of the corporation against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

(6) ANNUAL AUDIT.—The corporation shall provide for an annual financial audit in accordance with s. 215.981. The annual audit report shall be submitted to the Auditor General; the Office of Policy Analysis and Government Accountability; Enterprise Florida, Inc.; and ~~the department the Office of Tourism, Trade, and Economic Development~~ for review. The Office of Program Policy Analysis and Government Accountability; Enterprise Florida, Inc.; ~~the department the Office of Tourism, Trade, and Economic Development~~; and the Auditor General have the authority to require and receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. The ~~department Office of Tourism, Trade, and Economic Development~~ shall annually certify whether the corporation is operating in a manner and achieving the objectives that are consistent with the policies and goals of Enterprise Florida, Inc., ~~the commission~~ and its long-range marketing plan. The identity of a donor or prospective donor to the corporation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(7) The corporation shall provide a quarterly report to Enterprise Florida, Inc., ~~the commission~~ which shall:

(a) Measure the current vitality of the visitor industry of this state as compared to the vitality of such industry for the year to date and for comparable quarters of past years. Indicators of vitality shall be determined by Enterprise Florida, Inc., ~~the commission~~ and shall include, but not be limited to, estimated visitor count and party size, length of stay, average expenditure per party, and visitor origin and destination.

(b) Provide detailed, unaudited financial statements of sources and uses of public and private funds.

(c) Measure progress towards annual goals and objectives set forth in the ~~commission's~~ 4-year marketing plan.

(d) Review all pertinent research findings.

(e) Provide other measures of accountability as requested by Enterprise Florida, Inc ~~the commission~~.

(8) The identity of any person who responds to a marketing project or advertising research project conducted by the corporation in the performance of its duties on behalf of Enterprise Florida, Inc. ~~the commission~~, or trade secrets as defined by s. 812.081 obtained pursuant to such activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 33. Subsection (4) of section 409.942, Florida Statutes, is amended to read:

409.942 Electronic benefit transfer program.—

~~(4) Workforce Florida, Inc., through the Agency for Workforce Innovation, shall establish an electronic benefit transfer program for the use and management of education, training, child care, transportation, and other program benefits under its direction. The workforce electronic benefit transfer program shall fulfill all federal and state requirements for Individual Training Accounts, Retention Incentive Training Accounts, Individual Development Accounts, and Individual Services Accounts. The workforce electronic benefit transfer program shall be designed to enable an individual who receives an electronic benefit transfer card under subsection (1) to use that card for purposes of benefits provided under the workforce development system as well. The Department of Children and Family Services shall assist Workforce Florida, Inc., in developing an electronic benefit transfer program for the workforce development system that is fully compatible with the department's electronic benefit transfer program. The agency shall reimburse the department for all costs incurred in providing such assistance and shall pay all costs for the development of the workforce electronic benefit transfer program.~~

Section 34. Subsections (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 Office of Early Learning 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 access to observe and, when appropriate, participate.

(c) Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(d) The Child Care Executive Partnership shall have all the powers and authority, not explicitly prohibited by statute, necessary to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

1. Assisting in the formulation and coordination of the state's child care policy.

2. Adopting an official seal.

3. Soliciting, accepting, receiving, investing, and expending funds from public or private sources.

4. Contracting with public or private entities as necessary.

5. Approving an annual budget.

6. Carrying forward any unexpended state appropriations into succeeding fiscal years.

7. Providing a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, on or before December 1 of each year.

(5)(a) The Legislature shall annually determine the amount of state or federal low-income child care moneys which shall be used to create Child Care Executive Partnership Program child care purchasing pools in counties chosen by the Child Care Executive Partnership, provided that at least two of the counties have populations of no more than 300,000. The Legislature shall annually review the effectiveness of the child care purchasing pool program and reevaluate the percentage of additional state or federal funds, if any, which ~~that~~ can be used for the program's expansion.

(b) To ensure a seamless service delivery and ease of access for families, an early learning coalition or the Office of Early Learning Agency ~~for Workforce Innovation~~ shall administer the child care purchasing pool funds.

(c) The Office of Early Learning Agency ~~for Workforce Innovation~~, in conjunction with the Child Care Executive Partnership, shall develop

procedures for disbursement of funds through the child care purchasing pools. In order to be considered for funding, an early learning coalition or the ~~Office of Early Learning Agency for Workforce Innovation~~ must commit to:

1. Matching the state purchasing pool funds on a dollar-for-dollar basis; and

2. Expending only those public funds ~~that which~~ are matched by employers, local government, and other matching contributors who contribute to the purchasing pool. Parents shall also pay a fee, which may not be less than the amount identified in the early learning coalition's school readiness program sliding fee scale.

(d) Each early learning coalition shall establish a community child care task force for each child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative from the local children's services council, if one exists in the area of the purchasing pool. The early learning coalition is expected to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area of a purchasing pool. A majority of the task force shall consist of employers.

(e) Each participating early learning coalition board shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the purchasing pool, how many will be new to receiving child care services, and how the early learning coalition intends to attract new employers and their employees to the program.

(6) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall adopt any rules necessary for the implementation and administration of this section.

Section 35. Paragraph (b) of subsection (5) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

(5) Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or s. 218.38, the Legislative Auditing Committee may schedule a hearing. If a hearing is scheduled, the committee shall determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(b) In the case of a special district, notify the Department of Economic Opportunity Community Affairs ~~that the special district has failed to comply with the law.~~ Upon receipt of notification, the Department of Economic

~~Opportunity Community Affairs~~ shall proceed pursuant to the provisions specified in s. 189.421.

Section 36. Paragraph (c) of subsection (7) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(c) The Auditor General shall provide annually a list of those special districts which are not in compliance with s. 218.39 to the Special District Information Program of the Department of Economic Opportunity Community Affairs.

Section 37. Paragraph (b) of subsection (2) of section 14.20195, Florida Statutes, is amended to read:

14.20195 Suicide Prevention Coordinating Council; creation; membership; duties.—There is created within the Statewide Office for Suicide Prevention a Suicide Prevention Coordinating Council. The council shall develop strategies for preventing suicide.

(2) MEMBERSHIP.—The Suicide Prevention Coordinating Council shall consist of 28 voting members.

(b) The following state officials or their designees shall serve on the coordinating council:

1. The Secretary of Elderly Affairs.
2. The State Surgeon General.
3. The Commissioner of Education.
4. The Secretary of Health Care Administration.
5. The Secretary of Juvenile Justice.
6. The Secretary of Corrections.
7. The executive director of the Department of Law Enforcement.
8. The executive director of the Department of Veterans' Affairs.
9. The Secretary of Children and Family Services.
10. The executive director of the Department of Economic Opportunity Agency for Workforce Innovation.

Section 38. Section 15.182, Florida Statutes, is amended to read:

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

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

(2) ~~The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development,~~ in conjunction with Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

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

Section 39. Paragraph (j) of subsection (1) of section 16.615, Florida Statutes, is amended to read:

16.615 Council on the Social Status of Black Men and Boys.—

(1) The Council on the Social Status of Black Men and Boys is established within the Department of Legal Affairs and shall consist of 19 members appointed as follows:

(j) The executive director of the Department of Economic Opportunity Agency for Workforce Innovation ~~or his or her designee.~~

Section 40. Paragraph (c) of subsection (3) of section 17.61, Florida Statutes, is amended to read:

17.61 Chief Financial Officer; powers and duties in the investment of certain funds.—

(3)

(c) Except as provided in this paragraph and except for moneys described in paragraph (d), the following agencies may not invest trust fund moneys as

provided in this section, but shall retain such moneys in their respective trust funds for investment, with interest appropriated to the General Revenue Fund, pursuant to s. 17.57:

1. The Agency for Health Care Administration, except for the Tobacco Settlement Trust Fund.

2. The Agency for Persons with Disabilities, except for:

- a. The Federal Grants Trust Fund.
- b. The Tobacco Settlement Trust Fund.

3. The Department of Children and Family Services, except for:

- a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
- b. The Social Services Block Grant Trust Fund.
- c. The Tobacco Settlement Trust Fund.
- d. The Working Capital Trust Fund.

~~4. The Department of Community Affairs, only for the Operating Trust Fund.~~

~~4.5.~~ The Department of Corrections.

~~5.6.~~ The Department of Elderly Affairs, except for:

- a. The Federal Grants Trust Fund.
- b. The Tobacco Settlement Trust Fund.

~~6.7.~~ The Department of Health, except for:

- a. The Federal Grants Trust Fund.
- b. The Grants and Donations Trust Fund.
- c. The Maternal and Child Health Block Grant Trust Fund.
- d. The Tobacco Settlement Trust Fund.

~~7.8.~~ The Department of Highway Safety and Motor Vehicles, only for the Security Deposits Trust Fund.

~~8.9.~~ The Department of Juvenile Justice.

~~9.10.~~ The Department of Law Enforcement.

~~10.11.~~ The Department of Legal Affairs.

~~11.12.~~ The Department of State, only for:

- a. The Grants and Donations Trust Fund.
- b. The Records Management Trust Fund.

~~12.13.~~ The Department of Economic Opportunity ~~Executive Office of the Governor~~, only for:

- a. The Economic Development Transportation Trust Fund.
- b. The Economic Development Trust Fund.

~~13.14.~~ The Florida Public Service Commission, only for the Florida Public Service Regulatory Trust Fund.

~~14.15.~~ The Justice Administrative Commission.

~~15.16.~~ The state courts system.

Section 41. Subsection (1) of section 20.181, Florida Statutes, is amended to read:

20.181 Federal Grants Trust Fund.—

(1) The Federal Grants Trust Fund is created within the Department of Economic Opportunity ~~Community Affairs~~.

Section 42. Paragraph (a) of subsection (8) and paragraph (a) of subsection (9) of section 39.001, Florida Statutes, are amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(8) PLAN FOR COMPREHENSIVE APPROACH.—

(a) The office shall develop a state plan for the promotion of adoption, support of adoptive families, and prevention of abuse, abandonment, and neglect of children and shall submit the state plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than December 31, 2008. The Department of Children and Family Services, the Department of Corrections, the Department of Education, the Department of Health, the Department of Juvenile Justice, the Department of Law Enforcement, and the Agency for Persons with Disabilities, ~~and the Agency for Workforce Innovation~~ shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the Florida local advocacy councils; community-based care lead agencies; private or public organizations or programs with recognized expertise in

working with child abuse prevention programs for children and families; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies; and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(9) FUNDING AND SUBSEQUENT PLANS.—

(a) All budget requests submitted by the office, the department, the Department of Health, the Department of Education, the Department of Juvenile Justice, the Department of Corrections, the Agency for Persons with Disabilities, the ~~Agency for Workforce Innovation~~, or any other agency to the Legislature for funding of efforts for the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and neglect shall be based on the state plan developed pursuant to this section.

Section 43. Paragraph (a) of subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the procedures provided in this section and ss. 45.0315-45.035 may be followed as an alternative to any other sale procedure if so ordered by the court.

(7) DISBURSEMENTS OF PROCEEDS.—

(a) On filing a certificate of title, the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment and shall file a report of such disbursements and serve a copy of it on each party, and on the Department of Revenue if the department was named as a defendant in the action or if the Department of Economic Opportunity or the former ~~Agency for Workforce Innovation or the former Department of Labor and Employment Security~~ was named as a defendant while the Department of Revenue was providing unemployment tax collection services under contract with the Department of Economic Opportunity or the former ~~Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316.

Section 44. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance

with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for support, as defined in s. 409.2554, or interest in an unemployment compensation tax lien under contract with the Department of Economic Opportunity Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316, against the subject property and with the same priority, regardless of whether a default against the department, the Department of Economic Opportunity, or the former Agency for Workforce Innovation, or the former Department of Labor and Employment Security has been entered for failure to file an answer or other responsive pleading.

Section 45. Paragraph (b) of subsection (4) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(4) Upon receipt, pursuant to subsection (2), of an actuarial report, or upon receipt, pursuant to subsection (3), of a statement of actuarial impact, the Department of Management Services shall acknowledge such receipt, but shall only review and comment on each retirement system's or plan's actuarial valuations at least on a triennial basis. If the department finds that the actuarial valuation is not complete, accurate, or based on reasonable assumptions or otherwise materially fails to satisfy the requirements of this part, if the department requires additional material information necessary to complete its review of the actuarial valuation of a system or plan or material information necessary to satisfy the duties of the department pursuant to s. 112.665(1), or if the department does not receive the actuarial report or statement of actuarial impact, the department shall notify the administrator of the affected retirement system or plan and the affected governmental entity and request appropriate adjustment, the additional material information, or the required report or statement. The notification must inform the administrator of the affected retirement system or plan and the affected governmental entity of the consequences for failure to comply with the requirements of this subsection. If, after a reasonable period of time, a satisfactory adjustment is not made or the report, statement, or additional material information is not provided, the department may notify the Department of Revenue and the Department of Financial Services of such noncompliance, in which case the Department of Revenue and the Department of Financial Services shall withhold any funds not pledged for satisfaction of bond debt service which are payable to the affected governmental entity until the adjustment is made or the report, statement, or additional material information is provided to the department. The department shall specify the date such action is to begin, and notification by the department must be received by the Department of Revenue, the Department of Financial Services, and the affected governmental entity 30 days before the date the action begins.

(b) In the case of an affected special district, the Department of Management Services shall also notify the Department of Economic

~~Opportunity Community Affairs~~. Upon receipt of notification, the Department of ~~Economic Opportunity Community Affairs~~ shall proceed pursuant to the provisions of s. 189.421 with regard to the special district.

Section 46. Paragraph (e) of subsection (1) of section 112.665, Florida Statutes, is amended to read:

112.665 Duties of Department of Management Services.—

(1) The Department of Management Services shall:

(e) Issue, by January 1 annually, a report to the Special District Information Program of the Department of ~~Economic Opportunity Community Affairs~~ that includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state-administered retirement system provisions as specified in part I of chapter 121; and

Section 47. Subsection (3) of section 112.3135, Florida Statutes, is amended to read:

112.3135 Restriction on employment of relatives.—

(3) An agency may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in s. 252.34(3), of individuals whose employment would be otherwise prohibited by this section.

Section 48. Paragraph (d) of subsection (2) and paragraph (f) of subsection (5) of section 119.071, Florida Statutes, are amended to read:

119.071 General exemptions from inspection or copying of public records.

(2) AGENCY INVESTIGATIONS.—

(d) Any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency ~~emergencies~~, as defined in s. 252.34(3), are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Division of Emergency Management ~~the Department of Community Affairs~~ as having an official need for access to the inventory or comprehensive policies or plans.

(5) OTHER PERSONAL INFORMATION.—

(f) Medical history records and information related to health or property insurance provided to the Department of Economic Opportunity Community Affairs, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency by an applicant for or a participant in a federal, state, or local housing assistance program are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Governmental entities or their agents shall have access to such confidential and exempt records and information for the purpose of auditing federal, state, or local housing programs or housing assistance programs. Such confidential and exempt records and information may be used in any administrative or judicial proceeding, provided such records are kept confidential and exempt unless otherwise ordered by a court.

Section 49. Paragraph (b) of subsection (3) of section 120.54, Florida Statutes, as amended by chapter 2010-279, Laws of Florida, is amended to read:

120.54 Rulemaking.—

(3) ADOPTION PROCEDURES.—

(b) Special matters to be considered in rule adoption.—

1. Statement of estimated regulatory costs.—~~Before~~ Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, an agency is encouraged to prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541. However, an agency must prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

- a. The proposed rule will have an adverse impact on small business; or
- b. The proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

2. Small businesses, small counties, and small cities.—

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. An agency may define “small business” to include businesses employing more than 200 persons, may define “small county” to include those with populations of more than 75,000, and may define “small city” to include those with populations of more than 10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following

methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination of these entities:

(I) Establishing less stringent compliance or reporting requirements in the rule.

(II) Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements.

(III) Consolidating or simplifying the rule's compliance or reporting requirements.

(IV) Establishing performance standards or best management practices to replace design or operational standards in the rule.

(V) Exempting small businesses, small counties, or small cities from any or all requirements of the rule.

b.(I) If the agency determines that the proposed action will affect small businesses as defined by the agency as provided in sub-subparagraph a., the agency shall send written notice of the rule to the Small Business Regulatory Advisory Council and the Department of Economic Opportunity at least Office of Tourism, Trade, and Economic Development not less than 28 days before ~~prior to~~ the intended action.

(II) Each agency shall adopt those regulatory alternatives offered by the Small Business Regulatory Advisory Council and provided to the agency no later than 21 days after the council's receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the Small Business Regulatory Advisory Council, the 90-day period for filing the rule in subparagraph (e) 2. is extended for a period of 21 days.

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it shall, before ~~prior to~~ rule adoption or amendment and pursuant to subparagraph (d)1., file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days after ~~of~~ the filing of such notice, the agency shall send a copy of such notice to the Small Business Regulatory Advisory Council. The Small Business Regulatory Advisory Council may make a request of the President of the Senate and the Speaker of the House of Representatives that the presiding officers direct the Office of Program Policy Analysis and Government Accountability to determine whether the rejected alternatives reduce the impact on small business while meeting the stated objectives of the proposed rule. Within 60 days after the date of the directive from the presiding officers, the Office of Program Policy Analysis and Government Accountability shall report to the Administrative Procedures Committee its findings as to whether an alternative reduces the impact on small business while meeting the stated objectives of the proposed rule. The Office of

Program Policy Analysis and Government Accountability shall consider the proposed rule, the economic impact statement, the written statement of the agency, the proposed alternatives, and any comment submitted during the comment period on the proposed rule. The Office of Program Policy Analysis and Government Accountability shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Administrative Procedures Committee shall report such findings to the agency, and the agency shall respond in writing to the Administrative Procedures Committee if the Office of Program Policy Analysis and Government Accountability found that the alternative reduced the impact on small business while meeting the stated objectives of the proposed rule. If the agency will not adopt the alternative, it must also provide a detailed written statement to the committee as to why it will not adopt the alternative.

Section 50. Subsection (10) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(10) DEPARTMENT OF ECONOMIC OPPORTUNITY AGENCY FOR WORKFORCE INNOVATION.—

(a) Notwithstanding s. 120.54, the rulemaking provisions of this chapter do not apply to unemployment appeals referees.

(b) Notwithstanding s. 120.54(5), the uniform rules of procedure do not apply to appeal proceedings conducted under chapter 443 by the Unemployment Appeals Commission, special deputies, or unemployment appeals referees.

(c) Notwithstanding s. 120.57(1)(a), hearings under chapter 443 may not be conducted by an administrative law judge assigned by the division, but instead shall be conducted by the Unemployment Appeals Commission in unemployment compensation appeals, unemployment appeals referees, and the Department of Economic Opportunity Agency for Workforce Innovation or its special deputies under s. 443.141.

Section 51. Subsections (4) and (5) of section 125.045, Florida Statutes, are amended to read:

125.045 County economic development powers.—

(4) A contract between the governing body of a county or other entity engaged in economic development activities on behalf of the county and an economic development agency must require the agency or entity receiving county funds to submit a report to the governing body of the county detailing how county funds were spent and detailing the results of the economic development agency's or entity's efforts on behalf of the county. By January 15, 2011, and annually thereafter, the county must file a copy of the report with the Office of Economic and Demographic Research Legislative

~~Committee on Intergovernmental Relations or its successor entity~~ and post a copy of the report on the county's website.

(5)(a) By January 15, 2011, and annually thereafter, each county shall report to the Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ the economic development incentives in excess of \$25,000 given to any business during the county's previous fiscal year. The Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ shall compile the information from the counties into a report and provide the report to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~. Economic development incentives include:

1. Direct financial incentives of monetary assistance provided to a business from the county or through an organization authorized by the county. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

2. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

3. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

4. Below-market rate leases or deeds for real property.

(b) A county shall report its economic development incentives in the format specified by the Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~.

(c) The Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ shall compile the economic development incentives provided by each county in a manner that shows the total of each class of economic development incentives provided by each county and all counties.

Section 52. Subsection (11) of section 159.803, Florida Statutes, is amended to read:

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

(11) “Florida First Business project” means any project which is certified by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ as eligible to receive an allocation from the Florida First Business allocation pool established pursuant to s. 159.8083. The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ may certify those projects meeting the criteria set

forth in s. 288.106(4)(b) or any project providing a substantial economic benefit to this state.

Section 53. Paragraph (a) of subsection (2) of section 159.8081, Florida Statutes, is amended to read:

159.8081 Manufacturing facility bond pool.—

(2)(a) The first 75 percent of this pool shall be available on a first come, first served basis, except that 15 percent of the state volume limitation allocated to this pool shall be available as provided in paragraph (b). ~~Before~~ ~~Prior to~~ issuing any written confirmations for the remaining 25 percent of this pool, the executive director shall forward all notices of intent to issue which are received by the division for manufacturing facility projects to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development. ~~The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development and the Department of Community Affairs shall decide, after receipt of the notices of intent to issue, which notices will receive written confirmations. Such decision shall be communicated in writing by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development to the executive director within 10 days of receipt of such notices of intent to issue. The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, in consultation with the Department of Community Affairs, may develop rules to ensure that allocation of the remaining 25 percent is consistent with the state's economic development policy.~~

Section 54. Section 159.8083, Florida Statutes, is amended to read:

159.8083 Florida First Business allocation pool.—The Florida First Business allocation pool is hereby established. The Florida First Business allocation pool shall be available solely to provide written confirmation for private activity bonds to finance Florida First Business projects certified by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development as eligible to receive a written confirmation. Allocations from such pool shall be awarded statewide pursuant to procedures specified in s. 159.805, except that the provisions of s. 159.805(2), (3), and (6) do not apply. Florida First Business projects that are eligible for a carryforward ~~do shall~~ not lose their allocation pursuant to s. 159.809(3) on October 1, or pursuant to s. 159.809(4) on November 16, if they have applied for and have been granted a carryforward by the division pursuant to s. 159.81(1). In issuing written confirmations of allocations for Florida First Business projects, the division shall use the Florida First Business allocation pool. If allocation is not available from the Florida First Business allocation pool, the division shall issue written confirmations of allocations for Florida First Business projects pursuant to s. 159.806 or s. 159.807, in such order. For the purpose of determining priority within a regional allocation pool or the state allocation pool, notices of intent to issue bonds for Florida First Business projects to be issued from a regional allocation pool or the state allocation pool shall be considered to have been

received by the division at the time it is determined by the division that the Florida First Business allocation pool is unavailable to issue confirmation for such Florida First Business project. If the total amount requested in notices of intent to issue private activity bonds for Florida First Business projects exceeds the total amount of the Florida First Business allocation pool, the director shall forward all timely notices of intent to issue, which are received by the division for such projects, to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development which shall render a decision as to which notices of intent to issue are to receive written confirmations. The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, in consultation with the division, shall develop rules to ensure that the allocation provided in such pool is available solely to provide written confirmations for private activity bonds to finance Florida First Business projects and that such projects are feasible and financially solvent.

Section 55. Subsection (3) of section 159.809, Florida Statutes, is amended to read:

159.809 Recapture of unused amounts.—

(3) On October 1 of each year, any portion of the allocation made to the Florida First Business allocation pool pursuant to s. 159.804(5), ~~or subsection (1), or subsection (2)~~, which is eligible for carryforward pursuant to s. 146(f) of the Code but which has not been certified for carryforward by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, shall be returned to the Florida First Business allocation pool.

Section 56. Subsection (4) of section 161.142, Florida Statutes, is amended to read:

161.142 Declaration of public policy relating to improved navigation inlets.—The Legislature recognizes the need for maintaining navigation inlets to promote commercial and recreational uses of our coastal waters and their resources. The Legislature further recognizes that inlets interrupt or alter the natural drift of beach-quality sand resources, which often results in these sand resources being deposited in nearshore areas or in the inlet channel, or in the inland waterway adjacent to the inlet, instead of providing natural nourishment to the adjacent eroding beaches. Accordingly, the Legislature finds it is in the public interest to replicate the natural drift of sand which is interrupted or altered by inlets to be replaced and for each level of government to undertake all reasonable efforts to maximize inlet sand bypassing to ensure that beach-quality sand is placed on adjacent eroding beaches. Such activities cannot make up for the historical sand deficits caused by inlets but shall be designed to balance the sediment budget of the inlet and adjacent beaches and extend the life of proximate beach-restoration projects so that periodic nourishment is needed less frequently. Therefore, in furtherance of this declaration of public policy and the Legislature's intent to redirect and recommit the state's comprehensive beach management efforts

to address the beach erosion caused by inlets, the department shall ensure that:

(4) The provisions of subsections (1) and (2) shall not be a requirement imposed upon ports listed in s. 403.021(9)(b); however, such ports must demonstrate reasonable effort to place beach-quality sand from construction and maintenance dredging and port-development projects on adjacent eroding beaches in accordance with port master plans approved by the Department of Economic Opportunity Community Affairs, and permits approved and issued by the department, to ensure compliance with this section. Ports may sponsor or cosponsor inlet management projects that are fully eligible for state cost sharing.

Section 57. Subsection (10) of section 161.54, Florida Statutes, is amended to read:

161.54 Definitions.—In construing ss. 161.52-161.58:

(10) “State land planning agency” means the Department of Economic Opportunity Community Affairs.

Section 58. Subsection (1) of section 175.021, Florida Statutes, is amended to read:

175.021 Legislative declaration.—

(1) It is hereby declared by the Legislature that firefighters, ~~as herein after defined,~~ perform state and municipal functions; that it is their duty to extinguish fires, to protect life, and to protect property at their own risk and peril; that it is their duty to prevent conflagration and to continuously instruct school personnel, public officials, and private citizens in the prevention of fires and firesafety; that they protect both life and property from local emergencies as defined in s. 252.34(3); and that their activities are vital to the public safety. It is further declared that firefighters employed by special fire control districts serve under the same circumstances and perform the same duties as firefighters employed by municipalities and should therefore be entitled to the benefits available under this chapter. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide a uniform retirement system for the benefit of firefighters as ~~hereinafter defined~~ and intends, in implementing the provisions of s. 14, Art. X of the State Constitution as they relate to municipal and special district firefighters’ pension trust fund systems and plans, that such retirement systems or plans be managed, administered, operated, and funded in such manner as to maximize the protection of the firefighters’ pension trust funds. Pursuant to s. 18, Art. VII of the State Constitution, the Legislature hereby determines and declares that ~~the provisions of this act~~ fulfill an important state interest.

Section 59. Subsection (20) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(20) “State land planning agency” means the Department of Economic Opportunity Community Affairs.

Section 60. Paragraphs (d) and (e) of subsection (9) of section 166.021, Florida Statutes, are amended to read:

166.021 Powers.—

(9)

(d) A contract between the governing body of a municipality or other entity engaged in economic development activities on behalf of the municipality and an economic development agency must require the agency or entity receiving municipal funds to submit a report to the governing body of the municipality detailing how the municipal funds are spent and detailing the results of the economic development agency’s or entity’s efforts on behalf of the municipality. By January 15, 2011, and annually thereafter, the municipality shall file a copy of the report with the Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ and post a copy of the report on the municipality’s website.

(e)1. By January 15, 2011, and annually ~~thereafter~~ thereafter, each municipality having annual revenues or expenditures greater than \$250,000 shall report to the Office of Economic Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ the economic development incentives in excess of \$25,000 given to any business during the municipality’s previous fiscal year. The Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ shall compile the information from the municipalities into a report and provide the report to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development. Economic development incentives include:

a. Direct financial incentives of monetary assistance provided to a business from the municipality or through an organization authorized by the municipality. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

b. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

c. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

d. Below-market rate leases or deeds for real property.

2. A municipality shall report its economic development incentives in the format specified by the Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity.

3. The Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity shall compile the economic development incentives provided by each municipality in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities.

Section 61. Subsection (1) of section 171.204, Florida Statutes, is amended to read:

171.204 Prerequisites to annexation under this part.—The interlocal service boundary agreement may describe the character of land that may be annexed under this part and may provide that the restrictions on the character of land that may be annexed pursuant to part I are not restrictions on land that may be annexed pursuant to this part. As determined in the interlocal service boundary agreement, any character of land may be annexed, including, but not limited to, an annexation of land not contiguous to the boundaries of the annexing municipality, an annexation that creates an enclave, or an annexation where the annexed area is not reasonably compact; however, such area must be “urban in character” as defined in s. 171.031(8). The interlocal service boundary agreement may not allow for annexation of land within a municipality that is not a party to the agreement or of land that is within another county. Before annexation of land that is not contiguous to the boundaries of the annexing municipality, an annexation that creates an enclave, or an annexation of land that is not currently served by water or sewer utilities, one of the following options must be followed:

(1) The municipality shall transmit a comprehensive plan amendment that proposes specific amendments relating to the property anticipated for annexation to the Department of Economic Opportunity Community Affairs for review under chapter 163. After considering the department’s review, the municipality may approve the annexation and comprehensive plan amendment concurrently. The local government must adopt the annexation and the comprehensive plan amendment as separate and distinct actions but may take such actions at a single public hearing; or

Section 62. Paragraph (c) of subsection (4) of section 186.504, Florida Statutes, is amended to read:

186.504 Regional planning councils; creation; membership.—

(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex officio nonvoting members to each regional planning council:

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

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

Section 63. Subsection (11) of section 186.505, Florida Statutes, is amended to read:

186.505 Regional planning councils; powers and duties.—Any regional planning council created hereunder shall have the following powers:

(11) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning for emergency management as defined in ~~under~~ s. 252.34(4).

Section 64. Subsection (4) of section 189.403, Florida Statutes, is amended to read:

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

(4) “Department” means the Department of Economic Opportunity ~~Community Affairs~~.

Section 65. Section 189.412, Florida Statutes, is amended to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the department of Economic Opportunity ~~Community Affairs~~ is created and has the following special duties:

(1) The collection and maintenance of special district noncompliance status reports from the Department of Management Services, the Department of Financial Services, the Division of Bond Finance of the State Board of Administration, and the Auditor General for the reporting required in ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance reports must list those special districts that did not comply with the statutory reporting requirements.

(2) The maintenance of a master list of independent and dependent special districts which shall be available on the department’s website.

(3) The publishing and updating of a “Florida Special District Handbook” that contains, at a minimum:

(a) A section that specifies definitions of special districts and status distinctions in the statutes.

(b) A section or sections that specify current statutory provisions for special district creation, implementation, modification, dissolution, and operating procedures.

(c) A section that summarizes the reporting requirements applicable to all types of special districts as provided in ss. 189.417 and 189.418.

(4) When feasible, securing and maintaining access to special district information collected by all state agencies in existing or newly created state computer systems.

(5) The facilitation of coordination and communication among state agencies regarding special district information.

(6) The conduct of studies relevant to special districts.

(7) The provision of assistance related to and appropriate in the performance of requirements specified in this chapter, including assisting with an annual conference sponsored by the Florida Association of Special Districts or its successor.

(8) Providing assistance to local general-purpose governments and certain state agencies in collecting delinquent reports or information, helping special districts comply with reporting requirements, declaring special districts inactive when appropriate, and, when directed by the Legislative Auditing Committee, initiating enforcement provisions as provided in ss. 189.4044, 189.419, and 189.421.

Section 66. Section 189.413, Florida Statutes, is amended to read:

189.413 Special districts; oversight of state funds use.—Any state agency administering funding programs for which special districts are eligible shall be responsible for oversight of the use of such funds by special districts. The oversight responsibilities shall include, but not be limited to:

(1) Reporting the existence of the program to the Special District Information Program of the department of ~~Community Affairs~~.

(2) Submitting annually a list of special districts participating in a state funding program to the Special District Information Program of the department of ~~Community Affairs~~. This list must indicate the special districts, if any, that are not in compliance with state funding program requirements.

Section 67. Section 189.425, Florida Statutes, is amended to read:

189.425 Rulemaking authority.—The department of ~~Community Affairs~~ may adopt rules to implement the provisions of this chapter.

Section 68. Section 189.427, Florida Statutes, is amended to read:

189.427 Fee schedule; Grants and Donations ~~Operating Trust Fund~~.— The Department of Economic Opportunity Community Affairs, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department in administering this act, except that the fee may not exceed \$175 per district per year. The fees collected under this section shall be deposited in the Grants and Donations ~~Operating Trust Fund~~, which shall be administered by the Department of Economic Opportunity Community Affairs. Any fee rule must consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Financial Services. The department may assess fines of not more than \$25, with an aggregate total not to exceed \$50, as penalties against special districts that fail to remit required fees to the department. It is the intent of the Legislature that general revenue funds will be made available to the department to pay one-half of the cost of administering this act.

Section 69. Subsection (1) of section 189.4035, Florida Statutes, is amended to read:

189.4035 Preparation of official list of special districts.—

(1) The Department of Economic Opportunity Community Affairs shall compile the official list of special districts. The official list of special districts shall include all special districts in this state and shall indicate the independent or dependent status of each district. All special districts in the list shall be sorted by county. The definitions in s. 189.403 shall be the criteria for determination of the independent or dependent status of each special district on the official list. The status of community development districts shall be independent on the official list of special districts.

Section 70. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Department of Economic Opportunity Community Affairs shall keep a current list of districts and their disclosures pursuant to this act and shall make such studies and reports and take such actions as it deems necessary.

Section 71. Section 190.047, Florida Statutes, is amended to read:

190.047 Incorporation or annexation of district.—

(1) Upon attaining the population standards for incorporation contained in s. 165.061 and as determined by the Department of Economic Opportunity Community Affairs, any district wholly contained within the unincorporated area of a county that also meets the other requirements for incorporation contained in s. 165.061 shall hold a referendum at a general election on the question of whether to incorporate. However, any district contiguous to the

boundary of a municipality may be annexed to such municipality pursuant to the provisions of chapter 171.

(2) The Department of Economic Opportunity ~~Community Affairs~~ shall annually monitor the status of the district for purposes of carrying out the provisions of this section.

Section 72. Subsection (1) of section 191.009, Florida Statutes, is amended to read:

191.009 Taxes; non-ad valorem assessments; impact fees and user charges.—

(1) AD VALOREM TAXES.—An elected board may levy and assess ad valorem taxes on all taxable property in the district to construct, operate, and maintain district facilities and services, to pay the principal of, and interest on, general obligation bonds of the district, and to provide for any sinking or other funds established in connection with such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, may not exceed 3.75 mills unless a higher amount has been previously authorized by law, subject to a referendum as required by the State Constitution and this act. The ballot question on such referendum shall state the currently authorized millage rate and the year of its approval by referendum. The levy of ad valorem taxes pursuant to this section must be approved by referendum called by the board when the proposed levy of ad valorem taxes exceeds the amount authorized by prior special act, general law of local application, or county ordinance approved by referendum. Nothing in this act shall require a referendum on the levy of ad valorem taxes in an amount previously authorized by special act, general law of local application, or county ordinance approved by referendum. Such tax shall be assessed, levied, and collected in the same manner as county taxes. The levy of ad valorem taxes approved by referendum shall be reported within 60 days after the vote to the Department of Economic Opportunity ~~Community Affairs~~.

Section 73. Section 191.015, Florida Statutes, is amended to read:

191.015 Codification.—Each fire control district existing on the effective date of this section, by December 1, 2004, shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature may adopt a schedule for individual district codification. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, shall provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the Department of Economic Opportunity ~~Community Affairs~~ pursuant to s. 189.418(2).

Section 74. Paragraph (a) of subsection (1) of section 202.37, Florida Statutes, is amended to read:

202.37 Special rules for administration of local communications services tax.—

(1)(a) Except as otherwise provided in this section, all statutory provisions and administrative rules applicable to the communications services tax imposed by s. 202.12 apply to any local communications services tax imposed under s. 202.19, and the department shall administer, collect, and enforce all taxes imposed under s. 202.19, including interest and penalties attributable thereto, in accordance with the same procedures used in the administration, collection, and enforcement of the communications services tax imposed by s. 202.12. Audits performed by the department shall include a determination of the dealer's compliance with the jurisdictional situsing of its customers' service addresses and a determination of whether the rate collected for the local tax pursuant to ss. 202.19 and 202.20 is correct. The person or entity designated by a local government pursuant to s. 213.053(8) ~~s. 213.053(8)(v)~~ may provide evidence to the department demonstrating a specific person's failure to fully or correctly report taxable communications services sales within the jurisdiction. The department may request additional information from the designee to assist in any review. The department shall inform the designee of what action, if any, the department intends to take regarding the person.

Section 75. Paragraphs (g), (h), (j), and (p) of subsection (5) and paragraph (b) of subsection (15) of section 212.08, Florida Statutes, are amended to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

(g) *Building materials used in the rehabilitation of real property located in an enterprise zone.*—

1. Building materials used in the rehabilitation of real property located in an enterprise zone are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the items have been used for the rehabilitation of real property located in an enterprise zone. Except as provided in subparagraph 2., this exemption inures to the owner, lessee, or lessor at the time the real property is rehabilitated, but only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner, lessee, or lessor of the rehabilitated real property must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable. A single application for a refund may be submitted for multiple, contiguous parcels that were part of a single parcel that was divided as part of the rehabilitation of the property. All other

requirements of this paragraph apply to each parcel on an individual basis. The application must include:

- a. The name and address of the person claiming the refund.
- b. An address and assessment roll parcel number of the rehabilitated real property for which a refund of previously paid taxes is being sought.
- c. A description of the improvements made to accomplish the rehabilitation of the real property.
- d. A copy of a valid building permit issued by the county or municipal building department for the rehabilitation of the real property.
- e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to make the improvements necessary to rehabilitate the real property, which lists the building materials used to rehabilitate the real property, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials. If a general contractor was not used, the applicant, not a general contractor, shall make the sworn statement required by this sub-subparagraph. Copies of the invoices that evidence the purchase of the building materials used in the rehabilitation and the payment of sales tax on the building materials must be attached to the sworn statement provided by the general contractor or by the applicant. Unless the actual cost of building materials used in the rehabilitation of real property and the payment of sales taxes is documented by a general contractor or by the applicant in this manner, the cost of the building materials is deemed to be an amount equal to 40 percent of the increase in assessed value for ad valorem tax purposes.
- f. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the rehabilitated real property is located.
- g. A certification by the local building code inspector that the improvements necessary to rehabilitate the real property are substantially completed.
- h. A statement of whether the business is a small business as defined by s. 288.703~~(1)~~.
- i. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

2. This exemption inures to a municipality, county, other governmental unit or agency, or nonprofit community-based organization through a refund of previously paid taxes if the building materials used in the rehabilitation are paid for from the funds of a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program. To receive a refund, a municipality, county, other governmental unit or

agency, or nonprofit community-based organization must file an application that includes the same information required in subparagraph 1. In addition, the application must include a sworn statement signed by the chief executive officer of the municipality, county, other governmental unit or agency, or nonprofit community-based organization seeking a refund which states that the building materials for which a refund is sought were funded by a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required by subparagraph 1. or subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the required information and are eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification must be in writing, and a copy of the certification shall be transmitted to the executive director of the department. The applicant is responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund must be submitted to the department within 6 months after the rehabilitation of the property is deemed to be substantially completed by the local building code inspector or by November 1 after the rehabilitated property is first subject to assessment.

5. Only one exemption through a refund of previously paid taxes for the rehabilitation of real property is permitted for any single parcel of property unless there is a change in ownership, a new lessor, or a new lessee of the real property. A refund may not be granted unless the amount to be refunded exceeds \$500. A refund may not exceed the lesser of 97 percent of the Florida sales or use tax paid on the cost of the building materials used in the rehabilitation of the real property as determined pursuant to sub-subparagraph 1.e. or \$5,000, or, if at least 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount of refund may not exceed the lesser of 97 percent of the sales tax paid on the cost of the building materials or \$10,000. A refund shall be made within 30 days after formal approval by the department of the application for the refund.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. The department shall deduct an amount equal to 10 percent of each refund granted under this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the rehabilitated real property is located and shall transfer that amount to the General Revenue Fund.

8. For the purposes of the exemption provided in this paragraph, the term:

a. “Building materials” means tangible personal property that becomes a component part of improvements to real property.

b. “Real property” has the same meaning as provided in s. 192.001(12), except that the term does not include a condominium parcel or condominium property as defined in s. 718.103.

c. “Rehabilitation of real property” means the reconstruction, renovation, restoration, rehabilitation, construction, or expansion of improvements to real property.

d. “Substantially completed” has the same meaning as provided in s. 192.042(1).

9. This paragraph expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(h) *Business property used in an enterprise zone.*—

1. Business property purchased for use by businesses located in an enterprise zone which is subsequently used in an enterprise zone shall be exempt from the tax imposed by this chapter. This exemption inures to the business only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To receive a refund, the business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, an application which includes:

a. The name and address of the business claiming the refund.

b. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

c. A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.

d. The location of the property.

e. The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

f. Whether the business is a small business as defined by s. 288.703(1).

g. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise

zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 2. and meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The business shall be responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the tax is due on the business property that is purchased.

5. The amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or \$5,000, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or \$10,000. A refund approved pursuant to this paragraph shall be made within 30 days after ~~of~~ formal approval by the department of the application for the refund. A ~~No~~ refund may not ~~shall~~ be granted under this paragraph unless the amount to be refunded exceeds \$100 in sales tax paid on purchases made within a 60-day time period.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. If the department determines that the business property is used outside an enterprise zone within 3 years from the date of purchase, the amount of taxes refunded to the business purchasing such business property shall immediately be due and payable to the department by the business, together with the appropriate interest and penalty, computed from the date of purchase, in the manner provided by this chapter. Notwithstanding this subparagraph, business property used exclusively in:

- a. Licensed commercial fishing vessels,
- b. Fishing guide boats, or
- c. Ecotourism guide boats

that leave and return to a fixed location within an area designated under s. 379.2353, Florida Statutes 2010, are eligible for the exemption provided under this paragraph if all requirements of this paragraph are met. Such vessels and boats must be owned by a business that is eligible to receive the exemption provided under this paragraph. This exemption does not apply to the purchase of a vessel or boat.

8. The department shall deduct an amount equal to 10 percent of each refund granted under ~~the provisions of this paragraph~~ from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the business property is located and shall transfer that amount to the General Revenue Fund.

9. For the purposes of this exemption, “business property” means new or used property defined as “recovery property” in s. 168(c) of the Internal Revenue Code of 1954, as amended, except:

a. Property classified as 3-year property under s. 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

b. Industrial machinery and equipment as defined in sub-subparagraph (b)6.a. and eligible for exemption under paragraph (b);

c. Building materials as defined in sub-subparagraph (g)8.a.; and

d. Business property having a sales price of under \$5,000 per unit.

10. This paragraph expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

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

1.a. Industrial machinery and equipment used in semiconductor technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce semiconductor technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter. For purposes of this paragraph, industrial machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.

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

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

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

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

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

b. The Division of Strategic Business Development of the Department of Economic Opportunity Enterprise Florida, Inc., shall review each submitted initial application and determine whether or not the application is complete within 5 working days. Once complete, the division Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the initial application and recommendation from the division Enterprise Florida, Inc., or upon receipt of a certification renewal statement, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, Enterprise Florida, Inc., and the department of the original certification or certification renewal. If the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development finds that the applicant does not meet the requirements, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The Department of Economic Opportunity Office of Tourism, Trade, and

~~Economic Development~~ has final approval authority for certification under this section.

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

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

6. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the amount of the exemption. To receive these funds, the institution must agree to match the funds with equivalent cash, programs, services, or other in-kind support on a one-to-one basis for research and development projects requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

7. As used in this paragraph, the term:

a. “Semiconductor technology products” means raw semiconductor wafers or semiconductor thin films that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; semiconductor lasers; optoelectronic elements; and related semiconductor technology products as determined by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.

b. “Clean rooms” means manufacturing facilities enclosed in a manner that meets the clean manufacturing requirements necessary for high-technology semiconductor-manufacturing environments.

c. “Defense technology products” means products that have a military application, including, but not limited to, weapons, weapons systems, guidance systems, surveillance systems, communications or information systems, munitions, aircraft, vessels, or boats, or components thereof, which are intended for military use and manufactured in performance of a contract with the United States Department of Defense or the military branch of a

recognized foreign government or a subcontract thereunder which relates to matters of national defense.

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

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

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

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

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

c. A person may not receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.

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

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

2. Eligibility requirements.—

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

(I) Cash or other liquid assets;

(II) Real property;

(III) Goods or inventory; or

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

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term “project” means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone designated pursuant to s. 290.0065. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an “eligible sponsor,” which includes:

- (I) A community action program;
- (II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;
- (III) A neighborhood housing services corporation;
- (IV) A local housing authority created under chapter 421;
- (V) A community redevelopment agency created under s. 163.356;
- (VI) The Florida Industrial Development Corporation;
- (VII) A historic preservation district agency or organization;
- (VIII) A regional workforce board;
- (IX) A direct-support organization as provided in s. 1009.983;
- (X) An enterprise zone development agency created under s. 290.0056;
- (XI) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;
- (XII) Units of local government;
- (XIII) Units of state government; or
- (XIV) Any other agency that the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development designates by rule.

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

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

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits

available for those projects, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity office shall grant the tax credits for those applications as follows:

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

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

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

3. Application requirements.—

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

b. Any person seeking to participate in this program must submit an application for tax credit to the Department of Economic Opportunity office which sets forth the name of the sponsor, a description of the project, and the

type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit. The person must submit a separate tax credit application to the Department of Economic Opportunity office for each individual contribution that it makes to each individual project.

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

4. Administration.—

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

b. The decision of the Department of Economic Opportunity office must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the Department of Economic Opportunity office shall transmit a copy of the decision to the Department of Revenue.

c. The Department of Economic Opportunity office shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

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

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

(15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—

(b) To receive this exemption, a business must file an application, with the enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, on a form provided by the department for the purposes of this subsection and s. 166.231(8). The application shall be made under oath and shall include:

1. The name and location of the business.

2. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.
3. The date on which electrical service is to be first initiated to the business.
4. The name and mailing address of the entity from which electrical energy is to be purchased.
5. The date of the application.
6. The name of the city in which the business is located.
7. If applicable, the name and address of each permanent employee of the business including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.
8. Whether the business is a small business as defined by s. 288.703~~(4)~~.

Section 76. Paragraph (b) of subsection (2) of section 212.096, Florida Statutes, is amended to read:

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

(2)

(b) The credit shall be computed as 20 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone pursuant to s. 290.004~~(6)~~, in which case the credit shall be 30 percent of the actual monthly wages paid. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 30 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone, in which case the credit shall be 45 percent of the actual monthly wages paid. If the new employee hired when a new job is created is a participant in the welfare transition program, the following credit shall be a percent of the actual monthly wages paid: 40 percent for \$4 above the hourly federal minimum wage rate; 41 percent for \$5 above the hourly federal minimum wage rate; 42 percent for \$6 above the hourly federal minimum wage rate; 43 percent for \$7 above the hourly federal minimum wage rate; and 44 percent for \$8 above the hourly federal minimum wage rate. For purposes of this paragraph, monthly wages shall be computed as one-twelfth of the expected annual wages paid to such employee. The amount paid as wages to a new employee is the compensation paid to such employee that is subject to unemployment tax. The credit shall be allowed for up to 24 consecutive months, beginning with the first tax return due pursuant to s. 212.11 after approval by the department.

Section 77. Paragraphs (a) and (e) of subsection (1) and subsections (4), (6), (7), (10), (11), and (16) of section 212.097, Florida Statutes, are amended to read:

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

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

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or international market is also an eligible business. In addition, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term “predominantly” means that more than 50 percent of the business’s gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

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

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;

2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;

3. Highest percentage of reported index crimes that are violent in nature;
4. Highest overall index crime volume for the area; and
5. Highest overall index crime rate for the geographic area.

Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15. Notwithstanding this definition, “qualified high-crime area” also means an area that has been designated as a federal Empowerment Zone pursuant to the Taxpayer Relief Act of 1997. Such a designated area is ranked in tier three until the areas are reevaluated by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.

(4) For any new eligible business receiving a credit pursuant to subsection (2), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition program participant. For any existing eligible business receiving a credit pursuant to subsection (3), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition program participant. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the high-crime area. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the Department of Revenue.

(6) Any county or municipality, or a county and one or more municipalities together, may apply to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development for the designation of an area as a high-crime area after the adoption by the governing body or bodies of a resolution that:

(a) Finds that a high-crime area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

(b) Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such a high-crime area is necessary in the interest of the health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

(c) Determines that the revitalization of such a high-crime area can occur if the public sector or private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(7) The governing body of the entity nominating the area shall provide to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development the following:

- (a) The overall index crime rate for the geographic area;
- (b) The overall index crime volume for the area;
- (c) The percentage of reported index crimes that are violent in nature;
- (d) The reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; and
- (e) The arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, disorderly conduct, vandalism, and other public-order offenses.

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

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

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

(11) If the application is insufficient to support the credit authorized in this section, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

(16) The Department of Revenue shall adopt rules governing the manner and form of applications for credit and may establish guidelines concerning the requisites for an affirmative showing of qualification for the credit under this section.

Section 78. Paragraphs (a) and (c) of subsection (1) and subsections (6) and (7), of section 212.098, Florida Statutes, are amended to read:

212.098 Rural Job Tax Credit Program.—

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

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); SIC 7996 (amusement parks); and a targeted industry eligible for the qualified target industry business tax refund under s. 288.106. A call center or similar customer service operation that services a multistate market or an international market is also an eligible business. In addition, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term “predominantly” means that more than 50 percent of the business’s gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

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

1. Highest unemployment rate for the most recent 36-month period.
2. Lowest per capita income for the most recent 36-month period.
3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.
4. Average weekly manufacturing wage, based upon the most recent data available.

(6)(a) In order to claim this credit, an eligible business must file under oath with the Department of Economic Opportunity Office of Tourism, Trade,

and Economic Development a statement that includes the name and address of the eligible business, the starting salary or hourly wages paid to the new employee, and any other information that the Department of Revenue requires.

(b) Pursuant to the incentive review process under s. 288.061, the Department of Economic Opportunity ~~Within 30 working days after receipt of an application for credit, the Office of Tourism, Trade, and Economic Development~~ shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.

(c) The maximum credit amount that may be approved during any calendar year is \$5 million. The Department of Revenue, in conjunction with the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, shall notify the governing bodies in areas designated as qualified counties when the \$5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

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

(7) If the application is insufficient to support the credit authorized in this section, the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

Section 79. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

6. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special

districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than \$416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in s. 288.1162(5) or s. 288.11621(3).

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

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

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

Section 80. Subsection (4), paragraph (a) of subsection (7), paragraphs (k) through (cc) of subsection (8), and subsections (19), (20), and (21) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, are amended, to read:

213.053 Confidentiality and information sharing.—

(4) The department, while providing unemployment tax collection services under contract with the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316, may release unemployment tax rate information

to the agent of an employer, which agent provides payroll services for more than 100 ~~500~~ employers, pursuant to the terms of a memorandum of understanding. The memorandum of understanding must state that the agent affirms, subject to the criminal penalties contained in ss. 443.171 and 443.1715, that the agent will retain the confidentiality of the information, that the agent has in effect a power of attorney from the employer which permits the agent to obtain unemployment tax rate information, and that the agent shall provide the department with a copy of the employer's power of attorney upon request.

(7)(a) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons subject to tax, shall be made available to the following in performance of their official duties:

1. The Auditor General or his or her authorized agent;
2. The director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent;
3. The Chief Financial Officer or his or her authorized agent;
4. The Director of the Office of Insurance Regulation of the Financial Services Commission or his or her authorized agent;
5. A property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1); ~~or~~
6. Designated employees of the Department of Education solely for determination of each school district's price level index pursuant to s. 1011.62(2); ~~and-~~
7. The executive director of the Department of Economic Opportunity or his or her authorized agent.

(8) Notwithstanding any other provision of this section, the department may provide:

~~(k)1. Payment information relative to chapters 199, 201, 202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration of the tax refund program for qualified defense contractors and space flight business contractors authorized by s. 288.1045 and the tax refund program for qualified target industry businesses authorized by s. 288.106.~~

~~2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the~~

~~administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).~~

~~3.— Information relative to tax credits taken by a taxpayer pursuant to the tax credit programs created in ss. 193.017; 212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097; 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185; 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99; 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352; 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, for use in the administration or evaluation of such programs.~~

~~(k)(4)~~ Information relative to chapter 212 and the Bill of Lading Program to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services in the conduct of its official duties.

~~(l)(m)~~ Information relative to chapter 198 to the Agency for Health Care Administration in the conduct of its official business relating to ss. 409.901-409.9101.

~~(m)(n)~~ Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related to a certified public accountant participating in the certified audits project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audits project. In any judicial proceeding brought by the department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section.

~~(n)(o)~~ Information relative to ss. 376.70 and 376.75 to the Department of Environmental Protection in the conduct of its official business and to the facility owner, facility operator, and real property owners as defined in s. 376.301.

~~(o)(p)~~ Information relative to ss. 220.1845 and 376.30781 to the Department of Environmental Protection in the conduct of its official business.

~~(p)(q)~~ Names, addresses, and sales tax registration information to the Division of Consumer Services of the Department of Agriculture and Consumer Services in the conduct of its official duties.

~~(q)(r)~~ Information relative to the returns required by ss. 175.111 and 185.09 to the Department of Management Services in the conduct of its official duties. The Department of Management Services is, in turn, authorized to disclose payment information to a governmental agency or the agency's agent for purposes related to budget preparation, auditing,

revenue or financial administration, or administration of chapters 175 and 185.

~~(r)(s)~~ Names, addresses, and federal employer identification numbers, or similar identifiers, to the Department of Highway Safety and Motor Vehicles for use in the conduct of its official duties.

~~(t)~~ Information relative to the tax exemptions under ss. 212.031, 212.06, and 212.08 for those persons qualified under s. 288.1258 to the Office of Film and Entertainment. The Department of Revenue shall provide the Office of Film and Entertainment with information in the aggregate.

~~(s)(u)~~ Information relative to ss. 211.0251, 212.1831, 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of Education and the Division of Alcoholic Beverages and Tobacco in the conduct of official business.

~~(t)(v)~~ Information relative to chapter 202 to each local government that imposes a tax pursuant to s. 202.19 in the conduct of its official duties as specified in chapter 202. Information provided under this paragraph may include, but is not limited to, any reports required pursuant to s. 202.231, audit files, notices of intent to audit, tax returns, and other confidential tax information in the department’s possession relating to chapter 202. A person or an entity designated by the local government in writing to the department as requiring access to confidential taxpayer information shall have reasonable access to information provided pursuant to this paragraph. Such person or entity may disclose such information to other persons or entities with direct responsibility for budget preparation, auditing, revenue or financial administration, or legal counsel. Such information shall only be used for purposes related to budget preparation, auditing, and revenue and financial administration. Any confidential and exempt information furnished to a local government, or to any person or entity designated by the local government as authorized by this paragraph may not be further disclosed by the recipient except as provided by this paragraph.

~~(w)~~ Tax registration information to the Agency for Workforce Innovation for use in the conduct of its official duties, which information may not be redisclosed by the Agency for Workforce Innovation.

~~(u)(x)~~ Rental car surcharge revenues authorized by s. 212.0606, reported according to the county to which the surcharge was attributed to the Department of Transportation.

~~(v)(y)~~ Information relative to ss. 212.08(7)(ccc) and 220.192 to the Department of Agriculture and Consumer Services Florida Energy and Climate Commission for use in the conduct of its official business.

~~(w)(z)~~ Taxpayer names and identification numbers for the purposes of information-sharing agreements with financial institutions pursuant to s. 213.0532.

~~(x)(aa)~~ Information relative to chapter 212 to the Department of Environmental Protection in the conduct of its official duties in the administration of s. 253.03(7)(b) and (11).

~~(bb)~~ Information relative to tax credits taken under s. 288.1254 to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development.

~~(y)(ee)~~ Information relative to ss. 253.03(8) and 253.0325 to the Department of Environmental Protection in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

~~(19)~~ The department may disclose information relative to tax credits taken by a taxpayer pursuant to s. 288.9916 to the Office of Tourism, Trade, and Economic Development or its employees or agents. Such employees must be identified in writing by the office to the department. All information disclosed under this subsection is subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department.

~~(19)(20)~~(a) The department may publish a list of taxpayers against whom the department has filed a warrant, notice of lien, or judgment lien certificate. The list may include the name and address of each taxpayer; the amounts and types of delinquent taxes, fees, or surcharges, penalties, or interest; and the employer identification number or other taxpayer identification number.

(b) The department shall update the list at least monthly to reflect payments for resolution of deficiencies and to otherwise add or remove taxpayers from the list.

(c) The department may adopt rules to administer this subsection.

~~(20)(21)~~ The department may disclose information relating to taxpayers against whom the department has filed a warrant, notice of lien, or judgment lien certificate. Such information includes the name and address of the taxpayer, the actions taken, the amounts and types of liabilities, and the amount of any collections made.

Section 81. Subsection (1) of section 215.5588, Florida Statutes, is amended to read:

215.5588 Florida Disaster Recovery Program.—

(1) The Department of Economic Opportunity Community Affairs shall implement the 2006 Disaster Recovery Program from funds provided through the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, for the purpose of assisting local governments in satisfying disaster recovery needs in the areas of low-income housing and infrastructure, with a primary focus on the hardening of single-family and multifamily housing units, not only to ensure that affordable housing can withstand the effects of hurricane-force winds, but also to mitigate the increasing costs of insurance, which may ultimately render existing affordable homes unaffordable or uninsurable. This section does not create an entitlement for local governments or property owners or obligate the state in any way to fund disaster recovery needs.

Section 82. Paragraph (b) of subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.

(b) The Office of Early Learning Agency for Workforce Innovation shall provide information on needs and waiting lists for school readiness programs, and information on the needs for the Voluntary Prekindergarten Education Program, as requested by the Early Learning Programs Estimating Conference or individual conference principals in a timely manner.

Section 83. Paragraph (a) of subsection (6) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(6) The Chief Financial Officer shall transfer from any available funds of an agency or the judicial branch the following amounts and shall report all such transfers and the reasons therefor to the legislative appropriations committees and the Executive Office of the Governor:

(a) The amount due to the Unemployment Compensation Trust Fund which is more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund. The amount transferred shall be that certified by the state agency providing unemployment tax collection services under contract with the Department of Economic Opportunity Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

Section 84. Subsection (1) of section 216.231, Florida Statutes, is amended to read:

216.231 Release of certain classified appropriations.—

(1)(a) Any appropriation to the Executive Office of the Governor which is classified as an “emergency,” as defined in s. 252.34(3), may be released only

with the approval of the Governor. The state agency, or the judicial branch, desiring the use of the emergency appropriation shall submit to the Executive Office of the Governor application ~~therefor~~ in writing setting forth the facts from which the alleged need arises. The Executive Office of the Governor shall, at a public hearing, review such application promptly and approve or disapprove the applications as the circumstances may warrant. All actions of the Executive Office of the Governor shall be reported to the legislative appropriations committees, and the committees may advise the Executive Office of the Governor relative to the release of such funds.

(b) The release of appropriated funds classified as “emergency” shall be approved only if ~~when~~ an act or circumstance caused by an act of God, civil disturbance, natural disaster, or other circumstance of an emergency nature threatens, endangers, or damages the property, safety, health, or welfare of the state or its ~~residents~~ citizens, which condition has not been provided for in appropriation acts of the Legislature. Funds allocated for this purpose may be used to pay overtime pay to personnel of agencies called upon to perform extra duty because of any civil disturbance or other emergency as defined in s. 252.34(3) and to provide the required state match for federal grants under the federal Disaster Relief Act.

Section 85. Subsection (2) of section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities.—

(2) The department shall annually by December 1 file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Information Program of the Department of Economic Opportunity Community Affairs showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report. The report must include, but is not limited to:

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

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

Section 86. Paragraph (g) of subsection (1) of section 218.37, Florida Statutes, is amended to read:

218.37 Powers and duties of Division of Bond Finance; advisory council.

(1) The Division of Bond Finance of the State Board of Administration, with respect to both general obligation bonds and revenue bonds, shall:

(g) By January 1 each year, provide the Special District Information Program of the Department of Economic Opportunity Community Affairs with a list of special districts that are not in compliance with the requirements in s. 218.38.

Section 87. Paragraph (a) of subsection (3) of section 218.64, Florida Statutes, is amended to read:

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

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

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

Section 88. Paragraph (ff) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(ff) "Job" means a full-time position, as consistent with terms used by the Department of Economic Opportunity Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation resulting directly from business operations in this state. The term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 212.096. The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if the employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

Section 89. Paragraph (a) of subsection (1) and paragraph (g) of subsection (2) of section 220.181, Florida Statutes, are amended to read:

220.181 Enterprise zone jobs credit.—

(1)(a) There shall be allowed a credit against the tax imposed by this chapter to any business located in an enterprise zone which demonstrates to the department that, on the date of application, the total number of full-time jobs is greater than the total was 12 months before ~~prior to~~ that date. The credit shall be computed as 20 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, as defined under s. 220.03(1)(ee), unless the business is located in a rural enterprise zone, pursuant to s. 290.004(6), in which case the credit shall be 30 percent of the actual monthly wages paid. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 30 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located in a rural enterprise zone, in which case the credit shall be 45 percent of the actual monthly wages paid, for a period of up to 24 consecutive months. If the new employee hired when a new job is created is a participant in the welfare transition program, the following credit shall be a percent of the actual monthly wages paid: 40 percent for \$4 above the hourly federal minimum wage rate; 41 percent for \$5 above the hourly federal minimum wage rate; 42 percent for \$6 above the hourly federal minimum wage rate; 43 percent for \$7 above the hourly federal minimum wage rate; and 44 percent for \$8 above the hourly federal minimum wage rate.

(2) When filing for an enterprise zone jobs credit, a business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(g) Whether the business is a small business as defined by s. 288.703(1).

Section 90. Subsection (13) of section 220.182, Florida Statutes, is amended to read:

220.182 Enterprise zone property tax credit.—

(13) When filing for an enterprise zone property tax credit, a business shall indicate whether the business is a small business as defined by s. 288.703(1).

Section 91. Paragraph (d) of subsection (1), paragraphs (b), (c), and (d) of subsection (2), and subsections (3), and (4) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.—

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

(d) All proposals for the granting of the tax credit shall require the prior approval of the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.

(2) ELIGIBILITY REQUIREMENTS.—

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

2. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications as follows:

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

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

3. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications on a pro rata basis.

(c) The project must be undertaken by an “eligible sponsor,” defined here as:

1. A community action program;
2. A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;
3. A neighborhood housing services corporation;
4. A local housing authority, created pursuant to chapter 421;
5. A community redevelopment agency, created pursuant to s. 163.356;
6. The Florida Industrial Development Corporation;
7. An historic preservation district agency or organization;
8. A regional workforce board;
9. A direct-support organization as provided in s. 1009.983;
10. An enterprise zone development agency created pursuant to s. 290.0056;
11. A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;
12. Units of local government;
13. Units of state government; or
14. Such other agency as the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development may, from time to time, designate by rule.

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

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

(3) APPLICATION REQUIREMENTS.—

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

(b) Any business wishing to participate in this program must submit an application for tax credit to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, which application sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit.

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

(4) ADMINISTRATION.—

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

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

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

(d) The Department of Revenue has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

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

Section 92. Section 220.1895, Florida Statutes, is amended to read:

220.1895 Rural Job Tax Credit and Urban High-Crime Area Job Tax Credit.—There shall be allowed a credit against the tax imposed by this chapter amounts approved by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development pursuant to the Rural Job Tax Credit Program in s. 212.098 and the Urban High-Crime Area Job Tax Credit Program in s. 212.097. A corporation that uses its credit against the tax imposed by this chapter may not take the credit against the tax imposed by chapter 212. If any credit granted under this section is not fully used in the first year for which it becomes available, the unused amount may be carried forward for a period not to exceed 5 years. The carryover may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

Section 93. Section 220.1896, Florida Statutes, is amended to read:

220.1896 Jobs for the Unemployed Tax Credit Program.—

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

(a) “Eligible business” means any target industry business as defined in s. 288.106(2) which is subject to the tax imposed by this chapter. The eligible business does not have to be certified to receive the Qualified Target Industry Tax Refund Incentive under s. 288.106 in order to receive the tax credit available under this section.

~~(b) “Office” means the Office of Tourism, Trade, and Economic Development.~~

(b)(e) “Qualified employee” means a person:

1. Who was unemployed at least 30 days immediately before ~~prior~~ to being hired by an eligible business.

2. Who was hired by an eligible business on or after July 1, 2010, and had not previously been employed by the eligible business or its parent or an affiliated corporation.

3. Who performed duties connected to the operations of the eligible business on a regular, full-time basis for an average of at least 36 hours per week and for at least 12 months before an eligible business is awarded a tax credit.

4. Whose employment by the eligible business has not formed the basis for any other claim to a credit pursuant to this section.

(2) A certified business shall receive a \$1,000 tax credit for each qualified employee, pursuant to limitation in subsection (5).

(3)(a) In order to become a certified business, an eligible business must file under oath with the Department of Economic Opportunity office an application that includes:

1. The name, address and NAICS identifying code of the eligible business.
2. Relevant employment information.
3. A sworn affidavit, signed by each employee, attesting to his or her previous unemployment for whom the eligible business is seeking credits under this section.
4. Verification that the wages paid by the eligible business to each of its qualified employees exceeds the wage eligibility levels for Medicaid and other public assistance programs.
5. Any other information necessary to process the application.

(b) The Department of Economic Opportunity office shall process applications to certify a business in the order in which the applications are received, without regard as to whether the applicant is a new or an existing business. The Department of Economic Opportunity office shall review and approve or deny an application within 10 days after receiving a completed application. The Department of Economic Opportunity office shall notify the applicant in writing as to the department's office's decision.

(c)1. The Department of Economic Opportunity office shall submit a copy of the letter of certification to the Department of Revenue within 10 days after the Department of Economic Opportunity office issues the letter of certification to the applicant.

2. If the application of an eligible business is not sufficient to certify the applicant business, the Department of Economic Opportunity office must deny the application and issue a notice of denial to the applicant.

3. If the application of an eligible business does not contain sufficient documentation of the number of qualified employees, the Department of Economic Opportunity office shall approve the application with respect to the employees for whom the Department of Economic Opportunity office determines are qualified employees. The Department of Economic Opportunity office must deny the application with respect to persons for whom the Department of Economic Opportunity office determines are not qualified employees or for whom insufficient documentation has been provided. A business may not submit a revised application for certification or for the determination of a person as a qualified employee more than 3 months after the issuance of a notice of denial with respect to the business or a particular person as a qualified employee.

(4) The applicant for a tax credit under this section has the responsibility to affirmatively demonstrate to the satisfaction of the Department of

Economic Opportunity office and the Department of Revenue that the applicant and the persons claimed as qualified employees meet the requirements of this section.

(5) The total amount of tax credits under this section which may be approved by the Department of Economic Opportunity office for all applicants is \$10 million, with \$5 million available to be awarded in the 2011-2012 fiscal year and \$5 million available to be awarded in the 2012-2013 fiscal year.

(6) A tax credit amount that is granted under this section which is not fully used in the first year for which it becomes available may be carried forward to the subsequent taxable year. The carryover credit may be used in the subsequent year if the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(7) A person who fraudulently claims a credit under this section is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit. Such person also commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The Department of Economic Opportunity office may adopt rules governing the manner and form of applications for the tax credit. The Department of Economic Opportunity office may establish guidelines for making an affirmative showing of qualification for the tax credit under this section.

(9) The Department of Revenue may adopt rules to administer this section, including rules relating to the creation of forms to claim a tax credit and examination and audit procedures required to administer this section.

(10) This section expires June 30, 2012. However, a taxpayer that is awarded a tax credit in the second year of the program may carry forward any unused credit amount to the subsequent tax reporting period. Rules adopted by the Department of Revenue to administer this section shall remain valid as long as a taxpayer may use a credit against its corporate income tax liability.

Section 94. Subsection (1) of section 220.1899, Florida Statutes, is amended to read:

220.1899 Entertainment industry tax credit.—

(1) There shall be a credit allowed against the tax imposed by this chapter in the amounts awarded by the Department of Economic Opportunity Office ~~of Tourism, Trade, and Economic Development~~ under the entertainment industry financial incentive program in s. 288.1254.

Section 95. Paragraphs (e), (f), (g), and (h) of subsection (1), paragraph (a) of subsection (3), and subsections (5) and (6) of section 220.191, Florida Statutes, are amended to read:

220.191 Capital investment tax credit.—

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

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

(f) “Office” means the Office of Tourism, Trade, and Economic Development.

(f)(g) “Qualifying business” means a business which establishes a qualifying project in this state and which is certified by the Department of Economic Opportunity office to receive tax credits pursuant to this section.

(g)(h) “Qualifying project” means a facility in this state meeting one or more of the following criteria:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the Department of Economic Opportunity office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries. However, between July 1, 2011, and June 30, 2014, the requirement that a facility be in a high-impact sector is waived for any otherwise eligible business from another state which locates all or a portion of its business to a Disproportionally Affected County. For purposes of this section, the term “Disproportionally Affected County” means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.;

2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.106(2) s. 288.106(2)(t) and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area as defined in s. 288.106(2), and make a cumulative capital investment of at least \$100 million after July 1, 2005. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter may shall not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or

arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years. ~~or~~

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

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

(5) Applications shall be reviewed and certified pursuant to s. 288.061. The Department of Economic Opportunity office, upon a recommendation by Enterprise Florida, Inc., shall first certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.

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

Section 96. Subsection (2) of section 222.15, Florida Statutes, is amended to read:

222.15 Wages or unemployment compensation payments due deceased employee may be paid spouse or certain relatives.—

(2) It is also lawful for the Department of Economic Opportunity Agency for Workforce Innovation, in case of death of any unemployed individual, to pay to those persons referred to in subsection (1) any unemployment compensation payments that may be due to the individual at the time of his or her death.

Section 97. Subsections (3) and (4) of section 250.06, Florida Statutes, are amended to read:

250.06 Commander in chief.—

(3) The Governor may, in order to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, respond to an emergency as defined in s. 252.34(3) or imminent danger thereof, or, in case of the calling of all or any portion of the militia of this state ~~Florida~~ into the services of the United States, may increase the Florida National Guard and organize it in accordance with rules and regulations governing the Armed Forces of the United States. Such organization and increase may be pursuant to or in advance of any call made by the President of the United States. If the Florida National Guard is activated into service of the United States, another organization may not be designated as the Florida National Guard.

(4) The Governor may, in order to preserve the public peace, execute the laws of the state, enhance domestic security, respond to terrorist threats or attacks, respond to an emergency as defined in s. 252.34(3) or imminent danger thereof, or respond to any need for emergency aid to civil authorities as specified in s. 250.28, order into state active duty all or any part of the militia which he or she deems proper.

Section 98. Subsection (2) of section 252.34, Florida Statutes, is amended to read:

252.34 Definitions.—As used in this part ~~ss. 252.31-252.60~~, the term:

(2) “Division” means the Division of Emergency Management within the Executive Office of the Governor of the Department of Community Affairs, or the successor to that division.

Section 99. Paragraphs (j), (s), and (t) of subsection (2) of section 252.35, Florida Statutes, are amended to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties ~~under ss. 252.31-252.90~~, the division shall:

(j) ~~In cooperation with The Division of Emergency Management and the Department of Education, shall~~ coordinate with the Agency for Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited English skills and identify persons who are in need of assistance but are not defined under special-needs criteria.

(s) ~~By January 1, 2007, the Division of Emergency Management shall~~ Complete an inventory of portable generators owned by the state and local

governments which are capable of operating during a major disaster. The inventory must identify, at a minimum, the location of each generator, the number of generators stored at each specific location, the agency to which each generator belongs, the primary use of the generator by the owner agency, and the names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the division of ~~Emergency Management~~ during a declared emergency.

(t) ~~The division shall~~ Maintain an inventory list of generators owned by the state and local governments. In addition, the division may keep a list of private entities, along with appropriate contact information, which offer generators for sale or lease. The list of private entities shall be available to the public for inspection in written and electronic formats.

Section 100. Subsection (2) of section 252.355, Florida Statutes, is amended to read:

252.355 Registry of persons with special needs; notice.—

(2) The division ~~Department of Community Affairs~~ shall be the designated lead agency responsible for community education and outreach to the public, including special needs clients, regarding registration and special needs shelters and general information regarding shelter stays.

Section 101. Section 252.371, Florida Statutes, is amended to read:

252.371 Emergency Management, Preparedness, and Assistance Trust Fund.—There is created the Emergency Management, Preparedness, and Assistance Trust Fund to be administered by the division ~~Department of Community Affairs~~.

Section 102. Subsections (1) and (2) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.—

(1) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the division ~~Department of Community Affairs~~ for the following purposes:

(a) To implement and administer state and local emergency management programs, including administration, training, and operations.

(b) For grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the

State Fire Marshal's Office for coordinating the Florida fire services. The division shall establish criteria and procedures for competitive allocation of these funds by rule. No more than 5 percent of any award made pursuant to this subparagraph may be used for administrative expenses. This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.

(c) To meet any matching requirements imposed as a condition of receiving federal disaster relief assistance.

(2) The division ~~department~~ shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than 75,000 population or is party to an interjurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(b), that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

(b) Specifying a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount.

(c) Specifying match requirements.

(d) Preferential funding to provide incentives to counties and municipalities to participate in mutual aid agreements.

Section 103. Subsection (5) of section 252.55, Florida Statutes, is amended to read:

252.55 Civil Air Patrol, Florida Wing.—

(5) The wing commander of the Florida Wing of the Civil Air Patrol shall biennially furnish the division ~~Bureau of Emergency Management~~ a 2-year projection of the goals and objectives of the Civil Air Patrol which shall be reported in the division's biennial report submitted pursuant to s. 252.35.

Section 104. Subsection (4) of section 252.60, Florida Statutes, is amended to read:

252.60 Radiological emergency preparedness.—

(4) **POWERS AND DUTIES.**—In implementing the requirements of this section, the director of the division ~~secretary of the department~~, or the director's secretary's ~~designated representative~~, shall:

(a) Negotiate and enter into such additional contracts and arrangements among the division, appropriate counties, and each operator to provide for the level of funding and the respective roles of each in the development, preparation, testing, and implementation of the plans.

(b) Evaluate and determine the adequacy of the plans based upon consultations with the United States Nuclear Regulatory Commission and other agencies, as appropriate, and upon the results of such tests as may be conducted.

(c) Limited to such funding as is available based upon the requirements of subsection (5), require the participation of appropriate counties and operators in the development, preparation, testing, or implementation of the plans as needed.

(d) Determine the reasonableness and adequacy of the provisions, terms, and conditions of the plans and, in the event the appropriate counties and the operators cannot agree, resolve such differences and require compliance by the appropriate counties and the operators with the plans. In resolving such differences, the director secretary shall consider:

1. The requirements and parameters placed on the operators by federal law and agencies;

2. The reasonableness and adequacy of the funding for appropriate counties from any sources of funds other than local revenue sources; and

3. The reasonableness and appropriateness of the costs to the appropriate counties likely to be incurred in complying with provisions, terms, and conditions of the plans.

(e) Receive, expend, and disburse such funds as are made available by each licensee pursuant to this section.

(f) Limited to such funding as is available based upon the requirements of subsection (5), coordinate all activities undertaken pursuant to this section or required of appropriate counties and operators by any federal or state agency.

Section 105. Section 252.61, Florida Statutes, is amended to read:

252.61 List of persons for contact relating to release of toxic substances into atmosphere.—The Division of Emergency Management Department of Community Affairs shall maintain a list of contact persons ~~after the survey pursuant to s. 403.771 is completed.~~

Section 106. Section 252.82, Florida Statutes, is amended to read:

252.82 Definitions.—As used in this part:

(1) “Commission” means the State Hazardous Materials Emergency Response Commission created pursuant to s. 301 of EPCRA.

(2) “Committee” means any local emergency planning committee established in the state pursuant to s. 301 of EPCRA.

(3) “Division” means the Division of Emergency Management within the Executive Office of the Governor ~~“Department” means the Department of Community Affairs.~~

(4) “Facility” means facility as defined in s. 329 of EPCRA. Vehicles placarded according to title 49 Code of Federal Regulations are ~~shall~~ not be considered a facility except for purposes of s. 304 of EPCRA.

(5) “Hazardous material” means any hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of EPCRA.

(6) “EPCRA” means the Emergency Planning and Community Right-to-Know Act of 1986, title III of the Superfund Amendments and Reauthorization Act of 1986, ~~Pub. L. No. 99-499~~, ss. 300-329, 42 U.S.C. ss. 11001 et seq.; and federal regulations adopted thereunder.

(7) “Trust fund” means the Operating Trust Fund of the division ~~Department of Community Affairs.~~

Section 107. Section 252.83, Florida Statutes, is amended to read:

252.83 Powers and duties of the division ~~department~~.—

(1) The division ~~department~~ shall have the authority:

(a) To coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities under part I of this chapter, and activities and with the related activities of other agencies, keeping separate accounts for all activities supported or partially supported from the Operating Trust Fund.

(b) To make rules, with the advice and consent of the commission, to implement this part.

(2) The division ~~department~~ shall provide administrative support, including staff, facilities, materials, and services, to the commission and shall provide funding to the committees to enable the commission and the committees to perform their functions under EPCRA and this part.

(3) The division ~~department~~ and the commission, to the extent possible, shall use the emergency planning capabilities of local governments to reduce duplication and paperwork to achieve the intent of this part. It is the intent of the Legislature that this part be implemented in the most cost-efficient

manner possible, with the least possible financial impact on local government and the community.

Section 108. Subsections (1), (3), (4), and (5) of section 252.85, Florida Statutes, are amended to read:

252.85 Fees.—

(1) Any owner or operator of a facility required under s. 302 or s. 312 of EPCRA, or by s. 252.87, to submit a notification or an annual inventory form to the commission shall be required to pay an annual registration fee. The fee for any company, including all facilities under common ownership or control, shall not be less than \$25 nor more than \$2,000. The ~~division~~ department shall establish a reduced fee, of not less than \$25 nor more than \$500, applicable to any owner or operator regulated under part I of chapter 368, chapter 527, or s. 376.303, which does not have present any extremely hazardous substance, as defined by EPCRA, in excess of a threshold planning quantity, as established by EPCRA. The ~~division~~ department shall establish a reduced fee of not less than \$25 nor more than \$1,000, applicable to any owner or operator of a facility with a Standard Industrial Classification Code of 01, 02, or 07, which is eligible for the “routine agricultural use” exemption provided in ss. 311 and 312 of EPCRA. The fee under this subsection shall be based on the number of employees employed within the state at facilities under the common ownership or control of such owner or operator, which number shall be determined, to the extent possible, in accordance with data supplied by the Department of Economic Opportunity or its tax collection service provider ~~Labor and Employment Security~~. In order to avoid the duplicative reporting of seasonal and temporary agricultural employees, fees applicable to owners or operators of agricultural facilities, which are eligible for the “routine agricultural use” reporting exemption provided in ss. 311 and 312 of EPCRA, shall be based on employee data which most closely reflects such owner or operator’s permanent nonseasonal workforce. The ~~division~~ department shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection without regard to the number of facilities under common ownership or control. The ~~division~~ department may require owners or operators of multiple facilities to demonstrate common ownership or control for purposes of this subsection.

(3) Any owner or operator of a facility that is required to submit a report or filing under s. 313 of EPCRA shall pay an annual reporting fee not to exceed \$150 for those s. 313 EPCRA listed substances in effect on January 1, 2005. The ~~division~~ department shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection.

(4)(a) The ~~division~~ department may assess a late fee for the failure to submit a report or filing that substantially complies with the requirements of EPCRA or s. 252.87 by the specified date or for failure to pay any fee, including any late fee, required by this section. This late fee shall be in

addition to the fee otherwise imposed pursuant to this section. If the division department elects to impose a late fee, it shall provide the owner or operator with a written notice that identifies the specific requirements which have not been met and advises of its intent to assess a late fee.

(b) The division department may impose a late fee, subject to the limitations set forth below:

1. If the report, filing, or fee is submitted within 30 days after the receipt of the division's department's notice, no late fee may be assessed.

2. If the report, filing, or fee is not submitted within 30 days after the receipt of the division's department's notice, the division department may impose a late fee in an amount equal to the amount of the annual registration fee, filing fee, or s. 313 fee due, not to exceed \$2,000.

3. If the report, filing, or fee is not submitted within 90 days after the receipt of the division's department's notice, the division department may issue a second notice. If the report, filing, or fee is not submitted within 30 days after receipt of the division's department's second notice, the division department may assess a second late fee in an amount equal to twice the amount of the annual registration fee, filing fee, or s. 313 fee due, not to exceed \$4,000.

4. The division department may consider, but is not limited to considering, the following factors in assessing late fees: good faith attempt to comply; history of noncompliance; ability to pay or continue in business; threat to health and safety posed by noncompliance; and degree of culpability.

(5) The division department shall establish by rule the dates by which the fee is to be paid, as well as a formula or method of determining the facility registration fee and late fee.

Section 109. Subsections (1) and (3) of section 252.86, Florida Statutes, are amended to read:

252.86 Penalties and remedies.—

(1) The owner or operator of a facility, an employer, or any other person submitting written information pursuant to EPCRA or this part to the commission, a committee, or a fire department shall be liable for a civil penalty of \$5,000 for each item of information in the submission that is false, if such person knew or should have known the information was false or if such person submitted the information with reckless disregard of its truth or falsity. The division department may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for the amount indicated in this subsection. However, the court may receive evidence in mitigation.

(3) Any provision of s. 325 or s. 326 of EPCRA which creates a federal cause of action shall create a corresponding cause of action under state law,

with jurisdiction in the circuit courts. Any provision of s. 325 or s. 326 of EPCRA which imposes or authorizes the imposition of a civil penalty by the Administrator of the Environmental Protection Agency, or which creates a liability to the United States, shall impose or authorize the imposition of such a penalty by the division department or create such a liability to and for the benefit of the state, to be paid into the Operating Trust Fund. Venue shall be proper in the county where the violation occurred or where the defendant has its principal place of business.

Section 110. Subsections (4) and (7) of section 252.87, Florida Statutes, are amended to read:

252.87 Supplemental state reporting requirements.—

(4) Each employer that owns or operates a facility in this state at which hazardous materials are present in quantities at or above the thresholds established under ss. 311(b) and 312(b) of EPCRA shall comply with the reporting requirements of ss. 311 and 312 of EPCRA. Such employer shall also be responsible for notifying the division department, the local emergency planning committee, and the local fire department in writing within 30 days if there is a discontinuance or abandonment of the employer's business activities that could affect any stored hazardous materials.

(7) The division department shall avoid duplicative reporting requirements by using ~~utilizing~~ the reporting requirements of other state agencies that regulate hazardous materials to the extent feasible and shall request the information authorized under EPCRA. With the advice and consent of the State Emergency Response Commission for Hazardous Materials, the division department may require by rule that the maximum daily amount entry on the chemical inventory report required under s. 312 of EPCRA provide for reporting in estimated actual amounts. The division department may also require by rule an entry for the Federal Employer Identification Number on this report. To the extent feasible, the division department shall encourage and accept required information in a form initiated through electronic data interchange and shall describe by rule the format, manner of execution, and method of electronic transmission necessary for using such form. To the extent feasible, the Department of Financial Services, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Public Service Commission, the Department of Revenue, ~~the Department of Labor and Employment Security~~, and other state agencies which regulate hazardous materials shall coordinate with the division department in order to avoid duplicative requirements contained in each agency's respective reporting or registration forms. The other state agencies that inspect facilities storing hazardous materials and suppliers and distributors of covered substances shall assist the division department in informing the facility owner or operator of the requirements of this part. The division department shall provide the other state agencies with the necessary information and materials to inform the owners and operators of the requirements of this part to ensure that the budgets of these agencies are not adversely affected.

Section 111. Subsection (4) of section 252.88, Florida Statutes, is amended to read:

252.88 Public records.—

(4) The division ~~department~~, the commission, and the committees shall furnish copies of public records submitted under EPCRA or this part, and may charge a fee of \$1 per page per person per year for over 25 pages of materials copied.

Section 112. Subsections (3), (8), (9), and (19) of section 252.936, Florida Statutes, are amended to read:

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

(3) “Audit” means a review of information at, ~~a stationary source subject to s. 112(r)(7), or submitted by, a stationary source subject to s. 112(r)(7), to determine whether that stationary source is in compliance with the requirements of this part and rules adopted to~~ administer ~~implement~~ this part. Audits must include a review of the adequacy of the stationary source’s Risk Management Plan, may consist of reviews of information submitted to the division ~~department~~ or the United States Environmental Protection Agency to determine whether the plan is complete or whether revisions to the plan are needed, and the reviews may be conducted at the stationary source to confirm that information onsite is consistent with reported information.

(8) “Division” means the Division of Emergency Management in the Executive Office of the Governor “~~Department~~” means the ~~Department of Community Affairs~~.

(9) “Inspection” means a review of information at a stationary source subject to s. 112(r)(7), including documentation and operating practices and access to the source and to any area where an accidental release could occur, to determine whether the stationary source is in compliance with the ~~requirements of this part or rules adopted to~~ administer ~~implement~~ this part.

(19) “Trust fund” means the Operating Trust Fund of the division ~~established in the department’s Division of Emergency Management~~.

Section 113. Section 252.937, Florida Statutes, is amended to read:

252.937 Division ~~Department~~ powers and duties.—

(1) The division ~~department~~ has the power and duty to:

(a)1. Seek delegation from the United States Environmental Protection Agency to implement the Accidental Release Prevention Program under s. 112(r)(7) of the Clean Air Act and the federal implementing regulations for specified sources subject to s. 112(r)(7) of the Clean Air Act. Implementation for all other sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~ be performed by the United States Environmental Protection Agency; and

2. Ensure the timely submission of Risk Management Plans and any subsequent revisions of Risk Management Plans.

(b) Adopt, modify, and repeal rules, with the advice and consent of the commission, necessary to obtain delegation from the United States Environmental Protection Agency and to administer the s. 112(r)(7) Accidental Release Prevention Program in this state for the specified stationary sources with no expansion or addition of the regulatory program.

(c) Make and execute contracts and other agreements necessary or convenient to the administration ~~implementation~~ of this part.

(d) Coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities and activities under parts I, II, and III of this chapter and with the related activities of other state and local agencies, keeping separate accounts for all activities conducted under this part which are supported or partially supported from the trust fund.

(e) Establish, with the advice and consent of the commission, a technical assistance and outreach program ~~on or before January 31, 1999,~~ to assist owners and operators of specified stationary sources subject to s. 112(r)(7) in complying with the reporting and fee requirements of this part. This program is designed to facilitate and ensure timely submission of proper certifications or compliance schedules and timely submission and registration of Risk Management Plans and revised registrations and Risk Management Plans if ~~when~~ required for these sources.

(f) Make a quarterly report to the State Emergency Response Commission on income and expenses for the state's Accidental Release Prevention Program under this part.

(2) To ensure that this program is self-supporting, the division ~~department~~ shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and ~~shall~~ provide necessary funding to local emergency planning committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources subject to this part shall enter into a memorandum of understanding with the division ~~department~~ which specifically outlines how each agency's staff, facilities, materials, and services will be used ~~utilized~~ to support implementation. ~~At a minimum, these agencies and programs include: the Department of Environmental Protection's Division of Air Resources Management and Division of Water Resource Management, and the Department of Labor and Employment Security's Division of Safety. It is the Legislature's intent to implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.~~

(3) To prevent the duplication of investigative efforts and resources, the division ~~department~~, on behalf of the commission, shall coordinate with any federal agencies or agents thereof, including the federal Chemical Safety and Hazard Investigation Board, or its successor, which are performing accidental release investigations for specified stationary sources, and may coordinate with any agencies of the state which are performing accidental release investigations. This accidental release investigation coordination is not intended to limit or take the place of any individual agency accidental release investigation under separate authority.

(4) To promote efficient administration of this program and specified stationary sources, ~~the only~~ the division ~~agency which~~ may seek delegation from the United States Environmental Protection Agency for this program is ~~the Florida Department of Community Affairs~~. Further, the division may ~~Florida Department of Community Affairs shall not~~ delegate this program to any local environmental agency.

Section 114. Section 252.943, Florida Statutes, is amended to read:

252.943 Public records.—

(1) ~~The division~~ Department of Community Affairs shall protect records, reports, or information or particular parts thereof, other than release or emissions data, contained in a risk management plan from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the division ~~department~~ are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to an order of court.

(2) ~~The division~~ department shall protect records, reports, or information or particular parts thereof, other than release or emissions data, obtained from an investigation, inspection, or audit from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the division ~~department~~ are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental

Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to a court ~~an order of court~~.

Section 115. Section 252.946, Florida Statutes, is amended to read:

252.946 Public records.—With regard to information submitted to the United States Environmental Protection Agency under this part or s. 112(r)(7), the division ~~Department of Community Affairs~~, the State Hazardous Materials Emergency Response Commission, and any local emergency planning committee may assist persons in electronically accessing such information held by the United States Environmental Protection Agency in its centralized database. If requested, the division ~~department~~, the commission, or a committee may furnish copies of such United States Environmental Protection Agency records.

Section 116. Subsections (3) and (4) of section 255.042, Florida Statutes, are amended to read:

255.042 Shelter in public buildings.—

(3) The Division of Emergency Management ~~Department of Community Affairs~~ shall, in those cases in which the architect-engineer firm does not possess the specialized training required for the inclusion of fallout protection in building design and upon request from the architect-engineer concerned or the responsible state or local agency, provide, at no cost to the architect-engineer or agency, professional development service to increase fallout protection through shelter slanting and cost-reduction techniques.

(4) Nothing in this section ~~establishes~~ ~~act~~ ~~shall be construed as~~ ~~establishing~~ a mandatory requirement for the incorporation of fallout shelter in the construction of, modification of, or addition to the public buildings concerned. It is mandatory, however, that the incorporation of such protection be given every consideration through acceptable shelter slanting and cost-reduction techniques. The responsible state or local official shall determine whether cost, or other related factors, precludes or makes impracticable the incorporation of fallout shelter in public buildings. Further, the Division of Emergency Management ~~Department of Community Affairs~~ may waive the requirement for consideration of shelter in those cases where presently available shelter spaces equal or exceed the requirements of the area concerned.

Section 117. Paragraph (b) of subsection (1) of section 255.099, Florida Statutes, is amended to read:

255.099 Preference to state residents.—

(1) Each contract for construction that is funded by state funds must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work on the project if state residents have substantially equal qualifications to those of

nonresidents. A contract for construction funded by local funds may contain such a provision.

(b) A contractor required to employ state residents must contact the Department of Economic Opportunity Agency for Workforce Innovation to post the contractor’s employment needs in the state’s job bank system.

Section 118. Subsection (4) of section 258.004, Florida Statutes, is amended to read:

258.004 Duties of division.—

(4) The Division of Recreation and Parks shall provide consultation assistance to the ~~Department of Community Affairs~~ and to local governing units as to the protection, organization, and administration of local recreation systems and the planning and design of local recreation areas and facilities.

Section 119. Paragraph (b) of subsection (1) of section 259.035, Florida Statutes, is amended to read:

259.035 Acquisition and Restoration Council.—

(1) There is created the Acquisition and Restoration Council.

(b) The four ~~five~~ remaining appointees shall be composed of the Secretary of Environmental Protection, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State, ~~and the secretary of the Department of Community Affairs~~, or their respective designees.

Section 120. Paragraphs (c) and (j) of subsection (3) of section 259.105, Florida Statutes, are amended to read:

259.105 The Florida Forever Act.—

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(c) Twenty-one percent to the Department of Environmental Protection ~~Community Affairs~~ for use by the Florida Communities Trust for the purposes of part III of chapter 380, as described and limited by this subsection, and grants to local governments or nonprofit environmental organizations that are tax-exempt under s. 501(c)(3) of the United States Internal Revenue Code for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government

comprehensive plans. From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. The Legislature intends that the Florida Communities Trust emphasize funding projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities. At least 30 percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the Trust shall be selected in a competitive process measured against criteria adopted in rule by the Trust.

(j) Two and five-tenths percent to the Department of Environmental Protection ~~Community Affairs~~ for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within the Florida communities trust pursuant to s. 380.5105.

Section 121. Paragraph (d) of subsection (1) of section 260.0142, Florida Statutes, is amended to read:

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

(1) There is created within the department the Florida Greenways and Trails Council which shall advise the department in the execution of the department's powers and duties under this chapter. The council shall be composed of 20 ~~21~~ members, consisting of:

(d) The 9 ~~10~~ remaining members shall include:

1. The Secretary of Environmental Protection or a designee.
2. The executive director of the Fish and Wildlife Conservation Commission or a designee.

~~3.—The Secretary of Community Affairs or a designee.~~

3.4. The Secretary of Transportation or a designee.

4.5. The Director of the Division of Forestry of the Department of Agriculture and Consumer Services or a designee.

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

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

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

8.9. A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection ~~in consultation with the Secretary of Community Affairs~~. Membership on the council shall rotate among the seven regional planning councils. The regional planning councils shall determine the order of rotation.

9.10. A representative of local governments to be appointed by the Secretary of Environmental Protection ~~in consultation with the Secretary of Community Affairs~~. Membership shall alternate between a county representative and a municipal representative.

Section 122. Paragraph (b) of subsection (4) of section 267.0625, Florida Statutes, is amended to read:

267.0625 Abrogation of offensive and derogatory geographic place names.—

(4) The division shall:

(b) Notify the Department of Transportation, the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, the Department of Management Services, and any other entity that compiles information for or develops maps or markers for the state of the name change so that it may be reflected on subsequent editions of any maps, informational literature, or markers produced by those entities.

Section 123. Section 272.11, Florida Statutes, is amended to read:

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

Section 124. Paragraph (a) of subsection (4) of section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A state e-mail system that includes the delivery and support of e-mail, messaging, and calendaring capabilities is established as an enterprise information technology service as defined in s. 282.0041. The service shall be designed to meet the needs of all executive branch agencies. The primary goals of the service are to minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

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

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

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

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

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

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

Section 125. Paragraphs (a) and (d) of subsection (1) and subsection (4) of section 282.709, Florida Statutes, are amended to read:

282.709 State agency law enforcement radio system and interoperability network.—

(1) The department may acquire and administer a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, establish policies, procedures, and standards to be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(d) The department shall exercise its powers and duties under this part to plan, manage, and administer the mutual aid channels in the statewide radio communication system.

1. In implementing such powers and duties, the department shall consult and act in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

2. The department may make the mutual aid channels available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security.

(4) The department may create and administer an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The office may:

1. Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.

2. Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The department may not charge state law enforcement agencies identified in paragraph (2)(a) to use the network.

3. In consultation with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.

(b) The department, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 126. Subsection (2) of section 287.0931, Florida Statutes, is amended to read:

287.0931 Minority business enterprises; participation in bond underwriting.—

(2) To meet such participation requirement, the minority firm must have full-time employees located in this state, must have a permanent place of business located in this state, and must be a firm which is at least 51-percent-owned by minority persons as defined in s. 288.703(3). However, for the purpose of bond underwriting only, the requirement that the minority person be a permanent resident of this state does ~~shall~~ not apply.

Section 127. Paragraph (e) of subsection (2) of section 287.0943, Florida Statutes, is amended to read:

287.0943 Certification of minority business enterprises.—

(2)

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

1. Link ownership by a minority person; as defined in s. 288.703(3), or as dictated by the legal obligations of a certifying organization, to day-to-day control and financial risk by the qualifying minority owner, and to demonstrated expertise or licensure of a minority owner in any trade or profession that the minority business enterprise will offer to the state when certified. Businesses must comply with all state licensing requirements before ~~prior to~~ becoming certified as a minority business enterprise.

2. If present ownership was obtained by transfer, require the minority person on whom eligibility is based to have owned at least 51 percent of the applicant firm for a minimum of 2 years, when any previous majority ownership interest in the firm was by a nonminority who is or was a relative, former employer, or current employer of the minority person on whom eligibility is based. This requirement does ~~shall~~ not apply to minority persons who are otherwise eligible who take a 51-percent-or-greater interest in a firm that requires professional licensure to operate and who will be the qualifying licenseholder for the firm when certified. A transfer made within a related immediate family group from a nonminority person to a minority person in order to establish ownership by a minority person shall be deemed to have been made solely for purposes of satisfying certification criteria and shall render such ownership invalid for purposes of qualifying for such certification if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subparagraph, the term “related immediate family group” means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

3. Require that prospective certified minority business enterprises be currently performing or seeking to perform a useful business function. A “useful business function” is defined as a business function which results in the provision of materials, supplies, equipment, or services to customers. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. As used in this section, the term “acting as a conduit” means, in part, not acting as a regular dealer by making sales of material, goods, or supplies from items bought, kept in stock, and regularly sold to the public in the usual course of business. Brokers, manufacturer’s representatives, sales representatives, and nonstocking distributors are considered as conduits that do not perform a useful business function, unless normal industry practice dictates.

Section 128. Paragraph (n) of subsection (4) of section 287.09451, Florida Statutes, is 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:

(n)1. To develop procedures to be used by an agency in identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those architectural, engineering, construction, or other related services or contracts subject to the provisions of chapter 339, that could be provided by minority business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended

for contractual services during the previous fiscal year, except for the state university construction program which shall be based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703(2), or approved joint ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:

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

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

c. For commodities: 2 percent for black Americans, 4 percent for Hispanic-Americans, 0.5 percent for Asian-Americans, 0.5 percent for Native Americans, and 17 percent for American women.

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

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, the terms “minority business enterprise” and has the same meaning as provided in s. 288.703. “minority person” have has the same meanings meaning as provided in s. 288.703(3). In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the department, with the assistance of the Office of Supplier Diversity, shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1996.

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

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

- a. Size and complexity of the project.
- b. The concentration of transactions with minority business enterprises for the commodity or contractual services in question in prior agency contracting.
- c. The specificity and definition of work allocated to participating minority business enterprises.
- d. The capacity of participating minority business enterprises to complete the tasks identified in the project.
- e. The available pool of minority business enterprises as prime contractors, either alone or as partners in an approved joint venture that serves as the prime contractor.

5. To determine guidelines for use of joint ventures to meet minority business enterprises spending goals. For purposes of this section, "joint venture" means any association of two or more business concerns to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills, and knowledge. The guidelines shall allow transactions with joint ventures to be eligible for credit against the minority business enterprise goals of an agency when the contracting joint venture demonstrates that at least one partner to the joint venture is a certified minority business enterprise as defined in s. 288.703, and that such partner is responsible for a clearly defined portion of the work to be performed, and shares in the ownership, control, management, responsibilities, risks, and profits of the joint venture. Such demonstration shall be by verifiable documents and sworn statements and may be reviewed by the Office of Supplier Diversity at or before the time a contract bid, proposal, or reply is submitted. An agency may count toward its minority business enterprise goals a portion of the total dollar amount of a contract equal to the percentage of the ownership and control held by the qualifying certified minority business partners in the contracting joint venture, so long as the joint venture meets the guidelines adopted by the office.

Section 129. Subsections (1) and (5) of section 287.0947, Florida Statutes, are amended to read:

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

(1) ~~On or after October 1, 1996, The Secretary of Management Services the Department of Labor and Employment Security~~ may create the Florida Advisory Council on Small and Minority Business Development with the purpose of advising and assisting the secretary in carrying out the secretary's

duties with respect to minority businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of 19 persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703(3), considering also gender and nationality subgroups, and shall consist of the following:

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

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

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

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

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

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

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

(5) The powers and duties of the council include, but are not limited to: researching and reviewing the role of small and minority businesses in the state's economy; reviewing issues and emerging topics relating to small and minority business economic development; studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small businesses; assessing the implementation of s. 187.201(21) ~~187.201(22)~~, requiring a state economic development comprehensive plan, as it relates to small and minority businesses; assessing the reasonableness and effectiveness of

efforts by any state agency or by all state agencies collectively to assist minority business enterprises; and advising the Governor, the secretary, and the Legislature on matters relating to small and minority business development which are of importance to the international strategic planning and activities of this state.

Section 130. Section 288.012, Florida Statutes, is amended to read:

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

(1) The department Office of Tourism, Trade, and Economic Development is authorized to:

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

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in other foreign countries which contain ~~containing provisions that~~ which may be in conflict with the general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in another country's foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of another country's foreign currency by the ~~department Office of Tourism, Trade, and Economic Development~~ to meet such obligations shall be subject only to s. 216.311.

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

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

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

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

(d) Identification of new and emerging market opportunities for Florida businesses. ~~Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to Enterprise Florida, Inc., the Florida Commission on Tourism, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture and Consumer Services, trade industry, commodity, and opportunity information. This information shall be provided to such offices and entities either free of charge or on a fee basis with fees set only to recover the costs of providing the information.~~

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

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

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

- (a) The number of Florida companies assisted.
- (b) The number of inquiries received about investment opportunities in this state.
- (c) The number of trade leads generated.
- (d) The number of investment projects announced.
- (e) The estimated U.S. dollar value of sales confirmations.
- (f) The number of representation agreements.

- (g) The number of company consultations.
- (h) Barriers or other issues affecting the effective operation of the office.
- (i) Changes in office operations which are planned for the current fiscal year.
- (j) Marketing activities conducted.
- (k) Strategic alliances formed with organizations in the country in which the office is located.
- (l) Activities conducted with Florida's other ~~Florida~~ international ~~foreign~~ offices.
- (m) Any other information that the office believes would contribute to an understanding of its activities.

(4) ~~The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~, in connection with the establishment, operation, and management of any of its offices located in ~~another~~ a ~~foreign~~ country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.0056 and 282.702-282.7101 relating to communications, and from all statutory provisions relating to state employment.

(a) ~~The department Office of Tourism, Trade, and Economic Development~~ may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified international ~~foreign~~ office, such action shall constitute continuing authority for the ~~department~~ Office of Tourism, Trade, and Economic Development to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

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

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

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

(6) ~~The department Office of Tourism, Trade, and Economic Development~~ is authorized to make and to enter into contracts with Enterprise Florida, Inc., and ~~the Florida Commission on Tourism~~ to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., and ~~the Florida Commission on Tourism~~ to the same degree and subject to the same conditions as applied to the department Office of Tourism, Trade, and Economic Development. To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between private businesses and state entities, international, foreign entities, and local governmental entities, and ~~private businesses~~ to operate international foreign offices.

(7) The Governor may designate a state protocol officer. The state protocol officer shall be housed within the Executive Office of the Governor. In consultation with the Governor and other governmental officials, the state protocol officer shall develop, maintain, publish, and distribute the state protocol manual.

Section 131. Subsections (1) and (3) of section 288.017, Florida Statutes, are amended to read:

288.017 Cooperative advertising matching grants program.—

(1) ~~Enterprise Florida, Inc., The Florida Commission on Tourism~~ is authorized to establish a cooperative advertising matching grants program and, pursuant thereto, to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of publicizing the tourism advantages of the state. ~~The department Office of Tourism, Trade, and Economic Development, based on recommendations from Enterprise Florida, Inc. the Florida Commission on Tourism,~~ shall have final approval of grants awarded through this program. Enterprise Florida, Inc., ~~The commission~~ may contract with its direct-support organization to administer the program.

(3) ~~Enterprise Florida, Inc., The Florida Commission on Tourism~~ shall conduct an annual competitive selection process for the award of grants under the program. In determining its recommendations for the grant awards, the commission shall consider the demonstrated need of the applicant for advertising assistance, the feasibility and projected benefit of the applicant's proposal, the amount of nonstate funds that will be leveraged, and such other criteria as the commission deems appropriate. In evaluating grant applications, the department Office shall consider recommendations from Enterprise Florida, Inc. the Florida Commission on Tourism. ~~The~~

department Office, however, has final approval authority for any grant under this section.

Section 132. Section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—

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

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

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

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

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

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

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

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

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

Section 133. Subsection (4) of section 288.019, Florida Statutes, is amended to read:

288.019 Rural considerations in grant review and evaluation processes. Notwithstanding any other law, and to the fullest extent possible, the member agencies and organizations of the Rural Economic Development Initiative (REDI) as defined in s. 288.0656(6)(a) shall review all grant and loan application evaluation criteria to ensure the fullest access for rural counties as defined in s. 288.0656(2) to resources available throughout the state.

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

Section 134. Subsection (1) of section 288.021, Florida Statutes, is amended to read:

288.021 Economic development liaison.—

(1) The heads of the Department of Transportation, the Department of Environmental Protection and an additional member appointed by the secretary of the department, ~~the Department of Labor and Employment Security,~~ the Department of Education, ~~the Department of Community Affairs,~~ the Department of Management Services, the Department of Revenue, the Fish and Wildlife Conservation Commission, each water management district, and each Department of Transportation District office shall designate a high-level staff member from within such agency to serve as the economic development liaison for the agency. This person shall report to the agency head and have general knowledge both of the state's permitting and other regulatory functions and of the state's economic goals, policies, and programs. This person shall also be the primary point of contact for the agency with the ~~department Office of Tourism, Trade, and Economic Development~~ on issues and projects important to the economic development of Florida, including its rural areas, to expedite project review, to ensure a prompt, effective response to problems arising with regard to permitting and

regulatory functions, and to work closely with the other economic development liaisons to resolve interagency conflicts.

Section 135. Section 288.0251, Florida Statutes, is amended to read:

288.0251 International development outreach activities in Latin America and Caribbean Basin.—The ~~department Office of Tourism, Trade, and Economic Development~~ may contract for the implementation of Florida's international volunteer corps to provide short-term training and technical assistance activities in Latin America and the Caribbean Basin. The entity contracted under this section must require that such activities be conducted by qualified volunteers who are citizens of the state. The contracting agency must have a statewide focus and experience in coordinating international volunteer programs.

Section 136. Subsection (1) of section 288.035, Florida Statutes, is amended to read:

288.035 Economic development activities.—

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

Section 137. Section 288.037, Florida Statutes, is amended to read:

288.037 Department of State; agreement with county tax collector.—In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of State may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the Department of State's department's agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the Department of State.

Section 138. Subsection (3) of section 288.041, Florida Statutes, is amended to read:

288.041 Solar energy industry; legislative findings and policy; promotional activities.—

(3) By January 15 of each year, the Department of Environmental Protection shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the impact of the solar energy industry on the economy of this state and shall make any recommendations

on initiatives to further promote the solar energy industry as the Department of Environmental Protection deems appropriate.

Section 139. Subsections (9) and (10) of section 288.047, Florida Statutes, are amended to read:

288.047 Quick-response training for economic development.—

(9) Notwithstanding any other provision of law, eligible matching contributions received under the Quick-Response Training Program under this section may be counted toward the private sector support of Enterprise Florida, Inc., under s. 288.904 ~~s. 288.9015(5)(d)~~.

(10) Workforce Florida, Inc., and Enterprise Florida, Inc., shall ensure maximum coordination and cooperation in administering this section, in such a manner that any division of responsibility between the two organizations which relates to marketing or administering the Quick-Response Training Program is not apparent to a business that inquires about or applies for funding under this section. ~~The organizations shall provide such~~ A business shall be provided with a single point of contact for information and assistance.

Section 140. Section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(1) ~~The Department of Economic Opportunity may Office of Tourism, Trade, and Economic Development is authorized to make, and based on a recommendation from Enterprise Florida, Inc., to approve, expenditures and enter into contracts for direct costs of transportation projects with the appropriate governmental body. Each application shall be reviewed and certified pursuant to s. 288.061. The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall provide the Department of Tourism, Trade, and Economic Development, and the Department of Environmental Protection, and the Department of Community Affairs with an opportunity to formally review and comment on recommended transportation projects, although the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development has final approval authority for any project under this section.~~

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

(a) Specify and identify the transportation project to be constructed for a new or expanding business and the number of full-time permanent jobs that will result from the project.

(b) Require that the appropriate governmental body award the construction of the particular transportation project to the lowest and best bidder in accordance with applicable state and federal statutes or regulations unless

the project can be constructed with existing local government employees within the contract period specified by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.

(c) Require that the appropriate governmental body provide the department Office of Tourism, Trade, and Economic Development with quarterly progress reports. Each quarterly progress report shall contain a narrative description of the work completed according to the project schedule, a description of any change orders executed by the appropriate governmental body, a budget summary detailing planned expenditures versus actual expenditures, and identification of minority business enterprises used as contractors and subcontractors. Records of all progress payments made for work in connection with such transportation projects, and any change orders executed by the appropriate governmental body and payments made pursuant to such orders, shall be maintained by that governmental body in accordance with accepted governmental accounting principles and practices and shall be subject to financial audit as required by law. In addition, the appropriate governmental body, upon completion and acceptance of the transportation project, shall make certification to the department Office of Tourism, Trade, and Economic Development that the project has been completed in compliance with the terms and conditions of the contractual agreements between the department Office of Tourism, Trade, and Economic Development and the appropriate governmental body and meets minimum construction standards established in accordance with s. 336.045.

(d) Specify that the department Office of Tourism, Trade, and Economic Development shall transfer funds upon receipt of a request for funds from the local government, on no more than a quarterly basis, consistent with project needs. A contract totaling less than \$200,000 is exempt from this transfer requirement. The department may Office of Tourism, Trade, and Economic Development shall not transfer any funds unless construction has begun on the facility of the business on whose behalf the award was made. Local governments shall expend funds in a timely manner.

(e) Require that program funds be used only on those transportation projects that have been properly reviewed and approved in accordance with the criteria set forth in this section.

(f) Require that the governing board of the appropriate local governmental body agree by resolution to accept future maintenance and other attendant costs occurring after completion of the transportation project if the project is construction on a county or municipal system.

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the department Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. ~~Except for applications received prior to July 1, 1996,~~ Such transportation projects shall be approved only as a

consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 75,000 or less that creates new employment opportunities or expands or retains employment in the county. The ~~department~~ Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the ~~department~~ Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Subject to appropriation for projects under this section, any appropriation greater than \$10 million shall be allocated to each of the districts of the Department of Transportation to ensure equitable geographical distribution. Such allocated funds that remain uncommitted by the third quarter of the fiscal year shall be reallocated among the districts based on pending project requests.

(4) The ~~Department of Economic Opportunity~~ Office of Tourism, Trade, and Economic Development may adopt criteria by which transportation projects are to be reviewed and certified in accordance with s. 288.061. In approving transportation projects for funding, the ~~Department of Economic Opportunity~~ Office of Tourism, Trade, and Economic Development shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; the poverty rate of the community; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j). The ~~Department of Economic Opportunity~~ Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.

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

(6) The Department of Transportation shall review the proposed projects to ensure proper coordination with transportation projects included in the

adopted work program and may be the contracting agency when the project is on the State Highway System. In addition, upon request by the appropriate governmental body, the Department of Environmental Protection may advise and assist it or plan and construct other such transportation projects for it.

(7) For the purpose of this section, Space Florida may serve as the local government or as the contracting agency for transportation projects within spaceport territory as defined by s. 331.304.

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

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

(10) In addition to the other provisions of this section, projects that the Legislature deems necessary to facilitate the economic development and growth of the state may be designated and funded in the General Appropriations Act. Such transportation projects create new employment opportunities, expand transportation infrastructure, improve mobility, or increase transportation innovation. The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall enter into contracts with, and make expenditures to, the appropriate entities for the costs of transportation projects designated in the General Appropriations Act.

Section 141. Subsections (1), (2), and (3) of section 288.065, Florida Statutes, are amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

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

(2)(a) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or fewer, or within any county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer, based on the most recent official population estimate as determined under s. 186.901, including those residing in incorporated areas and those residing in unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of critical economic concern.

(b) Requests for loans shall be made by application to the department Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and the department Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the applicant.

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

(3) The department Office of Tourism, Trade, and Economic Development shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The department Office of Tourism, Trade, and Economic Development shall have final approval authority for any loan under this section.

Section 142. Subsections (1), (2), (3), and (4) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(1) There is created within the department Office of Tourism, Trade, and Economic Development the Rural Infrastructure Fund to facilitate the planning, preparing, and financing of infrastructure projects in rural communities which will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development.

(2)(a) Funds appropriated by the Legislature shall be distributed by the department Office through grant programs that maximize the use of federal,

local, and private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the department Office may award grants for up to 30 percent of the total infrastructure project cost. If an application for funding is for a catalyst site, as defined in s. 288.0656, the department Office may award grants for up to 40 percent of the total infrastructure project cost. Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; broadband facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities, publicly owned telecommunications facilities, and broadband facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and
2. Such utilities as defined herein are willing and able to provide such service.

(c) To facilitate timely response and induce the location or expansion of specific job creating opportunities, the department Office may award grants for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Authorized grants shall be up to \$50,000 for an employment project with a business committed to create at least 100 jobs~~;~~, up to \$150,000 for an employment project with a business committed to create at least 300 jobs~~;~~, and up to \$300,000 for a project in a rural area of critical economic concern. Grants awarded under

this paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent of the total project cost. In evaluating applications under this paragraph, the department Office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

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

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

(3) The department office, in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation ~~VISIT~~ Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of the economic benefit of the projects and their long-term viability. The department office shall have final approval for any grant under this section.

(4) ~~By September 1, 2012~~ 1999, the department office shall, in consultation with the organizations listed in subsection (3), and other organizations, reevaluate existing ~~develop~~ guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The department office shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration and level of local public and private commitment, whether the project is located ~~location of the project~~ in an enterprise zone, ~~the location of the project~~ in a community

development corporation service area, or in an urban high-crime area as the location of the project in a county designated under s. 212.097, the unemployment rate of the county in which the project would be located surrounding area, and the poverty rate of the community.

Section 143. Paragraph (b) of subsection (1), paragraphs (b) and (e) of subsection (2), paragraph (a) of subsection (6), and paragraphs (b) and (c) of subsection (7) of section 288.0656, Florida Statutes, are amended to read:

288.0656 Rural Economic Development Initiative.—

(1)(b) The Rural Economic Development Initiative, known as “REDI,” is created within the department Office of Tourism, Trade, and Economic Development, and the participation of state and regional agencies in this initiative is authorized.

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

(b) “Catalyst site” means a parcel or parcels of land within a rural area of critical economic concern that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the department Office of Tourism, Trade, and Economic Development for the purposes of locating a catalyst project.

(e) “Rural community” means:

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

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

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

1. ~~The Department of Community Affairs.~~

- ~~1.2.~~ The Department of Transportation.
- ~~2.3.~~ The Department of Environmental Protection.
- ~~3.4.~~ The Department of Agriculture and Consumer Services.
- ~~4.5.~~ The Department of State.
- ~~5.6.~~ The Department of Health.
- ~~6.7.~~ The Department of Children and Family Services.
- ~~7.8.~~ The Department of Corrections.
- ~~9.~~ ~~The Agency for Workforce Innovation.~~
- ~~8.10.~~ The Department of Education.
- ~~9.11.~~ The Department of Juvenile Justice.
- ~~10.12.~~ The Fish and Wildlife Conservation Commission.
- ~~11.13.~~ Each water management district.
- ~~12.14.~~ Enterprise Florida, Inc.
- ~~13.15.~~ Workforce Florida, Inc.
- ~~14.16.~~ ~~The Florida Commission on Tourism or~~ VISIT Florida.
- ~~15.17.~~ The Florida Regional Planning Council Association.
- ~~16.18.~~ The Agency for Health Care Administration.
- ~~17.19.~~ The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the executive director of the department ~~Office of Tourism, Trade, and Economic Development~~.

(7)

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

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

Section 144. Subsections (2) and (3) of section 288.06561, Florida Statutes, are amended to read:

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

(2) Agencies and organizations shall ensure that all proposals are submitted to the department Office of Tourism, Trade, and Economic Development for review by the REDI agencies.

(3) These proposals shall be delivered to the department Office of Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. A meeting of REDI agencies and organizations must be called within 30 days after receipt of such proposals for REDI comment and recommendations on each proposal.

Section 145. Subsections (2) and (4) of section 288.0657, Florida Statutes, are amended to read:

288.0657 Florida rural economic development strategy grants.—

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

(4) The department Enterprise Florida, Inc., and VISIT Florida, shall establish criteria for reviewing grant applications. These criteria shall include, but are not limited to, the degree of participation and commitment by the local community and the application's consistency with local comprehensive plans or the application's proposal to ensure such consistency. The department International Trade and Economic Development Board of Enterprise Florida, Inc., and VISIT Florida, shall review each application for a grant and shall submit annually to the Office for approval a list of all applications that are recommended by the board and VISIT Florida, arranged in order of priority. The department office may approve grants only to the extent that funds are appropriated for such grants by the Legislature.

Section 146. Section 288.0658, Florida Statutes, is amended to read:

288.0658 Nature-based recreation; promotion and other assistance by Fish and Wildlife Conservation Commission.—The Florida Fish and Wildlife Conservation Commission is directed to assist Enterprise Florida, Inc. ~~the Florida Commission on Tourism~~; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments through the provision of marketing advice, technical expertise, promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Florida Fish and Wildlife Conservation Commission shall focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. As used in this section, the term “nature-based recreation” means leisure activities related to the state’s lands, waters, and fish and wildlife resources, including, but not limited to, wildlife viewing, fishing, hiking, canoeing, kayaking, camping, hunting, backpacking, and nature photography.

Section 147. Section 288.0659, Florida Statutes, is amended to read:

288.0659 Local Government Distressed Area Matching Grant Program.

(1) The Local Government Distressed Area Matching Grant Program is created within the department ~~Office of Tourism, Trade, and Economic Development~~. The purpose of the program is to stimulate investment in the state’s economy by providing grants to match demonstrated business assistance by local governments to attract and retain businesses in this state.

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

(a) “Local government” means a county or municipality.

~~(b) “Office” means the Office of Tourism, Trade, and Economic Development.~~

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

(3) The department ~~Office~~ may accept and administer moneys appropriated by the Legislature ~~to the Office~~ for providing grants to match expenditures by local governments to attract or retain businesses in this state.

(4) A local government may apply for grants to match qualified business assistance made by the local government for the purpose of attracting or retaining a specific business. A local government may apply for no more than one grant per targeted business. A local government may only have one

application pending with the department Office. Additional applications may be filed after a previous application has been approved or denied.

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

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

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

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

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

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

(6) In evaluating grant requests, the department Office shall take into consideration the need for grant assistance as it relates to the local government's general fund balance as well as local incentive programs that are already in existence.

(7) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the department Office determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Funds made available pursuant to this section may not be used by the receiving local government to supplant matching commitments required of the local government pursuant to other state or federal incentive programs.

(8) Within 30 days after the department Office receives an application for a grant, the department Office shall approve a preliminary grant allocation or disapprove the application. The preliminary grant allocation shall be based on estimates of qualified business assistance submitted by the local government and shall equal 50 percent of the amount of the estimated

qualified business assistance or \$50,000, whichever is less. The preliminary grant allocation shall be executed by contract with the local government. The contract shall set forth the terms and conditions, including the timeframes within which the final grant award will be disbursed. The final grant award may not exceed the preliminary grant allocation. The department Office may approve preliminary grant allocations only to the extent that funds are appropriated for such grants by the Legislature.

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

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

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

(10) Up to 2 percent of the funds appropriated annually by the Legislature for the program may be used by the department Office for direct administrative costs associated with implementing this section.

Section 148. Paragraph (a) of subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

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

(a) “Economic development agency” means:

1. ~~The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development;~~

2. Any industrial development authority created in accordance with part III of chapter 159 or by special law;

3. Space Florida created in part II of chapter 331;

4. The public economic development agency of a county or municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto;

5. Any research and development authority created in accordance with part V of chapter 159; or

6. Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

Section 149. Paragraphs (c), (h), (p), and (r) of subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g) of subsection (5), paragraphs (a), (b), and (c) of subsection (6), and subsections (7) and (8) of section 288.1045, Florida Statutes, are amended, and present paragraphs (i) through (u) of subsection (1) are redesignated as paragraphs (h) through (s), respectively, to read:

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

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

(c) “Business unit” means an employing unit, as defined in s. 443.036, that is registered with the department ~~Agency for Workforce Innovation~~ for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by the department ~~Agency for Workforce Innovation~~ as a reporting unit.

(h) —“Director” means the ~~director of the Office of Tourism, Trade, and Economic Development.~~

(p) —“Office” means the ~~Office of Tourism, Trade, and Economic Development.~~

(p)(r) —“Qualified applicant” means an applicant that has been approved by the department ~~director~~ to be eligible for tax refunds pursuant to this section.

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

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

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

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

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

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

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

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

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

c. Emergency excise taxes paid pursuant to chapter 221.

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

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

f. State communications services taxes administered under chapter 202. This provision does not apply to the gross receipts tax imposed under chapter 203 and administered under chapter 202 or the local communications services tax authorized under s. 202.19.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the department Office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section. ~~The addition of communications services taxes administered under chapter 202 is remedial in nature and retroactive to October 1, 2001. The Office may make supplemental tax refund payments to allow for tax refunds for communications services taxes paid by an eligible qualified defense contractor after October 1, 2001.~~

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the department Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

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

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the department Office which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, after a proposal has been submitted for a new space flight business contract in this state, after the applicant has made the decision to consolidate an existing space flight business contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

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

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

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

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

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

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

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

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

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

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

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

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

12. Any additional information requested by the department Office.

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

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

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

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

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

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

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

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

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

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

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

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

12. Any additional information requested by the department Office.

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

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

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

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

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

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

6. The commencement date for project operations under the contract in this state.

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

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

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

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

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

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

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

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

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

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

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

5. A business unit of the applicant must have derived not less than 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the applicant's last fiscal year, and must have derived not less than an average of 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

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

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

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

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

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

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

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

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

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

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the

expected long-term commitment of the applicant to economic growth and employment in this state.

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

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

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

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

(j) Applications for certification based upon a new space flight business contract or the consolidation of a space flight business contract must be submitted to the department ~~office~~ as prescribed by the department ~~office~~ and must include, but are not limited to, the following information:

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

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

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

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

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

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

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

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

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

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

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

12. Any additional information requested by the department office.

(4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the department Office containing, but not limited to, the following:

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

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

3. An agreement with the department Office allowing the department Office to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

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

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

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

1. A qualified applicant may submit, in writing, a request to the department ~~Office~~ for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the qualified applicant's industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified applicant have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

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

3. As a condition for receiving a prorated refund under paragraph (5)(g) or an economic-stimulus exemption under this paragraph, a qualified applicant must agree to renegotiate its tax refund agreement with the department ~~Office~~ to, at a minimum, ensure that the terms of the agreement comply with current law and the ~~the~~ Office ~~procedures of the department~~ governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the department ~~Office~~ shall renegotiate the tax refund agreement with the qualified applicant as required by this subparagraph. When amending the agreement of a qualified applicant receiving an economic-stimulus exemption, the department ~~Office~~ may extend the duration of the agreement for a period not to exceed 2 years.

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

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

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

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

“This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in s. 288.1045, Florida Statutes.”

(5) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, qualified applicants who have entered into a written agreement with the department Office pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, entered into a valid new space flight business contract, commenced the consolidation of a space flight business contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs, or entered into a valid contract for reuse of a defense-related facility must apply by January 31 of each fiscal year to the department Office for tax refunds scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The department Office may, upon written request, grant a 30-day extension of the filing date. The application must include a notarized signature of an officer of the applicant.

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

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

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the department director that it has achieved at least 80 percent of its projected employment and that the average wage paid by the qualified applicant is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private sector wage in the area available at the time of certification. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified applicant would have been eligible, if all applicable requirements had been

satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.

(6) ADMINISTRATION.—

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

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

(c) To facilitate the process of monitoring and auditing applications made under this program, the department Office may provide a list of qualified applicants to the Department of Revenue, ~~to the Agency for Workforce Innovation~~, or to any local government or authority. The department Office may request the assistance of said entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (2).

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

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

Section 150. Paragraphs (d), (f), (n), (p), (r), and (t) of subsection (2), paragraphs (a), (b), (e), and (f) of subsection (3), subsection (4), paragraphs (a), (b), and (c) of subsection (5), paragraphs (a), (c), (f), and (g) of subsection (6), and subsection (7) are amended, present paragraphs (g) through (u) of subsection (2) are redesignated as paragraphs (f) through (n), respectively, and subsection (8) is created in section 288.106, Florida Statutes, to read:

288.106 Tax refund program for qualified target industry businesses.—

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

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

(f) ~~“Director” means the Director of the Office of Tourism, Trade, and Economic Development.~~

(n) ~~“Office” means the Office of Tourism, Trade, and Economic Development.~~

(n)(p) “Qualified target industry business” means a target industry business approved by the department Office to be eligible for tax refunds under this section.

(q) ~~“Return on investment” means the gain in state revenues as a percentage of the state’s investment. The state’s investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.~~

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

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

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

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

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis, except for businesses in the renewable energy industry.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. Special consideration should also be given to the development of strong industrial clusters that include defense and homeland security businesses.

6. Positive economic impact benefits.—The industry is expected to have strong positive economic impacts on or benefits to the state or regional economies.

The term does not include any business engaged in retail industry activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and Enterprise Florida, Inc., make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, the department Office, in consultation with Enterprise Florida, Inc., economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

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

(b)1. Upon approval by the department ~~Office~~, a qualified target industry business shall be allowed tax refund payments equal to \$3,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or equal to \$6,000 multiplied by the number of jobs if the project is located in a rural community or an enterprise zone.

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

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

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

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

b. Increases exports of its goods through a seaport or airport in the state by at least 10 percent in value or tonnage in each of the years that the business receives a tax refund under this section. For purposes of this sub-subparagraph, seaports in the state are limited to the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

(e) However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption previously granted to that business for any of the taxes listed in paragraph (d). If a refund for such taxes is provided by the department ~~office~~, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the department ~~office~~ within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(f) Refunds made available under this section may not be expended in connection with the relocation of a business from one community to another

community in the state unless the department Office determines that, without such relocation, the business will move outside the state or determines that the business has a compelling economic rationale for relocation and that the relocation will create additional jobs.

(4) APPLICATION AND APPROVAL PROCESS.—

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

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

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

3. A description of the type of business activity or product covered by the project, including a minimum of a five-digit NAICS code for all activities included in the project. As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President, and updated periodically.

4. The proposed number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state, if applicable.

6. The anticipated commencement date of the project.

7. A brief statement explaining the role that the estimated tax refunds to be requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. An estimate of the proportion of the cost of the machinery and equipment, and any other resources necessary in the development of its product or service, to be used by the business in its Florida operations which will be purchased outside this state.

10. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that the project be approved as a qualified target industry business and specifies that the commitments of local financial support necessary for the target industry business exist. Before the passage of such resolution, the department office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subparagraph, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing board.

11. Any additional information requested by the department Office.

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

1.a. The jobs proposed to be created under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The governing board of the local governmental entity providing the local financial support of the jurisdiction ~~county~~ where the qualified target industry business is to be located shall notify the department Office and Enterprise Florida, Inc., which calculation of the average private sector wage in the area must be used as the basis for the business's wage commitment. In determining the average annual wage, the department Office shall include only new proposed jobs, and wages for existing jobs shall be excluded from this calculation.

b. The department Office may waive the average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The department Office may waive the wage requirement for a project located in a brownfield area designated under s. 376.80, in a rural city, in a rural community, in an enterprise zone, or for a manufacturing project at any location in the state if the jobs proposed to be created pay an estimated annual average wage equaling at least 100 percent of the average private sector wage in the area where the business is to be located, only if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing, and the specific justification for the waiver recommendation must be explained. If the department Office elects to waive the wage requirement, the waiver must be stated in writing, and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at the project and, in the case of an expansion of an existing business, must result in a net increase in employment of at least 10 percent at the business. At the request of the local governing body recommending the project and Enterprise Florida, Inc., the department Office may waive this requirement for a business in a rural community or enterprise zone if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a request, the request must be transmitted in writing, and the specific justification for the request must be explained. If the department Office elects to grant the request, the grant must be stated in writing, and the reason for granting the request must be explained.

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

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

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

2. The economic benefits return on investment of the proposed award of tax refunds under this section and the economic benefits of return on investment for state incentives proposed for the project. The term "economic benefits" has the same meaning as in s. 288.005. The Office of Economic and Demographic Research shall review and evaluate the methodology and model used to calculate the economic benefits return on investment and shall report its findings by September 1 of every 3rd year, ~~beginning September 1, 2010,~~ to the President of the Senate and the Speaker of the House of Representatives.

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

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

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

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

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

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

(d) Applications shall be reviewed and certified pursuant to s. 288.061. The department Office shall include in its review projections of the tax refunds the business would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year. If appropriate, the department Office shall enter into a written agreement with the qualified target industry business pursuant to subsection (5).

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

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

(5) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the department Office that specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

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

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

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

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

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

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

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

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

2. Upon receipt of a request under subparagraph 1., the department Office has 45 days to notify the requesting business, in writing, whether its extension has been granted or denied. In determining whether an extension

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

3. As a condition for receiving a prorated refund under paragraph (6)(e) or an economic recovery extension under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the department Office to, at a minimum, ensure that the terms of the agreement comply with current law and the department's office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic recovery extension, the department Office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic recovery extension, the department Office may extend the duration of the agreement for a period not to exceed 2 years.

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

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

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

(6) ANNUAL CLAIM FOR REFUND.—

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

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

(f) The department Office, with such assistance as may be required from the Department of Revenue ~~or the Agency for Workforce Innovation~~, shall, by June 30 following the scheduled date for submission of the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified target industry business for the annual tax refund. The department Office may grant an extension of this date on the request of the qualified target industry business for the purpose of filing additional information in support of the claim.

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

(7) ADMINISTRATION.—

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

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

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

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

(8) SPECIAL INCENTIVES.—If the department determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may, between July 1, 2011, and June 30, 2014, waive any or all wage or local financial support eligibility requirements and allow a qualified target industry business from another state which relocates all or a portion of its business to a Disproportionally Affected County to receive a tax refund payment of up to \$6,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. over the term of the agreement. Prior to granting such waiver, the executive director of the department shall file with the Governor a written statement of the conditions and circumstances constituting the reason for the waiver. Such business shall be eligible for the additional tax refund payments specified in subparagraph (3)(b)4. if it meets the criteria. As used in this section, the term “Disproportionally Affected County” means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

Section 151. Paragraphs (d), (e), (f), (g) and (h) of subsection (1), subsection (2), paragraphs (a), (b), (f), (g), (h), and (i) of subsection (4), and subsection (5) of section 288.107, Florida Statutes, are amended to read:

288.107 Brownfield redevelopment bonus refunds.—

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

~~(d) “Director” means the director of the Office of Tourism, Trade, and Economic Development.~~

~~(d)(e)~~ “Eligible business” means:

1. A qualified target industry business as defined in s. 288.106(2); or

2. A business that can demonstrate a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas, or at least \$500,000 in brownfield areas that do not require site cleanup, and that provides benefits to its employees.

~~(e)(f)~~ “Jobs” means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result directly from a project in this state. The term does not include temporary construction jobs involved with the construction of facilities for the project and which are not associated with the implementation of the site rehabilitation as provided in s. 376.80.

~~(g) “Office” means The Office of Tourism, Trade, and Economic Development.~~

~~(f)~~^(h) “Project” means the creation of a new business or the expansion of an existing business as defined in s. 288.106.

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

(a) A bonus refund of \$2,500 shall be allowed to any qualified target industry business as defined in s. 288.106 for each new Florida job created in a brownfield area that is claimed on the qualified target industry business’s annual refund claim authorized in s. 288.106(6).

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

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield area, a business must have been certified as a qualified target industry business under s. 288.106 or eligible business as defined in paragraph (1)(d) ~~paragraph (1)(e)~~ and must have indicated on the qualified target industry business tax refund application form submitted in accordance with s. 288.106(4) or other similar agreement for other eligible business as defined in paragraph (1)(d) ~~paragraph (1)(e)~~ that the project for which the application is submitted is or will be located in a brownfield area and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry business tax refund agreement with the department Office that indicates that the business has been certified as a qualified target industry business located in a brownfield area and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

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

(f) Applications shall be reviewed and certified pursuant to s. 288.061. The department Office shall review all applications submitted under s.

288.106 or other similar application forms for other eligible businesses as defined in ~~paragraph (1)(d)~~ paragraph (1)(e) which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.

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

(h) The department director, with such assistance as may be required from ~~the Office~~ and the Department of Environmental Protection, shall specify by written final order the amount of the brownfield redevelopment bonus refund that is authorized for the qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the department office.

(i) The total amount of the bonus refunds approved by the department director under this section in any fiscal year must not exceed the total amount appropriated to the Economic Development Incentives Account for this purpose for the fiscal year. In the event that the Legislature does not appropriate an amount sufficient to satisfy projections by the department Office for brownfield redevelopment bonus refunds under this section in a fiscal year, the department Office shall, not later than July 15 of such year, determine the proportion of each brownfield redevelopment bonus refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of brownfield redevelopment bonus refund claims for the fiscal year. The amount of each claim for a brownfield redevelopment bonus tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for brownfield redevelopment tax refunds, the department Office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(5) ADMINISTRATION.—

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

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

Section 152. Subsection (2), paragraphs (b), (d), and (e) of subsection (3), subsection (4), paragraphs (a) and (c) of subsection (5), and subsections (6) and (7) of section 288.108, Florida Statutes, are amended to read:

288.108 High-impact business.—

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

~~(c)(a)~~ “Eligible high-impact business” means a business in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the department Office of Tourism, Trade, and Economic Development as provided in subsection (5), which is making a cumulative investment in the state of at least \$50 million and creating at least 50 new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least \$25 million and creating at least 25 new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years after the date the business is certified as a qualified high-impact business.

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

~~(e)~~ “Office” means the Office of Tourism, Trade, and Economic Development.

~~(d)~~ “Director” means the director of the Office of Tourism, Trade, and Economic Development.

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

~~(d)(f)~~ “Fiscal year” means the fiscal year of the state.

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

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

~~(g)(i)~~ “Research and development” means basic and applied research in science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and

development does not mean market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities or technical services.

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

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

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

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

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

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

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

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

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

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

~~(4) OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE GRANTS.—~~

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

(b) If the Legislature does not appropriate an amount sufficient to satisfy the qualified high-impact business performance grant payments scheduled for any fiscal year, the department Office shall, not later than July 15 of that year, determine the proportion of each grant payment which may be paid by dividing the amount appropriated for qualified high-impact business performance grant payments for the fiscal year by the total performance grant payments scheduled in all performance grant agreements for the fiscal year. The amount of each grant scheduled for payment in that fiscal year must be multiplied by the resulting quotient. All businesses affected by this calculation must be notified by August 1 of each fiscal year. If, after the payment of all the refund claims, funds remain in the appropriation for payment of qualified high-impact business performance grants, the department Office shall recalculate the proportion for each performance grant payment and adjust the amount of each claim accordingly.

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

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

1. A complete description of the type of facility, business operations, and product or service associated with the project.
2. The number of full-time equivalent jobs that will be created by the project and the average annual wage of those jobs.
3. The cumulative amount of investment to be dedicated to this project within 3 years.
4. A statement concerning any special impacts the facility is expected to stimulate in the sector, the state, or regional economy and in state universities and community colleges.
5. A statement concerning the role the grant will play in the decision of the applicant business to locate or expand in this state.
6. Any additional information requested by the department Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.

(c) The department director and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant payments.

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

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

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

(c) To begin the process of selecting and designating a new high-impact sector, Enterprise Florida, Inc., shall undertake a thorough study of the proposed sector. This study must consider the definition of the sector, including the types of facilities which characterize the sector that might qualify for a high-impact performance grant and whether a powerful incentive like the high-impact performance grant is needed to induce major facilities in the sector to locate or grow in this state; the benefits

that major facilities in the sector have or could have on the state's economy and the relative significance of those benefits; the needs of the sector and major sector facilities, including natural, public, and human resources and benefits and costs with regard to these resources; the sector's current and future markets; the current fiscal and potential fiscal impacts of the sector, to both the state and its communities; any geographic opportunities or limitations with regard to the sector, including areas of the state most likely to benefit from the sector and areas unlikely to benefit from the sector; the state's advantages or disadvantages with regard to the sector; and the long-term expectations for the industry on a global level and in the state. If Enterprise Florida, Inc., finds favorable conditions for the designation of the sector as a high-impact sector, it shall include in the study recommendations for a complete and comprehensive sector strategy, including appropriate marketing and workforce strategies for the entire sector and any recommendations that Enterprise Florida, Inc., may have for statutory or policy changes needed to improve the state's business climate and to attract and grow Florida businesses, particularly small businesses, in the proposed sector. The study shall reflect the finding of the sector-business network specified in paragraph (d).

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

(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during at least one the meeting per calendar year of leaders in business, government, education, workforce development, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision required in s. 14.2015(2)(e).

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

Enterprise Florida, Inc., may recommend that the department office consider the designation of the sector as a high-impact business sector.

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

(h) If the department Office designates the sector as a high-impact sector, it shall, within 30 days, notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of its decision and provide a complete report on its decision, including copies of the material provided by Enterprise Florida, Inc., and the department's ~~Office of Tourism, Trade, and Economic Development's~~ evaluation and comment on any statutory or policy changes recommended by Enterprise Florida, Inc.

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

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

Section 153. Subsections (1), (2), (4), (5), (6), and (9) of section 288.1083, Florida Statutes, are amended to read:

288.1083 Manufacturing and Spaceport Investment Incentive Program.

(1) The Manufacturing and Spaceport Investment Incentive Program is created within the department ~~office of Tourism, Trade, and Economic Development~~. The purpose of the program is to encourage capital investment and job creation in manufacturing and spaceport activities in this state.

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

(a) “Base year purchases” means the total cost of eligible equipment purchased and placed into service in this state by an eligible entity in its tax year that began in 2008.

~~(b) “Department” means the Department of Revenue.~~

(b)(e) “Eligible entity” means an entity that manufactures, processes, compounds, or produces items for sale of tangible personal property or engages in spaceport activities. The term also includes an entity that engages in phosphate or other solid minerals severance, mining, or processing operations. The term does not include electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm that does not manufacture, process, compound, or produce for sale items of tangible personal property or that does not use such machinery and equipment in spaceport activities.

~~(c)(d)~~ (c)(e) “Eligible equipment” means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities, and that is located and placed into service in this state. A building and its structural components are not eligible equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air-conditioning systems are not eligible equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories only to the extent that the exemption of such parts and accessories is consistent with ~~the provisions of this paragraph.~~

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

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

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

(4) To receive a refund, a business entity must first apply to the department office for a tax refund allocation. The entity shall provide such information in the application as reasonably required by the department office. Further, the business entity shall provide such information as is

required by the department ~~office~~ to establish the cost incurred and actual sales and use tax paid to purchase eligible equipment located and placed into service in this state during its taxable year that began in 2008.

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

(b) Refund allocations made during the 2010-2011 fiscal year shall be awarded in the same order in which applications are received. Eligible entities may apply to the department ~~office~~ beginning July 1, 2010, for refunds attributable to eligible equipment purchases made during the 2010-2011 fiscal year. For the 2010-2011 fiscal year, the department ~~office~~ shall allocate the maximum amount of \$50,000 per entity until the entire \$19 million available for refund in state fiscal year 2010-2011 has been allocated. If the total amount available for allocation during the 2010-2011 fiscal year is allocated, the department ~~office~~ shall continue taking applications. Each applicant shall be informed of its place in the queue and whether the applicant received an allocation of the eligible funds.

(c) Refund allocations made during the 2011-2012 fiscal year shall first be given to any applicants remaining in the queue from the prior fiscal year. The department ~~office~~ shall allocate the maximum amount of \$50,000 per entity, first to those applicants that remained in the queue from 2010-2011 for eligible purchases in 2010-2011, then to applicants for 2011-2012 in the order applications are received for eligible purchases in 2011-2012. The department ~~office~~ shall allocate the maximum amount of \$50,000 per entity until the entire \$24 million available to be allocated for refund in the 2011-2012 fiscal year is allocated. If the total amount available for refund in 2011-2012 has been allocated, the department ~~office~~ shall continue to accept applications from eligible entities in the 2011-2012 fiscal year for refunds attributable to eligible equipment purchases made during the 2011-2012 fiscal year. Refund allocations made during the 2011-2012 fiscal year shall be awarded in the same order in which applications are received. Upon submitting an application, each applicant shall be informed of its place in the queue and whether the applicant has received an allocation of the eligible funds.

(5) Upon completion of eligible equipment purchases, a business entity that received a refund allocation from the department ~~office~~ must apply to the department ~~office~~ for certification of a refund. For eligible equipment purchases made during the 2010-2011 fiscal year, the application for certification must be made no later than September 1, 2011. For eligible equipment purchases made during the 2011-2012 fiscal year, the application for certification must be made no later than September 1, 2012. The application shall provide such documentation as is reasonably required by the department ~~office~~ to calculate the refund amount, including documentation necessary to confirm the cost of eligible equipment purchases supporting the claim of the sales and use tax paid thereon. Further, the business entity shall provide such documentation as required by the department ~~office~~ to establish the entity's base year purchases. If, upon reviewing the application,

the department office determines that eligible equipment purchases did not occur, that the amount of tax claimed to have been paid or remitted on the eligible equipment purchases is not supported by the documentation provided, or that the information provided to the department office was otherwise inaccurate, the amount of the refund allocation not substantiated shall not be certified. Otherwise, the department office shall determine and certify the amount of the refund to the eligible entity and to the department within 30 days after the department office receives the application for certification.

(6) Upon certification of a refund for an eligible entity, the entity shall apply to the Department of Revenue within 30 days for payment of the certified amount as a refund on a form prescribed by the Department of Revenue. The Department of Revenue may request documentation in support of the application and adopt emergency rules to administer the refund application process.

(9) The department office shall adopt emergency rules governing applications for, issuance of, and procedures for allocation and certification and may establish guidelines as to the requisites for demonstrating base year purchases and eligible equipment purchases.

Section 154. Subsections (2) and (3) of section 288.1088, Florida Statutes, are amended to read:

288.1088 Quick Action Closing Fund.—

(2) There is created within the department ~~Office of Tourism, Trade, and Economic Development~~ the Quick Action Closing Fund. Projects eligible for receipt of funds from the Quick Action Closing Fund shall:

- (a) Be in an industry as referenced in s. 288.106.
- (b) Have a positive economic benefit payback ratio of at least 5 to 1.
- (c) Be an inducement to the project's location or expansion in the state.
- (d) Pay an average annual wage of at least 125 percent of the areawide or statewide private sector average wage.
- (e) Be supported by the local community in which the project is to be located.

(3)(a) The department and Enterprise Florida, Inc., shall jointly review applications pursuant to s. 288.061 and determine the eligibility of each project consistent with the criteria in subsection (2). Waiver of Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development, may waive these criteria ~~may be considered under the following criteria:~~

1. Based on extraordinary circumstances;

2. In order to mitigate the impact of the conclusion of the space shuttle program; or

3. In rural areas of critical economic concern if the project would significantly benefit the local or regional economy.

(b) ~~The department Enterprise Florida, Inc., shall evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:~~

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

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

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

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

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

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

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

b. The historical market performance of the company;

c. A review of any independent evaluations of the company;

d. A review of the latest audit of the company's financial statement and the related auditor's management letter; and

e. A review of any other types of audits that are related to the internal and management controls of the company.

(c)1. ~~Within 7 business 22 calendar days after evaluating a project, the department receiving the evaluation and recommendation from Enterprise Florida, Inc., the director of the Office of Tourism, Trade, and Economic~~

Development shall recommend to the Governor approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund. In recommending a project, the department ~~director~~ shall include proposed performance conditions that the project must meet to obtain incentive funds.

2. The Governor may approve projects without consulting the Legislature for projects requiring less than \$2 million in funding.

3. For projects requiring funding in the amount of \$2 million to \$5 million, the Governor shall provide a written the description and evaluation of a project projects recommended for approval to the chair and vice chair of the Legislative Budget Commission at least 10 days prior to President of the Senate and the Speaker of the House of Representatives and consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. At least 14 days before releasing funds for a project, the Executive Office of the Governor shall recommend approval of the project and the release of funds by delivering notice of such action pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in order to obtain funds.

4. If the chair or vice chair of the Legislative Budget Commission or the President of the Senate or the Speaker of the House of Representatives timely advises the Executive Office of the Governor, in writing, that such action or proposed action exceeds the delegated authority of the Executive Office of the Governor or is contrary to legislative policy or intent, the Executive Office of the Governor shall void the release of funds and instruct the department Office of Tourism, Trade, and Economic Development to immediately change such action or proposed action until the Legislative Budget Commission or the Legislature addresses the issue. Notwithstanding such requirement, any project exceeding \$5 million \$2,000,000 must be approved by the Legislative Budget Commission prior to the funds being released.

(d) Upon the approval of the Governor, the department ~~director~~ of the Office of Tourism, Trade, and Economic Development and the business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. The contract must provide that payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature.

(e) Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract

to the Governor, President of the Senate, and the Speaker of the House of Representatives.

Section 155. Subsection (1), paragraphs (b), (d), (e), (f), and (o) of subsection (2), and subsections (3) through (9), (11), and (12) of section 288.1089, Florida Statutes, are amended, and present paragraphs (g) through (n) and (p) through (s) of subsection (2) are redesignated as paragraphs (e) through (o), respectively, to read:

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development, innovation business, and alternative and renewal energy projects.

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

(b) “Average private sector wage” means the statewide average wage in the private sector or the average of all private sector wages in the county or in the standard metropolitan area in which the project is located as determined by the department ~~Agency for Workforce Innovation~~.

(d) “Commission” means the ~~Florida Energy and Climate Commission~~.

(f) “Director” means the ~~director of the Office of Tourism, Trade, and Economic Development~~.

(o) “Office” means the ~~Office of Tourism, Trade, and Economic Development~~.

(3) To be eligible for consideration for an innovation incentive award, an innovation business, a research and development entity, or an alternative and renewable energy company must submit a written application to the department ~~Enterprise Florida, Inc.~~, before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant’s federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the department office in writing before ~~prior to~~ the disbursement of any payments under this section.

(b) The location in this state at which the project is located or is to be located.

(c) A description of the type of business activity, product, or research and development undertaken by the applicant, including six-digit North

American Industry Classification System codes for all activities included in the project.

- (d) The applicant's projected investment in the project.
- (e) The total investment, from all sources, in the project.
- (f) The number of net new full-time equivalent jobs in this state the applicant anticipates having created as of December 31 of each year in the project and the average annual wage of such jobs.
- (g) The total number of full-time equivalent employees currently employed by the applicant in this state, if applicable.
- (h) The anticipated commencement date of the project.
- (i) A detailed explanation of why the innovation incentive is needed to induce the applicant to expand or locate in the state and whether an award would cause the applicant to locate or expand in this state.
- (j) If applicable, an estimate of the proportion of the revenues resulting from the project that will be generated outside this state.

(4) To qualify for review by the department office, the applicant must, at a minimum, establish the following to the satisfaction of the department Enterprise Florida, Inc., and the office:

(a) The jobs created by the project must pay an estimated annual average wage equaling at least 130 percent of the average private sector wage. The department office may waive this average wage requirement at the request of Enterprise Florida, Inc., for a project located in a rural area, a brownfield area, or an enterprise zone, when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. A recommendation for waiver by Enterprise Florida, Inc., must include a specific justification for the waiver and be transmitted to the department office in writing. If the department director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

- (b) A research and development project must:
 1. Serve as a catalyst for an emerging or evolving technology cluster.
 2. Demonstrate a plan for significant higher education collaboration.
 3. Provide the state, at a minimum, a break-even return on investment within a 20-year period.
 4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones.

(c) An innovation business project in this state, other than a research and development project, must:

1.a. Result in the creation of at least 1,000 direct, new jobs at the business; or

b. Result in the creation of at least 500 direct, new jobs if the project is located in a rural area, a brownfield area, or an enterprise zone.

2. Have an activity or product that is within an industry that is designated as a target industry business under s. 288.106 or a designated sector under s. 288.108.

3.a. Have a cumulative investment of at least \$500 million within a 5-year period; or

b. Have a cumulative investment that exceeds \$250 million within a 10-year period if the project is located in a rural area, brownfield area, or an enterprise zone.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones.

(d) For an alternative and renewable energy project in this state, the project must:

1. Demonstrate a plan for significant collaboration with an institution of higher education;

2. Provide the state, at a minimum, a break-even return on investment within a 20-year period;

3. Include matching funds provided by the applicant or other available sources. The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones;

4. Be located in this state; and

5. Provide at least 35 direct, new jobs that pay an estimated annual average wage that equals at least 130 percent of the average private sector wage.

(5) The department Enterprise Florida, Inc., shall review evaluate proposals pursuant to s. 288.061 for all three categories of innovation incentive awards and transmit recommendations for awards to the office. Before making a recommendation to the executive director, the department its recommendations on alternative and renewable energy projects, Enterprise Florida, Inc., shall solicit comments and recommendations from the

Department of Agriculture and Consumer Services Florida Energy and Climate Commission. For each project, the evaluation and recommendation to the department office must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant's location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to meet or maintain performance conditions.

(l) Additional evaluative criteria for a research and development facility project, including:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.

2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.

3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.

4. A description of the project’s contribution to the diversity and resiliency of the innovation economy of this state.

5. A description of the project’s impact on special needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(m) Additional evaluative criteria for alternative and renewable energy proposals, including:

1. The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The Department of Agriculture and Consumer Services ~~commission~~ shall give greater preference to projects that provide such matching funds or other in-kind contributions.

2. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

3. The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

4. The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

5. The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

6. The degree to which a project demonstrates efficient use of energy and material resources.

7. The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

8. The ability to administer a complete project.

9. Project duration and timeline for expenditures.

10. The geographic area in which the project is to be conducted in relation to other projects.

11. The degree of public visibility and interaction.

(6) ~~In consultation with Enterprise Florida, Inc.,~~ The department office may negotiate the proposed amount of an award for any applicant meeting the requirements of this section. In negotiating such award, the department office shall consider the amount of the incentive needed to cause the applicant to locate or expand in this state in conjunction with other relevant

applicant impact and cost information and analysis as described in this section. Particular emphasis shall be given to the potential for the project to stimulate additional private investment and high-quality employment opportunities in the area.

(7) Upon receipt of the evaluation and recommendation from ~~Enterprise Florida, Inc., the department, director shall recommend~~ to the Governor ~~shall approve or deny the approval or disapproval of an award~~. In recommending approval of an award, the ~~department director~~ shall include proposed performance conditions that the applicant must meet in order to obtain incentive funds and any other conditions that must be met before the receipt of any incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving approval for an award. Upon review and approval of an award by the Legislative Budget Commission, the Executive Office of the Governor shall release the funds.

(8)(a) After the conditions set forth in subsection (7) have been met, the ~~department director~~ shall issue a letter certifying the applicant as qualified for an award. The ~~department office~~ and the award recipient shall enter into an agreement that sets forth the conditions for payment of the incentive funds. The agreement must include, at a minimum:

1. The total amount of funds awarded.
2. The performance conditions that must be met in order to obtain the award or portions of the award, including, but not limited to, net new employment in the state, average wage, and total cumulative investment.
3. Demonstration of a baseline of current service and a measure of enhanced capability.
4. The methodology for validating performance.
5. The schedule of payments.
6. Sanctions for failure to meet performance conditions, including any clawback provisions.

(b) Additionally, agreements signed on or after July 1, 2009, must include the following provisions:

1. Notwithstanding subsection (4), a requirement that the jobs created by the recipient of the incentive funds pay an annual average wage at least equal to the relevant industry's annual average wage or at least 130 percent of the average private sector wage, whichever is greater.
2. A reinvestment requirement. Each recipient of an award shall reinvest up to 15 percent of net royalty revenues, including revenues from spin-off companies and the revenues from the sale of stock it receives from the licensing or transfer of inventions, methods, processes, and other patentable

discoveries conceived or reduced to practice using its facilities in Florida or its Florida-based employees, in whole or in part, and to which the recipient of the grant becomes entitled during the 20 years following the effective date of its agreement with the department office. Each recipient of an award also shall reinvest up to 15 percent of the gross revenues it receives from naming opportunities associated with any facility it builds in this state. Reinvestment payments shall commence no later than 6 months after the recipient of the grant has received the final disbursement under the contract and shall continue until the maximum reinvestment, as specified in the contract, has been paid. Reinvestment payments shall be remitted to the department office for deposit in the Biomedical Research Trust Fund for companies specializing in biomedicine or life sciences, or in the Economic Development Trust Fund for companies specializing in fields other than biomedicine or the life sciences. If these trust funds no longer exist at the time of the reinvestment, the state's share of reinvestment shall be deposited in their successor trust funds as determined by law. Each recipient of an award shall annually submit a schedule of the shares of stock held by it as payment of the royalty required by this paragraph and report on any trades or activity concerning such stock. Each recipient's reinvestment obligations survive the expiration or termination of its agreement with the state.

3. Requirements for the establishment of internship programs or other learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.

4. A requirement that the recipient submit quarterly reports and annual reports related to activities and performance to the department office, according to standardized reporting periods.

5. A requirement for an annual accounting to the department Office of the expenditure of funds disbursed under this section.

6. A process for amending the agreement.

(9) ~~The department Enterprise Florida, Inc., shall validate assist the Office in validating~~ the performance of an innovation business, a research and development facility, or an alternative and renewable energy business that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, the department Enterprise Florida, Inc., shall, within 90 days, submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing whether the recipient of the innovation incentive grant achieved its specified outcomes.

(11)(a) ~~The department Beginning January 5, 2010, and every year thereafter, the office shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as part of the annual report,~~ a report summarizing the activities and accomplishments of the recipients of grants from the Innovation Incentive Program during the previous 12 months and an evaluation ~~by the office of whether the recipients~~

are catalysts for additional direct and indirect economic development in Florida.

(b) Beginning March 1, 2010, and every third year thereafter, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General's Office, shall release a report evaluating the Innovation Incentive Program's progress toward creating clusters of high-wage, high-skilled, complementary industries that serve as catalysts for economic growth specifically in the regions in which they are located, and generally for the state as a whole. Such report should include critical analyses of quarterly and annual reports, annual audits, and other documents prepared by the Innovation Incentive Program awardees; relevant economic development reports prepared by the department office, Enterprise Florida, Inc., and local or regional economic development organizations; interviews with the parties involved; and any other relevant data. Such report should also include legislative recommendations, if necessary, on how to improve the Innovation Incentive Program so that the program reaches its anticipated potential as a catalyst for direct and indirect economic development in this state.

(12) The department office may seek the assistance of the Office of Program Policy Analysis and Government Accountability, the Legislature's Office of Economic and Demographic Research, and other entities for the purpose of developing performance measures or techniques to quantify the synergistic economic development impacts that awardees of grants are having within their communities.

Section 156. Paragraph (b) of subsection (4) of section 288.109, Florida Statutes, is amended to read:

288.109 One-Stop Permitting System.—

(4) The One-Stop Permitting System must initially provide access to the following state agencies, water management districts and counties, with other agencies and counties that agree to participate:

(b) The Department of Economic Opportunity Community Affairs.

Section 157. Section 288.1095, Florida Statutes, is amended to read:

288.1095 Information concerning the One-Stop Permitting System.—The department Office of Tourism, Trade, and Economic Development shall develop literature that explains the One-Stop Permitting System and identifies those counties that have been designated as Quick Permitting Counties. The literature must be updated at least once each year. To the maximum extent feasible, state agencies and Enterprise Florida, Inc., shall distribute such literature and inform the public of the One-Stop Permitting System and the Quick Permitting Counties. In addition, Enterprise Florida, Inc., shall provide this information to prospective, new, expanding, and relocating businesses seeking to conduct business in this state,

municipalities, counties, economic-development organizations, and chambers of commerce.

Section 158. Subsections (1) and (2), paragraphs (d) and (e) of subsection (4), paragraph (a) of subsection (6), and subsection (8) of section 288.1162, Florida Statutes, are amended to read:

288.1162 Professional sports franchises; duties.—

(1) The ~~department Office of Tourism, Trade, and Economic Development~~ shall serve as the state agency for screening applicants for state funding under s. 212.20 and for certifying an applicant as a facility for a new or retained professional sports franchise.

(2) The ~~department Office of Tourism, Trade, and Economic Development~~ shall develop rules for the receipt and processing of applications for funding under s. 212.20.

(4) Before certifying an applicant as a facility for a new or retained professional sports franchise, the ~~department Office of Tourism, Trade, and Economic Development~~ must determine that:

(d) The applicant has projections, verified by the ~~department Office of Tourism, Trade, and Economic Development~~, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the ~~department Office of Tourism, Trade, and Economic Development~~, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed \$2 million annually.

(6)(a) The ~~department Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of any facility certified as a facility for a new or retained professional sports franchise. The ~~department Office of Tourism, Trade, and Economic Development~~ shall certify no more than eight facilities as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise, including in the total any facilities certified by the former Department of Commerce before July 1, 1996. The ~~department office~~ may make no more than one certification for any facility.

(8) An applicant is not qualified for certification under this section if the franchise formed the basis for a previous certification, unless the previous certification was withdrawn by the facility or invalidated by the ~~department Office of Tourism, Trade, and Economic Development~~ or the former Department of Commerce before any funds were distributed under s. 212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed under s. 212.20 for the second certification shall be

offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification are distributed.

Section 159. Paragraph (f) of subsection (1), and subsections (2), (4), (5), (6), (7), and (8) of section 288.11621, Florida Statutes, are amended to read:

288.11621 Spring training baseball franchises.—

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

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

(2) CERTIFICATION PROCESS.—

(a) Before certifying an applicant to receive state funding for a facility for a spring training franchise, the department ~~Office~~ must verify that:

1. The applicant is responsible for the acquisition, construction, management, or operation of the facility for a spring training franchise or holds title to the property on which the facility for a spring training franchise is located.

2. The applicant has a certified copy of a signed agreement with a spring training franchise for the use of the facility for a term of at least 20 years. The agreement also must require the franchise to reimburse the state for state funds expended by an applicant under this section if the franchise relocates before the agreement expires. The agreement may be contingent on an award of funds under this section and other conditions precedent.

3. The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility for a spring training franchise. The commitment may be contingent upon an award of funds under this section and other conditions precedent.

4. The applicant demonstrates that the facility for a spring training franchise will attract a paid attendance of at least 50,000 annually to the spring training games.

5. The facility for a spring training franchise is located in a county that levies a tourist development tax under s. 125.0104.

(b) The department ~~office~~ shall competitively evaluate applications for state funding of a facility for a spring training franchise. The total number of certifications may not exceed 10 at any time. The evaluation criteria must include, with priority given in descending order to, the following items:

1. The anticipated effect on the economy of the local community where the spring training facility is to be built, including projections on paid attendance, local and state tax collections generated by spring training

games, and direct and indirect job creation resulting from the spring training activities. Priority shall be given to applicants who can demonstrate the largest projected economic impact.

2. The amount of the local matching funds committed to a facility relative to the amount of state funding sought, with priority given to applicants that commit the largest amount of local matching funds relative to the amount of state funding sought.

3. The potential for the facility to serve multiple uses.

4. The intended use of the funds by the applicant, with priority given to the funds being used to acquire a facility, construct a new facility, or renovate an existing facility.

5. The length of time that a spring training franchise has been under an agreement to conduct spring training activities within an applicant's geographic location or jurisdiction, with priority given to applicants having agreements with the same franchise for the longest period of time.

6. The length of time that an applicant's facility has been used by one or more spring training franchises, with priority given to applicants whose facilities have been in continuous use as facilities for spring training the longest.

7. The term remaining on a lease between an applicant and a spring training franchise for a facility, with priority given to applicants having the shortest lease terms remaining.

8. The length of time that a spring training franchise agrees to use an applicant's facility if an application is granted under this section, with priority given to applicants having agreements for the longest future use.

9. The net increase of total active recreation space owned by the applicant after an acquisition of land for the facility, with priority given to applicants having the largest percentage increase of total active recreation space that will be available for public use.

10. The location of the facility in a brownfield, an enterprise zone, a community redevelopment area, or other area of targeted development or revitalization included in an urban infill redevelopment plan, with priority given to applicants having facilities located in these areas.

(c) Each applicant certified on or after July 1, 2010, shall enter into an agreement with the department ~~office~~ that:

1. Specifies the amount of the state incentive funding to be distributed.

2. States the criteria that the certified applicant must meet in order to remain certified.

3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.

4. States that the department office may recover state incentive funds if the certified applicant is decertified.

5. Specifies information that the certified applicant must report to the department office.

6. Includes any provision deemed prudent by the department office.

(4) ANNUAL REPORTS.—On or before September 1 of each year, a certified applicant shall submit to the department office a report that includes, but is not limited to:

(a) A copy of its most recent annual audit.

(b) A detailed report on all local and state funds expended to date on the project being financed under this section.

(c) A copy of the contract between the certified local governmental entity and the spring training team.

(d) A cost-benefit analysis of the team's impact on the community.

(e) Evidence that the certified applicant continues to meet the criteria in effect when the applicant was certified.

(5) DECERTIFICATION.—

(a) The department office shall decertify a certified applicant upon the request of the certified applicant.

(b) The department office shall decertify a certified applicant if the certified applicant does not:

1. Have a valid agreement with a spring training franchise; or

2. Satisfy its commitment to provide local matching funds to the facility.

However, decertification proceedings against a local government certified before July 1, 2010, shall be delayed until 12 months after the expiration of the local government's existing agreement with a spring training franchise, and without a new agreement being signed, if the certified local government can demonstrate to the department office that it is in active negotiations with a major league spring training franchise, other than the franchise that was the basis for the original certification.

(c) A certified applicant has 60 days after it receives a notice of intent to decertify from the department office to petition ~~the office's director~~ for review of the decertification. Within 45 days after receipt of the request for review,

the department director must notify a certified applicant of the outcome of the review.

(d) The department office shall notify the Department of Revenue that a certified applicant is decertified within 10 days after the order of decertification becomes final. The Department of Revenue shall immediately stop the payment of any funds under this section that were not encumbered by the certified applicant under subparagraph (3)(a)2.

(e) The department office shall order a decertified applicant to repay all of the unencumbered state funds that the local government received under this section and any interest that accrued on those funds. The repayment must be made within 60 days after the decertification order becomes final. These funds shall be deposited into the General Revenue Fund.

(f) A local government as defined in s. 218.369 may not be decertified by the department if it has paid or pledged for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for such purpose. This subsection does not preclude or restrict the ability of a certified local government to refinance, refund, or defease such bonds.

(6) ADDITIONAL CERTIFICATIONS.—If the department office decertifies a unit of local government, the department office may accept applications for an additional certification. A unit of local government may not be certified for more than one spring training franchise at any time.

(7) STRATEGIC PLANNING.—

(a) The department office shall request assistance from Enterprise Florida, Inc., the Florida Sports Foundation and the Florida Grapefruit League Association to develop a comprehensive strategic plan to:

1. Finance spring training facilities.
2. Monitor and oversee the use of state funds awarded to applicants.
3. Identify the financial impact that spring training has on the state and ways in which to maintain or improve that impact.
4. Identify opportunities to develop public-private partnerships to engage in marketing activities and advertise spring training baseball.
5. Identify efforts made by other states to maintain or develop partnerships with baseball spring training teams.

6. Develop recommendations for the Legislature to sustain or improve this state's spring training tradition.

(b) The department ~~office~~ shall submit a copy of the strategic plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2010.

(8) RULEMAKING.—The department ~~office~~ shall adopt rules to implement the certification, decertification, and decertification review processes required by this section.

Section 160. Subsections (1), (2), and (4) of section 288.1168, Florida Statutes, are amended to read:

288.1168 Professional golf hall of fame facility.—

(1) The department of ~~Commerce~~ shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying one applicant as the professional golf hall of fame facility in the state.

(2) ~~Before~~ Prior to certifying the professional golf hall of fame facility, the department of ~~Commerce~~ must determine that:

(a) The professional golf hall of fame facility is the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc.

(b) The applicant is a unit of local government as defined in s. 218.369 or a private sector group that has contracted to construct or operate the professional golf hall of fame facility on land owned by a unit of local government.

(c) The municipality in which the professional golf hall of fame facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(d) There are existing projections that the professional golf hall of fame facility will attract a paid attendance of more than 300,000 annually.

(e) There is an independent analysis or study, using methodology approved by the department, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional golf hall of fame facility will equal or exceed \$2 million annually.

(f) The applicant has submitted an agreement to provide \$2 million annually in national and international media promotion of the professional golf hall of fame facility, Florida, and Florida tourism, through the PGA Tour, Inc., or its affiliates, at the then-current commercial rate, during the period of time that the facility receives funds pursuant to s. 212.20. The department ~~Office of Tourism, Trade, and Economic Development~~ and the PGA Tour,

Inc., or its affiliates, must agree annually on a reasonable percentage of advertising specifically allocated for generic Florida advertising. The ~~department Office of Tourism, Trade, and Economic Development~~ shall have final approval of all generic advertising. Failure on the part of the PGA Tour, Inc., or its affiliates to annually provide the advertising as provided in this paragraph or subsection (6) shall result in the termination of funding as provided in s. 212.20.

(g) Documentation exists that demonstrates that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) The application is signed by an official senior executive of the applicant and is notarized according to Florida law providing for penalties for falsification.

(4) Upon determining that an applicant is or is not certifiable, the ~~department Secretary of Commerce~~ shall notify the applicant of his or her status by means of an official letter. If certifiable, the ~~department secretary~~ shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the professional golf hall of fame facility to the public and notify the ~~department Office of Tourism, Trade, and Economic Development~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the ~~department Office of Tourism, Trade, and Economic Development~~ that the professional golf hall of fame facility is open to the public.

Section 161. Subsections (1), (4), and (6) of section 288.1169, Florida Statutes, are amended to read:

288.1169 International Game Fish Association World Center facility.—

(1) The ~~department of Commerce~~ shall serve as the state agency approving applicants for funding pursuant to s. 212.20 and for certifying the applicant as the International Game Fish Association World Center facility. For purposes of this section, “facility” means the International Game Fish Association World Center, and “project” means the International Game Fish Association World Center and new colocated improvements by private sector concerns who have made cash or in-kind contributions to the facility of \$1 million or more.

(4) Upon determining that an applicant is or is not certifiable, the ~~department of Commerce~~ shall notify the applicant of its status by means of an official letter. If certifiable, the ~~department of Commerce~~ shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the facility

to the public and notify the department of ~~Commerce~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the department of ~~Commerce~~ that the facility is open to the public.

(6) The department of ~~Commerce~~ must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding shall be abated until certification criteria are met. If the project fails to generate \$1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to an amount equal to \$83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is \$1 million. Such reduction remains in effect until revenues generated by the project in a 12-month period equal or exceed \$1 million.

Section 162. Paragraph (d) of subsection (1), and subsections (2) and (3) of section 288.1171, Florida Statutes, are amended, and present paragraphs (e) through (g) of subsection (1) are redesignated as paragraphs (d) through (f), respectively, to read:

288.1171 Motorsports entertainment complex; definitions; certification; duties.—

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

(d) ~~“Office” means The Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor.~~

(2) The department Office of Tourism, Trade, and Economic Development shall serve as the state agency for screening applicants for local option funding under s. 218.64(3) and for certifying an applicant as a motorsports entertainment complex. The department Office shall develop and adopt rules for the receipt and processing of applications for funding under s. 218.64(3). The department Office shall make a determination regarding any application filed by an applicant not later than 120 days after the application is filed.

(3) Before certifying an applicant as a motorsports entertainment complex, the department Office must determine that:

(a) A unit of local government holds title to the land on which the motorsports entertainment complex is located or holds title to the motor-sports entertainment complex.

(b) The municipality in which the motorsports entertainment complex is located, or the county if the motorsports entertainment complex is located in

an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

Section 163. Subsections (2), (4), (5), and (8) of section 288.1175, Florida Statutes, are amended to read:

288.1175 Agriculture education and promotion facility.—

(2) The Department of Agriculture and Consumer Services shall ~~adopt~~ develop rules pursuant to ss. 120.536(1) and 120.54 for the receipt and processing of applications for funding of projects pursuant to this section.

(4) The Department of Agriculture and Consumer Services shall certify a facility as an agriculture education and promotion facility if the Department of Agriculture and Consumer Services determines that:

(a) The applicant is a unit of local government as defined in s. 218.369, or a fair association as defined in s. 616.001(9), which is responsible for the planning, design, permitting, construction, renovation, management, and operation of the agriculture education and promotion facility or holds title to the property on which such facility is to be developed and located.

(b) The applicant has projections, verified by the Department of Agriculture and Consumer Services, which demonstrate that the agriculture education and promotion facility will serve more than 25,000 visitors annually.

(c) The municipality in which the facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the proposed agriculture education and promotion facility serves a public purpose.

(d) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than 40 percent of the costs incurred or related to the planning, design, permitting, construction, or renovation of the facility. The applicant may include the value of the land and any improvements thereon in determining its contribution to the development of the facility.

(5) The Department of Agriculture and Consumer Services shall competitively evaluate applications for funding of an agriculture education and promotion facility. If the number of applicants exceeds three, the Department of Agriculture and Consumer Services shall rank the applications based upon criteria developed by the Department of Agriculture and Consumer Services, with priority given in descending order to the following items:

(a) The intended use of the funds by the applicant, with priority given to the construction of a new facility.

(b) The amount of local match, with priority given to the largest percentage of local match proposed.

(c) The location of the facility in a brownfield site as defined in s. 376.79(3), a rural enterprise zone as defined in s. 290.004(6), an agriculturally depressed area as defined in s. 570.242(1), ~~a redevelopment area established pursuant to s. 373.461(5)(g)~~, or a county that has lost its agricultural land to environmental restoration projects.

(d) The net increase, as a result of the facility, of total available exhibition, arena, or civic center space within the jurisdictional limits of the local government in which the facility is to be located, with priority given to the largest percentage increase of total exhibition, arena, or civic center space.

(e) The historic record of the applicant in promoting agriculture and educating the public about agriculture, including, without limitation, awards, premiums, scholarships, auctions, and other such activities.

(f) The highest projection on paid attendance attracted by the agriculture education and promotion facility and the proposed economic impact on the local community.

(g) The location of the facility with respect to an Institute of Food and Agricultural Sciences (IFAS) facility, with priority given to facilities closer in proximity to an IFAS facility.

(8) Applications must be submitted by October 1 of each year. The Department of Agriculture and Consumer Services may not recommend funding for less than the requested amount to any applicant certified as an agriculture education and promotion facility; however, funding of certified applicants shall be subject to the amount provided by the Legislature in the General Appropriations Act for this program.

Section 164. Section 288.122, Florida Statutes, is amended to read:

288.122 Tourism Promotional Trust Fund.—There is created within the ~~department Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor~~ the Tourism Promotional Trust Fund. Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the authorized activities and operations of the ~~Florida Commission on Tourism~~, and ~~the~~ to support tourism promotion and marketing activities, services, functions, and programs administered by Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~ through a contract with the ~~commission's~~ direct-support organization created under s. 288.1226.

Section 165. Section 288.12265, Florida Statutes, is amended to read:

288.12265 Welcome centers.—

(1) Responsibility for the welcome centers is assigned to Enterprise Florida, Inc., the Florida Commission on Tourism which shall contract with the Florida Tourism Industry Marketing Corporation ~~commission's direct-support organization~~ to employ all welcome center staff.

(2) ~~Enterprise Florida, Inc., The Florida Commission on Tourism, through its direct support organization,~~ shall administer and operate the welcome centers. Pursuant to a contract with the Department of Transportation, Enterprise Florida, Inc., ~~the commission~~ shall be responsible for routine repair, replacement, or improvement and the day-to-day management of interior areas occupied by the welcome centers. All other repairs, replacements, or improvements to the welcome centers shall be the responsibility of the Department of Transportation.

Section 166. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—Enterprise Florida, Inc., ~~The Commission on Tourism~~ is authorized to establish a convention grants program and, pursuant to that program ~~thereto~~, to recommend to the ~~department~~ Office of Tourism, Trade, and Economic Development expenditures and contracts with local governments and nonprofit corporations or organizations for the purpose of attracting national conferences and conventions to Florida. Preference shall be given to local governments and nonprofit corporations or organizations seeking to attract minority conventions to Florida. Minority conventions are events that primarily involve minority persons, as defined in s. 288.703, who are residents or nonresidents of the state. Enterprise Florida, Inc., ~~The commission~~ shall establish guidelines governing the award of grants and the administration of this program. ~~The department~~ Office of Tourism, Trade, and Economic Development has final approval authority for any grants under this section. The total annual allocation of funds for this program shall not exceed \$40,000.

Section 167. Subsection (1) of section 288.1251, Florida Statutes, is amended to read:

288.1251 Promotion and development of entertainment industry; Office of Film and Entertainment; creation; purpose; powers and duties.—

(1) CREATION.—

(a) There is hereby created within the ~~department~~ Office of Tourism, Trade, and Economic Development the Office of Film and Entertainment for the purpose of developing, marketing, promoting, and providing services to the state's entertainment industry.

(b) ~~The department~~ Office of Tourism, Trade, and Economic Development shall conduct a national search for a qualified person to fill the position of Commissioner of Film and Entertainment when the position is vacant. The executive director of the ~~department~~ Office of Tourism, Trade, and Economic

Development has the responsibility to hire the film commissioner. Qualifications for the film commissioner include, but are not limited to, the following:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the Office of Film and Entertainment;
2. Marketing and promotion experience related to the film and entertainment industries to be served;
3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and
4. Experience working with a variety of state and local governmental agencies.

Section 168. Subsections (1) and (2), and paragraphs (d), (f), (g), and (h) of subsection (5) of section 288.1252, Florida Statutes, are amended to read:

288.1252 Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties.—

(1) CREATION.—There is hereby created within the ~~department Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor~~, for administrative purposes only, the Florida Film and Entertainment Advisory Council.

(2) PURPOSE.—The purpose of the council ~~is shall be~~ to serve as an advisory body to the ~~department Office of Tourism, Trade, and Economic Development~~ and to the Office of Film and Entertainment to provide these offices with industry insight and expertise related to developing, marketing, promoting, and providing service to the state's entertainment industry.

(5) POWERS AND DUTIES.—The Florida Film and Entertainment Advisory Council shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(d) Consider and study the needs of the entertainment industry for the purpose of advising the film commissioner and the ~~department Office of Tourism, Trade, and Economic Development~~.

(f) Consider all matters submitted to it by the film commissioner and the ~~department Office of Tourism, Trade, and Economic Development~~.

(g) Advise and consult with the film commissioner and the ~~department Office of Tourism, Trade, and Economic Development~~, at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to the entertainment industry.

(h) Suggest policies and practices for the conduct of business by the Office of Film and Entertainment or by the department ~~Office of Tourism, Trade, and Economic Development~~ that will improve internal operations affecting the entertainment industry and will enhance the economic development initiatives of the state for the industry.

Section 169. Subsections (1), (2), (3), and (4) of section 288.1253, Florida Statutes, are amended to read:

288.1253 Travel and entertainment expenses.—

(1) As used in this section, the term “travel expenses” means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by an employee of the Office of Film and Entertainment, which costs are defined and prescribed by rules adopted by the department ~~Office of Tourism, Trade, and Economic Development~~, subject to approval by the Chief Financial Officer.

(2) Notwithstanding the provisions of s. 112.061, the department ~~Office of Tourism, Trade, and Economic Development~~ shall adopt rules by which it may make expenditures by reimbursement to: the Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Commissioner of Film and Entertainment, or staff of the Office of Film and Entertainment for travel expenses or entertainment expenses incurred by such individuals solely and exclusively in connection with the performance of the statutory duties of the Office of Film and Entertainment. The rules are subject to approval by the Chief Financial Officer before adoption. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Chief Financial Officer, with any claim for reimbursement.

(3) The department ~~Office of Tourism, Trade, and Economic Development~~ shall prepare an annual report of the expenditures of the Office of Film and Entertainment and provide such report to the Legislature no later than December 30 of each year for the expenditures of the previous fiscal year. The report shall consist of a summary of all travel, entertainment, and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States, as well as a summary of all successful projects that developed from such travel.

(4) The Office of Film and Entertainment and its employees and representatives, when authorized, may accept and use complimentary travel, accommodations, meeting space, meals, equipment, transportation, and any other goods or services necessary for or beneficial to the performance of the office’s duties and purposes, so long as such acceptance or use is not in conflict with part III of chapter 112. The department ~~Office of Tourism, Trade, and Economic Development~~ shall, by rule, develop internal controls to ensure that such goods or services accepted or used pursuant to this subsection are limited to those that will assist solely and exclusively in

the furtherance of the office's goals and are in compliance with part III of chapter 112.

Section 170. Paragraph (a) of subsection (1), paragraphs (d) and (f) of subsection (3), paragraphs (c) and (d) of subsection (4), paragraph (a) of subsection (5), and paragraph (b) of subsection (9) of section 288.1254, Florida Statutes, are amended to read:

288.1254 Entertainment industry financial incentive program.—

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

(a) “Certified production” means a qualified production that has tax credits allocated to it by the ~~department Office of Tourism, Trade, and Economic Development~~ based on the production's estimated qualified expenditures, up to the production's maximum certified amount of tax credits, by the ~~department Office of Tourism, Trade, and Economic Development~~. The term does not include a production if its first day of principal photography or project start date in this state occurs before the production is certified by the ~~department Office of Tourism, Trade, and Economic Development~~, unless the production spans more than 1 fiscal year, was a certified production on its first day of principal photography or project start date in this state, and submits an application for continuing the same production for the subsequent fiscal year.

(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(d) *Certification*.—The Office of Film and Entertainment shall review the application within 15 business days after receipt. Upon its determination that the application contains all the information required by this subsection and meets the criteria set out in this section, the Office of Film and Entertainment shall qualify the applicant and recommend to the ~~department Office of Tourism, Trade, and Economic Development~~ that the applicant be certified for the maximum tax credit award amount. Within 5 business days after receipt of the recommendation, the ~~department Office of Tourism, Trade, and Economic Development~~ shall reject the recommendation or certify the maximum recommended tax credit award, if any, to the applicant and to the executive director of the Department of Revenue.

(f) *Verification of actual qualified expenditures*.—

1. The Office of Film and Entertainment shall develop a process to verify the actual qualified expenditures of a certified production. The process must require:

a. A certified production to submit, in a timely manner after production ends in this state and after making all of its qualified expenditures in this state, data substantiating each qualified expenditure, including documentation on the net expenditure on equipment and other tangible personal property by the qualified production, to an independent certified public accountant licensed in this state;

b. Such accountant to conduct a compliance audit, at the certified production's expense, to substantiate each qualified expenditure and submit the results as a report, along with the required substantiating data, to the Office of Film and Entertainment; and

c. The Office of Film and Entertainment to review the accountant's submittal and report to the department ~~Office of Tourism, Trade, and Economic Development~~ the final verified amount of actual qualified expenditures made by the certified production.

2. The department ~~Office of Tourism, Trade, and Economic Development~~ shall determine and approve the final tax credit award amount to each certified applicant based on the final verified amount of actual qualified expenditures and shall notify the executive director of the Department of Revenue in writing that the certified production has met the requirements of the incentive program and of the final amount of the tax credit award. The final tax credit award amount may not exceed the maximum tax credit award amount certified under paragraph (d).

(4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS; PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.—

(c) *Withdrawal of tax credit eligibility.*—A qualified or certified production must continue on a reasonable schedule, which includes beginning principal photography or the production project in this state no more than 45 calendar days before or after the principal photography or project start date provided in the production's program application. The department ~~Office of Tourism, Trade, and Economic Development~~ shall withdraw the eligibility of a qualified or certified production that does not continue on a reasonable schedule.

(d) *Election and distribution of tax credits.*—

1. A certified production company receiving a tax credit award under this section shall, at the time the credit is awarded by the department ~~Office of Tourism, Trade, and Economic Development~~ after production is completed and all requirements to receive a credit award have been met, make an irrevocable election to apply the credit against taxes due under chapter 220, against state taxes collected or accrued under chapter 212, or against a stated combination of the two taxes. The election is binding upon any distributee, successor, transferee, or purchaser. The department ~~Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of any election made pursuant to this paragraph.

2. A qualified production company is eligible for tax credits against its sales and use tax liabilities and corporate income tax liabilities as provided in this section. However, tax credits awarded under this section may not be claimed against sales and use tax liabilities or corporate income tax

liabilities for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded.

(5) TRANSFER OF TAX CREDITS.—

(a) *Authorization.*—Upon application to the Office of Film and Entertainment and approval by the ~~department~~ Office of Tourism, Trade, and Economic Development, a certified production company, or a partner or member that has received a distribution under paragraph (4)(g), may elect to transfer, in whole or in part, any unused credit amount granted under this section. An election to transfer any unused tax credit amount under chapter 212 or chapter 220 must be made no later than 5 years after the date the credit is awarded, after which period the credit expires and may not be used. The ~~department~~ Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of the election and transfer.

(9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.—

(b) *Revocation of tax credits.*—The ~~department~~ Office of Tourism, Trade, and Economic Development may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The ~~department~~ Office of Tourism, Trade, and Economic Development shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the applicant must notify the Department of Revenue of any change in its tax credit claimed.

Section 171. Section 288.7015, Florida Statutes, is amended to read:

288.7015 Appointment of rules ombudsman; duties.—The Governor shall appoint a rules ombudsman, as defined in s. 288.703, in the Executive Office of the Governor, for considering the impact of agency rules on the state's citizens and businesses. In carrying out duties as provided by law, the ombudsman shall consult with Enterprise Florida, Inc., at which point the ~~department~~ office may recommend to improve the regulatory environment of this state. The duties of the rules ombudsman are to:

(1) Carry out the responsibility provided in s. 120.54(2), with respect to small businesses.

(2) Review state agency rules that adversely or disproportionately impact businesses, particularly those relating to small and minority businesses.

(3) Make recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to businesses.

(4) Each state agency shall cooperate fully with the rules ombudsman in identifying such rules. Further, each agency shall take the necessary steps to waive, modify, or otherwise minimize such adverse effects of any such rules. However, nothing in this section authorizes any state agency to waive, modify, provide exceptions to, or otherwise alter any rule that is:

(a) Expressly required to implement or enforce any statutory provision or the express legislative intent thereof;

(b) Designed to protect persons against discrimination on the basis of race, color, national origin, religion, sex, age, handicap, or marital status; or

(c) Likely to prevent a significant risk or danger to the public health, the public safety, or the environment of the state.

(5) The modification or waiver of any such rule pursuant to this section must be accomplished in accordance with the provisions of chapter 120.

Section 172. Section 288.703, Florida Statutes, is amended to read:

288.703 Definitions.—As used in ss. 288.702-288.706, ~~the term this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:~~

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

(3)(2) “Minority business enterprise” means any small business concern as defined in subsection (6)(1) which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at least 51-percent-owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin, which has been subjected historically to disparate treatment due to identification in and with that group resulting in an underrepresentation of commercial enterprises under the group’s control, and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession. Ownership by a minority person does not include ownership which is the result of a transfer from a nonminority person to a minority person within a related immediate family group if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subsection, the term “related immediate family group” means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

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

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

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

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

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

(e) An American woman.

~~(1)(4)~~ “Certified minority business enterprise” means a business which has been certified by the certifying organization or jurisdiction in accordance with s. 287.0943(1) and (2).

~~(5) “Department” means the Department of Management Services.~~

~~(5)(6)~~ “Ombudsman” means an office or individual whose responsibilities include coordinating with the Office of Supplier Diversity for the interests of and providing assistance to small and minority business enterprises in dealing with governmental agencies and in developing proposals for changes in state agency rules.

~~(2)(7)~~ “Financial institution” means any bank, trust company, insurance company, savings and loan association, credit union, federal lending agency, or foundation.

~~(8) “Secretary” means the secretary of the Department of Management Services.~~

Section 173. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall coordinate with Minority Business Development Centers to compile and distribute this information to small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the department

~~Agency for Workforce Innovation~~ on the use of the statewide contracts register. The report shall include, but not be limited to, information relating to:

- (1) The total number of solicitations received from state agencies during the calendar year.
- (2) The number of solicitations received from each state agency during the calendar year.
- (3) The method of distributing solicitation information to businesses requesting such service.
- (4) The total number of businesses using the service.
- (5) The percentage of businesses using the service which are owned and controlled by minorities.
- (6) The percentage of service-disabled veteran business enterprises using the service.

Section 174. Subsection (12) of section 288.706, Florida Statutes, is amended to read:

288.706 Florida Minority Business Loan Mobilization Program.—

(12) The Department of Management Services shall collaborate with Enterprise Florida, Inc., the Florida Black Business Investment Board, Inc., and the department Office of Tourism, Trade, and Economic Development to assist in the development and enhancement of black business enterprises.

Section 175. Subsection (2) of section 288.7094, Florida Statutes, is amended to read:

288.7094 Black business investment corporations.—

(2) A black business investment corporation that meets the requirements of s. 288.7102(4) is eligible to participate in the Black Business Loan Program and shall receive priority consideration by the department Office of Tourism, Trade, and Economic Development for participation in the program.

Section 176. Section 288.7102, Florida Statutes, is amended to read:

288.7102 Black Business Loan Program.—

(1) The Black Business Loan Program is established in the department, which Office of Tourism, Trade, and Economic Development. Under the ~~program, the office~~ shall annually certify eligible recipients and subsequently disburse funds appropriated by the Legislature, through such eligible recipients, to black business enterprises that cannot obtain capital through conventional lending institutions but that could otherwise compete successfully in the private sector.

(2) The department ~~office~~ shall establish an application and annual certification process for entities seeking funds to participate in providing loans, loan guarantees, or investments in black business enterprises pursuant to the Florida Black Business Investment Act. The department ~~office~~ shall process all applications and recertifications submitted by June 1 on or before July 31.

(3) If the Black Business Loan Program is appropriated any funding in a fiscal year, the department ~~Office~~ shall distribute an equal amount of the appropriation, calculated as the total annual appropriation divided by the total number of program recipients certified on or before July 31 of that fiscal year.

(4) To be eligible to receive funds and provide loans, loan guarantees, or investments under this section, a recipient must:

(a) Be a corporation registered in the state.

(b) For an existing recipient, annually submit to the department ~~office~~ a financial audit performed by an independent certified public account for the most recently completed fiscal year, which audit does not reveal any material weaknesses or instances of material noncompliance.

(c) For a new recipient:

1. Demonstrate that its board of directors includes citizens of the state experienced in the development of black business enterprises.

2. Demonstrate that the recipient has a business plan that allows the recipient to operate in a manner consistent with this section ~~ss. 288.707-288.714~~ and the rules of the department ~~office~~.

3. Demonstrate that the recipient has the technical skills to analyze and evaluate applications by black business enterprises for loans, loan guarantees, or investments.

4. Demonstrate that the recipient has established viable partnerships with public and private funding sources, economic development agencies, and workforce development and job referral networks.

5. Demonstrate that the recipient can provide a private match equal to 20 percent of the amount of funds provided by the department ~~office~~.

(d) For an existing or new recipient, agree to maintain the recipient's books and records relating to funds received by the department ~~office~~ according to generally accepted accounting principles and in accordance with the requirements of s. 215.97(7) and to make those books and records available to the department ~~office~~ for inspection upon reasonable notice.

(5) Each eligible recipient must meet the requirements of this section ~~provisions of ss. 288.707-288.714~~, the terms of the contract between the

recipient and the department Office, and any other applicable state or federal laws. An entity may not receive funds ~~under ss. 288.707-288.714~~ unless the entity meets annual certification requirements.

(6) Upon approval by the department Office and before release of the funds as provided in this section, the department Office shall issue a letter certifying the applicant as qualified for an award. The department Office and the applicant shall enter into an agreement that sets forth the conditions for award of the funds. The agreement must include the total amount of funds awarded; the performance conditions that must be met once the funding has been awarded, including, but not limited to, compliance with all of the requirements of this section for eligible recipients of funds under this section; and sanctions for failure to meet performance conditions, including any provisions to recover awards.

(7) The department Office, in consultation with the board, shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

(8) A black business investment corporation certified by the department Office as an eligible recipient under this section is authorized to use funds appropriated for the Black Business Loan Program in any of the following forms:

(a) Purchases of stock, preferred or common, voting or nonvoting; however, no more than 40 percent of the funds may be used for direct investments in black business enterprises;

(b) Loans or loan guarantees, with or without recourse, in either a subordinated or priority position; or

(c) Technical support to black business enterprises, not to exceed 9 percent of the funds received, and direct administrative costs, not to exceed 12 percent of the funds received.

(9) It is the intent of the Legislature that if any one type of investment mechanism authorized in subsection (8) is held to be invalid, all other valid mechanisms remain available.

(10) All loans, loan guarantees, and investments, and any income related thereto, shall be used to carry out the public purpose ~~of ss. 288.707-288.714, which is~~ to develop black business enterprises. This subsection does not preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 177. Section 288.714, Florida Statutes, is amended to read:

288.714 Quarterly and annual reports.—

(1) Each recipient of state funds under s. 288.7102 shall provide to the department Office a quarterly report within 15 days after the end of each calendar quarter that includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102, including, but not limited to:

(a) The dollar amount of all loans or loan guarantees made to black business enterprises, the percentages of the loans guaranteed, and the names and identification of the types of businesses served.

(b) Loan performance information.

(c) The amount and nature of all other financial assistance provided to black business enterprises.

(d) The amount and nature of technical assistance provided to black business enterprises, including technical assistance services provided in areas in which such services are otherwise unavailable.

(e) A balance sheet for the recipient, including an explanation of all investments and administrative and operational expenses.

(f) A summary of all services provided to nonblack business enterprises, including the dollar value and nature of such services and the names and identification of the types of businesses served.

(g) Any other information as required by policies adopted by the department Office.

(2) The department Office must compile a summary of all quarterly reports and provide a copy of the summary to the board within 30 days after the end of each calendar quarter that includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102.

(3) By August 31 of each year, the department Office shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the performance of the Black Business Loan Program. The report must include a cumulative summary of quarterly report data required by subsection (1).

~~(4) By August 31 of each year, the board shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the board's performance, including:~~

~~(a) A description of the strategies implemented by the board to increase private investment in black business enterprises.~~

~~(b) A summary of the board's performance of its duties under ss. 288.707-288.712.~~

~~(c) The most recent 5-year projection of the need for capital by black business enterprises.~~

~~(d) Recommendations for legislative or other changes to enhance the development and expansion of black business enterprises in the state.~~

~~(e) A projection of the program's activities during the next 12 months.~~

Section 178. Subsection (1) of section 288.773, Florida Statutes, is amended to read:

288.773 Florida Export Finance Corporation.—The Florida Export Finance Corporation is hereby created as a corporation not for profit, to be incorporated under the provisions of chapter 617 and approved by the Department of State. The corporation is organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state through increased exports of goods and services, by providing businesses domiciled in this state information and technical assistance on export opportunities, exporting techniques, and financial assistance through guarantees and direct loan originations for sale in support of export transactions. The corporation shall have the power and authority to carry out the following functions:

(1) To coordinate the efforts of the corporation with programs and goals of the United States Export-Import Bank, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance Association, Enterprise Florida, Inc., ~~and its boards,~~ and other private and public programs and organizations, domestic and foreign, designed to provide export assistance and export-related financing.

Section 179. Paragraph (b) of subsection (3) of section 288.774, Florida Statutes, is amended to read:

288.774 Powers and limitations.—

(3)

(b) In providing assistance, the board shall be guided by the statewide economic development plan adopted by the department pursuant to ~~s. 288.905.~~

Section 180. Paragraph (a) of subsection (1) and paragraph (g) of subsection (3) of section 288.776, Florida Statutes, are amended to read:

288.776 Board of directors; powers and duties.—

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

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

2. The following persons or their designee: the President of Enterprise Florida, Inc., the Chief Financial Officer, the Secretary of State, and a senior official of the United States Department of Commerce, ~~and the chair of the Florida Black Business Investment Board.~~

(3) The board shall:

(g) Consult with Enterprise Florida, Inc., ~~and its boards,~~ or any state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that each program makes full use of, to the extent practicable, the resources of the other.

Section 181. Section 288.7771, Florida Statutes, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—The corporation shall annually prepare and submit to ~~the department Enterprise Florida, Inc.,~~ for inclusion in its annual report required by s. 288.095 a complete and detailed report setting forth:

(1) The report required in s. 288.776(3).

(2) Its assets and liabilities at the end of its most recent fiscal year.

Section 182. Section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(1) The state protocol officer ~~Office of Tourism, Trade, and Economic Development~~ shall be responsible for consular operations and the sister city and sister state program and shall serve as liaison with foreign, federal, and other state international organizations and with county and municipal governments in Florida.

(2) The state protocol officer ~~Office of Tourism, Trade, and Economic Development~~ shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The state protocol officer ~~office~~ shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The state protocol officer ~~office~~ shall promulgate rules which shall:

(a) Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state. Emphasis shall be placed on maintaining active communication between the state protocol officer ~~Office of Tourism, Trade, and Economic Development~~ and the United States Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for,

Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.

(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.

(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.

(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.

(e) Verify entitlement to issuance of special motor vehicle license plates by the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen.

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68.

(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.

(i) Notify all newly arrived foreign governmental officials of the services offered by the state protocol officer ~~Office of Tourism, Trade, and Economic Development~~.

(3) The state protocol officer ~~Office of Tourism, Trade, and Economic Development~~ shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the state protocol officer ~~office~~ shall have the power and authority to:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.

(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.

(4) The state protocol officer ~~Office of Tourism, Trade, and Economic Development~~ shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to Enterprise Florida, Inc. In addition, the state protocol officer ~~office~~ shall serve as liaison with other states with respect to international programs of interest to Florida. The state protocol officer ~~office~~ shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) The state protocol officer ~~Office of Tourism, Trade, and Economic Development~~ shall have the power and duty to encourage the relocation to Florida of consular offices and multilateral and international agencies and organizations.

(6) The department and Enterprise Florida, Inc. ~~Office of Tourism, Trade, and Economic Development, through membership on the board of directors of Enterprise Florida, Inc.,~~ shall help to contribute an international perspective to the state's development efforts.

Section 183. Paragraph (a) of subsection (1) and subsection (2) of section 288.809, Florida Statutes, are amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) “Florida Intergovernmental Relations Foundation” means a direct-support organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of the state protocol officer ~~Office of Tourism, Trade, and Economic Development~~, to make expenditures to or for the promotion of intergovernmental relations programs; and

3. Which the state protocol officer ~~Office of Tourism, Trade, and Economic Development~~, after review, has certified to be operating in a manner consistent with the policies and goals of the state protocol officer ~~office~~.

(2) USE OF PROPERTY.—The state protocol officer ~~Office of Tourism, Trade, and Economic Development~~:

(a) ~~May~~ Is ~~authorized to~~ permit the use of property, facilities, and personal services of the Executive Office of the Governor ~~Office of Tourism, Trade, and Economic Development~~ by the foundation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the department. Such conditions shall provide for budget and audit review and for oversight by the state protocol officer ~~Office of Tourism, Trade, and Economic Development~~.

(c) Shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

Section 184. Subsections (2) through (8) of section 288.8175, Florida Statutes, are renumbered as subsections (1) through (7), respectively, and present subsections (1), (3), (4), and (8) of that section are amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(1) ~~As used in this section, the term “department” means the Department of Education.~~

(2)(3) Each institute must be governed by an agreement between the Board of Governors of the State University System for a state university and the State Board of Education for a community college with the counterpart organization in a foreign country. Each institute must report to the Department of Education regarding its program activities, expenditures, and policies.

(3)(4) Each institute must be co-administered in this state by a university-community college partnership, as designated in subsection (5), and must have a private sector and public sector advisory committee. The advisory committee must be representative of the international education and commercial interests of the state and may have members who are native to the foreign country partner. Six members must be appointed by the

Department of Education. The Department of Education must appoint at least one member who is an international educator. The presidents, or their designees, of the participating university and community college must also serve on the advisory committee.

~~(7)~~(8) A linkage institute may not be created or funded except upon the recommendation of the Department of Education and except by amendment to this section.

Section 185. Section 288.826, Florida Statutes, is amended to read:

288.826 Florida International Trade and Promotion Trust Fund.—There is hereby established in the State Treasury the Florida International Trade and Promotion Trust Fund. The moneys deposited into this trust fund shall be administered by the department Office of Tourism, Trade, and Economic Development for the operation of Enterprise Florida, Inc., and its boards and for the operation of Florida international foreign offices under s. 288.012.

Section 186. Subsections (2) and (5) of section 288.95155, Florida Statutes, are amended to read:

288.95155 Florida Small Business Technology Growth Program.—

(2)(a) Enterprise Florida, Inc., shall establish a separate small business technology growth account in the Florida Technology Research Investment Fund for purposes of this section. Moneys in the account shall consist of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, and earnings on financial assistance.

~~(b) For the 2009-2010 fiscal year only, Enterprise Florida, Inc., shall advance up to \$600,000 from the account to the Institute for Commercialization of Public Research for its operations. This paragraph expires July 1, 2010.~~

(5) Enterprise Florida, Inc., shall prepare for inclusion in the and include ~~in its annual report of the department~~ required by s. 288.095 a report on the financial status of the program. The report must specify the assets and liabilities of the program within the current fiscal year and must include a portfolio update that lists all of the businesses assisted, the private dollars leveraged by each business assisted, and the growth in sales and in employment of each business assisted.

Section 187. Paragraph (e) of subsection (2), paragraph (a) of subsection (4), subsection (7), paragraph (b) of subsection (8), subsection (9), paragraph (l) of subsection (10), and subsection (15) of section 288.955, Florida Statutes, are amended, and present subsections (16) and (17) of that section are renumbered as subsections (15) and (16), respectively, to read:

288.955 Scripps Florida Funding Corporation.—

(2) CREATION.—

(e) The ~~department Office of Tourism, Trade, and Economic Development~~ shall provide administrative support to the corporation as requested by the corporation. In the event of the dissolution of the corporation, the department ~~office~~ shall be the corporation's successor in interest and shall assume all rights, duties, and obligations of the corporation under any contract to which the corporation is then a party and under law.

(4) BOARD; MEMBERSHIP.—The corporation shall be governed by a board of directors.

(a) The board of directors shall consist of nine voting members, of whom the Governor shall appoint three, the President of the Senate shall appoint three, and the Speaker of the House of Representatives shall appoint three. The executive ~~director~~ of the department Office of Tourism, Trade, and Economic Development or the director's designee shall serve as an ex-officio, nonvoting member of the board of directors.

(7) INVESTMENT OF FUNDS.—The corporation must enter into an agreement with the State Board of Administration under which funds received by the corporation from the ~~department Office of Tourism, Trade, and Economic Development~~ which are not disbursed to the grantee shall be invested by the State Board of Administration on behalf of the corporation. Funds shall be invested in suitable instruments authorized under s. 215.47 and specified in investment guidelines established and agreed to by the State Board of Administration and the corporation.

(8) CONTRACT.—

(b) The contract, at a minimum, must contain provisions:

1. Specifying the procedures and schedules that govern the disbursement of funds under this section and specifying the conditions or deliverables that the grantee must satisfy before the release of each disbursement.

2. Requiring the grantee to submit to the corporation a business plan in a form and manner prescribed by the corporation.

3. Prohibiting The Scripps Research Institute or the grantee from establishing other biomedical science or research facilities in any state other than this state or California for a period of 12 years from the commencement of the contract. Nothing in this subparagraph shall prohibit the grantee from establishing or engaging in normal collaborative activities with other organizations.

4. Governing the ownership of or security interests in real property and personal property, including, but not limited to, research equipment, obtained through the financial support of state or local government, including a provision that in the event of a breach of the contract or in the event the grantee ceases operations in this state, such property purchased

with state funds shall revert to the state and such property purchased with local funds shall revert to the local governing authority.

5. Requiring the grantee to be an equal opportunity employer.
6. Requiring the grantee to maintain a policy of awarding preference in employment to residents of this state, as defined by law, except for professional scientific staff positions requiring a doctoral degree, postdoctoral training positions, and graduate student positions.
7. Requiring the grantee to maintain a policy of making purchases from vendors in this state, to the extent it is cost-effective and scientifically sound.
8. Requiring the grantee to use the Internet-based job-listing system of the ~~department~~ Agency for Workforce Innovation in advertising employment opportunities.
9. Requiring the grantee to establish accredited science degree programs.
10. Requiring the grantee to establish internship programs to create learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.
11. Requiring the grantee to submit data to the corporation on the activities and performance during each fiscal year and to provide to the corporation an annual accounting of the expenditure of funds disbursed under this section.
12. Establishing that the corporation shall review the activities of the grantee to assess the grantee's financial and operational compliance with the provisions of the contract and with relevant provisions of law.
13. Authorizing the grantee, when feasible, to use information submitted by it to the Federal Government or to other organizations awarding research grants to the grantee to help meet reporting requirements imposed under this section or the contract, if the information satisfies the reporting standards of this section and the contract.
14. Requiring the grantee during the first 7 years of the contract to create 545 positions and to acquire associated research equipment for the grantee's facility in this state, and pay for related maintenance of the equipment, in a total amount of not less than \$45 million.
15. Requiring the grantee to progress in the creation of the total number of jobs prescribed in subparagraph 14. on the following schedule: At least 38 positions in the 1st year, 168 positions in the 2nd year, 280 positions in the 3rd year, 367 positions in the 4th year, 436 positions in the 5th year, 500 positions in the 6th year, and 545 positions in the 7th year. The board may allow the grantee to deviate downward from such employee levels by 25 percent in any year, to allow the grantee flexibility in achieving the objectives

set forth in the business plan provided to the corporation; however, the grantee must have no fewer than 545 positions by the end of the 7th year.

16. Requiring the grantee to allow the corporation to retain an independent certified public accountant licensed in this state pursuant to chapter 473 to inspect the records of the grantee in order to audit the expenditure of funds disbursed to the grantee. The independent certified public accountant shall not disclose any confidential or proprietary scientific information of the grantee.

17. Requiring the grantee to purchase liability insurance and governing the coverage level of such insurance.

(9) PERFORMANCE EXPECTATIONS.—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include a provision that the grantee, in cooperation with the department ~~Office of Tourism, Trade, and Economic Development~~, shall report to the corporation on performance expectations that reflect the aspirations of the Governor and the Legislature for the benefits accruing to this state as a result of the funds appropriated pursuant to this section. These shall include, but are not limited to, performance expectations addressing:

(a) The number and dollar value of research grants obtained from the Federal Government or sources other than this state.

(b) The percentage of total research dollars received by The Scripps Research Institute from sources other than this state which is used to conduct research activities by the grantee in this state.

(c) The number or value of patents obtained by the grantee.

(d) The number or value of licensing agreements executed by the grantee.

(e) The extent to which research conducted by the grantee results in commercial applications.

(f) The number of collaborative agreements reached and maintained with colleges and universities in this state and with research institutions in this state, including agreements that foster participation in research opportunities by public and private colleges and universities and research institutions in this state with significant minority populations, including historically black colleges and universities.

(g) The number of collaborative partnerships established and maintained with businesses in this state.

(h) The total amount of funding received by the grantee from sources other than the State of Florida.

(i) The number or value of spin-off businesses created in this state as a result of commercialization of the research of the grantee.

(j) The number or value of businesses recruited to this state by the grantee.

(k) The establishment and implementation of policies to promote supplier diversity using the guidelines developed by the Office of Supplier Diversity under s. 287.09451 and to comply with the ordinances, including any small business ordinances, enacted by the county and which are applicable to the biomedical research institution and campus located in this state.

(l) The designation by the grantee of a representative to coordinate with the Office of Supplier Diversity.

(m) The establishment and implementation of a program to conduct workforce recruitment activities at public and private colleges and universities and community colleges in this state which request the participation of the grantee.

The contract shall require the grantee to provide information to the corporation on the progress in meeting these performance expectations on an annual basis. It is the intent of the Legislature that, in fulfilling its obligation to work with Florida's public and private colleges and universities, Scripps Florida work with such colleges and universities regardless of size.

(10) **DISBURSEMENT CONDITIONS.**—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include disbursement conditions that must be satisfied by the grantee as a condition for the continued disbursement of funds under this section. These disbursement conditions shall be negotiated between the corporation and the grantee and shall not be designed to impede the ability of the grantee to attain full operational status. The disbursement conditions may be appropriately varied as to timeframes, numbers, values, and percentages. The disbursement conditions shall include, but are not limited to, the following areas:

(l) Beginning June 2004, the grantee shall commence collaboration efforts with the department Office of Tourism, Trade, and Economic Development by complying with reasonable requests for cooperation in economic development efforts in the biomed/biotech industry. No later than July 2004, the grantee shall designate a person who shall be charged with assisting in these collaborative efforts.

(15) ~~PROGRAM EVALUATION.~~—

(a) ~~Before January 1, 2007, the Office of Program Policy Analysis and Government Accountability shall conduct a performance audit of the Office of Tourism, Trade, and Economic Development and the corporation relating to the provisions of this section. The audit shall assess the implementation and~~

~~outcomes of activities under this section. At a minimum, the audit shall address:~~

~~1. Performance of the Office of Tourism, Trade, and Economic Development in disbursing funds appropriated under this section.~~

~~2. Performance of the corporation in managing and enforcing the contract with the grantee.~~

~~3. Compliance by the corporation with the provisions of this section and the provisions of the contract.~~

~~4. Economic activity generated through funds disbursed under the contract.~~

~~(b) Before January 1, 2010, the Office of Program Policy Analysis and Government Accountability shall update the report required under this subsection. In addition to addressing the items prescribed in paragraph (a), the updated report shall include a recommendation on whether the Legislature should retain the statutory authority for the corporation.~~

~~A report of each audit's findings and recommendations shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In completing the performance audits required under this subsection, the Office of Program Policy Analysis and Government Accountability shall maximize the use of reports submitted by the grantee to the Federal Government or to other organizations awarding research grants to the grantee.~~

Section 188. Subsection (2) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the authority.—

(2) The Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by Enterprise Florida, Inc., and one of the directors shall be an economic development specialist. ~~The chairperson of the Florida Black Business Investment Board shall be an ex officio member of the board of the corporation.~~

Section 189. Paragraph (v) of subsection (2) of section 288.9605, Florida Statutes, is amended to read:

288.9605 Corporation powers.—

(2) The corporation is authorized and empowered to:

(v) Enter into investment agreements with Enterprise Florida, Inc., the ~~Florida Black Business Investment Board~~ concerning the issuance of bonds and other forms of indebtedness and capital for the purposes of ss. ~~288.707-288.714~~.

Section 190. Subsection (1) of section 288.9606, Florida Statutes, is amended to read:

288.9606 Issue of revenue bonds.—

(1) When authorized by a public agency pursuant to s. 163.01(7), the corporation has power in its corporate capacity, in its discretion, to issue revenue bonds or other evidences of indebtedness which a public agency has the power to issue, from time to time to finance the undertaking of any purpose of this act ~~and ss. 288.707-288.714~~, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has the power to issue refunding bonds for the payment or retirement of bonds previously issued. Bonds issued pursuant to this section shall bear the name “Florida Development Finance Corporation Revenue Bonds.” The security for such bonds may be based upon such revenues as are legally available. In anticipation of the sale of such revenue bonds, the corporation may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issuance of the original note. Such notes shall be paid from any revenues of the corporation available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued. Any bond, note, or other form of indebtedness issued pursuant to this act shall mature no later than the end of the 30th fiscal year after the fiscal year in which the bond, note, or other form of indebtedness was issued.

Section 191. Subsection (1) of section 288.9624, Florida Statutes, are amended to read:

288.9624 Florida Opportunity Fund; creation; duties.—

(1)(a) Enterprise Florida, Inc., shall facilitate the creation of the Florida Opportunity Fund, a private, not-for-profit corporation organized and operated under chapter 617. Enterprise Florida, Inc., shall be the fund’s sole shareholder or member. The fund is not a public corporation or instrumentality of the state. The fund shall manage its business affairs and conduct business consistent with its organizational documents and the purposes set forth in this section. Notwithstanding the powers granted under chapter 617, the corporation may not amend, modify, or repeal a bylaw or article of incorporation without the express written consent of Enterprise Florida, Inc.

(b) The board of directors of the Florida Opportunity Fund shall have five members, appointed by vote of the board of directors of Enterprise Florida,

Inc. Board members shall serve terms as provided in the fund's organizational documents. Within 90 days before an anticipated vacancy by expiration of the term of a board member, the board of directors of the fund shall submit a list of three eligible nominees, which may include the incumbent, to the board of directors of Enterprise Florida, Inc. The board of directors of Enterprise Florida, Inc., may appoint a board member from the nominee list or may request and appoint from a new list of three nominees not included on the previous list. The vice chair of Enterprise Florida, Inc., shall select from among its sitting board of directors a five-person appointment committee. The appointment committee shall select five initial members of a board of directors for the fund.

(c) The persons appointed elected to the initial board of directors by the appointment committee shall include persons who have expertise in the area of the selection and supervision of early stage investment managers or in the fiduciary management of investment funds and other areas of expertise as considered appropriate by the ~~appointment committee~~.

~~(d) After election of the initial board of directors, vacancies on the board shall be filled by vote of the board of directors of Enterprise Florida, Inc., and board members shall serve terms as provided in the fund's organizational documents.~~

~~(d)(e)~~ Members of the board are subject to any restrictions on conflicts of interest specified in the organizational documents and may not have an interest in any venture capital investment selected by the fund under ss. 288.9621-288.9624.

~~(e)(f)~~ Members of the board shall serve without compensation, but members, the president of the board, and other board employees may be reimbursed for all reasonable, necessary, and actual expenses as determined and approved by the board pursuant to s. 112.061.

~~(f)(g)~~ The fund shall have all powers granted under its organizational documents and shall indemnify members to the broadest extent permissible under the laws of this state.

Section 192. Subsections (3), (4), (5), and (6) of section 288.9625, Florida Statutes, are amended to read:

288.9625 Institute for the Commercialization of Public Research.—There is established at a public university or research center in this state the Institute for the Commercialization of Public Research.

(3) The articles of incorporation of the institute must be approved in a written agreement with the department ~~Enterprise Florida, Inc.~~ The agreement and the articles of incorporation shall:

(a) Provide that the institute shall provide equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, age, handicap, or marital status;

(b) Provide that the institute is subject to the public records and meeting requirements of s. 24, Art. I of the State Constitution;

(c) Provide that all officers, directors, and employees of the institute shall be governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;

(d) Provide that members of the board of directors of the institute are responsible for the prudent use of all public and private funds and that they will ensure that the use of funds is in accordance with all applicable laws, bylaws, and contractual requirements; and

(e) Provide that the fiscal year of the institute is from July 1 to June 30.

(4) The affairs of the institute shall be managed by a board of directors who shall serve without compensation. Each director shall have only one vote. The chair of the board of directors shall be selected by a majority vote of the directors, a quorum being present. The board of directors shall consist of the following five members:

(a) The executive director of the department ~~chair of Enterprise Florida, Inc., or the director's chair's~~ designee.

(b) The president of the university where the institute is located or the president's designee unless multiple universities jointly sponsor the institute, in which case the presidents of the sponsoring universities shall agree upon a designee.

(c) Three directors appointed by the Governor to 3-year staggered terms, to which the directors may be reappointed.

(5) The board of directors shall provide a copy of the institute's annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, ~~Enterprise Florida, Inc.,~~ and the president of the university at which the institute is located.

(6) The department ~~Enterprise Florida, Inc.,~~ the president and the board of trustees of the university where the institute is located, the Auditor General, and the Office of Program Policy Analysis and Government Accountability may require and receive from the institute or its independent auditor any detail or supplemental data relative to the operation of the institute.

Section 193. Subsections (3), (8), and (9) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

(3) No later than 6 months after the designation of a military base for closure by the Federal Government, each host local government shall notify the department ~~secretary of the Department of Community Affairs and the~~

~~director of the Office of Tourism, Trade, and Economic Development~~ in writing, by hand delivery or return receipt requested, as to whether it intends to use the optional provisions provided in this act. If a host local government does not opt to use the provisions of this act, land use planning and regulation pertaining to base reuse activities within those host local governments shall be subject to all applicable statutory requirements, including those contained within chapters 163 and 380.

(8) At the request of a host local government, the department Office of Tourism, Trade, and Economic Development shall coordinate a presubmission workshop concerning a military base reuse plan within the boundaries of the host jurisdiction. Agencies that shall participate in the workshop shall include any affected local governments; the Department of Environmental Protection; the department Office of Tourism, Trade, and Economic Development; the Department of Community Affairs; the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts and regional planning councils. The purposes of the workshop shall be to assist the host local government to understand issues of concern to the above listed entities pertaining to the military base site and to identify opportunities for better coordination of planning and review efforts with the information and analyses generated by the federal environmental impact statement process and the federal community base reuse planning process.

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

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments; the Department of Environmental Protection; the department Office of Tourism, Trade, and Economic Development; the ~~Department of Community Affairs~~; the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts and regional planning councils, or

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

Section 194. Paragraph (b) of subsection (1), paragraphs (a) and (c) of subsection (2) and subsections (3), (4), (5), (6), (7), and (9) of section 288.980, Florida Statutes, are amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)

(b) The Florida Defense Alliance, an organization within Enterprise Florida, is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for ~~Enterprise Florida~~ defense-related activity of Enterprise Florida, Inc. The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by the department Office of Tourism, Trade, and Economic Development.

(2)(a) The department Office of Tourism, Trade, and Economic Development is authorized to award grants from any funds available to it to support activities related to the retention of military installations potentially affected by federal base closure or realignment.

(c) Except for grants issued pursuant to the Florida Military Installation Reuse Planning and Marketing Grant Program as described in paragraph (3)(c), the amount of any grant provided to an applicant may not exceed \$250,000. The department Office of Tourism, Trade, and Economic Development shall require that an applicant:

1. Represent a local government with a military installation or military installations that could be adversely affected by federal base realignment or closure.

2. Agree to match at least 30 percent of any grant awarded.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for realignment or closure of a military installation located in the applicant's community and the adverse impacts such realignment or closure will have on the applicant's community.

(3) The Florida Economic Reinvestment Initiative is established to respond to the need for this state and defense-dependent communities in this state to develop alternative economic diversification strategies to lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse. The initiative shall consist of the following two ~~three~~ distinct grant programs to

be administered by the department ~~Office of Tourism, Trade, and Economic Development~~:

(a) The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed \$250,000 per applicant and shall be available on a competitive basis.

(b) The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed \$100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

(4) The Defense Infrastructure Grant Program is created. The department ~~director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate and implement this program, the purpose of which is to support local infrastructure projects deemed to have a positive impact on the military value of installations within the state. Funds are to be used for projects that benefit both the local community and the military installation. It is not the intent, however, to fund on-base military construction projects. Infrastructure projects to be funded under this program include, but are not limited to, those related to encroachment, transportation and access, utilities, communications, housing, environment, and security. Grant requests will be accepted only from economic development applicants serving in the official capacity of a governing board of a county, municipality, special district, or state agency that will have the authority to maintain the project upon completion. An applicant must represent a community or county in which a military installation is located. There is no limit as to the amount of any grant awarded to an applicant. A match by the county or local community may be required. The department ~~Office of Tourism, Trade, and Economic Development~~ shall establish guidelines to implement the purpose of this subsection.

(5)(a) The Defense-Related Business Adjustment Program is hereby created. The department ~~Director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate the development of the Defense-Related Business Adjustment Program. Funds shall be available to assist

defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(b) The department Office shall require that an applicant:

1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.

2. Agree to match at least 50 percent of any funds awarded by the United States Department of Defense in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.

3. Prepare a coordinated program or plan delineating how the funds will be administered.

4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

(6) ~~The Retention of Military Installations Program is created. The department Director of the Office of Tourism, Trade, and Economic Development shall coordinate and implement this program. The sum of \$1.2 million is appropriated from the General Revenue Fund for fiscal year 1999-2000 to the Office of Tourism, Trade, and Economic Development to implement this program for military installations located in counties with a population greater than 824,000. The funds shall be used to assist military installations potentially affected by federal base closure or realignment in covering current operating costs in an effort to retain the installation in this state. An eligible military installation for this program shall include a provider of simulation solutions for war-fighting experimentation, testing, and training which employs at least 500 civilian and military employees and has been operating in the state for a period of more than 10 years.~~

(7) The department ~~director~~ may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

(9) The ~~department Office of Tourism, Trade, and Economic Development~~ shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 195. Paragraphs (a), (e), and (f) of subsection (2) of section 288.984, Florida Statutes, are amended to read:

288.984 Florida Council on Military Base and Mission Support.—The Florida Council on Military Base and Mission Support is established. The council shall provide oversight and direction for initiatives, claims, and actions taken on behalf of the state, its agencies, and political subdivisions under this part.

(2) MEMBERSHIP.—

(a) The council shall be composed of nine members. The President of the Senate, the Speaker of the House of Representatives, and the Governor shall each appoint three members as follows:

1. The President of the Senate shall appoint one member of the Senate, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

2. The Speaker of the House of Representatives shall appoint one member of the House of Representatives, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

3. The Governor shall appoint the executive director of the department or the director's designee, a board member of Enterprise Florida, Inc., ~~director or designee of the Office of Tourism, Trade, and Economic Development, the vice chairperson or designee of Enterprise Florida, Inc.,~~ and one at-large member.

(e) The ~~department Office of Tourism, Trade, and Economic Development~~ shall provide administrative support to the council.

(f) The ~~Secretary of Community Affairs or his or her designee, the Secretary of Environmental Protection or his or her designee, the Secretary of Transportation or his or her designee, the Adjutant General of the state or his or her designee, and the executive director of the Department of Veterans' Affairs or his or her designee~~ shall attend meetings held by the council and provide assistance, information, and support as requested by the council.

Section 196. Subsections (2) and (5) and paragraph (b) of subsection (9) of section 288.9913, Florida Statutes, are amended, and present subsections (3)

through (10) of that section are renumbered as subsections (2) through (8), respectively, to read:

288.9913 Definitions.—As used in ss. 288.991-288.9922, the term:

(2) “Department” means the Department of Revenue.

(5) “Office” means the Office of Tourism, Trade, and Economic Development.

(7)(9) “Qualified investment” means an equity investment in, or a long-term debt security issued by, a qualified community development entity that:

(b) Is designated by the qualified community development entity as a qualified investment under this paragraph and is approved by the department office as a qualified investment.

Section 197. Subsections (1), (2), and (3), paragraphs (a) and (b) of subsection (4), and subsection (6) of section 288.9914, Florida Statutes, are amended to read:

288.9914 Certification of qualified investments; investment issuance reporting.—

(1) ELIGIBLE INDUSTRIES.—

(a) The department office, in consultation with Enterprise Florida, Inc., shall designate industries using the North American Industry Classification System which are eligible to receive low-income community investments. The designated industries must be those industries that have the greatest potential to create strong positive impacts on or benefits to the state, regional, and local economies.

(b) A qualified community development entity may not make a qualified low-income community investment in a business unless the principal activities of the business are within an eligible industry. The department office may waive this limitation if the department office determines that the investment will have a positive impact on a community.

(2) APPLICATION.—A qualified community development entity must submit an application to the department Office to approve a proposed investment as a qualified investment. The application must include:

(a) The name, address, and tax identification number of the qualified community development entity.

(b) Proof of certification as a qualified community development entity under 26 U.S.C. s. 45D.

(c) A copy of an allocation agreement executed by the entity, or its controlling entity, and the Community Development Financial Institutions Fund, which authorizes the entity to serve businesses in this state.

(d) A verified statement by the chief executive officer of the entity that the allocation agreement remains in effect.

(e) A description of the proposed amount, structure, and purchaser of an equity investment or long-term debt security.

(f) The name and tax identification number of any person authorized to claim a tax credit earned as a result of the purchase of the proposed qualified investment.

(g) A detailed explanation of the proposed use of the proceeds from a proposed qualified investment.

(h) A nonrefundable application fee of \$1,000, payable to the department office.

(i) A statement that the entity will invest only in the industries designated by the department office.

(j) The entity's plans for the development of relationships with community-based organizations, local community development offices and organizations, and economic development organizations. The entity must also explain steps it has taken to implement its plans to develop these relationships.

(k) A statement that the entity will not invest in a qualified active low-income community business unless the business will create or retain jobs that pay an average wage of at least 115 percent of the federal poverty income guidelines for a family of four.

(3) REVIEW.—

(a) The department office shall review applications to approve an investment as a qualified investment in the order received. The department office shall approve or deny an application within 30 days after receipt.

(b) If the department office intends to deny the application, the department office shall inform the applicant of the basis of the proposed denial. The applicant shall have 15 days after it receives the notice of the intent to deny the application to submit a revised application to the department office. The department office shall issue a final order approving or denying the revised application within 30 days after receipt.

(c) The department office may not approve a cumulative amount of qualified investments that may result in the claim of more than \$97.5 million in tax credits during the existence of the program or more than \$20 million in tax credits in a single state fiscal year. However, the potential for a taxpayer to carry forward an unused tax credit may not be considered in calculating the annual limit.

(4) APPROVAL.—

(a) The department ~~office~~ shall provide a copy of the final order approving an investment as a qualified investment to the qualified community development entity and to the Department of Revenue. The notice shall include the identity of the taxpayers who are eligible to claim the tax credits and the amount that may be claimed by each taxpayer.

(b) The department ~~office~~ shall approve an application for part of the amount of the proposed investment if the amount of tax credits available is insufficient.

(6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The qualified community development entity must provide the department ~~office~~ with evidence of the receipt of the cash in exchange for the qualified investment within 30 business days after receipt.

Section 198. Subsection (2) of section 288.9916, Florida Statutes, is amended to read:

288.9916 New markets tax credit.—

(2) A tax credit earned under this section may not be sold or transferred, except as provided in this subsection.

(a) A partner, member, or shareholder of a partnership, limited liability company, S-corporation, or other “pass-through” entity may claim the tax credit pursuant to an agreement among the partners, members, or shareholders. Any change in the allocation of a tax credit under the agreement must be reported to the department ~~office~~ and to the Department of Revenue.

(b) Eligibility to claim a tax credit transfers to subsequent purchasers of a qualified investment. Such transfers must be reported to the department ~~office~~ and to the Department of Revenue along with the identity, tax identification number, and tax credit amount allocated to a taxpayer pursuant to paragraph (a). The notice of transfer also must state whether unused tax credits are being transferred and the amount of unused tax credits being transferred.

Section 199. Section 288.9917, Florida Statutes, is amended to read:

288.9917 Community development entity reporting after a credit allowance date; certification of tax credit amount.—

(1) A qualified community development entity that has issued a qualified investment shall submit the following to the department ~~office~~ within 30 days after each credit allowance date:

(a) A list of all qualified active low-income community businesses in which a qualified low-income community investment was made since the last credit allowance date. The list shall also describe the type and amount of investment in each business and the address of the principal location of each

business. The list must be verified by the chief executive officer of the community development entity.

(b) Bank records, wire transfer records, or similar documents that provide evidence of the qualified low-income community investments made since the last credit allowance date.

(c) A verified statement by the chief financial or accounting officer of the community development entity that no redemption or principal repayment was made with respect to the qualified investment since the previous credit allowance date.

(d) Information relating to the recapture of the federal new markets tax credit since the last credit allowance date.

(2) The department ~~office~~ shall certify in writing to the qualified community development entity and to the Department of Revenue the amount of the tax credit authorized for each taxpayer eligible to claim the tax credit in the tax year containing the last credit allowance date.

Section 200. Section 288.9918, Florida Statutes, is amended to read:

288.9918 Annual reporting by a community development entity.—A community development entity that has issued a qualified investment shall submit an annual report to the department ~~office~~ by April 30 after the end of each year which includes a credit allowance date. The report shall include:

(1) The entity's annual financial statements for the preceding tax year, audited by an independent certified public accountant.

(2) The identity of the types of industries, identified by the North American Industry Classification System Code, in which qualified low-income community investments were made.

(3) The names of the counties in which the qualified active low-income businesses are located which received qualified low-income community investments.

(4) The number of jobs created and retained by qualified active low-income community businesses receiving qualified low-income community investments, including verification that the average wages paid meet or exceed 115 percent of the federal poverty income guidelines for a family of four.

(5) A description of the relationships that the entity has established with community-based organizations and local community development offices and organizations and a summary of the outcomes resulting from those relationships.

(6) Other information and documentation required by the department office to verify continued certification as a qualified community development entity under 26 U.S.C. s. 45D.

Section 201. Section 288.9919, Florida Statutes, is amended to read:

288.9919 Audits and examinations; penalties.—

(1) AUDITS.—A community development entity that issues an investment approved by the department office as a qualified investment shall be deemed a recipient of state financial assistance under s. 215.97, the Florida Single Audit Act. However, an entity that makes a qualified investment or receives a qualified low-income community investment is not a subrecipient for the purposes of s. 215.97.

(2) EXAMINATIONS.—The department office may conduct examinations to verify compliance with the New Markets Development Program Act.

Section 202. Section 288.9920, Florida Statutes, is amended to read:

288.9920 Recapture and penalties.—

(1) Notwithstanding s. 95.091, the department office shall direct the Department of Revenue, at any time before December 31, 2022, to recapture all or a portion of a tax credit authorized pursuant to the New Markets Development Program Act if one or more of the following occur:

(a) The Federal Government recaptures any portion of the federal new markets tax credit. The recapture by the Department of Revenue shall equal the recapture by the Federal Government.

(b) The qualified community development entity redeems or makes a principal repayment on a qualified investment before the final allowance date. The recapture by the Department of Revenue shall equal the redemption or principal repayment divided by the purchase price and multiplied by the tax credit authorized to a taxpayer for the qualified investment.

(c)1. The qualified community development entity fails to invest at least 85 percent of the purchase price in qualified low-income community investments within 12 months after the issuance of a qualified investment; or

2. The qualified community development entity fails to maintain 85 percent of the purchase price in qualified low-income community investments until the last credit allowance date for a qualified investment.

For the purposes of this paragraph, an investment by a qualified community development entity includes principal recovered from an investment for 12 months after its recovery or principal recovered after the sixth credit allowance date. Principal held for longer than 12 months or recovered before

the sixth credit allowance date is not an investment unless it is reinvested in a qualified low-income community investment.

(d) The qualified community development entity fails to provide the department office with information, reports, or documentation required by the New Markets Development Program Act.

(e) The department office determines that a taxpayer received tax credits to which the taxpayer was not entitled.

(2) The department office shall provide notice to the qualified community development entity and the Department of Revenue of a proposed recapture of a tax credit. The entity shall have 6 months following the receipt of the notice to cure a deficiency identified in the notice and avoid recapture. The department office shall issue a final order of recapture if the entity fails to cure a deficiency within the 6-month period. The final order of recapture shall be provided to the entity, the Department of Revenue, and a taxpayer otherwise authorized to claim the tax credit. Only one correction is permitted for each qualified equity investment during the 7-year credit period. Recaptured funds shall be deposited into the General Revenue Fund.

(3) An entity that submits fraudulent information to the department office is liable for the costs associated with the investigation and prosecution of the fraudulent claim plus a penalty in an amount equal to double the tax credits claimed by investors in the entity's qualified investments. This penalty is in addition to any other penalty that may be imposed by law.

Section 203. Section 288.9921, Florida Statutes, is amended to read:

288.9921 Rulemaking.—The Department of Economic Opportunity Office and the Department of Revenue may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer ss. 288.991-288.9920.

Section 204. Section 290.004, Florida Statutes, is amended to read:

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

(1) “Community investment corporation” means a black business investment corporation, a certified development corporation, a small business investment corporation, or other similar entity incorporated under Florida law that has limited its investment policy to making investments solely in minority business enterprises.

(2) “Department” means the Department of Economic Opportunity.

(2) “~~Director~~” means the ~~director of the Office of Tourism, Trade, and Economic Development~~.

(3) “Governing body” means the council or other legislative body charged with governing the county or municipality.

(4) “Minority business enterprise” has the same meaning as provided in s. 288.703.

~~(5) “Office” means the Office of Tourism, Trade, and Economic Development.~~

~~(5)(6)~~ “Rural enterprise zone” means an enterprise zone that is nominated by a county having a population of 75,000 or fewer, or a county having a population of 100,000 or fewer which is contiguous to a county having a population of 75,000 or fewer, or by a municipality in such a county, or by such a county and one or more municipalities. An enterprise zone designated in accordance with s. 290.0065(5)(b) ~~or s. 379.2353~~ is considered to be a rural enterprise zone.

~~(6)(7)~~ “Small business” has the same meaning as provided in s. 288.703.

Section 205. Subsection (1) and paragraphs (a) and (b) of subsection (6) of section 290.0055, Florida Statutes, are amended to read:

290.0055 Local nominating procedure.—

(1) If, pursuant to s. 290.0065, an opportunity exists for designation of a new enterprise zone, any county or municipality, or a county and one or more municipalities together, may apply to the department ~~office~~ for the designation of an area as an enterprise zone after completion of the following:

(a) The adoption by the governing body or bodies of a resolution which:

1. Finds that an area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

2. Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

3. Determines that the revitalization of such area can occur only if the private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(b) The creation of an enterprise zone development agency pursuant to s. 290.0056.

(c) The creation and adoption of a strategic plan pursuant to s. 290.0057.

(6)(a) The department ~~office~~ may approve a change in the boundary of any enterprise zone which was designated pursuant to s. 290.0065. A boundary change must continue to satisfy the requirements of subsections (3), (4), and (5).

(b) Upon a recommendation by the enterprise zone development agency, the governing body of the jurisdiction which authorized the application for an enterprise zone may apply to the department Office for a change in boundary once every 3 years by adopting a resolution that:

1. States with particularity the reasons for the change; and
2. Describes specifically and, to the extent required by the department office, the boundary change to be made.

Section 206. Paragraph (h) of subsection (8) and subsections (11) and (12) of section 290.0056, Florida Statutes, are amended to read:

290.0056 Enterprise zone development agency.—

(8) The enterprise zone development agency shall have the following powers and responsibilities:

(h) To work with the department and Enterprise Florida, Inc., ~~and the office~~ to ensure that the enterprise zone coordinator receives training on an annual basis.

(11) ~~Before~~ ~~Prior to~~ December 1 of each year, the agency shall submit to the department Office of Tourism, Trade, and Economic Development a complete and detailed written report setting forth:

- (a) Its operations and accomplishments during the fiscal year.
- (b) The accomplishments and progress concerning the implementation of the strategic plan or measurable goals, and any updates to the strategic plan or measurable goals.
- (c) The number and type of businesses assisted by the agency during the fiscal year.
- (d) The number of jobs created within the enterprise zone during the fiscal year.
- (e) The usage and revenue impact of state and local incentives granted during the calendar year.
- (f) Any other information required by the department office.

(12) In the event that the nominated area selected by the governing body is not designated a state enterprise zone, the governing body may dissolve the agency after receiving notification from the department office that the area was not designated as an enterprise zone.

Section 207. Subsections (1) and (5) of section 290.0058, Florida Statutes, are amended to read:

290.0058 Determination of pervasive poverty, unemployment, and general distress.—

(1) In determining whether an area suffers from pervasive poverty, unemployment, and general distress, for purposes of ss. 290.0055 and 290.0065, the governing body and the department office shall use data from the most current decennial census, and from information published by the Bureau of the Census and the Bureau of Labor Statistics. The data shall be comparable in point or period of time and methodology employed.

(5) In making the calculations required by this section, the local government and the department office shall round all fractional percentages of one-half percent or more up to the next highest whole percentage figure.

Section 208. Subsections (2), (4), and (5), paragraph (a) of subsection (6), and subsection (7) of section 290.0065, Florida Statutes, are amended to read:

290.0065 State designation of enterprise zones.—

(2) If, pursuant to subsection (4), the department office does not redesignate an enterprise zone, a governing body of a county or municipality or the governing bodies of a county and one or more municipalities jointly, pursuant to s. 290.0055, may apply for designation of an enterprise zone to take the place of the enterprise zone not redesignated and request designation of an enterprise zone. The department Office, ~~in consultation with Enterprise Florida, Inc.,~~ shall determine which areas nominated by such governing bodies meet the criteria outlined in s. 290.0055 and are the most appropriate for designation as state enterprise zones. Each application made pursuant to s. 290.0055 shall be ranked competitively based on the pervasive poverty, unemployment, and general distress of the area; the strategic plan, including local fiscal and regulatory incentives, prepared pursuant to s. 290.0057; and the prospects for new investment and economic development in the area. Pervasive poverty, unemployment, and general distress shall be weighted 35 percent; strategic plan and local fiscal and regulatory incentives shall be weighted 40 percent; and prospects for new investment and economic development in the area shall be weighted 25 percent.

(4)(a) Notwithstanding s. 290.0055, the department office may redesignate any state enterprise zone having an effective date on or before January 1, 2005, as a state enterprise zone upon completion and submittal to the office by the governing body for an enterprise zone of the following:

1. An updated zone profile for the enterprise zone based on the most recent census data that complies with s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

2. A resolution passed by the governing body for that enterprise zone requesting redesignation and explaining the reasons the conditions of the zone merit redesignation.

3. Measurable goals for the enterprise zone developed by the enterprise zone development agency, which may be the goals established in the enterprise zone's strategic plan.

The governing body may also submit a request for a boundary change in an enterprise zone in the same application to the department office as long as the new area complies with the requirements of s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

(b) In consultation with Enterprise Florida, Inc., the department office shall, based on the enterprise zone profile and the grounds for redesignation expressed in the resolution, determine whether the enterprise zone merits redesignation. The department office may also examine and consider the following:

1. Progress made, if any, in the enterprise zone's strategic plan.
2. Use of enterprise zone incentives during the life of the enterprise zone.

If the department office determines that the enterprise zone merits redesignation, the department office shall notify the governing body in writing of its approval of redesignation.

(c) If the enterprise zone is redesignated, the department office shall determine if the measurable goals submitted are reasonable. If the department office determines that the goals are reasonable, ~~it~~ ~~the~~ ~~office~~ shall notify the governing body in writing that the goals have been approved.

(d) If the department office denies redesignation of an enterprise zone, ~~it~~ ~~the~~ ~~office~~ shall notify the governing body in writing of the denial. Any county or municipality having jurisdiction over an area denied redesignation as a state enterprise zone pursuant to this subsection may not apply for designation of that area for 1 year following the date of denial.

(5) Notwithstanding s. 290.0055, an area designated as a federal empowerment zone or enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993, the Taxpayer Relief Act of 1997, or the 1999 Agricultural Appropriations Act shall be designated a state enterprise zone as follows:

(a) An area designated as an urban empowerment zone or urban enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993, the Taxpayer Relief Act of 1997, or the 2000 Community Renewal Tax Relief Act shall be redesignated a state enterprise zone by the department office upon completion of the requirements set out in paragraph (d), except in the case of a county as defined in s. 125.011(1) which, notwithstanding s. 290.0055, may incorporate and include such designated

urban empowerment zone or urban enterprise community areas within the boundaries of its state enterprise zones without any limitation as to size.

(b) An area designated as a rural empowerment zone or rural enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993 or the 1999 Agricultural Appropriations Act shall be redesignated a state rural enterprise zone by the department office upon completion of the requirements set out in paragraph (d) and may incorporate and include such designated rural empowerment zone or rural enterprise community within the boundaries of its state enterprise zones without any limitation as to size.

(c) Any county or municipality having jurisdiction over an area redesignated as a state enterprise zone pursuant to this subsection, other than a county defined in s. 125.011(1), may not apply for designation of another area.

(d) ~~Before~~ Prior to redesignating such areas as state enterprise zones, the department office shall ensure that the governing body having jurisdiction over the zone submits the information required under paragraph (4)(a) for redesignation to the department office.

(6)(a) ~~The department office, in consultation with Enterprise Florida, Inc., may develop guidelines necessary for the approval of areas under this section by the executive director.~~

(7) Upon approval by the department director of a resolution authorizing an area to be an enterprise zone pursuant to this section, the department office shall assign a unique identifying number to that resolution. The department office shall provide the Department of Revenue and Enterprise Florida, Inc., with a copy of each resolution approved, together with its identifying number.

Section 209. Subsection (1) of section 290.0066, Florida Statutes, is amended to read:

290.0066 Revocation of enterprise zone designation.—

(1) ~~The department director may revoke the designation of an enterprise zone if the department director determines that the governing body or bodies:~~

(a) Have failed to make progress in achieving the benchmarks set forth in the strategic plan or measurable goals; or

(b) Have not complied substantially with the strategic plan or measurable goals.

Section 210. Section 290.00710, Florida Statutes, is amended to read:

290.00710 Enterprise zone designation for the City of Lakeland.—The City of Lakeland may apply to the department Office of Tourism, Trade, and

~~Economic Development~~ for designation of one enterprise zone for an area within the City of Lakeland, which zone shall encompass an area up to 10 square miles. ~~The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.~~ Notwithstanding s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, ~~the department Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. ~~The department Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 211. Section 290.0072, Florida Statutes, is amended to read:

290.0072 Enterprise zone designation for the City of Winter Haven.—~~The City of Winter Haven may apply to the department Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone for an area within the City of Winter Haven, which zone shall encompass an area up to 5 square miles. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, ~~the department office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. ~~The department Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 212. Section 290.00725, Florida Statutes, is amended to read:

290.00725 Enterprise zone designation for the City of Ocala.—~~The City of Ocala may apply to the department Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone for an area within the western portion of the city, which zone shall encompass an area up to 5 square miles. ~~The application must be submitted by December 31, 2009, and must comply with the requirements of s. 290.0055.~~ Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, ~~the department Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. ~~The department Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated under this section.

Section 213. Section 290.0073, Florida Statutes, is amended to read:

290.0073 Enterprise zone designation for Indian River County, the City of Vero Beach, and the City of Sebastian.—~~Indian River County, the City of Vero Beach, and the City of Sebastian may jointly apply to the department Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone encompassing an area not to exceed 10 square miles. ~~The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.~~ Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the

number of enterprise zones within a population category, the department Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The department Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 214. Section 290.0074, Florida Statutes, is amended to read:

290.0074 Enterprise zone designation for Sumter County.—Sumter County may apply to the department Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the department Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The department Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 215. Section 290.0077, Florida Statutes, is amended to read:

290.0077 Enterprise zone designation for Orange County and the municipality of Apopka.—Orange County and the municipality of Apopka may jointly apply to the department Office of Tourism, Trade, and Economic Development for designation of one enterprise zone. ~~The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.~~ Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the department Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The department Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 216. Section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

(1) By February 1 of each year, the Department of Revenue shall submit an annual report to the department Office of Tourism, Trade, and Economic Development detailing the usage and revenue impact by county of the state incentives listed in s. 290.007.

(2) By March 1 of each year, the department office shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report shall include the information provided by the Department of Revenue pursuant to subsection (1) and the information provided by enterprise zone development agencies pursuant to s. 290.0056.

In addition, the report shall include an analysis of the activities and accomplishments of each enterprise zone.

Section 217. Subsections (3) and (6) of section 290.042, Florida Statutes, are amended to read:

290.042 Definitions relating to Florida Small Cities Community Development Block Grant Program Act.—As used in ss. 290.0401-290.049, the term:

(3) “Department” means the Department of Economic Opportunity Community Affairs.

(6) “Person of low or moderate income” means any person who meets the definition established by the department of ~~Community Affairs~~ in accordance with the guidelines established in Title I of the Housing and Community Development Act of 1974, as amended.

Section 218. Section 290.043, Florida Statutes, is amended to read:

290.043 Florida Small Cities Community Development Block Grant Program; administration.—There is created the Florida Small Cities Community Development Block Grant Program. The department of ~~Community Affairs~~ shall administer the program as authorized and described in Title I of the Housing and Community Development Act of 1974, as amended; Pub. L. No. 93-383, as amended by Pub. L. No. 96-399 and Pub. L. No. 97-35; 42 U.S.C. ss. 5301 et seq.

Section 219. Subsection (4) of section 290.043, Florida Statutes, is amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(4) The department may set aside an amount of up to 5 percent of the funds annually for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department may provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside shall be used to fully fund any applications which were partially funded due to inadequate funds in the most recently completed neighborhood revitalization category funding cycle, and then any remaining funds shall be distributed to the next unfunded applications from the most recent funding cycle.

Section 220. Subsection (6) of section 290.046, Florida Statutes, is amended to read:

290.046 Applications for grants; procedures; requirements.—

(6) The local government shall establish a citizen advisory task force composed of citizens in the jurisdiction in which the proposed project is to be implemented to provide input relative to all phases of the project process. The local government must obtain consent from the department of ~~Community Affairs~~ for any other type of citizen participation plan upon a showing that such plan is better suited to secure citizen participation for that locality.

Section 221. Subsection (2) of section 290.047, Florida Statutes, is amended to read:

290.047 Establishment of grant ceilings and maximum administrative cost percentages; elimination of population bias; loans in default.—

(2) The department shall establish grant ceilings for each program category by rule. ~~These ceilings shall bear some relationship to an applicant's total population or its population living below the federal poverty level. Population ranges may be used in establishing these ceilings. In no case, however, may a grant ceiling be set above \$750,000 or below \$300,000.~~

Section 222. Section 290.048, Florida Statutes, is amended to read:

290.048 General powers of department of ~~Community Affairs~~ under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(1) Make contracts and agreements with the Federal Government; other agencies of the state; any other public agency; or any other public person, association, corporation, local government, or entity in exercising its powers and performing its duties under ss. 290.0401-290.049.

(2) Seek and accept funding from any public or private source.

(3) Adopt and enforce rules not inconsistent with ss. 290.0401-290.049 for the administration of the fund.

(4) Assist in training employees of local governing authorities to help achieve and increase their capacity to administer programs pursuant to ss. 290.0401-290.049 and provide technical assistance and advice to local governing authorities involved with these programs.

(5) Adopt and enforce strict requirements concerning an applicant's written description of a service area. Each such description shall contain maps which illustrate the location of the proposed service area. All such maps must be clearly legible and must:

(a) Contain a scale which is clearly marked on the map.

(b) Show the boundaries of the locality.

(c) Show the boundaries of the service area where the activities will be concentrated.

(d) Display the location of all proposed area activities.

(e) Include the names of streets, route numbers, or easily identifiable landmarks where all service activities are located.

(6) Pledge community development block grant revenues from the Federal Government in order to guarantee notes or other obligations of a public entity which are approved pursuant to s. 290.0455.

(7) Establish an advisory committee of no more than 13 members to solicit participation in designing, administering, and evaluating the program and in linking the program with other housing and community development resources.

Section 223. Paragraph (a) of subsection (2) and subsection (4) of section 290.0491, Florida Statutes, is amended to read:

290.0491 Florida Empowerment Zones.—

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

(a) “Department” means the Department of Economic Opportunity Community Affairs.

(4) EMPOWERMENT ZONE PROGRAM.—There is created an economic development program to be known as the Florida Empowerment Zone Program. The program shall exist for 10 years and, except as otherwise provided by law, be operated by the Department of Economic Opportunity Community Affairs in conjunction with the Federal Empowerment Zone Program.

Section 224. Subsections (3) and (4) of section 290.053, Florida Statutes, are amended to read:

290.053 Response to economic emergencies in small communities.—

(3) A local government entity shall notify the Governor, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, and Enterprise Florida, Inc., when one or more of the conditions specified in subsection (2) have occurred or will occur if action is not taken to assist the local governmental entity or the affected community.

(4) Upon notification that one or more of the conditions described in subsection (2) exist, the Governor or his or her designee shall contact the local governmental entity to determine what actions have been taken by the local governmental entity or the affected community to resolve the economic emergency. The Governor may ~~has the authority to~~ waive the eligibility criteria of any program or activity administered by the Department of

Economic Opportunity Office of Tourism, Trade, and Economic Development, or Enterprise Florida, Inc., to provide economic relief to the affected community by granting participation in such programs or activities. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives and shall take other action, as necessary, to resolve the economic emergency in the most expedient manner possible. All actions taken pursuant to this section shall be within current appropriations and shall have no annualized impact beyond normal growth.

Section 225. Section 290.06561, Florida Statutes, is amended to read:

290.06561 Designation of rural enterprise zone as catalyst site.— Notwithstanding s. 290.0065(1), the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, upon request of the host county, shall designate as a rural enterprise zone any catalyst site as defined in s. 288.0656(2)(b) that was approved before ~~prior to~~ January 1, 2010, and that is not located in an existing rural enterprise zone. The request from the host county must include the legal description of the catalyst site and the name and contact information for the county development authority responsible for managing the catalyst site. The designation shall provide businesses locating within the catalyst site the same eligibility for economic incentives and other benefits of a rural enterprise zone designated under s. 290.0065. The reporting criteria for a catalyst site designated as a rural enterprise zone under this section are the same as for other rural enterprise zones. Host county development authorities may enter into memoranda of agreement, as necessary, to coordinate their efforts to implement this section.

Section 226. Paragraph (d) of subsection (3) of section 310.0015, Florida Statutes, is amended to read:

310.0015 Piloting regulation; general provisions.—

(3) The rate-setting process, the issuance of licenses only in numbers deemed necessary or prudent by the board, and other aspects of the economic regulation of piloting established in this chapter are intended to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns. This system of regulation benefits and protects the public interest by maximizing safety, avoiding uneconomic duplication of capital expenses and facilities, and enhancing state regulatory oversight. The system seeks to provide pilots with reasonable revenues, taking into consideration the normal uncertainties of vessel traffic and port usage, sufficient to maintain reliable, stable piloting operations. Pilots have certain restrictions and obligations under this system, including, but not limited to, the following:

(d)1. The pilot or pilots in a port shall train and compensate all member deputy pilots in that port. Failure to train or compensate such deputy pilots shall constitute a ground for disciplinary action under s. 310.101. Nothing in

this subsection shall be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

2. The pilot or pilots in a port shall establish a competency-based mentor program by which minority persons, as defined in s. 288.703(3), may acquire the skills for the professional preparation and education competency requirements of a licensed state pilot or certificated deputy pilot. The department shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report each year on the number of minority persons, as defined in s. 288.703(3), who have participated in each mentor program, who are licensed state pilots or certificated deputy pilots, and who have applied for state pilot licensure or deputy pilot certification.

Section 227. Subsections (1), (3), (5), (8), (9), (10), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; and the director of the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development or his or her designee; and the secretary of the ~~Department of Community Affairs or his or her designee.~~

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year to the President of the Senate,; the Speaker of the House of Representatives,; the Department of Economic Opportunity, and the Office of Tourism, Trade, and Economic Development; the Department of Transportation; and the ~~Department of Community Affairs.~~ The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry, and

report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually.

(5) The council shall review and approve or disapprove each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Program. The council shall annually submit to the Secretary of Transportation and; the executive director of the Department of Economic Opportunity, or his or her designee, director of the Office of Tourism, Trade, and Economic Development; and the Secretary of Community Affairs a list of projects which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

(8) ~~The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings.~~

(9) The council shall review the findings of the Department of Economic Opportunity ~~Department of Community Affairs; the Office of Tourism, Trade, and Economic Development;~~ and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (6), (7), and (8) and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (8) shall not be included in the list of projects to be funded.

(10) The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for expenditure of funds of not less than \$8 million per year. Such budget shall include funding for projects approved by the council which have been determined by each agency to be consistent and which have been determined by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ to be economically beneficial. The department shall include the specific approved seaport projects to be funded under this section during the ensuing fiscal year in the tentative work program developed pursuant to s. 339.135(4). The total amount of funding to be allocated to seaport projects under s. 311.07 during the successive 4 fiscal years shall also be included in the tentative work program developed pursuant to s. 339.135(4). The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted by the department as part

of the needs and project list prepared pursuant to s. 339.135(2)(b). However, the department shall, upon written request of the Florida Seaport Transportation and Economic Development Council, submit work program amendments pursuant to s. 339.135(7) to the Governor within 10 days after the later of the date the request is received by the department or the effective date of the amendment, termination, or closure of the applicable funding agreement between the department and the affected seaport, as required to release the funds from the existing commitment. Notwithstanding s. 339.135(7)(c), any work program amendment to transfer prior year funds from one approved seaport project to another seaport project is subject to the procedures in s. 339.135(7)(d). Notwithstanding any provision of law to the contrary, the department may transfer unexpended budget between the seaport projects as identified in the approved work program amendments.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members. A vote of the majority of the voting members present is sufficient for any action of the council, except that a member representing the Department of Transportation, ~~the Department of Community Affairs,~~ or the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development may vote to overrule any action of the council approving a project pursuant to subsection (5). The bylaws of the council may require a greater vote for a particular action.

Section 228. Paragraph (b) of subsection (1) of section 311.105, Florida Statutes, is amended to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

(1)

(b) The committee shall consist of the following members: the Secretary of Environmental Protection, or his or her designee, as an ex officio, nonvoting member; a designee from the United States Army Corps of Engineers, as an ex officio, nonvoting member; a designee from the Florida Inland Navigation District, as an ex officio, nonvoting member; the executive director of Economic Opportunity ~~Secretary of Community Affairs,~~ or his or her designee, as an ex officio, nonvoting member; and five or more port directors, as voting members, appointed to the committee by the council chair, who shall also designate one such member as committee chair.

Section 229. Subsection (3) of section 327.803, Florida Statutes, is amended to read:

327.803 Boating Advisory Council.—

(3) The purpose of the council is to make recommendations to the Fish and Wildlife Conservation Commission and the Department of Economic Opportunity Community Affairs regarding issues affecting the boating community, including, but not limited to, issues related to:

- (a) Boating and diving safety education.
- (b) Boating-related facilities, including marinas and boat testing facilities.
- (c) Boat usage.
- (d) Boat access.
- (e) Working waterfronts.

Section 230. Section 311.11, Florida Statutes, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the Department of Economic Opportunity Office. The Department of Economic Opportunity office shall grant funds appropriated by the Legislature to the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The ~~office's contribution of the Department of Economic Opportunity~~ to any specific training program may not exceed 50 percent of the total cost of the program. Matching contributions may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

(2) The Department of Economic Opportunity Office shall adopt criteria to implement this section.

Section 231. Paragraph (i) of subsection (1) of section 311.115, Florida Statutes, are amended to read:

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

(i) One representative of the Department of Economic Opportunity ~~member from the Office of Tourism, Trade, and Economic Development.~~

Section 232. Subsection (2) of section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process described in s. 311.09(5)-(12), and provide for a review by ~~the Department of Community Affairs,~~ the Department of Transportation, and ~~the~~ Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ of all projects submitted for funding under this section.

Section 233. Paragraph (a) of subsection (6), paragraph (b) of subsection (9), subsection (60), and paragraph (b) of subsection (65) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE PLATES.—

(a) Because the United States Olympic Committee has selected this state to participate in a combined fundraising program that provides for one-half of all money raised through volunteer giving to stay in this state and be administered by Enterprise Florida, Inc., ~~the direct support organization~~ established under s. ~~288.1229~~ to support amateur sports, and because the United States Olympic Committee and Enterprise Florida, Inc., ~~the direct support organization~~ are nonprofit organizations dedicated to providing athletes with support and training and preparing athletes of all ages and skill levels for sports competition, and because Enterprise Florida, Inc., ~~the direct support organization~~ assists in the bidding for sports competitions that provide significant impact to the economy of this state, and the Legislature supports the efforts of the United States Olympic Committee and Enterprise Florida, Inc., ~~the direct support organization,~~ the Legislature establishes a Florida United States Olympic Committee license plate for the purpose of providing a continuous funding source to support this worthwhile effort. Florida United States Olympic Committee license plates must contain the official United States Olympic Committee logo and must bear a design and colors that are approved by the department. The word “Florida” must be centered at the top of the plate.

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to Enterprise Florida, Inc, ~~the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development.~~ These funds must be deposited into the Professional Sports Development Trust Fund within the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development. These funds must be used by Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.

3. Enterprise Florida, Inc., ~~The Florida Sports Foundation~~ shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development as specified in s. ~~288.1229(5)~~. The auditor shall submit the audit report to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the Department of Economic Opportunity ~~office~~ shall certify the audit report to the Auditor General for review.

4. Notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for

operational expenses of Enterprise Florida, Inc., the Florida Sports Foundation and financial support of the Sunshine State Games.

(60) FLORIDA NASCAR LICENSE PLATES.—

(a) The department shall develop a Florida NASCAR license plate as provided in this section. Florida NASCAR license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the term “NASCAR” must appear at the bottom of the plate. The National Association for Stock Car Auto Racing, following consultation with Enterprise Florida, Inc., the Florida Sports Foundation, may submit a sample plate for consideration by the department.

(b) The license plate annual use fees shall be distributed to Enterprise Florida, Inc. the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by Enterprise Florida, Inc., the Florida Sports Foundation for the administration of the NASCAR license plate program.

2. The National Association for Stock Car Auto Racing shall receive up to \$60,000 in proceeds from the annual use fees to be used to pay startup costs, including costs incurred in developing and issuing the plates. Thereafter, 10 percent of the proceeds from the annual use fees shall be provided to the association for the royalty rights for the use of its marks.

3. The remaining proceeds from the annual use fees shall be distributed to Enterprise Florida, Inc. the Florida Sports Foundation. Enterprise Florida, Inc., The Florida Sports Foundation will retain 15 percent to support its regional grant program, attracting sporting events to Florida; 20 percent to support the marketing of motorsports-related tourism in the state; and 50 percent to be paid to the NASCAR Foundation, a s. 501(c)(3) charitable organization, to support Florida-based charitable organizations.

(c) Enterprise Florida, Inc., The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the Department of Economic Opportunity office shall certify the audit report to the Auditor General for review.

(65) FLORIDA TENNIS LICENSE PLATES.—

(b) The department shall distribute the annual use fees to Enterprise Florida, Inc. the Florida Sports Foundation, a direct support organization of

~~the Office of Tourism, Trade, and Economic Development.~~ The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ to administer the license plate program.

2. The United States Tennis Association Florida Section Foundation shall receive the first \$60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.

3. Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.

Section 234. Subsection (3) of section 320.63, Florida Statutes, is amended to read:

320.63 Application for license; contents.—Any person desiring to be licensed pursuant to ss. 320.60-320.70 shall make application therefor to the department upon a form containing such information as the department requires. The department shall require, with such application or otherwise and from time to time, all of the following, which information may be considered by the department in determining the fitness of the applicant or licensee to engage in the business for which the applicant or licensee desires to be licensed:

(3) From each manufacturer, distributor, or importer which utilizes an identical blanket basic agreement for its dealers or distributors in this state, which agreement comprises all or any part of the applicant's or licensee's agreements with motor vehicle dealers in this state, a copy of the written agreement and all supplements thereto, together with a list of the applicant's or licensee's authorized dealers or distributors and their addresses. The applicant or licensee shall further notify the department immediately of the appointment of any additional dealer or distributor. The applicant or licensee shall annually report to the department on its efforts to add new minority dealer points, including difficulties encountered under ss. 320.61-320.70. For purposes of this section "minority" shall have the same meaning as that given it in the definition of "minority person" in s. 288.703(3). Not later than 60 days before ~~prior to~~ the date a revision or modification to a franchise agreement is offered uniformly to a licensee's motor vehicle dealers in this state, the licensee shall notify the department of such revision, modification, or addition to the franchise agreement on file with the department. In no event may a franchise agreement, or any addendum or supplement thereto, be offered to a motor vehicle dealer in this state until the applicant or licensee files an affidavit with the department acknowledging that the terms or

provisions of the agreement, or any related document, are not inconsistent with, prohibited by, or contrary to the provisions contained in ss. 320.60-320.70. Any franchise agreement offered to a motor vehicle dealer in this state shall provide that all terms and conditions in such agreement inconsistent with the law and rules of this state are of no force and effect.

Section 235. Subsection (5) of section 331.3051, Florida Statutes, is amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

(5) Consult with Enterprise Florida, Inc., the Florida Commission on Tourism in developing a space tourism marketing plan. Space Florida and Enterprise Florida, Inc., the Florida Commission on Tourism may enter into a mutually beneficial agreement that provides funding to Enterprise Florida, Inc., the commission for its services to implement this subsection.

Section 236. Section 331.3081, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 331.3081, F.S., for present text.)

331.3081 Board of Directors; advisory board.—

(1) Space Florida shall be governed by a 12-member independent board of directors that consists of the members appointed to the board of directors of Enterprise Florida, Inc., by the Governor, the President of the Senate, and the Speaker of the House of Representatives pursuant to s. 288.901(5)(a)5.

(2) Space Florida shall have a 15-member advisory council, appointed by the Governor from a list of nominations submitted by the board of directors. The advisory council shall be composed of Florida residents with expertise in the space industry, and each of the following areas of expertise or experience must be represented by at least one advisory council member: human space-flight programs, commercial launches into space, organized labor with experience working in the aerospace industry, aerospace-related industries, a commercial company working under Federal Government contracts to conduct space-related business, an aerospace company whose primary client is the United States Department of Defense, and an alternative energy enterprise with potential for aerospace applications. The advisory council shall elect a member to serve as the chair of the council.

(3) The advisory council shall make recommendations to the board of directors of Enterprise Florida, Inc., on the operation of Space Florida, including matters pertaining to ways to improve or enhance Florida's efforts to expand its existing space and aerospace industry, to improve management and use of Florida's state-owned real property assets related to space and aerospace, how best to retain and, if necessary, retrain Florida's highly skilled space and aerospace workforce, and how to strengthen bonds between

this state, NASA, the Department of Defense, and private space and aerospace industries.

(4) The term for an advisory council member is 4 years. A member may not serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(5) Advisory council members shall serve without compensation, but may be reimbursed for all reasonable, necessary, and actual expenses as determined by the board of directors of Enterprise Florida, Inc.

Section 237. Subsection (1) of section 332.115, Florida Statutes, is amended to read:

332.115 Joint project agreement with port district for transportation corridor between airport and port facility.—

(1) An eligible agency may acquire, construct, and operate all equipment, appurtenances, and land necessary to establish, maintain, and operate, or to license others to establish, maintain, operate, or use, a transportation corridor connecting an airport operated by such eligible agency with a port facility, which corridor must be acquired, constructed, and used for the transportation of persons between the airport and the port facility, for the transportation of cargo, and for the location and operation of lines for the transmission of water, electricity, communications, information, petroleum products, products of a public utility (including new technologies of a public utility nature), and materials. However, any such corridor may be established and operated only pursuant to a joint project agreement between an eligible agency as defined in s. 332.004 and a port district as defined in s. 315.02, and such agreement must be approved by the Department of Transportation and the Department of Economic Opportunity Community Affairs. Before the Department of Transportation approves the joint project agreement, that department must review the public purpose and necessity for the corridor pursuant to s. 337.273(5) and must also determine that the proposed corridor is consistent with the Florida Transportation Plan. Before the Department of Economic Opportunity Community Affairs approves the joint project agreement, that department must determine that the proposed corridor is consistent with the applicable local government comprehensive plans. An affected local government may provide its comments regarding the consistency of the proposed corridor with its comprehensive plan to the Department of Economic Opportunity Community Affairs.

Section 238. Section 333.065, Florida Statutes, is amended to read:

333.065 Guidelines regarding land use near airports.—The Department of Transportation, after consultation with the Department of Economic Opportunity Community Affairs, local governments, and other interested persons, shall adopt by rule recommended guidelines regarding compatible land uses in the vicinity of airports. These guidelines shall utilize acceptable and established quantitative measures, such as the Air Installation

Compatible Use Zone standards, the Florida Statutes, and applicable Federal Aviation Administration documents.

Section 239. Paragraph (f) of subsection (4) and paragraph (g) of subsection (7) of section 339.135, Florida Statutes, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.

(f) The central office shall submit a preliminary copy of the tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and the Department of Economic Opportunity Community Affairs at least 14 days prior to the convening of the regular legislative session. Prior to the statewide public hearing required by paragraph (g), the Department of Economic Opportunity Community Affairs shall transmit to the Florida Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified as being inconsistent with approved local government comprehensive plans. For urbanized areas of metropolitan planning organizations, the list may not contain any project or project phase that is scheduled in a transportation improvement program unless such inconsistency has been previously reported to the affected metropolitan planning organization.

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(g) Notwithstanding ~~the requirements in~~ paragraphs (d) and (g) and ss. 216.177(2) and 216.351, the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists, as defined in s. 252.34(3), and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget if a in the event that ~~the delay incident to the notification requirements in paragraph (d) would be detrimental to the interests of the state.~~ However, the department shall immediately notify the parties specified in paragraph (d) and shall provide such parties written justification for the emergency action within 7 days after ~~of the approval by the Executive Office of the Governor of the amendment to the adopted work program and the department's budget. In no event may~~ The adopted work program may not be amended under ~~the provisions of this subsection without the certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.~~

Section 240. Paragraphs (f) and (g) of subsection (8) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

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

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

Section 241. Subsection (1) of section 342.201, Florida Statutes, is amended to read:

342.201 Waterfronts Florida Program.—

(1) There is established within the Department of ~~Environmental Protection Community Affairs~~ the Waterfronts Florida Program to provide technical assistance and support to communities in revitalizing waterfront areas in this state.

Section 242. Subsection (3) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(3) “Department” means the Department of Economic Opportunity Community Affairs.

Section 243. Subsection (1) of section 369.318, Florida Statutes, is amended to read:

369.318 Studies.—

(1) The Department of Environmental Protection shall study the efficacy and applicability of water quality and wastewater treatment standards needed to achieve nitrogen reductions protective of surface and groundwater quality within the Wekiva Study Area and report to the Governor and the Department of Economic Opportunity Community Affairs. The Department of Environmental Protection may adopt rules to implement the specific recommendations set forth in sections C.2. and C.4. of its report entitled “A Strategy for Water Quality Protection: Wastewater Treatment in the Wekiva Study Area,” dated December 2004, in order to achieve nitrogen reductions protective of surface and groundwater quality in the Wekiva Study Area and implement Recommendation 8 of the Wekiva River Basin Coordinating Committee’s final report dated March 16, 2004. The rules shall provide an opportunity for relief from such specific recommendations upon affirmative demonstration by the permittee or permit applicant, based on water quality data, physical circumstances, or other credible information, that the discharge of treated wastewater is protective of surface water and groundwater quality with respect to nitrate nitrogen as set forth in section C.1. of the referenced December 2004 report.

Section 244. Subsections (5) and (7) of section 369.321, Florida Statutes, are amended to read:

369.321 Comprehensive plan amendments.—Except as otherwise expressly provided, by January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

(5) Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the Department of Economic Opportunity Community Affairs pursuant to s. 163.3184, and shall be exempt from the provisions of s. 163.3187(1).

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of Economic Opportunity Community Affairs, pursuant to chapter 163 and chapter 9J-5, Florida Administrative Code, using best

available data, including the information presented to the Wekiva River Basin Coordinating Committee.

Section 245. Subsections (1) and (3) of section 369.322, Florida Statutes, are amended to read:

369.322 Coordination of land use and water supply within the Wekiva Study Area.—

(1) In their review of local government comprehensive plan amendments for property located within the Wekiva Study Area pursuant to s. 163.3184, the Department of Economic Opportunity ~~Community Affairs~~ and the St. Johns River Water Management District shall assure that amendments that increase development potential demonstrate that adequate potable water consumptive use permit capacity is available.

(3) In recognition of the need to balance resource protection, existing infrastructure and improvements planned or committed as part of approved development, consistent with existing municipal or county comprehensive plans and economic development opportunities, planned community development initiatives that assure protection of surface and groundwater resources while promoting compact, ecologically and economically sustainable growth should be encouraged. Small area studies, sector plans, or similar planning tools should support these community development initiatives. In addition, the Department of Economic Opportunity ~~Community Affairs~~ may make available best practice guides that demonstrate how to balance resource protection and economic development opportunities.

Section 246. Section 369.323, Florida Statutes, is amended to read:

369.323 Compliance.—Comprehensive plans and plan amendments adopted by the local governments within the Wekiva Study Area to implement this act shall be reviewed for compliance by the Department of Economic Opportunity ~~Community Affairs~~.

Section 247. Subsections (1) and (5) of section 369.324, Florida Statutes, are amended to read:

369.324 Wekiva River Basin Commission.—

(1) The Wekiva River Basin Commission is created to monitor and ensure the implementation of the recommendations of the Wekiva River Basin Coordinating Committee for the Wekiva Study Area. The East Central Florida Regional Planning Council shall provide staff support to the commission with funding assistance from the Department of Economic Opportunity ~~Community Affairs~~. The commission shall be comprised of a total of 19 members appointed by the Governor, 9 of whom shall be voting members and 10 shall be ad hoc nonvoting members. The voting members shall include:

(a) One member of each of the Boards of County Commissioners for Lake, Orange, and Seminole Counties.

(b) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Lake County.

(c) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Orange County.

(d) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Seminole County.

(e) One citizen representing an environmental or conservation organization, one citizen representing a local property owner, a land developer, or an agricultural entity, and one at-large citizen who shall serve as chair of the council.

(f) The ad hoc nonvoting members shall include one representative from each of the following entities:

1. St. Johns River Management District.
2. Department of Economic Opportunity Community Affairs.
3. Department of Environmental Protection.
4. Department of Health.
5. Department of Agriculture and Consumer Services.
6. Fish and Wildlife Conservation Commission.
7. Department of Transportation.
8. MetroPlan Orlando.
9. Orlando-Orange County Expressway Authority.
10. Seminole County Expressway Authority.

(5) The commission shall report annually, no later than December 31 of each year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Economic Opportunity Community Affairs on implementation progress.

Section 248. Paragraph (b) of subsection (3) of section 373.199, Florida Statutes, is amended to read:

373.199 Florida Forever Water Management District Work Plan.—

(3) In developing the list, each water management district shall:

(b) Work cooperatively with the applicable ecosystem management area teams and other citizen advisory groups, the Department of Environmental Protection and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of Economic Opportunity Community Affairs, the Department of Transportation, other state agencies, and federal agencies, where applicable.

Section 249. Subsection (5) of section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(5) The secretary of the Department of Environmental Protection, the ~~executive director~~ secretary of the Department of Economic Opportunity Community Affairs, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Fish and Wildlife Conservation Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the Miami-Dade Lake Belt Plan and the provisions of this section.

Section 250. Paragraph (a) of subsection (1) of section 373.453, Florida Statutes, is amended to read:

373.453 Surface water improvement and management plans and programs.—

(1)(a) Each water management district, in cooperation with the department, the Department of Agriculture and Consumer Services, the Department of Economic Opportunity Community Affairs, the Fish and Wildlife Conservation Commission, local governments, and others, shall maintain a list that prioritizes water bodies of regional or statewide significance within the water management district. The list shall be reviewed and updated every 5 years.

Section 251. Subsection (1) of section 375.021, Florida Statutes, is amended to read:

375.021 Comprehensive multipurpose outdoor recreation plan.—

(1) The department is given the responsibility, authority, and power to develop and execute a comprehensive multipurpose outdoor recreation plan for this state with the cooperation of the Department of Agriculture and Consumer Services, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Department of Economic Opportunity Florida Commission on Tourism, and the water management districts.

Section 252. Section 376.60, Florida Statutes, is amended to read:

376.60 Asbestos removal program inspection and notification fee.—The Department of Environmental Protection shall charge an inspection and notification fee, not to exceed \$300 for a small business as defined in s. 288.703(1), or \$1,000 for any other project, for any asbestos removal project. The department may establish a fee schedule by rule. Schools, colleges, universities, residential dwellings, and those persons otherwise exempted from licensure under s. 469.002(4) are exempt from the fees. Any fee collected must be deposited in the asbestos program account in the Air Pollution Control Trust Fund to be used by the department to administer its asbestos removal program.

(1) In those counties with approved local air pollution control programs, the department shall return 80 percent of the asbestos removal program inspection and notification fees collected in that county to the local government quarterly, if the county requests it.

(2) The fees returned to a county under subsection (1) must be used only for asbestos-related program activities.

(3) A county may not levy any additional fees for asbestos removal activity while it receives fees under subsection (1).

(4) If a county has requested reimbursement under subsection (1), the department shall reimburse the approved local air pollution control program with 80 percent of the fees collected in the county retroactive to July 1, 1994, for asbestos-related program activities.

(5) If an approved local air pollution control program that is providing asbestos notification and inspection services according to 40 C.F.R. part 61, subpart M, and is collecting fees sufficient to support the requirements of 40 C.F.R. part 61, subpart M, opts not to receive the state-generated asbestos notification fees, the state may discontinue collection of the state asbestos notification fees in that county.

Section 253. Subsection (2) of section 376.86, Florida Statutes, is amended to read:

376.86 Brownfield Areas Loan Guarantee Program.—

(2) The council shall consist of the secretary of the Department of Environmental Protection or the secretary's designee, ~~the secretary of the Department of Community Affairs or the secretary's designee,~~ the State Surgeon General or the State Surgeon General's designee, the executive director of the State Board of Administration or the executive director's designee, the executive director of the Florida Housing Finance Corporation or the executive director's designee, and the executive director of Economic Opportunity or the director's ~~Director of the Governor's Office of Tourism, Trade, and Economic Development or the director's designee.~~ The executive director of Economic Opportunity or the director's designee shall serve as chair ~~chairperson~~ of the council shall be the ~~Director of the Governor's Office~~

of Tourism, Trade, and Economic Development. Staff services for activities of the council shall be provided as needed by the member agencies.

Section 254. Subsection (1), paragraph (c) of subsection (2), and subsections (3) and (4) of section 377.809, Florida Statutes, are amended to read:

377.809 Energy Economic Zone Pilot Program.—

(1) The Department of Economic Opportunity Community Affairs, in consultation with the Department of Transportation, shall implement an Energy Economic Zone Pilot Program for the purpose of developing a model to help communities cultivate green economic development, encourage renewable electric energy generation, manufacture products that contribute to energy conservation and green jobs, and further implement chapter 2008-191, Laws of Florida, relative to discouraging sprawl and developing energy-efficient land use patterns and greenhouse gas reduction strategies. ~~The Department of Agriculture and Consumer Services Office of Tourism, Trade, and Economic Development and the Florida Energy and Climate Commission~~ shall provide technical assistance to the departments in developing and administering the program.

(2)

(c) The Department of Economic Opportunity Community Affairs shall grant at least one application if the application meets the requirements of this subsection and the community has demonstrated a prior commitment to energy conservation, carbon reduction, green building, and economic development. ~~The Department of Economic Opportunity Community Affairs and the Office of Tourism, Trade, and Economic Development~~ shall provide the pilot community, including businesses within the energy economic zone, with technical assistance in identifying and qualifying for eligible grants and credits in job creation, energy, and other areas.

~~(3) The Department of Community Affairs, with the assistance of the Office of Tourism, Trade, and Economic Development, shall submit an interim report by February 15, 2010, to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the status of the pilot program. The report shall contain any recommendations deemed appropriate by the department for statutory changes to accomplish the goals of the pilot program community, including whether it would be beneficial to provide financial incentives similar to those offered to an enterprise zone.~~

~~(3)(4)~~ If the pilot project is ongoing, the Department of Economic Opportunity Community Affairs, with the assistance of the Office of Tourism, Trade, and Economic Development, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15, 2012, evaluating whether the pilot program has demonstrated success. The report shall contain recommendations with regard to whether the program should be expanded for use by other local governments

and whether state policies should be revised to encourage the goals of the program.

Section 255. Subsection (3) of section 378.411, Florida Statutes, is amended to read:

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

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

Section 256. Paragraph (c) of subsection (4) of section 379.2291, Florida Statutes, is amended to read:

379.2291 Endangered and Threatened Species Act.—

(4) INTERAGENCY COORDINATION.—

(c) The commission, in consultation with the Department of Agriculture and Consumer Services, the Department of Economic Opportunity ~~Community Affairs~~, or the Department of Transportation, may establish reduced speed zones along roads, streets, and highways to protect endangered species or threatened species.

Section 257. Subsection (18) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(18) “State land planning agency” means the Department of Economic Opportunity ~~Community Affairs~~ and may be referred to in this part as the “department.”

Section 258. Paragraph (d) of subsection (2), paragraph (e) of subsection (15), and subsections (24) and (27) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.—

a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards is ~~shall not be~~ required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c), (d), and (h), are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(e)1. A local government shall not include, as a development order condition for a development of regional impact, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to provide these facilities consistently with the development schedule approved in the development order; however, a local government's failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development.

3. The Department of Economic Opportunity ~~Community Affairs~~ and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local

government in preparing and adopting local impact fee and other contribution ordinances.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from ~~the provisions of~~ this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from ~~the provisions of~~ this section.

(c) Any proposed addition to an existing sports facility complex is exempt from ~~the provisions of~~ this section if the addition meets the following characteristics:

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

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

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

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

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

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

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months before ~~prior to~~ the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of this section~~, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days after ~~of~~ receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from ~~the provisions of this section~~ when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with ~~the provisions of~~ s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from ~~the provisions of this section~~.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from ~~the provisions of~~ this section.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14), which is not otherwise exempt pursuant to subsection (29), is exempt from ~~the provisions of~~ this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from ~~the provisions of~~ this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(p) Any proposed nursing home or assisted living facility is exempt from this section.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(s) Any development in a specific area plan which is prepared pursuant to s. 163.3245 and adopted into the comprehensive plan is exempt from this section.

(t) Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(s), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user

that has entered into a funding agreement with the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his or her rights, responsibilities, and obligations under a development order and the development order does not clearly define his or her rights, responsibilities, and obligations, the developer or owner may request participation in resolving the dispute through the dispute resolution process outlined in s. 186.509. The Department of Economic Opportunity Community Affairs shall be notified by certified mail of any meeting held under the process provided for by this subsection at least 5 days before the meeting.

Section 259. Paragraph (a) of subsection (5) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(5)(a) Before filing an application for development designation, the developer shall contact the Department of Economic Opportunity Community Affairs to arrange one or more preapplication conferences with the other reviewing entities. Upon the request of the developer or any of the reviewing entities, other affected state or regional agencies shall participate in this conference. The department, in coordination with the local government with jurisdiction and the regional planning council, shall provide the developer information about the Florida Quality Developments designation process and the use of preapplication conferences to identify issues, coordinate appropriate state, regional, and local agency requirements, fully address any concerns of the local government, the regional planning council, and other reviewing agencies and the meeting of those concerns, if applicable, through development order conditions, and otherwise promote a proper, efficient, and timely review of the proposed Florida Quality Development. The department shall take the lead in coordinating the review process.

Section 260. Subsections (2) and (6) of section 380.0677, Florida Statutes, are amended to read:

380.0677 Green Swamp Land Authority.—

(2) MISSION.—The mission of the Green Swamp Land Authority shall be to balance the protection of the ecological values of the Green Swamp Area of Critical State Concern with the protection of private property rights and the interests of taxpayers through the acquisition of lands, or rights or interests in lands, from willing sellers within the Green Swamp Area of Critical State Concern. To that end, the authority is encouraged to coordinate with the Division of State Lands of the Department of Environmental Protection, the Florida Communities Trust Program within the Department of Environmental Protection Community Affairs, the Southwest Florida

Water Management District, and the St. Johns River Water Management District to identify, select, and acquire less-than-fee-simple interests or rights in parcels within the Green Swamp Area of Critical State Concern, as part of overall land acquisition efforts by the state and the districts. When the Department of Environmental Protection and the water management districts are planning to acquire parcels within the Green Swamp Area of Critical State Concern, they shall consider acquiring such parcels using alternatives to fee simple techniques in consultation with the land authority.

(6) APPROPRIATIONS.—~~From funds appropriated to the Department of Environmental Protection for land acquisition from the Conservation and Recreation Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and 1996-1997, \$4 million shall be reserved each fiscal year to carry out the purposes of this section. To the extent practicable, moneys appropriated from the Conservation and Recreation Lands Trust Fund, Save Our Rivers Trust Fund, and Florida Communities Trust Fund shall be used to acquire lands, or interests or rights in lands, on the Conservation and Recreation Lands, Save Our Rivers, or Florida Communities Trust land acquisition plans or lists, as defined in s. 259.035, or a land acquisition plan under s. 373.59 or s. 380.508. However, nothing in this subsection prohibits the Green Swamp Land Authority from entering into land protection agreements with any property owner whose property is not on any of such lists. From sums appropriated to the Department of Environmental Protection from the Water Management District Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and 1996-1997, \$3 million shall be reserved each fiscal year to carry out the purposes of this section. Such amounts as are used from the Water Management District Lands Trust Fund shall be credited against the allocations as provided in s. 373.59 to the St. Johns River Water Management District or the Southwest Florida Water Management District in proportion to the amount of lands for which an interest was acquired, and shall not be required by a district for debt service payments or land management purposes. From funds appropriated to the Department of Community Affairs for the Florida Communities Trust Program from the Preservation 2000 Trust Fund for fiscal years 1994-1995 through 1999-2000, \$3 million shall be reserved each fiscal year to carry out the purposes of this section. Appropriations identified pursuant to this subsection shall fund the acquisition of lands, or the interests or rights in lands, and related costs of acquisition. Such funds shall be available for expenditure after the land authority has adopted rules to begin its program. Funds reserved pursuant to this subsection, for each of the referenced fiscal years, shall remain available for the purposes specified in this subsection for 24 months from the date on which such funds become available for disbursement. After such time has elapsed, any funds which are not legally obligated for expenditure shall be released for the lawful purposes for which they were otherwise appropriated.~~

Section 261. Section 380.285, Florida Statutes, is amended to read:

380.285 Lighthouses; study; preservation; funding.—~~The Department of Community Affairs and the Division of Historical Resources of the~~

Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made available to the public for educational and recreational purposes. The Department of State shall request in its annual legislative budget requests funding necessary to carry out the duties and responsibilities specified in this act. Funds for the rehabilitation of lighthouses should be allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Environmental Protection may assist the Division of Historical Resources in projects to accomplish the goals and activities described in this section.

Section 262. Subsection (2) of section 380.503, Florida Statutes, is amended to read:

380.503 Definitions.—As used in ss. 380.501-380.515, unless the context indicates a different meaning or intent:

(2) “Department” means the Department of Environmental Protection Community Affairs.

Section 263. Subsection (1) of section 380.504, Florida Statutes, is amended to read:

380.504 Florida Communities Trust; creation; membership; expenses.

(1) There is created within the Department of Environmental Protection ~~the Department of Community Affairs~~ a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, known as the “Florida Communities Trust.” The governing body of the trust shall consist of:

(a) ~~The Secretary of Community Affairs and the Secretary of Environmental Protection;~~ and

(b) Four public members whom the Governor shall appoint subject to Senate confirmation.

The Governor shall appoint a former elected official of a county government, a former elected official of a metropolitan municipal government, a representative of a nonprofit organization as defined in this part, and a representative of the development industry. ~~The Secretary of Community Affairs may designate his or her assistant secretary or the director of the Division of Community Planning to serve in his or her absence. The~~

Secretary of Environmental Protection may appoint his or her deputy secretary, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in his or her absence. The Secretary of Environmental Protection ~~Secretary of Community Affairs~~ shall be the chair of the governing body of the trust. The Governor shall make his or her appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member.

Section 264. Subsection (1) of section 380.5115, Florida Statutes, is amended to read:

380.5115 Florida Forever Program Trust Fund of the Department of Environmental Protection ~~Community Affairs.~~—

(1) There is created a Florida Forever Program Trust Fund within the department of ~~Community Affairs~~ to further the purposes of this part as specified in s. 259.105(3)(c) and (j). The trust fund shall receive funds pursuant to s. 259.105(3)(c) and (j).

Section 265. Paragraph (e) of subsection (1) of section 381.0054, Florida Statutes, is amended to read:

381.0054 Healthy lifestyles promotion.—

(1) The Department of Health shall promote healthy lifestyles to reduce the prevalence of excess weight gain and obesity in Florida by implementing appropriate physical activity and nutrition programs that are directed towards all Floridians by:

(e) Partnering with the Department of Education, school districts, and Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement.

Section 266. Subsection (6) of section 381.0086, Florida Statutes, is amended to read:

381.0086 Rules; variances; penalties.—

(6) For the purposes of filing an interstate clearance order with the Department of Economic Opportunity Agency for Workforce Innovation, if the housing is covered by 20 C.F.R. part 654, subpart E, no permanent structural variance referred to in subsection (2) is allowed.

Section 267. Paragraph (e) of subsection (2) and paragraph (b) of subsection (5) of section 381.0303, Florida Statutes, are amended to read:

381.0303 Special needs shelters.—

(2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY ASSISTANCE.—If funds have been appropriated to support disaster coordinator positions in county health departments:

(e) The Secretary of Elderly Affairs, or his or her designee, shall convene, at any time that he or she deems appropriate and necessary, a multiagency special needs shelter discharge planning team to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters. Multiagency special needs shelter discharge planning teams shall provide assistance to local emergency management agencies with the continued operation or closure of the shelters, as well as with the discharge of special needs clients to alternate facilities if necessary. Local emergency management agencies may request the assistance of a multiagency special needs shelter discharge planning team by alerting statewide emergency management officials of the necessity for additional assistance in their area. The Secretary of Elderly Affairs is encouraged to proactively work with other state agencies prior to any natural disasters for which warnings are provided to ensure that multiagency special needs shelter discharge planning teams are ready to assemble and deploy rapidly upon a determination by state emergency management officials that a disaster area requires additional assistance. The Secretary of Elderly Affairs may call upon any state agency or office to provide staff to assist a multiagency special needs shelter discharge planning team. Unless the secretary determines that the nature or circumstances surrounding the disaster do not warrant participation from a particular agency's staff, each multiagency special needs shelter discharge planning team shall include at least one representative from each of the following state agencies:

1. Department of Elderly Affairs.
2. Department of Health.
3. Department of Children and Family Services.
4. Department of Veterans' Affairs.
5. Division of Emergency Management ~~Department of Community Affairs.~~
6. Agency for Health Care Administration.
7. Agency for Persons with Disabilities.

(5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State Surgeon General may establish a special needs shelter interagency committee and serve as, or appoint a designee to serve as, the committee's chair. The department shall provide any necessary staff and resources to support the committee in the performance of its duties. The committee shall address and resolve problems related to special needs shelters not addressed in the state comprehensive emergency medical plan and shall consult on the planning and operation of special needs shelters.

(b) The special needs shelter interagency committee shall be composed of representatives of emergency management, health, medical, and social services organizations. Membership shall include, but shall not be limited to, representatives of the Departments of Health, ~~Community Affairs,~~ Children and Family Services, Elderly Affairs, and Education; the Agency for Health Care Administration; the Division of Emergency Management; the Florida Medical Association; the Florida Osteopathic Medical Association; Associated Home Health Industries of Florida, Inc.; the Florida Nurses Association; the Florida Health Care Association; the Florida Assisted Living Affiliation; the Florida Hospital Association; the Florida Statutory Teaching Hospital Council; the Florida Association of Homes for the Aging; the Florida Emergency Preparedness Association; the American Red Cross; Florida Hospices and Palliative Care, Inc.; the Association of Community Hospitals and Health Systems; the Florida Association of Health Maintenance Organizations; the Florida League of Health Systems; the Private Care Association; the Salvation Army; the Florida Association of Aging Services Providers; the AARP; and the Florida Renal Coalition.

Section 268. Subsection (3) of section 381.7354, Florida Statutes, is amended to read:

381.7354 Eligibility.—

(3) In addition to the grants awarded under subsections (1) and (2), up to 20 percent of the funding for the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program shall be dedicated to projects that address improving racial and ethnic health status within specific Front Porch Florida Communities, ~~as designated pursuant to s. 20.18(6).~~

Section 269. Paragraph (b) of subsection (1) and subsection (2) of section 383.14, Florida Statutes, are amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(1) SCREENING REQUIREMENTS.—To help ensure access to the maternal and child health care system, the Department of Health shall promote the screening of all newborns born in Florida for metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the department. The department shall also promote the identification and screening of all newborns in this state and their families for environmental risk factors such as low income, poor education, maternal and family stress, emotional instability, substance abuse, and other high-risk conditions associated with increased risk of infant mortality and morbidity to provide early intervention, remediation, and prevention services, including, but not limited to, parent support and training programs, home visitation, and case management. Identification, perinatal screening, and intervention efforts shall begin prior to and immediately following the birth of the child by the

attending health care provider. Such efforts shall be conducted in hospitals, perinatal centers, county health departments, school health programs that provide prenatal care, and birthing centers, and reported to the Office of Vital Statistics.

(b) *Postnatal screening.*—A risk factor analysis using the department’s designated risk assessment instrument shall also be conducted as part of the medical screening process upon the birth of a child and submitted to the department’s Office of Vital Statistics for recording and other purposes provided for in this chapter. The department’s screening process for risk assessment shall include a scoring mechanism and procedures that establish thresholds for notification, further assessment, referral, and eligibility for services by professionals or paraprofessionals consistent with the level of risk. Procedures for developing and using the screening instrument, notification, referral, and care coordination services, reporting requirements, management information, and maintenance of a computer-driven registry in the Office of Vital Statistics which ensures privacy safeguards must be consistent with the provisions and plans established under chapter 411, Pub. L. No. 99-457, and this chapter. Procedures established for reporting information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department’s automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the State Public Health Laboratory, in coordination with Children’s Medical Services, at such times and in such manner as is prescribed by the department after consultation with the Genetics and Newborn Infant Screening Advisory Council and the Office of Early Learning Agency for Workforce Innovation.

(2) RULES.—After consultation with the Genetics and Newborn Screening Advisory Council, the department shall adopt and enforce rules requiring that every newborn in this state shall, prior to becoming 1 week of age, be subjected to a test for phenylketonuria and, at the appropriate age, be tested for such other metabolic diseases and hereditary or congenital disorders as the department may deem necessary from time to time. After consultation with the Office of Early Learning Agency for Workforce Innovation, the department shall also adopt and enforce rules requiring every newborn in this state to be screened for environmental risk factors that place children and their families at risk for increased morbidity, mortality, and other negative outcomes. The department shall adopt such additional rules as are found necessary for the administration of this section and s. 383.145, including rules providing definitions of terms, rules relating to the methods used and time or times for testing as accepted medical practice indicates, rules relating to charging and collecting fees for the administration of the newborn screening program authorized by this section, rules for processing requests and releasing test and screening results, and rules requiring

mandatory reporting of the results of tests and screenings for these conditions to the department.

Section 270. Subsection (8) of section 393.067, Florida Statutes, is amended to read:

393.067 Facility licensure.—

(8) The agency, after consultation with the Division of Emergency Management ~~Department of Community Affairs~~, shall adopt rules for foster care facilities, group home facilities, and residential habilitation centers which establish minimum standards for the preparation and annual update of a comprehensive emergency management plan. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan for all comprehensive transitional education programs and for homes serving individuals who have complex medical conditions is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the agency and the Division of Emergency Management ~~Department of Community Affairs~~, at a minimum, are given the opportunity to review the plan. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 271. Paragraph (c) of subsection (1) of section 395.1055, Florida Statutes, is amended to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(c) A comprehensive emergency management plan is prepared and updated annually. Such standards must be included in the rules adopted by the agency after consulting with the Division of Emergency Management ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records, and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum,

are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management Department of Community Affairs. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 272. Paragraph (a) of subsection (1) of section 395.1056, Florida Statutes, is amended to read:

395.1056 Plan components addressing a hospital's response to terrorism; public records exemption; public meetings exemption.—

(1)(a) Those portions of a comprehensive emergency management plan that address the response of a public or private hospital to an act of terrorism as defined by s. 775.30 held by the agency, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Health, or the Division of Emergency Management Department of Community Affairs are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 273. Paragraph (c) of subsection (14) of section 397.321, Florida Statutes, is amended to read:

397.321 Duties of the department.—The department shall:

(14) In cooperation with service providers, foster and actively seek additional funding to enhance resources for prevention, intervention, clinical treatment, and recovery support services, including, but not limited to, the development of partnerships with:

(c) State agencies, including, but not limited to, the Department of Corrections, the Department of Education, the Department of Juvenile Justice, ~~the Department of Community Affairs~~, the Department of Elderly Affairs, the Department of Health, the Department of Financial Services, and the Agency for Health Care Administration.

Section 274. Subsection (1) of section 397.801, Florida Statutes, is amended to read:

397.801 Substance abuse impairment coordination.—

(1) The Department of Children and Family Services, the Department of Education, the Department of Corrections, ~~the Department of Community Affairs~~, and the Department of Law Enforcement each shall appoint a policy level staff person to serve as the agency substance abuse impairment coordinator. The responsibilities of the agency coordinator include inter-agency and intra-agency coordination, collection and dissemination of agency-specific data relating to substance abuse impairment, and participation in

the development of the state comprehensive plan for substance abuse impairment.

Section 275. Paragraph (g) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part and part II of chapter 408, which shall include reasonable and fair criteria in relation to:

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the Division of Emergency Management ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 276. Paragraph (a) of subsection (10) of section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement part II of chapter 408 and this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(10) Preparation of a comprehensive emergency management plan pursuant to s. 400.492.

(a) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the plan and plan updates, with the concurrence of the Department of Health and in consultation with the Division of Emergency Management ~~Department of Community Affairs~~.

Section 277. Paragraph (f) of subsection (12) of section 400.506, Florida Statutes, is amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(12) Each nurse registry shall prepare and maintain a comprehensive emergency management plan that is consistent with the criteria in this subsection and with the local special needs plan. The plan shall be updated annually. The plan shall include the means by which the nurse registry will continue to provide the same type and quantity of services to its patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation. The plan shall specify how the nurse registry shall facilitate the provision of continuous care by persons referred for contract to persons who are registered pursuant to s. 252.355 during an emergency that interrupts the provision of care or services in private residences. Nurse registries may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for a provider to reach its clients. Nurse registries shall demonstrate a good faith effort to comply with the requirements of this subsection by documenting attempts of staff to follow procedures outlined in the nurse registry's comprehensive emergency management plan which support a finding that the provision of continuing care has been attempted for patients identified as needing care by the nurse registry and registered under s. 252.355 in the event of an emergency under this subsection.

(f) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the comprehensive emergency management plan and plan updates required by this subsection, with the concurrence of the Department of Health and in consultation with the Division of Emergency Management ~~Department of Community Affairs~~.

Section 278. Paragraph (h) of subsection (1) of section 400.605, Florida Statutes, is amended to read:

400.605 Administration; forms; fees; rules; inspections; fines.—

(1) The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. The department, in consultation with the agency, shall by rule establish minimum standards and procedures for a hospice pursuant to this part. The rules must include:

(h) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Department of Elderly Affairs, and the Division of Emergency Management ~~Department of Community Affairs~~.

Section 279. Subsection (9) of section 400.935, Florida Statutes, is amended to read:

400.935 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement this part and part II of

chapter 408, which must provide reasonable and fair minimum standards relating to:

(9) Preparation of the comprehensive emergency management plan under s. 400.934 and the establishment of minimum criteria for the plan, including the maintenance of patient equipment and supply lists that can accompany patients who are transported from their homes. Such rules shall be formulated in consultation with the Department of Health and the Division of Emergency Management ~~Department of Community Affairs~~.

Section 280. Paragraph (g) of subsection (2) of section 400.967, Florida Statutes, is amended to read:

400.967 Rules and classification of deficiencies.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Agency for Persons with Disabilities and the Department of Elderly Affairs, shall adopt and enforce rules to administer this part and part II of chapter 408, which shall include reasonable and fair criteria governing:

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the Division of Emergency Management ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Agency for Health Care Administration, and the Division of Emergency Management ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 281. Paragraph (b) of subsection (2) of section 401.245, Florida Statutes, is amended to read:

401.245 Emergency Medical Services Advisory Council.—

(2)

(b) Representation on the Emergency Medical Services Advisory Council shall include: two licensed physicians who are “medical directors” as defined in s. 401.23(15) or whose medical practice is closely related to emergency medical services; two emergency medical service administrators, one of

whom is employed by a fire service; two certified paramedics, one of whom is employed by a fire service; two certified emergency medical technicians, one of whom is employed by a fire service; one emergency medical services educator; one emergency nurse; one hospital administrator; one representative of air ambulance services; one representative of a commercial ambulance operator; and two laypersons who are in no way connected with emergency medical services, one of whom is a representative of the elderly. Ex officio members of the advisory council from state agencies shall include, but shall not be limited to, representatives from the Department of Education, the Department of Management Services, the State Fire Marshal, the Department of Highway Safety and Motor Vehicles, the Department of Transportation, and the Division of Emergency Management ~~Department of Community Affairs~~.

Section 282. Paragraph (b) of subsection (3) of section 402.281, Florida Statutes, is amended to read:

402.281 Gold Seal Quality Care program.—

(3)

(b) In approving accrediting associations, the department shall consult with the Department of Education, ~~the Agency for Workforce Innovation~~, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children's Forum, the Early Childhood Association of Florida, the Child Development Education Alliance, providers receiving exemptions under s. 402.316, and parents.

Section 283. Subsection (6) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(6) Individuals under contract to provide community resource mother or father services shall participate in preservice and ongoing training as determined by the Department of Health in consultation with the Office of Early Learning ~~Agency for Workforce Innovation~~. A community resource mother or father shall not be assigned a client caseload until all preservice training requirements are completed.

Section 284. Paragraph (a) of subsection (4) of section 402.56, Florida Statutes, is amended to read:

402.56 Children's cabinet; organization; responsibilities; annual report.

(4) MEMBERS.—The cabinet shall consist of 14 ~~15~~ members including the Governor and the following persons:

(a)1. The Secretary of Children and Family Services;

2. The Secretary of Juvenile Justice;
3. The director of the Agency for Persons with Disabilities;
4. The director of the Division of Early Learning Agency for Workforce Innovation;
5. The State Surgeon General;
6. The Secretary of Health Care Administration;
7. The Commissioner of Education;
8. The director of the Statewide Guardian Ad Litem Office;
9. The director of the Office of Child Abuse Prevention; and
10. Five members representing children and youth advocacy organizations, who are not service providers and who are appointed by the Governor.

Section 285. Subsection (5) of section 403.0752, Florida Statutes, is amended to read:

403.0752 Ecosystem management agreements.—

(5) The executive director of the Department of Economic Opportunity Secretary of Community Affairs, the Secretary of Transportation, the Commissioner of Agriculture, the Executive Director of the Fish and Wildlife Conservation Commission, and the executive directors of the water management districts are authorized to participate in the development of ecosystem management agreements with regulated entities and other governmental agencies as necessary to effectuate the provisions of this section. Local governments are encouraged to participate in ecosystem management agreements.

Section 286. Paragraph (b) of subsection (3) of section 403.42, Florida Statutes, is amended to read:

403.42 Florida Clean Fuel Act.—

(3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED; MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

(b)1. The advisory board shall consist of the executive director of the Department of Economic Opportunity Secretary of Community Affairs, or a designee from that department, the Secretary of Environmental Protection, or a designee from that department, the Commissioner of Education, or a designee from that department, the Secretary of Transportation, or a designee from that department, the Commissioner of Agriculture, or a designee from that the department of Agriculture and Consumer Services, the Secretary of Management Services, or a designee from that department,

and a representative of each of the following, who shall be appointed by the Secretary of Environmental Protection:

- a. The Florida biodiesel industry.
 - b. The Florida electric utility industry.
 - c. The Florida natural gas industry.
 - d. The Florida propane gas industry.
 - e. An automobile manufacturers' association.
 - f. A Florida Clean Cities Coalition designated by the United States Department of Energy.
 - g. Enterprise Florida, Inc.
 - h. EV Ready Broward.
 - i. The Florida petroleum industry.
 - j. The Florida League of Cities.
 - k. The Florida Association of Counties.
 - l. Floridians for Better Transportation.
 - m. A motor vehicle manufacturer.
 - n. Florida Local Environment Resource Agencies.
 - o. Project for an Energy Efficient Florida.
 - p. Florida Transportation Builders Association.
2. The purpose of the advisory board is to serve as a resource for the department and to provide the Governor, the Legislature, and the Secretary of Environmental Protection with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.
3. Members shall be appointed to serve terms of 1 year each, with reappointment at the discretion of the Secretary of Environmental Protection. Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
4. The board shall annually select a chairperson.
- 5.a. The board shall meet at least once each quarter or more often at the call of the chairperson or the Secretary of Environmental Protection.

b. Meetings are exempt from the notice requirements of chapter 120, and sufficient notice shall be given to afford interested persons reasonable notice under the circumstances.

6. Members of the board are entitled to travel expenses while engaged in the performance of board duties.

7. The board shall terminate 5 years after the effective date of this act.

Section 287. Paragraph (a) of subsection (2) of section 403.507, Florida Statutes, is amended to read:

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

(2)(a) No later than 100 days after the certification application has been determined complete, the following agencies shall prepare reports as provided below and shall submit them to the department and the applicant, unless a final order denying the determination of need has been issued under s. 403.519:

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

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

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

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

5. Each regional planning council shall prepare a report containing recommendations that address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable provisions of the strategic regional

policy plan adopted pursuant to chapter 186 and other matters within its jurisdiction.

6. The Department of Transportation shall address the impact of the proposed electrical power plant on matters within its jurisdiction.

Section 288. Paragraph (a) of subsection (3) of section 403.508, Florida Statutes, is amended to read:

403.508 Land use and certification hearings, parties, participants.—

(3)(a) Parties to the proceeding shall include:

1. The applicant.
2. The Public Service Commission.
3. The Department of Economic Opportunity Community Affairs.
4. The Fish and Wildlife Conservation Commission.
5. The water management district.
6. The department.
7. The regional planning council.
8. The local government.
9. The Department of Transportation.

Section 289. Paragraph (b) of subsection (2) of section 403.524, Florida Statutes, is amended to read:

403.524 Applicability; certification; exemptions.—

(2) Except as provided in subsection (1), construction of a transmission line may not be undertaken without first obtaining certification under this act, but this act does not apply to:

(b) Transmission lines that have been exempted by a binding letter of interpretation issued under s. 380.06(4), or in which the Department of Economic Opportunity Community Affairs or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(20).

Section 290. Paragraph (a) of subsection (2) of section 403.526, Florida Statutes, is amended to read:

403.526 Preliminary statements of issues, reports, and project analyses; studies.—

(2)(a) No later than 90 days after the filing of the application, the following agencies shall prepare reports as provided below, unless a final order denying the determination of need has been issued under s. 403.537:

1. The department shall prepare a report as to the impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Economic Opportunity Community Affairs shall prepare a report containing recommendations which address the impact upon the public of the proposed transmission line or corridor, based on the degree to which the proposed transmission line or corridor is consistent with the applicable portions of the state comprehensive plan, emergency management, and other matters within its jurisdiction. The Department of Economic Opportunity Community Affairs may also comment on the consistency of the proposed transmission line or corridor with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. A change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section is not applicable to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

6. Each regional planning council shall present a report containing recommendations that address the impact upon the public of the proposed transmission line or corridor based on the degree to which the transmission line or corridor is consistent with the applicable provisions of the strategic regional policy plan adopted under chapter 186 and other impacts of each proposed transmission line or corridor on matters within its jurisdiction.

7. The Department of Transportation shall prepare a report as to the impact of the proposed transmission line or corridor on state roads, railroads, airports, aeronautics, seaports, and other matters within its jurisdiction.

8. The commission shall prepare a report containing its determination under s. 403.537, and the report may include the comments from the commission with respect to any other subject within its jurisdiction.

9. Any other agency, if requested by the department, shall also perform studies or prepare reports as to subjects within the jurisdiction of the agency which may potentially be affected by the proposed transmission line.

Section 291. Paragraph (a) of subsection (2) of section 403.527, Florida Statutes, is amended to read:

403.527 Certification hearing, parties, participants.—

(2)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Economic Opportunity ~~Community Affairs~~.
5. The Fish and Wildlife Conservation Commission.
6. The Department of Transportation.
7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.
8. The local government.
9. The regional planning council.

Section 292. Subsection (1) of section 403.757, Florida Statutes, is amended to read:

403.757 Coordination with other state agencies.—

(1) The department shall coordinate its activities and functions under ss. 403.75-403.769 and s. 526.01, as amended by chapter 84-338, Laws of Florida, with the Department of Economic Opportunity ~~Community Affairs~~ and other state agencies to avoid duplication in reporting and information gathering.

Section 293. Paragraph (m) of subsection (5) of section 403.7032, Florida Statutes, is amended to read:

403.7032 Recycling.—

(5) The Department of Environmental Protection shall create the Recycling Business Assistance Center by December 1, 2010. In carrying

out its duties under this subsection, the department shall consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021 and seek technical assistance from Enterprise Florida, Inc., to ensure the Recycling Business Assistance Center is positioned to succeed. The purpose of the center shall be to serve as the mechanism for coordination among state agencies and the private sector in order to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recyclable materials in this state, other states, and foreign countries. The duties of the center must include, at a minimum:

(m) Coordinating with the Department of Economic Opportunity Agency for Workforce Innovation and its partners to provide job placement and job training services to job seekers through the state's workforce services programs.

Section 294. Paragraph (a) of subsection (2) of section 403.941, Florida Statutes, is amended to read:

403.941 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided in this paragraph and shall submit them to the department and the applicant within 60 days after the application is determined sufficient:

1. The department shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed natural gas transmission pipeline or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Economic Opportunity Community Affairs shall prepare a report containing recommendations which address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the proposed natural gas transmission pipeline or corridor is consistent with the applicable portions of the state comprehensive plan and other matters within its jurisdiction. The Department of Economic Opportunity Community Affairs may also comment on the consistency of the proposed natural gas transmission pipeline or corridor with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction, including the consistency of the proposed natural gas transmission pipeline or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed natural gas transmission pipeline or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. No change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section shall be applicable to the certification of the proposed natural gas transmission pipeline or corridor unless the certification is denied or the application is withdrawn.

6. Each regional planning council in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall present a report containing recommendations that address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the natural gas transmission pipeline or corridor is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other impacts of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction.

7. The Department of Transportation shall prepare a report on the effect of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction, including roadway crossings by the pipeline. The report shall contain at a minimum:

a. A report by the applicant to the department stating that all requirements of the department's utilities accommodation guide have been or will be met in regard to the proposed pipeline or pipeline corridor; and

b. A statement by the department as to the adequacy of the report to the department by the applicant.

8. The Department of State, Division of Historical Resources, shall prepare a report on the impact of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction.

9. The commission shall prepare a report addressing matters within its jurisdiction. The commission's report shall include its determination of need issued pursuant to s. 403.9422.

Section 295. Paragraph (a) of subsection (4) of section 403.9411, Florida Statutes, is amended to read:

403.9411 Notice; proceedings; parties and participants.—

(4)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Economic Opportunity ~~Community Affairs~~.
5. The Fish and Wildlife Conservation Commission.
6. Each water management district in the jurisdiction of which the proposed natural gas transmission pipeline or corridor is to be located.
7. The local government.
8. The regional planning council.
9. The Department of Transportation.
10. The Department of State, Division of Historical Resources.

Section 296. Paragraphs (c), (d), and (e) of subsection (2), paragraphs (b) and (c) of subsection (3), and subsections (4), (15), (17), and (18) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

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

~~(e) “Office” means the Office of Tourism, Trade, and Economic Development.~~

~~(c)(d)~~ “Permit applications” means state permits and licenses, and at the option of a participating local government, local development permits or orders.

~~(d)(e)~~ “Secretary” means the Secretary of Environmental Protection or his or her designee.

(3)

(b) On a case-by-case basis and at the request of a county or municipal government, the Department of Economic Opportunity ~~office~~ may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the Department of Economic Opportunity ~~office~~ to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in

which the project may be located, the Department of Economic Opportunity office shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;
2. The project's potential to diversify and strengthen the area's economy;
3. The amount of capital investment; and
4. The number of jobs that will be made available for persons served by the welfare transition program.

(c) At the request of a county or municipal government, the Department of Economic Opportunity office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program, as determined by Workforce Florida, Inc., is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

(4) The regional teams shall be established through the execution of memoranda of agreement developed by the applicant and the secretary, with input solicited from the Department of Economic Opportunity office and the respective heads of the Department of Community Affairs, the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(15) The Department of Economic Opportunity office, working with the agencies providing cooperative assistance and input regarding the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the Department of Economic Opportunity office, the agencies shall provide to the Department of Economic Opportunity office a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(17) The Department of Economic Opportunity office shall be responsible for certifying a business as eligible for undergoing expedited review under this section. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to the

~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ that a project meeting the minimum job creation threshold undergo expedited review.

(18) The ~~Department of Economic Opportunity office~~, working with the Rural Economic Development Initiative and the agencies participating in the memoranda of agreement, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of fewer than 75,000 residents, or counties having fewer than 125,000 residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

Section 297. Subsection (4) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.—

(4) MANDATORY TESTING.—All public and private school buildings or school sites housing students in kindergarten through grade 12; all state-owned, state-operated, state-regulated, or state-licensed 24-hour care facilities; and all state-licensed day care centers for children or minors which are located in counties designated within the Department of Business and Professional Regulation's Community Affairs' Florida Radon Protection Map Categories as "Intermediate" or "Elevated Radon Potential" shall be measured to determine the level of indoor radon, using measurement procedures established by the department. Initial measurements shall be conducted in 20 percent of the habitable first floor spaces within any of the regulated buildings and shall be completed and reported to the department within 1 year after the date the building is opened for occupancy or within 1 year after license approval for the entity residing in the existing building. Followup testing must be completed in 5 percent of the habitable first floor spaces within any of the regulated buildings after the building has been occupied for 5 years, and results must be reported to the department by the first day of the 6th year of occupancy. After radon measurements have been made twice, regulated buildings need not undergo further testing unless significant structural changes occur. No funds collected pursuant to s. 553.721 shall be used to carry out the provisions of this subsection.

Section 298. Paragraph (d) of subsection (4) of section 404.0617, Florida Statutes, is amended to read:

404.0617 Siting of commercial low-level radioactive waste management facilities.—

(4) The Governor and Cabinet shall consider the following when determining whether to grant a petition for a variance from local ordinances, regulations, or plans:

(d) Such studies, reports, and information as the Governor and Cabinet may request of the Department of ~~Economic Opportunity Community Affairs~~ Economic Opportunity Community Affairs addressing whether or not the proposed facility unreasonably interferes with the achievement of the goals and objectives of any adopted state or local comprehensive plan and any other matter within its jurisdiction.

Section 299. Paragraph (a) of subsection (3) of section 409.017, Florida Statutes, is amended to read:

409.017 Revenue Maximization Act; legislative intent; revenue maximization program.—

(3) REVENUE MAXIMIZATION PROGRAM.—

(a) For purposes of this section, the term “agency” means any state agency or department that is involved in providing health, social, or human services, including, but not limited to, the Agency for Health Care Administration, ~~the Agency for Workforce Innovation~~, the Department of Children and Family Services, the Department of Elderly Affairs, the Department of Juvenile Justice, the Department of Education, and the State Board of Education.

Section 300. Paragraph (c) of subsection (7) of section 409.1451, Florida Statutes, is amended to read:

409.1451 Independent living transition services.—

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The Secretary of Children and Family Services shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the independent living transition services. This advisory council shall continue to function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department’s efforts to achieve the goals of the independent living transition services.

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and district offices of the Department of Children and Family Services, community-based care lead agencies, ~~the Agency for Workforce Innovation~~, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, recipients of Road-to-Independence Program funding, and advocates for foster children. The secretary shall determine the length of the

term to be served by each member appointed to the advisory council, which may not exceed 4 years.

Section 301. Subsection (1), paragraph (b) of subsection (3), and subsection (8) of section 409.2576, Florida Statutes, are amended to read:

409.2576 State Directory of New Hires.—

(1) DIRECTORY CREATED.—The State Directory of New Hires is hereby created and shall be administered by the Department of Revenue or its agent. ~~The Department of Labor and Employment Security will act as the agent until a date not later than October 1, 1998.~~ All employers in the state shall furnish a report consistent with subsection (3) for each newly hired or rehired employee unless the employee is employed by a federal or state agency performing intelligence or counterintelligence functions and the head of such agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(3) EMPLOYERS TO FURNISH REPORTS.—

(b) ~~Upon termination of the contract with the Department of Labor and Employment Security, but not later than October 1, 1998,~~ All employers shall furnish a report to the State Directory of New Hires of the state in which the newly hired or rehired employee works. The report required in this section shall be made on a W-4 form or, at the option of the employer, an equivalent form, and can be transmitted magnetically, electronically, by first-class mail, or other methods which may be prescribed by the State Directory. Each report shall include the name, address, date of hire, and social security number of every new and rehired employee and the name, address, and federal employer identification number of the reporting employer. If available, the employer may also include the employee's date of birth in the report. Multistate employers that report new hire information electronically or magnetically may designate a single state to which it will transmit the above noted report, provided the employer has employees in that state and the employer notifies the Secretary of Health and Human Services in writing to which state the information will be provided. Agencies of the United States Government shall report directly to the National Directory of New Hires.

(8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—~~Not later than October 1, 1997,~~ The State Directory of New Hires must furnish information regarding newly hired or rehired employees to the National Directory of New Hires for matching with the records of other state case registries within 3 business days of entering such information from the employer into the State Directory of New Hires. The State Directory of New Hires shall enter into an agreement with the Department of Economic Opportunity or its tax collection service provider ~~the Florida Department of Labor and Employment Security~~ for the quarterly reporting to the National Directory of New Hires information on wages and unemployment

compensation taken from the quarterly report to the Secretary of Labor, now required by Title III of the Social Security Act, except that no report shall be filed with respect to an employee of a state or local agency performing intelligence or counterintelligence functions, if the head of such agency has determined that filing such a report could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

Section 302. Subsections (2), (3), and (4) of section 409.508, Florida Statutes, are amended to read:

409.508 Low-income home energy assistance program.—

(2) The Department of Economic Opportunity Community Affairs is designated as the state agency to administer the Low-income Home Energy Assistance Act of 1981, 42 U.S.C. ss. 8621 et seq. The Department of Economic Opportunity Community Affairs is authorized to provide home energy assistance benefits to eligible households which may be in the form of cash, vouchers, certificates, or direct payments to electric or natural gas utilities or other energy suppliers and operators of low-rent, subsidized housing in behalf of eligible households. Priority shall be given to eligible households having at least one elderly or handicapped individual and to eligible households with the lowest incomes.

(3) Agreements may be established between electric or natural gas utility companies, other energy suppliers, the Department of Revenue, and the Department of Economic Opportunity Community Affairs for the purpose of providing payments to energy suppliers in the form of a credit against sales and use taxes due or direct payments to energy suppliers for services rendered to low-income, eligible households.

(4) The Department of Economic Opportunity Community Affairs shall adopt rules to carry out the provisions of this act.

Section 303. Subsection (2) of section 409.509, Florida Statutes, is amended to read:

409.509 Definitions; weatherization of low-income residences.—As used in this act, the term:

(2) “Department” means the Department of Economic Opportunity Community Affairs.

Section 304. Subsection (2) and paragraph (f) of subsection (3) of section 410.502, Florida Statutes, is amended to read:

410.502 Housing and living arrangements; special needs of the elderly; services.—The Department of Elderly Affairs shall provide services related to housing and living arrangements which meet the special needs of the elderly. Such services shall include, but not be limited to:

(2) Coordinating with the Department of Economic Opportunity Community Affairs to gather and maintain data on living arrangements which meet the special needs of the elderly and to disseminate such information to the public. Such information shall include types of facilities, cost of care, services provided, and possible sources of help in meeting the cost of care for indigent individuals.

(3) Promoting, through the Department of Elderly Affairs staff activities and area agencies on aging, the development of a variety of living arrangements through public and private auspices to meet the various needs and desires of the elderly, including, but not limited to:

(f) Retirement communities for independent communal living, to be developed in conjunction with the Department of Economic Opportunity Community Affairs.

Demonstration projects must be used advisedly to test the extent to which these and other innovative housing and living arrangements do meet the basic and special needs of the elderly.

Section 305. Paragraph (d) of subsection (2), subsection (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5), paragraph (e) of subsection (7), subsection (8), and paragraphs (b), (c), (d), and (e) of subsection (9) of section 411.01, Florida Statutes, are amended to read:

411.01 School readiness programs; early learning coalitions.—

(2) LEGISLATIVE INTENT.—

(d) It is the intent of the Legislature that the administrative staff for school readiness programs be kept to the minimum necessary to administer the duties of the Office of Early Learning Agency for Workforce Innovation and early learning coalitions. The Office of Early Learning Agency for Workforce Innovation shall adopt system support services at the state level to build a comprehensive early learning system. Each early learning coalition shall implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by the Office of Early Learning Agency for Workforce Innovation, and ensure access to such services in all 67 counties.

(4) OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF EDUCATION AGENCY FOR WORKFORCE INNOVATION.—

(a) The Office of Early Learning Agency for Workforce Innovation shall administer school readiness programs at the state level and shall coordinate with the early learning coalitions in providing school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient.

(b) The Office of Early Learning Agency for Workforce Innovation shall:

1. Coordinate the birth-to-kindergarten services for children who are eligible under subsection (6) and the programmatic, administrative, and fiscal standards under this section for all public providers of school readiness programs.

2. Focus on improving the educational quality of all program providers participating in publicly funded school readiness programs.

3. Provide comprehensive services to the state's birth-to-5 population, which shall ensure the preservation of parental choice by permitting parents to choose from a variety of child care categories, including: center-based child care; group home child care; family child care; and in-home child care. Care and curriculum by a sectarian provider may not be limited or excluded in any of these categories.

(c) The Governor shall designate the Office of Early Learning Agency for Workforce Innovation as the lead agency for administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and the office agency shall comply with the lead agency responsibilities under federal law.

(d) The Office of Early Learning Agency for Workforce Innovation shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.

2. Provide final approval and every 2 years review early learning coalitions and school readiness plans.

3. Establish a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the Office of Early Learning Agency for Workforce Innovation shall adopt specific system support services that address the state's school readiness programs. An early learning coalition shall amend its school readiness plan to conform to the specific system support services adopted by the Office of Early Learning Agency for Workforce Innovation. System support services shall include, but are not limited to:

a. Child care resource and referral services;

b. Warm-Line services;

c. Eligibility determinations;

d. Child performance standards;

e. Child screening and assessment;

f. Developmentally appropriate curricula;

g. Health and safety requirements;

h. Statewide data system requirements; and

i. Rating and improvement systems.

4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the children in this state.

5. Adopt a rule establishing criteria for the expenditure of funds designated for the purpose of funding activities to improve the quality of child care within the state in accordance with s. 658G of the federal Child Care and Development Block Grant Act.

6. Provide technical assistance to early learning coalitions in a manner determined by the ~~Office of Early Learning Agency for Workforce Innovation~~ based upon information obtained by the office agency from various sources, including, but not limited to, public input, government reports, private interest group reports, office agency monitoring visits, and coalition requests for service.

7. In cooperation with the ~~Department of Education~~ and early learning coalitions, coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.

8. Develop and adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of school readiness skills. The performance standards for children from birth to 5 years of age in school readiness programs must be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Prekindergarten Education Program under s. 1002.67.

9. Adopt a standard contract that must be used by the coalitions when contracting with school readiness providers.

(e) The ~~Office of Early Learning Agency for Workforce Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the office agency, including, but not limited to, rules governing the administration of system support services of school readiness programs, the collection of data, the approval of early learning coalitions and school readiness plans, the provision of a method whereby an early learning coalition may serve two or more counties, the award of incentives to early learning coalitions, child performance standards, child outcome measures, the issuance of waivers, and the implementation of the state's Child Care and Development Fund Plan as approved by the federal Administration for Children and Families.

(f) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall have all powers necessary to administer this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds

from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for purposes of this section.

(g) Except as provided by law, the Office of Early Learning Agency for Workforce Innovation may not impose requirements on a child care or early childhood education provider that does not deliver services under the school readiness programs or receive state or federal funds under this section.

(h) The Office of Early Learning Agency for Workforce Innovation shall have a budget for school readiness programs, which shall be financed through an annual appropriation made for purposes of this section in the General Appropriations Act.

(i) The Office of Early Learning Agency for Workforce Innovation shall coordinate the efforts toward school readiness in this state and provide independent policy analyses, data analyses, and recommendations to the Governor, the State Board of Education, and the Legislature.

(j) The Office of Early Learning Agency for Workforce Innovation shall require that school readiness programs, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards adopted under subparagraph (d)8. and in the development of the following school readiness skills:

1. Compliance with rules, limitations, and routines.
2. Ability to perform tasks.
3. Interactions with adults.
4. Interactions with peers.
5. Ability to cope with challenges.
6. Self-help skills.
7. Ability to express the child's needs.
8. Verbal communication skills.
9. Problem-solving skills.
10. Following of verbal directions.
11. Demonstration of curiosity, persistence, and exploratory behavior.
12. Interest in books and other printed materials.
13. Paying attention to stories.
14. Participation in art and music activities.

15. Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

Within 30 days after enrollment in the school readiness program, the early learning coalition must ensure that the program provider obtains information regarding the child's immunizations, physical development, and other health requirements as necessary, including appropriate vision and hearing screening and examinations. For a program provider licensed by the Department of Children and Family Services, the provider's compliance with s. 402.305(9), as verified pursuant to s. 402.311, shall satisfy this requirement.

(k) The Office of Early Learning Agency for Workforce Innovation shall conduct studies and planning activities related to the overall improvement and effectiveness of the outcome measures adopted by the office agency for school readiness programs and the specific system support services to address the state's school readiness programs adopted by the Office of Early Learning Agency for Workforce Innovation in accordance with subparagraph (d)3.

(l) The Office of Early Learning Agency for Workforce Innovation shall monitor and evaluate the performance of each early learning coalition in administering the school readiness program, implementing the coalition's school readiness plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

(m) The Office of Early Learning Agency for Workforce Innovation shall submit an annual report of its activities conducted under this section to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the Office of Early Learning's Agency for Workforce Innovation's reports and recommendations shall be made available to the Florida Early Learning Advisory Council and other appropriate state agencies and entities. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs.

(n) The Office of Early Learning Agency for Workforce Innovation shall work with the early learning coalitions to ensure availability of training and support for parental involvement in children's early education and to provide family literacy activities and services.

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) *Early learning coalitions.*—

1. Each early learning coalition shall maintain direct enhancement services at the local level and ensure access to such services in all 67 counties.

2. The ~~Office of Early Learning Agency for Workforce Innovation~~ shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The ~~Office of Early Learning Agency for Workforce Innovation~~ may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

a. Permit 31 or fewer coalitions to be established; and

b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

3. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 2., the coalition must merge with another county to form a multicounty coalition. The ~~Office of Early Learning Agency for Workforce Innovation~~ shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. However, the ~~Office of Early Learning Agency for Workforce Innovation~~ shall grant a waiver to an early learning coalition to serve fewer children than the minimum number established under subparagraph 2., if:

a. The ~~Office of Early Learning Agency for Workforce Innovation~~ has determined during the most recent review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(1), that the coalition has substantially implemented its plan;

b. The coalition demonstrates to the ~~Office of Early Learning Agency for Workforce Innovation~~ the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program; and

c. The coalition demonstrates to the ~~Office of Early Learning Agency for Workforce Innovation~~ that the coalition can perform its duties in accordance with law.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the ~~Office of Early Learning Agency for Workforce Innovation~~ may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the office agency reestablishes the coalition and a new school readiness plan is approved by the office agency.

4. Each early learning coalition shall be composed of at least 15 members but not more than 30 members. The ~~Office of Early Learning Agency for Workforce Innovation~~ shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition and procedures for identifying which members

have voting privileges under subparagraph 6. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

5. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private sector business members appointed by the coalition under subparagraph 7.

6. Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If an early learning coalition has more than one member representing the same entity, only one of such members may serve as a voting member:

- a. A Department of Children and Family Services circuit administrator or his or her designee who is authorized to make decisions on behalf of the department.
- b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.
- c. A regional workforce board executive director or his or her designee.
- d. A county health department director or his or her designee.
- e. A children’s services council or juvenile welfare board chair or executive director, if applicable.
- f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.
- g. A president of a community college or his or her designee.
- h. One member appointed by a board of county commissioners or the governing board of a municipality.
- i. A central agency administrator, where applicable.
- j. A Head Start director.
- k. A representative of private for-profit child care providers, including private for-profit family day care homes.
- l. A representative of faith-based child care providers.
- m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.

7. Including the members appointed by the Governor under subparagraph 5., more than one-third of the members of each early learning coalition

must be private sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members. The Office of Early Learning Agency for Workforce Innovation shall establish criteria for appointing private sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

8. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition. An early learning coalition board may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

9. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

10. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

11. For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

12. An early learning coalition serving a multicounty region must include representation from each county.

13. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Coalition chairs shall be appointed for 4 years in conjunction with their membership on the Early Learning Advisory Council under s. 20.052. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(c) *Program expectations.*—

1. The school readiness program must meet the following expectations:
 - a. The program must, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards and outcome measures adopted by the Office of Early Learning Agency for Workforce Innovation.
 - b. The program must provide extended-day and extended-year services to the maximum extent possible without compromising the quality of the program to meet the needs of parents who work.
 - c. The program must provide a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness instructors in helping children attain the performance standards and outcome measures adopted by the Office of Early Learning Agency for Workforce Innovation.
 - d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.
 - e. There must be a single point of entry and unified waiting list. As used in this sub-subparagraph, the term “single point of entry” means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The Office of Early Learning Agency for Workforce Innovation shall establish through technology a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children’s progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.
 - f. The Office of Early Learning Agency for Workforce Innovation must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by an early learning coalition. In addition, early learning coalitions shall use school readiness funds made available due to enrollment shifts from school readiness programs to the Voluntary Pre-kindergarten Education Program for increasing the number of children served in school readiness programs before increasing payment rates.
 - g. The program must meet all state licensing guidelines, where applicable.
 - h. The program must ensure that minimum standards for child discipline practices are age-appropriate. Such standards must provide that children not be subjected to discipline that is severe, humiliating, or frightening or

discipline that is associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.

2. Each early learning coalition must implement a comprehensive program of school readiness services in accordance with the rules adopted by the office agency which enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures. At a minimum, these programs must contain the following system support service elements:

a. Developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by the Office of Early Learning Agency for Workforce Innovation under subparagraph (4)(d)8.

b. A character development program to develop basic values.

c. An age-appropriate screening of each child's development.

d. An age-appropriate assessment administered to children when they enter a program and an age-appropriate assessment administered to children when they leave the program.

e. An appropriate staff-to-children ratio, pursuant to s. 402.305(4) or s. 402.302(7) or (8), as applicable, and as verified pursuant to s. 402.311.

f. A healthy and safe environment pursuant to s. 401.305(5), (6), and (7), as applicable, and as verified pursuant to s. 402.311.

g. A resource and referral network established under s. 411.0101 to assist parents in making an informed choice and a regional Warm-Line under s. 411.01015.

The Office of Early Learning Agency for Workforce Innovation, the ~~Department of Education~~, and early learning coalitions shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities pertaining to acquiring and composing data for child care training and credentialing.

(d) *Implementation.*—

1. An early learning coalition may not implement the school readiness program until the coalition's school readiness plan is approved by the Office of Early Learning Agency for Workforce Innovation.

2. Each early learning coalition shall coordinate with one another to implement a comprehensive program of school readiness services which enhances the cognitive, social, physical, and moral character of the children to achieve the performance standards and outcome measures and which helps families achieve economic self-sufficiency. Such program must contain, at a minimum, the following elements:

a. Implement the school readiness program to meet the requirements of this section and the system support services, performance standards, and outcome measures adopted by the Office of Early Learning Agency for Workforce Innovation.

b. Demonstrate how the program will ensure that each child from birth through 5 years of age in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the children in attaining the performance standards adopted by the department agency under subparagraph (4)(d)8.

c. Ensure that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.

Before implementing the school readiness program, the early learning coalition must submit the plan to the office agency for approval. The office agency may approve the plan, reject the plan, or approve the plan with conditions. The office agency shall review school readiness plans at least every 2 years.

3. If the Office of Early Learning Agency for Workforce Innovation determines during the review of school readiness plans, or through monitoring and performance evaluations conducted under paragraph (4)(l), that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the office agency, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the office agency may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the office agency reestablishes the coalition and a new school readiness plan is approved in accordance with the rules adopted by the office agency.

4. The Office of Early Learning Agency for Workforce Innovation shall adopt rules establishing criteria for the approval of school readiness plans. The criteria must be consistent with the system support services, performance standards, and outcome measures adopted by the office agency and must require each approved plan to include the following minimum standards for the school readiness program:

a. A community plan that addresses the needs of all children and providers within the coalition's county or multicounty region.

b. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers.

c. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

d. Specific eligibility priorities for children in accordance with subsection (6).

e. Performance standards and outcome measures adopted by the office agency.

f. Payment rates adopted by the early learning coalitions and approved by the office agency. Payment rates may not have the effect of limiting parental choice or creating standards or levels of services that have not been expressly established by the Legislature, unless the creation of such standards or levels of service, which must be uniform throughout the state, has been approved by the Federal Government and result in the state being eligible to receive additional federal funds available for early learning on a statewide basis.

g. Direct enhancement services for families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs. Direct enhancement services for families may include parent training and involvement activities and strategies to meet the needs of unique populations and local eligibility priorities. Enhancement services for children may include provider supports and professional development approved in the plan by the Office of Early Learning Agency for Workforce Innovation.

h. The business organization of the early learning coalition, which must include the coalition's articles of incorporation and bylaws if the coalition is organized as a corporation. If the coalition is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent. An early learning coalition may contract with other coalitions to achieve efficiency in multicounty services, and these contracts may be part of the coalition's school readiness plan.

i. The implementation of locally developed quality programs in accordance with the requirements adopted by the office agency under subparagraph (4)(d)5.

The Office of Early Learning Agency for Workforce Innovation may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program.

5. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

6. An early learning coalition may not implement its school readiness plan until it submits the plan to and receives approval from the Office of Early Learning Agency for Workforce Innovation. Once the plan is approved, the plan and the services provided under the plan shall be controlled by the early learning coalition. The plan shall be reviewed and revised as necessary, but at least biennially. An early learning coalition may not implement the revisions until the coalition submits the revised plan to and receives approval from the office agency. If the office agency rejects a revised plan, the coalition must continue to operate under its prior approved plan.

7. Section 125.901(2)(a)3. does not apply to school readiness programs. The Office of Early Learning Agency for Workforce Innovation may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223 and 1003.54, if the waiver is necessary for implementation of school readiness programs.

8. Two or more early learning coalitions may join for purposes of planning and implementing a school readiness program.

(e) *Requests for proposals; payment schedule.*—

1. Each early learning coalition must comply with the procurement and expenditure procedures adopted by the Office of Early Learning Agency for Workforce Innovation, including, but not limited to, applying the procurement and expenditure procedures required by federal law for the expenditure of federal funds.

2. Each early learning coalition shall adopt a payment schedule that encompasses all programs funded under this section. The payment schedule must take into consideration the prevailing market rate, must include the projected number of children to be served, and must be submitted for approval by the Office of Early Learning Agency for Workforce Innovation. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(f) *Evaluation and annual report.*—Each early learning coalition shall conduct an evaluation of its implementation of the school readiness program, including system support services, performance standards, and outcome measures, and shall provide an annual report and fiscal statement to the Office of Early Learning Agency for Workforce Innovation. This report must also include an evaluation of the effectiveness of its direct enhancement services and conform to the content and format specifications adopted by the Office of Early Learning Agency for Workforce Innovation. The Office of Early Learning Agency for Workforce Innovation must include an analysis of the early learning coalitions' reports in the office's agency's annual report.

(7) PARENTAL CHOICE.—

(e) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each early learning coalition shall fully implement the electronic funds transfer system within 2 years after approval of the coalition's school readiness plan, unless a waiver is obtained from the Office of Early Learning Agency for Workforce Innovation.

(8) STANDARDS; OUTCOME MEASURES.—A program provider participating in the school readiness program must meet the performance standards and outcome measures adopted by the Office of Early Learning Agency for Workforce Innovation.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(b)1. The ~~Office of Early Learning Agency for Workforce Innovation~~ shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216.

2. All instructions to early learning coalitions for administering this section shall emanate from the ~~Office of Early Learning Agency for Workforce Innovation~~ in accordance with the policies of the Legislature.

(c) The ~~Office of Early Learning Agency for Workforce Innovation~~, subject to legislative notice and review under s. 216.177, shall establish a formula for the allocation of all state and federal school readiness funds provided for children participating in the school readiness program, whether served by a public or private provider, based upon equity for each county. The allocation formula must be submitted to the Governor, the chair of the Senate Ways and Means Committee or its successor, and the chair of the House of Representatives Fiscal Council or its successor no later than January 1 of each year. If the Legislature specifies changes to the allocation formula, the ~~Office of Early Learning Agency for Workforce Innovation~~ shall allocate funds as specified in the General Appropriations Act.

(d) All state, federal, and required local maintenance-of-effort or matching funds provided to an early learning coalition for purposes of this section shall be used for implementation of its approved school readiness plan, including the hiring of staff to effectively operate the coalition's school readiness program. As part of plan approval and periodic plan review, the ~~Office of Early Learning Agency for Workforce Innovation~~ shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must not exceed 5 percent unless specifically waived by the ~~Office of Early Learning Agency for Workforce Innovation~~. The ~~Office of Early Learning Agency for Workforce Innovation~~ shall annually report to the Legislature any problems relating to administrative costs.

(e) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the early learning coalitions in accordance with the terms and conditions specified by the office agency.

Section 306. Subsections (1) and (2), paragraph (a) of subsection (3), and subsection (4) of section 411.0101, Florida Statutes, are amended to read:

411.0101 Child care and early childhood resource and referral.—

(1) As a part of the school readiness programs, the ~~Office of Early Learning Agency for Workforce Innovation~~ shall establish a statewide child care resource and referral network that is unbiased and provides referrals to families for child care. Preference shall be given to using the already established early learning coalitions as the child care resource and referral agencies. If an early learning coalition cannot comply with the requirements

to offer the resource information component or does not want to offer that service, the early learning coalition shall select the resource and referral agency for its county or multicounty region based upon a request for proposal pursuant to s. 411.01(5)(e)1.

(2) At least one child care resource and referral agency must be established in each early learning coalition's county or multicounty region. The Office of Early Learning Agency for Workforce Innovation shall adopt rules regarding accessibility of child care resource and referral services offered through child care resource and referral agencies in each county or multicounty region which include, at a minimum, required hours of operation, methods by which parents may request services, and child care resource and referral staff training requirements.

(3) Child care resource and referral agencies shall provide the following services:

(a) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of a resource file of those services through the single statewide information system developed by the Office of Early Learning Agency for Workforce Innovation under s. 411.01(5)(c)1.e. These services may include family day care, public and private child care programs, the Voluntary Prekindergarten Education Program, Head Start, the school readiness program, special education programs for prekindergarten children with disabilities, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, the Temporary Cash Assistance Program, and related family support services. The resource file shall include, but not be limited to:

1. Type of program.
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 Office of Early Learning Agency for Workforce Innovation shall adopt any rules necessary for the implementation and administration of this section.

Section 307. Subsections (2), (6), and (7) of section 411.01013, Florida Statutes, are amended to read:

411.01013 Prevailing market rate schedule.—

(2) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall establish procedures for the adoption of a prevailing market rate schedule. The schedule must include, at a minimum, county-by-county rates:

(a) At the prevailing market rate, plus the maximum rate, for child care providers that hold a Gold Seal Quality Care designation under s. 402.281.

(b) At the prevailing market rate for child care providers that do not hold a Gold Seal Quality Care designation.

(6) The ~~Office of Early Learning Agency for Workforce Innovation~~ may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

(7) The ~~Office of Early Learning Agency for Workforce Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 for establishing procedures for the collection of child care providers' market rate, the calculation of a reasonable frequency distribution of the market rate, and the publication of a prevailing market rate schedule.

Section 308. Subsection (1) of section 411.01014, Florida Statutes, is amended to read:

411.01014 School readiness transportation services.—

(1) The ~~Office of Early Learning Agency for Workforce Innovation~~, pursuant to chapter 427, may authorize an early learning coalition to establish school readiness transportation services for children at risk of abuse or neglect participating in the school readiness program. The early learning coalitions may contract for the provision of transportation services as required by this section.

Section 309. Subsections (1), (3), and (4) of section 411.01015, Florida Statutes, are amended to read:

411.01015 Consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues.—

(1) Contingent upon specific appropriations, the Office of Early Learning Agency for Workforce Innovation shall administer a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs.

(3) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall annually inform child care centers and family day care homes of the availability of this service through the child care resource and referral network under s. 411.0101.

(4) Contingent upon specific appropriations, the Office of Early Learning Agency for Workforce Innovation shall expand, or contract for the expansion of, the Warm-Line to maintain at least one Warm-Line site in each early learning coalition service area.

Section 310. Subsections (2) and (3) of section 411.0103, Florida Statutes, are amended to read:

411.0103 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(2) The Office of Early Learning Agency for Workforce Innovation may contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The office agency shall adopt rules under ss. 120.536(1) and 120.54 as necessary to administer this section.

Section 311. Subsections (1) and (3) of section 411.0104, Florida Statutes, are amended to read:

411.0104 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriations, the Office of Early Learning Agency for Workforce Innovation shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(3) The Office of Early Learning Agency for Workforce Innovation may adopt rules under ss. 120.536(1) and 120.54 as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 312. Section 411.0105, Florida Statutes, is amended to read:

411.0105 Early Learning Opportunities Act and Even Start Family Literacy Programs; lead agency.—For purposes of administration of the Early Learning Opportunities Act and the Even Start Family Literacy Programs, pursuant to Pub. L. No. 106-554, the Office of Early Learning Agency for Workforce Innovation is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law.

Section 313. Section 411.0106, Florida Statutes, is amended to read:

411.0106 Infants and toddlers in state-funded education and care programs; brain development activities.—Each state-funded education and

care program for children from birth to 5 years of age must provide activities to foster brain development in infants and toddlers. A program must provide an environment that helps children attain the performance standards adopted by the Office of Early Learning Agency for Workforce Innovation under s. 411.01(4)(d)8. and must be rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses in the children and must include classical music and at least 30 minutes of reading to the children each day. A program may be offered through an existing early childhood program such as Healthy Start, the Title I program, the school readiness program, the Head Start program, or a private child care program. A program must provide training for the infants' and toddlers' parents including direct dialogue and interaction between teachers and parents demonstrating the urgency of brain development in the first year of a child's life. Family day care centers are encouraged, but not required, to comply with this section.

Section 314. Subsection (1) and paragraph (g) of subsection (3) of section 411.011, Florida Statutes, are amended to read:

411.011 Records of children in school readiness programs.—

(1) The individual records of children enrolled in school readiness programs provided under s. 411.01, held by an early learning coalition or the Office of Early Learning Agency for Workforce Innovation, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, records include assessment data, health data, records of teacher observations, and personal identifying information.

(3) School readiness records may be released to:

(g) Parties to an interagency agreement among early learning coalitions, local governmental agencies, providers of school readiness programs, state agencies, and the Office of Early Learning Agency for Workforce Innovation for the purpose of implementing the school readiness program.

Agencies, organizations, or individuals that receive school readiness records in order to carry out their official functions must protect the data in a manner that does not permit the personal identification of a child enrolled in a school readiness program and his or her parents by persons other than those authorized to receive the records.

Section 315. Paragraph (e) of subsection (2) of section 411.226, Florida Statutes, is amended to read:

411.226 Learning Gateway.—

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the

Department of Health, ~~the Office of Early Learning~~ ~~the Agency for Workforce Innovation~~, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and with the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

Section 316. Paragraph (d) of subsection (1), paragraph (a) of subsection (2), and paragraph (c) of subsection (3) of section 411.227, Florida Statutes, are amended to read:

411.227 Components of the Learning Gateway.—The Learning Gateway system consists of the following components:

(1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED ACCESS.—

(d) In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based Internet website, as well as opportunities such as those presented by parent visits to physicians for well-child checkups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

1. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, child care providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards adopted by the Office of Early Learning Agency for Workforce Innovation.

2. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(2) SCREENING AND DEVELOPMENTAL MONITORING.—

(a) In coordination with the Office of Early Learning Agency for Workforce Innovation, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish

guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

(c) The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Office of Early Learning Agency for Workforce Innovation, shall identify the elements of an effective research-based curriculum for early care and education programs.

Section 317. Section 414.24, Florida Statutes, is amended to read:

414.24 Integrated welfare reform and child welfare services.—The department shall develop integrated service delivery strategies to better meet the needs of families subject to work activity requirements who are involved in the child welfare system or are at high risk of involvement in the child welfare system. To the extent that resources are available, the department and the Department of Economic Opportunity Labor and Employment Security shall provide funds to one or more service districts to promote development of integrated, nonduplicative case management within the department, the Department of Economic Opportunity Labor and Employment Security, other participating government agencies, and community partners. Alternative delivery systems shall be encouraged which include well-defined, pertinent outcome measures. Other factors to be considered shall include innovation regarding training, enhancement of existing resources, and increased private sector and business sector participation.

Section 318. Section 414.40, Florida Statutes, is amended to read:

414.40 Stop Inmate Fraud Program established; guidelines.—

(1) There is created within the Department of Financial Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud Program.

(2) The Department of Financial Services ~~Department of Law Enforcement~~ is directed to implement the Stop Inmate Fraud Program in accordance with the following guidelines:

(a) The program shall establish procedures for sharing public records not exempt from the public records law among social services agencies regarding the identities of persons incarcerated in state correctional institutions, as defined in s. 944.02, or in county, municipal, or regional jails or other detention facilities of local governments under chapter 950 or chapter 951 who are wrongfully receiving public assistance benefits or entitlement benefits.

(b) Pursuant to these procedures, the program shall have access to records containing correctional information not exempt from the public records law on incarcerated persons which have been generated as criminal justice information. As used in this paragraph, the term “record” is defined as provided in s. 943.045(7), and the term “criminal justice information” is defined as provided in s. 943.045(3).

(c) Database searches shall be conducted of the inmate population at each correctional institution or other detention facility. A correctional institution or a detention facility shall provide the Stop Inmate Fraud Program with the information necessary to identify persons wrongfully receiving benefits in the medium requested by the Stop Inmate Fraud Program if the correctional institution or detention facility maintains the information in that medium.

(d) Data obtained from correctional institutions or other detention facilities shall be compared with the client files of the Department of Children and Family Services, the Department of Economic Opportunity Labor and Employment Security, and other state or local agencies as needed to identify persons wrongfully obtaining benefits. Data comparisons shall be accomplished during periods of low information demand by agency personnel to minimize inconvenience to the agency.

(e) Results of data comparisons shall be furnished to the appropriate office for use in the county in which the data originated. The program may provide reports of the data it obtains to appropriate state, federal, and local government agencies or governmental entities, including, but not limited to:

1. The Child Support Enforcement Program of the Department of Revenue, so that the data may be used as locator information on persons being sought for purposes of child support.

2. The Social Security Administration, so that the data may be used to reduce federal entitlement fraud within the state.

(f) Reports by the program to another agency or entity shall be generated bimonthly, or as otherwise directed, and shall be designed to accommodate that agency’s or entity’s particular needs for data.

(g) Only those persons with active cases, or with cases that were active during the incarceration period, shall be reported, in order that the funding agency or entity, upon verification of the data, may take whatever action is deemed appropriate.

(h) For purposes of program review and analysis, each agency or entity receiving data from the program shall submit reports to the program which indicate the results of how the data was used.

Section 319. Subsection (1) of section 414.295, Florida Statutes, is amended to read:

414.295 Temporary cash assistance programs; public records exemption.

(1) Personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a parent who does not live in the same home as the child, held by the department, the Division of Early Learning Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may be released for purposes directly connected with:

(a) The administration of the temporary assistance for needy families plan under Title IV-A of the Social Security Act, as amended, by the department, the Division of Early Learning Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Military Affairs, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board or local committee created pursuant to s. 445.007, or a school district.

(b) The administration of the state's plan or program approved under Title IV-B, Title IV-D, or Title IV-E of the Social Security Act, as amended, or under Title I, Title X, Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social Security Act, as amended.

(c) Any investigation, prosecution, or any criminal, civil, or administrative proceeding conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a federal, state, or local governmental entity, upon request by that entity, when such request is made pursuant to the proper exercise of that entity's duties and responsibilities.

(d) The administration of any other state, federal, or federally assisted program that provides assistance or services on the basis of need, in cash or in kind, directly to a participant.

(e) Any audit or similar activity, such as a review of expenditure reports or financial review, conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a governmental entity authorized by law to conduct such audit or activity.

(f) The administration of the unemployment compensation program.

(g) The reporting to the appropriate agency or official of information about known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child or elderly person receiving assistance, if circumstances indicate that the health or welfare of the child or elderly person is threatened.

(h) The administration of services to elderly persons under ss. 430.601-430.606.

Section 320. Subsections (1) and (3) of section 414.411, Florida Statutes, are amended to read:

414.411 Public assistance fraud.—

(1) The Department of Financial Services shall investigate all public assistance provided to residents of the state or provided to others by the state. In the course of such investigation the department shall examine all records, including electronic benefits transfer records and make inquiry of all persons who may have knowledge as to any irregularity incidental to the disbursement of public moneys, food assistance, or other items or benefits authorizations to recipients. All public assistance recipients, as a condition precedent to qualification for public assistance under chapter 409, chapter 411, or this chapter, must first give in writing, to the Agency for Health Care Administration, the Department of Health, the Department of Economic Opportunity Agency for Workforce Innovation, and the Department of Children and Family Services, as appropriate, and to the Department of Financial Services, consent to make inquiry of past or present employers and records, financial or otherwise.

(3) The results of such investigation shall be reported by the Department of Financial Services to the appropriate legislative committees, the Agency for Health Care Administration, the Department of Health, the Department of Economic Opportunity Agency for Workforce Innovation, and the Department of Children and Family Services, and to such others as the department may determine.

Section 321. Subsection (2) of section 418.12, Florida Statutes, is amended to read:

418.12 Duties and functions of Division of Recreation and Parks.— Among its functions, the Division of Recreation and Parks of the Department of Environmental Protection shall:

(2) Provide consultation assistance to the Department of Economic Opportunity Community Affairs and to local governing units as to the promotion, organization, and administration of local recreation systems and as to the planning and design of local recreation areas and facilities;

Section 322. Paragraph (e) of subsection (3) and subsection (4) of section 420.0003, Florida Statutes, are amended to read:

420.0003 State housing strategy.—

(3) POLICIES.—

(e) *Housing production or rehabilitation programs.*—New programs for housing production or rehabilitation shall be developed in accordance with the following general guidelines as appropriate for the purpose of the specific program:

1. State and local governments shall provide incentives to encourage the private sector to be the primary delivery vehicle for the development of affordable housing.

2. State funds should be heavily leveraged to achieve the maximum local and private commitment of funds while achieving the program objectives.

3. To the maximum extent possible, state funds should be expended to provide housing units rather than to support program administration.

4. State money should be used, when possible, as loans rather than grants.

5. State funds should be available only to local governments that provide incentives or financial assistance for housing.

6. State funds should be made available only for projects which are consistent with the local government comprehensive plan.

7. State funding for housing should not be made available to local governments whose comprehensive plans have been found not in compliance with chapter 163 and who have not entered into a stipulated settlement agreement with ~~the Department of Economic Opportunity~~ the Department of Community Affairs to bring the plan into compliance.

8. Mixed income projects should be encouraged, to avoid a concentration of low-income residents in one area or project.

9. Distribution of state housing funds should be flexible and consider the regional and local needs, resources, and capabilities of housing producers.

10. Income levels used to determine program eligibility should be adjusted for family size in determining the eligibility of specific beneficiaries.

11. To the maximum extent possible, state-owned lands that are appropriate for the development of affordable housing shall be made available for that purpose.

(4) IMPLEMENTATION.—~~The Department of Economic Opportunity~~ The Department of Community Affairs and the Florida Housing Finance Corporation in carrying out the strategy articulated herein shall have the following duties:

(a) The fiscal resources of ~~the Department of Economic Opportunity~~ the Department of Community Affairs shall be directed to achieve the following programmatic objectives:

1. Effective technical assistance and capacity-building programs shall be established at the state and local levels.

2. The Shimberg Center for Affordable Housing at the University of Florida shall develop and maintain statewide data on housing needs and

production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs.

(b) The agency strategic plan of the Department of Economic Opportunity ~~the Department of Community Affairs~~ shall include specific goals, objectives, and strategies that implement the housing policies in this section and shall include the strategic plan for housing production prepared by the corporation pursuant to s. 420.511.

(c) The Shimberg Center for Affordable Housing, in consultation with the Department of Economic Opportunity ~~the Department of Community Affairs~~ and the Florida Housing Finance Corporation, shall review and evaluate existing housing rehabilitation, production, and finance programs to determine their consistency with relevant policies in this section and identify the needs of specific populations, including, but not limited to, elderly and handicapped persons, and shall recommend statutory modifications where appropriate. The Shimberg Center for Affordable Housing, in consultation with the Department of Economic Opportunity ~~the Department of Community Affairs~~ and the corporation, shall also evaluate the degree of coordination between state housing programs, and between state, federal, and local housing activities, and shall recommend improved program linkages. The recommendations required above and a report of any programmatic modifications made as a result of these policies shall be included in the housing report required by s. 420.6075, beginning December 31, 1991, and every 5 years thereafter.

(d) The department and the corporation are anticipated to conform the administrative rules for each housing program to the policies stated in this section, provided that such changes in the rules are consistent with the statutory intent or requirements for the program. This authority applies only to programs offering loans, grants, or tax credits and only to the extent that state policies are consistent with applicable federal requirements.

Section 323. Subsection (6) of section 420.0004, Florida Statutes, is amended to read:

420.0004 Definitions.—As used in this part, unless the context otherwise indicates:

(6) “Department” means the Department of Economic Opportunity ~~the Department of Community Affairs~~.

Section 324. Section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—There is hereby established in the State Treasury a separate trust fund to be named the “State Housing Trust Fund.” There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other

source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon certification by the executive director of the Department of Economic Opportunity Secretary of Community Affairs that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the secretary shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the "State Housing Fund" and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, but such costs may not exceed 5 percent of the moneys deposited into such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

Section 325. Paragraph (d) of subsection (1) of section 420.101, Florida Statutes, is amended to read:

420.101 Housing Development Corporation of Florida; creation, membership, and purposes.—

(1) Twenty-five or more persons, a majority of whom shall be residents of this state, who may desire to create a housing development corporation under the provisions of this part for the purpose of promoting and developing housing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the Department of State, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(d) The names and post office addresses of the members of the first board of directors. The first board of directors shall be elected by and from the stockholders of the corporation and shall consist of 21 members. However, five of such members shall consist of the following persons, who shall be nonvoting members: the secretary of the Department of Economic Opportunity ~~Community Affairs~~ or her or his designee; the head of the Department of Financial Services or her or his designee with expertise in banking

matters; a designee of the head of the Department of Financial Services with expertise in insurance matters; one state senator appointed by the President of the Senate; and one representative appointed by the Speaker of the House of Representatives.

Section 326. Subsection (8) of section 420.111, Florida Statutes, is amended to read:

420.111 Housing Development Corporation of Florida; additional powers.—In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by chapter 607, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(8) To cooperate with, and avail itself of the facilities of, the United States Department of Housing and Urban Development, the Department of Economic Opportunity Community Affairs, and any other similar local, state, or Federal Government agency; and to cooperate with and assist, and otherwise encourage, organizations in the various communities of the state on the promotion, assistance, and development of the housing and economic welfare of such communities or of this state or any part thereof.

Section 327. Section 420.36, Florida Statutes, is amended to read:

420.36 Low-income Emergency Home Repair Program.—There is established within the Department of Economic Opportunity Community Affairs the Low-income Emergency Home Repair Program to assist low-income persons, especially the elderly and physically disabled, in making emergency repairs which directly affect their health and safety.

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

(a) “Grantee” means a local public or private nonprofit agency currently receiving funds from the department to conduct a weatherization assistance program in one or more counties or a public or nonprofit agency chosen as outlined in subparagraph (4)(c)4.

(b) “Subgrantee” means a local public or private nonprofit agency experienced in weatherization, emergency repairs, or rehabilitation of housing.

(2) A person is eligible to receive assistance if that person has an income in relation to that person’s family size which is at or below 125 percent of the poverty level as specified annually in the federal Office of Management and Budget Poverty Guidelines. Eligible persons over 60 years of age and eligible persons who are physically disabled shall be given priority in the program.

(3)(a) Allowable repairs, including materials and labor, which may be charged under the program include:

1. Correcting deficiencies in support beams, load-bearing walls, and floor joists.

2. Repair or replacement of unsafe or nonfunctional space heating or water heating systems.

3. Egress or physically disabled accessibility repairs, improvements, or assistive devices, including wheelchair ramps, steps, porches, handrails, or other health and safety measures.

4. Plumbing, pump, well, and line repairs to ensure safe drinking water and sanitary sewage.

5. Electrical repairs.

6. Repairs to deteriorating walls, floors, and roofs.

7. Other interior and exterior repairs as necessary for the health and safety of the resident.

(b) Administrative expenses may not exceed 10 percent of the total grant funds.

(c) Each grantee shall be required to provide an in-kind or cash match of at least 20 percent of the funds granted. Grantees and subgrantees shall be encouraged to use community resources to provide such match, including family, church, and neighborhood volunteers and materials provided by local groups and businesses. Grantees shall coordinate with local governments through their community development block grant entitlement programs and other housing programs, local housing partnerships, and agencies under contract to a lead agency for the provisions of services under the Community Care for the Elderly Act, ss. 430.201-430.207.

(4)(a) Funds appropriated to the department for the program shall be deposited in the Energy Consumption Trust Fund. Administrative and personnel costs incurred by the department in implementing the provisions of this section may be paid from the fund.

(b) The grantee may subgrant these funds to a subgrantee if the grantee is unable to serve all of the county or the target population. Grantee and subgrantee eligibility shall be determined by the department.

(c) Funds shall be distributed to grantees and subgrantees as follows:

1. For each county, a base amount of at least \$3,000 shall be set aside from the total funds available, and such amount shall be deducted from the total amount appropriated by the Legislature.

2. The balance of the funds appropriated by the Legislature shall be divided by the total poverty population of the state, and this quotient shall be multiplied by each county's share of the poverty population. That amount

plus the base of at least \$3,000 shall constitute each county's share. A grantee which serves more than one county shall receive the base amount plus the poverty population share for each county to be served. Contracts with grantees may be renewed annually.

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

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

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

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

5. If no eligible agency agrees to serve a county, the funds for that county shall be distributed to grantees having the best performance record as determined by department rule. At the end of the contract year, any uncontracted or unexpended funds shall be returned to the Energy Consumption Trust Fund and reallocated under the next year's contracting cycle.

(5) The department may perform all actions appropriate and necessary to carry out the purposes of this section, including, but not limited to:

(a) Entering into contracts and agreements with the Federal Government, agencies of the state, local governments, or any person, association, corporation, or entity.

(b) Seeking and accepting funding from any public or private source.

(c) Adopting and enforcing rules consistent with this section.

Section 328. Subsections (1) and (2) of section 420.424, Florida Statutes, are amended, and subsections (3) through (7) of that section are redesignated as subsections (2) through (6), to read:

420.424 Definitions.—As used in ss. 420.421-420.429:

(1) "Department" means the Department of Economic Opportunity Community Affairs.

(2) ~~"Secretary" means the Secretary of Community Affairs.~~

Section 329. Subsection (12) of section 420.503, Florida Statutes, is amended to read:

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

(12) “Department” means ~~the Department of Economic Opportunity the Department of Community Affairs.~~

Section 330. Subsections (1) and (3) of section 420.504, Florida Statutes, are amended to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(1) There is created within ~~the Department of Economic Opportunity the Department of Community Affairs~~ a public corporation and a public body corporate and politic, to be known as the “Florida Housing Finance Corporation.” It is declared to be the intent of and constitutional construction by the Legislature that the Florida Housing Finance Corporation constitutes an entrepreneurial public corporation organized to provide and promote the public welfare by administering the governmental function of financing or refinancing housing and related facilities in Florida and that the corporation is not a department of the executive branch of state government within the scope and meaning of s. 6, Art. IV of the State Constitution, but is functionally related to the Department of Economic Opportunity ~~the Department of Community Affairs~~ in which it is placed. The executive function of state government to be performed by the executive director of the Department of Economic Opportunity ~~secretary of the department~~ in the conduct of the business of the Florida Housing Finance Corporation must be performed pursuant to a contract to monitor and set performance standards for the implementation of the business plan for the provision of housing approved for the corporation as provided in s. 420.0006. This contract shall include the performance standards for the provision of affordable housing in Florida established in the business plan described in s. 420.511.

(3) The corporation is a separate budget entity and is not subject to control, supervision, or direction by the Department of Economic Opportunity ~~the Department of Community Affairs~~ in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters. The corporation shall consist of a board of directors composed of the executive director of the Department of Economic Opportunity ~~Secretary of Community Affairs~~ as an ex officio and voting member, or a senior-level agency employee designated by the director, and eight members appointed by the Governor subject to confirmation by the Senate from the following:

(a) One citizen actively engaged in the residential home building industry.

(b) One citizen actively engaged in the banking or mortgage banking industry.

(c) One citizen who is a representative of those areas of labor engaged in home building.

(d) One citizen with experience in housing development who is an advocate for low-income persons.

(e) One citizen actively engaged in the commercial building industry.

(f) One citizen who is a former local government elected official.

(g) Two citizens of the state who are not principally employed as members or representatives of any of the groups specified in paragraphs (a)-(f).

Section 331. Section 420.506, Florida Statutes, is amended to read:

420.506 Executive director; agents and employees; inspector general.—

(1) The appointment and removal of an executive director shall be by the executive director of the Department of Economic Opportunity Secretary of Community Affairs, with the advice and consent of the corporation’s board of directors. The executive director shall employ legal and technical experts and such other agents and employees, permanent and temporary, as the corporation may require, and shall communicate with and provide information to the Legislature with respect to the corporation’s activities. The board is authorized, notwithstanding the provisions of s. 216.262, to develop and implement rules regarding the employment of employees of the corporation and service providers, including legal counsel. The board of directors of the corporation is entitled to establish travel procedures and guidelines for employees of the corporation. The executive director’s office and the corporation’s files and records must be located in Leon County.

(2) The appointment and removal of an inspector general shall be by the executive director, with the advice and consent of the corporation’s board of directors. The corporation’s inspector general shall perform for the corporation the functions set forth in s. 20.055. The inspector general shall administratively report to the executive director. The inspector general shall meet the minimum qualifications as set forth in s. 20.055(4). The corporation may establish additional qualifications deemed necessary by the board of directors to meet the unique needs of the corporation. The inspector general shall be responsible for coordinating the responsibilities set forth in s. 420.0006.

Section 332. Paragraph (e) of subsection (12) of section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(12) All eligible applications shall:

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in subsection (8) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Economic Opportunity ~~the Department of Community Affairs~~ in evaluating the use of regulatory incentives by applicants.

Section 333. Subsections (6) through (10) of section 420.602, Florida Statutes, are amended, and a new subsection (7) is added to that section, to read:

420.602 Definitions.—As used in this part, the following terms shall have the following meanings, unless the context otherwise requires:

(6) “Department” means the Department of Economic Opportunity ~~the Department of Community Affairs~~.

(7) “Director” means the executive director of the Department of Economic Opportunity.

~~(8)~~(7) “Fund” means the Florida Affordable Housing Trust Fund as created in this part.

~~(9)~~(8) “Low-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

~~(10)~~(9) “Moderate-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the household is located, whichever is greater.

~~(10)~~—“Secretary” means the Secretary of Community Affairs.

Section 334. Subsections (3) and (4) of section 420.606, Florida Statutes, are amended to read:

420.606 Training and technical assistance program.—

(3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The Department of Economic Opportunity ~~Community Affairs~~ shall be responsible for securing the necessary expertise to provide training and technical assistance to staff of local governments, to staff of state agencies, as appropriate, and to community-based organizations, and to persons forming such organizations, which are formed for the purpose of developing new

housing and rehabilitating existing housing which is affordable for very-low-income persons, low-income persons, and moderate-income persons.

(a) The training component of the program shall be designed to build the housing development capacity of community-based organizations and local governments as a permanent resource for the benefit of communities in this state.

1. The scope of training shall include, but not be limited to, real estate development skills related to affordable housing, including the construction process and property management and disposition, the development of public-private partnerships to reduce housing costs, model housing projects, and management and board responsibilities of community-based organizations.

2. Training activities may include, but are not limited to, materials for self-instruction, workshops, seminars, internships, coursework, and special programs developed in conjunction with state universities and community colleges.

(b) The technical assistance component of the program shall be designed to assist applicants for state-administered programs in developing applications and in expediting project implementation. Technical assistance activities for the staffs of community-based organizations and local governments who are directly involved in the production of affordable housing may include, but are not limited to, workshops for program applicants, onsite visits, guidance in achieving project completion, and a newsletter to community-based organizations and local governments.

(4) **POWERS.**—The Department of Economic Opportunity Community Affairs may do all things necessary or appropriate to carry out the purposes of this section, including exercising the power to:

(a) Enter into contracts and agreements with the Federal Government or with other agencies of the state, with local governments, or with any other person, association, corporation, or entity;

(b) Seek and accept funding from any public or private source; and

(c) Adopt and enforce rules consistent with this section.

Section 335. Subsection (5) of section 420.609, Florida Statutes, is amended to read:

420.609 Affordable Housing Study Commission.—Because the Legislature firmly supports affordable housing in Florida for all economic classes:

(5) The commission shall review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives. The commission shall provide these and any other housing recommendations to

the director of the department ~~secretary of the Department of Community Affairs and the executive director of the corporation.~~

Section 336. Subsection (2) of section 420.622, Florida Statutes, is amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(2) The Council on Homelessness is created to consist of a 17-member council of public and private agency representatives who shall develop policy and advise the State Office on Homelessness. The council members shall be: the Secretary of Children and Family Services, or his or her designee; the executive director of the Department of Economic Opportunity ~~Secretary of Community Affairs~~, or his or her designee, to advise the council on issues related to rural development; the State Surgeon General, or his or her designee; the Executive Director of Veterans' Affairs, or his or her designee; the Secretary of Corrections, or his or her designee; the Secretary of Health Care Administration, or his or her designee; the Commissioner of Education, or his or her designee; the Director of Workforce Florida, Inc., or his or her designee; one representative of the Florida Association of Counties; one representative from the Florida League of Cities; one representative of the Florida Supportive Housing Coalition; the Executive Director of the Florida Housing Finance Corporation, or his or her designee; one representative of the Florida Coalition for the Homeless; and four members appointed by the Governor. The council members shall be volunteer, nonpaid persons and shall be reimbursed for travel expenses only. The appointed members of the council shall be appointed to staggered 2-year terms, and the council shall meet at least four times per year. The importance of minority, gender, and geographic representation must be considered when appointing members to the council.

Section 337. Subsections (2) through (9) of section 420.631, Florida Statutes, are amended to read:

420.631 Definitions relating to Urban Homesteading Act.—As used in ss. 420.630-420.635:

(2)—“~~Department~~” means the ~~Department of Community Affairs~~.

(2)(3) “Homestead agreement” means a written contract between a local government or its designee and a qualified buyer which contains the terms under which the qualified buyer may acquire a single-family housing property.

(3)(4) “Local government” means any county or incorporated municipality within this state.

(4)(5) “Designee” means a housing authority appointed by a local government, or a nonprofit community organization appointed by a local government, to administer the urban homesteading program for single-family housing under ss. 420.630-420.635.

(5)(6) “Nonprofit community organization” means an organization that is exempt from taxation under s. 501(c)(3) of the Internal Revenue Code.

(6)(7) “Office” means the Office of Urban Opportunity within the Department of Economic Opportunity ~~Community Affairs~~.

(7)(8) “Qualified buyer” means a person who meets the criteria under s. 420.633.

(8)(9) “Qualified loan rate” means an interest rate that does not exceed the interest rate charged for home improvement loans by the Federal Housing Administration under Title I of the National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss. 1702, 1703, 1705, and 1706b et seq.

Section 338. Section 420.635, Florida Statutes, is amended to read:

420.635 Loans to qualified buyers.—Contingent upon an appropriation, the Department of Economic Opportunity, in consultation with the Office of Urban Opportunity, shall provide loans to qualified buyers who are required to pay the pro rata portion of the bonded debt on single-family housing pursuant to s. 420.634. Loans provided under this section shall be made at a rate of interest which does not exceed the qualified loan rate. A buyer must maintain the qualifications specified in s. 420.633 for the full term of the loan. The loan agreement may contain additional terms and conditions as determined by the department.

Section 339. Section 421.001, Florida Statutes, is amended to read:

421.001 State role in housing and urban development.—The role of state government required by part I of chapter 421 (Housing Authorities Law), chapter 422 (Housing Cooperation Law), and chapter 423 (Tax Exemption of Housing Authorities) is the responsibility of the Department of Economic Opportunity ~~Community Affairs~~; and the department is the agency of state government responsible for the state’s role in housing and urban development.

Section 340. Section 422.001, Florida Statutes, is amended to read:

422.001 State role in housing and urban development.—The role of state government required by part I of chapter 421 (Housing Authorities Law), chapter 422 (Housing Cooperation Law), and chapter 423 (Tax Exemption of Housing Authorities) is the responsibility of the Department of Economic Opportunity ~~Community Affairs~~; and the department is the agency of state government responsible for the state’s role in housing and urban development.

Section 341. Section 423.001, Florida Statutes, is amended to read:

423.001 State role in housing and urban development.—The role of state government required by part I of chapter 421 (Housing Authorities Law), chapter 422 (Housing Cooperation Law), and chapter 423 (Tax Exemption of

Housing Authorities) is the responsibility of the Department of Economic Opportunity Community Affairs; and the department is the agency of state government responsible for the state's role in housing and urban development.

Section 342. Paragraph (g) of subsection (1) of section 427.012, Florida Statutes, is amended to read:

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of seven members, all of whom shall be appointed by the Governor, in accordance with the requirements of s. 20.052.

(g) The Secretary of Transportation, the Secretary of Children and Family Services, the ~~executive director of Economic Opportunity~~ ~~director of Workforce Innovation~~, the executive director of the Department of Veterans' Affairs, the Secretary of Elderly Affairs, the Secretary of Health Care Administration, the director of the Agency for Persons with Disabilities, and a county manager or administrator who is appointed by the Governor, or a senior management level representative of each, shall serve as ex officio, nonvoting advisors to the commission.

Section 343. Paragraph (b) of subsection (1) of section 429.41, Florida Statutes, is amended to read:

429.41 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(b) The preparation and annual update of a comprehensive emergency management plan. Such standards must be included in the rules adopted by the department after consultation with the Division of Emergency Management ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation

transportation; adequate sheltering arrangements; postdisaster activities, including provision of emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; communication with families; and responses to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 344. Paragraph (b) of subsection (2) of section 429.907, Florida Statutes, is amended to read:

429.907 License requirement; fee; exemption; display.—

(2)

(b) ~~If In the event~~ a licensed center becomes wholly or substantially unusable due to a disaster ~~as defined in s. 252.34(1)~~ or due to an emergency as those terms are defined in s. 252.34(3):

1. The licensee may continue to operate under its current license in a ~~premise or~~ premises separate from that authorized under the license if the licensee has:

a. Specified the location of the ~~premise or~~ premises in its comprehensive emergency management plan submitted to and approved by the applicable county emergency management authority; and

b. Notified the agency and the county emergency management authority within 24 hours of operating in the separate ~~premise or~~ premises.

2. The licensee shall operate the separate ~~premise or~~ premises only while the licensed center's original location is substantially unusable and for up to ~~no longer than~~ 180 days. The agency may extend use of the alternate ~~premise or~~ premises beyond the initial 180 days. The agency may also review the operation of the disaster ~~premise or~~ premises quarterly.

Section 345. Paragraph (g) of subsection (1) of section 429.929, Florida Statutes, is amended to read:

429.929 Rules establishing standards.—

(1) The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. The Department of

Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having statewide effect. Such standards must relate to:

(g) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management ~~Department of Community Affairs~~.

Section 346. Subsection (2) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than \$20 per week. However, if the employee's wages at the time of injury are less than \$20 per week, he or she shall receive his or her full weekly wages. If the employee's wages at the time of the injury exceed \$20 per week, compensation shall not exceed an amount per week which is:

(a) Equal to 100 percent of the statewide average weekly wage, determined as hereinafter provided for the year in which the injury occurred; however, the increase to 100 percent from 66⅔ percent of the statewide average weekly wage shall apply only to injuries occurring on or after August 1, 1979; and

(b) Adjusted to the nearest dollar.

For the purpose of this subsection, the "statewide average weekly wage" means the average weekly wage paid by employers subject to the Florida Unemployment Compensation Law as reported to the Department of Economic Opportunity Agency for Workforce Innovation ~~Department of Economic Opportunity Agency for Workforce Innovation~~ for the four calendar quarters ending each June 30, which average weekly wage shall be determined by the Department of Economic Opportunity Agency for Workforce Innovation ~~Department of Economic Opportunity Agency for Workforce Innovation~~ on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The statewide average weekly wage determined by the Department of Economic Opportunity Agency for Workforce Innovation ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall be reported annually to the Legislature.

Section 347. Paragraph (c) of subsection (9) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(c) Disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(f), may not be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. ss. 402 and 423 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the department, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to her or him and authorize the Department of Economic Opportunity Agency for Workforce Innovation to release unemployment compensation information relating to her or him, in accordance with rules to be adopted by the department prescribing the procedure and manner for requesting the authorization and for compliance by the employee. The department or the employer or carrier may not make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(f) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by such rules. The authority for release of disability information granted by an employee under this paragraph is effective for a period not to exceed 12 months and such authority may be renewed, as the department prescribes by rule.

Section 348. Paragraph (b) of subsection (2) of section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(2)

(b) Except as provided in paragraph (c), the Governor shall appoint a judge of compensation claims from a list of three persons nominated by a statewide nominating commission. The statewide nominating commission shall be composed of the following:

1. Five members, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are engaged in the practice of law. On July 1, 1999, the term of office of each person appointed by the Board of Governors of The Florida Bar to the commission expires. The Board of Governors shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term;

2. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Governor. On July 1, 1999, the term of office of each person appointed by the Governor to the commission expires. The Governor shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term; and

3. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in the territorial jurisdictions of the district courts of appeal, selected and appointed by a majority vote of the other 10 members of the commission. On October 1, 1999, the term of office of each person appointed to the commission by its other members expires. A majority of the other members of the commission shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning October 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning October 1, 1999. Thereafter, each member shall be appointed for a 4-year term.

A vacancy occurring on the commission shall be filled by the original appointing authority for the unexpired balance of the term. No attorney who appears before any judge of compensation claims more than four times a year is eligible to serve on the statewide nominating commission. The meetings and determinations of the nominating commission as to the judges of compensation claims shall be open to the public.

Section 349. Subsection (1), paragraph (a) of subsection (3), and subsection (6) of section 473.3065, Florida Statutes, are amended to read:

473.3065 Certified Public Accountant Education Minority Assistance Program; advisory council.—

(1) The Certified Public Accountant Education Minority Assistance Program for Florida residents is hereby established in the division for the purpose of providing scholarships to minority persons, as defined in s. 288.703(3), who are students enrolled in their fifth year of an accounting education program at an institution in this state approved by the board by rule. A Certified Public Accountant Education Minority Assistance Advisory Council shall assist the board in administering the program.

(3) The board shall adopt rules as necessary for administration of the program, including rules relating to the following:

(a) Eligibility criteria for receipt of a scholarship, which, at a minimum, shall include the following factors:

1. Financial need.
2. Ethnic, gender, or racial minority status pursuant to s. 288.703(4)(3).
3. Scholastic ability and performance.

(6) There is hereby created the Certified Public Accountant Education Minority Assistance Advisory Council to assist the board in administering the program. The council shall be diverse and representative of the gender, ethnic, and racial categories set forth in s. 288.703(4)(3).

(a) The council shall consist of five licensed Florida-certified public accountants selected by the board, of whom one shall be a board member who serves as chair of the council, one shall be a representative of the National Association of Black Accountants, one shall be a representative of the Cuban American CPA Association, and two shall be selected at large. At least one member of the council must be a woman.

(b) The board shall determine the terms for initial appointments and appointments thereafter.

(c) Any vacancy on the council shall be filled in the manner provided for the selection of the initial member. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of that term.

(d) Three consecutive absences or absences constituting 50 percent or more of the council's meetings within any 12-month period shall cause the council membership of the member in question to become void, and the position shall be considered vacant.

(e) The members of the council shall serve without compensation, and any necessary and actual expenses incurred by a member while engaged in the business of the council shall be borne by such member or by the organization or agency such member represents. However, the council member who is a member of the board shall be compensated in accordance with the provisions of ss. 455.207(4) and 112.061.

Section 350. Subsections (4) and (7) of section 440.381, Florida Statutes, are amended to read:

440.381 Application for coverage; reporting payroll; payroll audit procedures; penalties.—

(4) Each employer must submit a copy of the quarterly earnings ~~earning~~ report required by chapter 443 at the end of each quarter to the carrier and submit self-audits supported by the quarterly earnings reports required by chapter 443 and the rules adopted by the Department of Economic Opportunity Agency for Workforce Innovation or by the state agency providing unemployment tax collection services under contract with the Department of Economic Opportunity Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316. The reports must

include a sworn statement by an officer or principal of the employer attesting to the accuracy of the information contained in the report.

(7) If an employee suffering a compensable injury was not reported as earning wages on the last quarterly earnings report filed with the Department of Economic Opportunity Agency for Workforce Innovation or the state agency providing unemployment tax collection services under contract with the Department of Economic Opportunity Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316 before the accident, the employer shall indemnify the carrier for all workers' compensation benefits paid to or on behalf of the employee unless the employer establishes that the employee was hired after the filing of the quarterly report, in which case the employer and employee shall attest to the fact that the employee was employed by the employer at the time of the injury. Failure of the employer to indemnify the insurer within 21 days after demand by the insurer is grounds for the insurer to immediately cancel coverage. Any action for indemnification brought by the carrier is cognizable in the circuit court having jurisdiction where the employer or carrier resides or transacts business. The insurer is entitled to a reasonable attorney's fee if it recovers any portion of the benefits paid in the action.

Section 351. Subsections (1), (4), and (5) of section 443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—

(1) There is created within the Division of Workforce Services of the Department of Economic Opportunity Agency for Workforce Innovation an Unemployment Appeals Commission. The commission is composed of a chair and two other members appointed by the Governor, subject to confirmation by the Senate. Only one appointee may be a representative of employers, as demonstrated by his or her previous vocation, employment, or affiliation; and only one appointee may be a representative of employees, as demonstrated by his or her previous vocation, employment, or affiliation.

(a) The chair shall devote his or her entire time to commission duties and is responsible for the administrative functions of the commission.

(b) The chair has authority to appoint a general counsel and other personnel to carry out the duties and responsibilities of the commission.

(c) The chair must have the qualifications required by law for a judge of the circuit court and may not engage in any other business vocation or employment. Notwithstanding any other law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of \$100 for each day they are engaged in the work of the commission. The chair and other members are entitled to be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(4) The property, personnel, and appropriations relating to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the Department of Economic Opportunity Agency for Workforce Innovation.

(5) The commission is not subject to control, supervision, or direction by the Department of Economic Opportunity Agency for Workforce Innovation in performing its powers or duties under this chapter.

Section 352. Subsections (9), (41), (43), and (45) of section 443.036, Florida Statutes, are amended to read:

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

(9) “Benefit year” means, for an individual, the 1-year period beginning with the first day of the first week for which the individual first files a valid claim for benefits and, thereafter, the 1-year period beginning with the first day of the first week for which the individual next files a valid claim for benefits after the termination of his or her last preceding benefit year. Each claim for benefits made in accordance with s. 443.151(2) is a valid claim under this subsection if the individual was paid wages for insured work in accordance with s. 443.091(1)(g) and is unemployed as defined in subsection (43) at the time of filing the claim. However, the Department of Economic Opportunity Agency for Workforce Innovation may adopt rules providing for the establishment of a uniform benefit year for all workers in one or more groups or classes of service or within a particular industry if the department agency determines, after notice to the industry and to the workers in the industry and an opportunity to be heard in the matter, that those groups or classes of workers in a particular industry periodically experience unemployment resulting from layoffs or shutdowns for limited periods of time.

(41) “Tax collection service provider” or “service provider” means the state agency providing unemployment tax collection services under contract with the Department of Economic Opportunity Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

(43) “Unemployment” means:

(a) An individual is “totally unemployed” in any week during which he or she does not perform any services and for which earned income is not payable to him or her. An individual is “partially unemployed” in any week of less than full-time work if the earned income payable to him or her for that week is less than his or her weekly benefit amount. The Department of Economic Opportunity Agency for Workforce Innovation may adopt rules prescribing distinctions in the procedures for unemployed individuals based on total

unemployment, part-time unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work.

(b) An individual's week of unemployment commences only after his or her registration with the Department of Economic Opportunity Agency for Workforce Innovation as required in s. 443.091, except as the agency may otherwise prescribe by rule.

(45) "Week" means a period of 7 consecutive days as defined in the rules of the Department of Economic Opportunity Agency for Workforce Innovation. The department Agency for Workforce Innovation may by rule prescribe that a week is deemed to be "in," "within," or "during" the benefit year that contains the greater part of the week.

Section 353. Subsections (2) and (3) of section 443.041, Florida Statutes, are amended to read:

443.041 Waiver of rights; fees; privileged communications.—

(2) FEES.—

(a) Except as otherwise provided in this chapter, an individual claiming benefits may not be charged fees of any kind in any proceeding under this chapter by the commission or the Department of Economic Opportunity Agency for Workforce Innovation, or their representatives, or by any court or any officer of the court. An individual claiming benefits in any proceeding before the commission or the department Agency for Workforce Innovation, or representatives of either, or a court may be represented by counsel or an authorized representative, but the counsel or representative may not charge or receive for those services more than an amount approved by the commission, the department Agency for Workforce Innovation, or the court.

(b) An attorney at law representing a claimant for benefits in any district court of appeal of this state or in the Supreme Court of Florida is entitled to counsel fees payable by the department Agency for Workforce Innovation as set by the court if the petition for review or appeal is initiated by the claimant and results in a decision awarding more benefits than provided in the decision from which appeal was taken. The amount of the fee may not exceed 50 percent of the total amount of regular benefits permitted under s. 443.111(5)(a) during the benefit year.

(c) The department Agency for Workforce Innovation shall pay attorneys' fees awarded under this section from the Employment Security Administration Trust Fund as part of the costs of administration of this chapter and may pay these fees directly to the attorney for the claimant in a lump sum. The department Agency for Workforce Innovation or the commission may not pay any other fees or costs in connection with an appeal.

(d) Any person, firm, or corporation who or which seeks or receives any remuneration or gratuity for any services rendered on behalf of a claimant, except as allowed by this section and in an amount approved by the

~~department Agency for Workforce Innovation~~, the commission, or a court, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) PRIVILEGED COMMUNICATIONS.—All letters, reports, communications, or any other matters, either oral or written, between an employer and an employee or between the Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider and any of their agents, representatives, or employees which are written, sent, delivered, or made in connection with this chapter, are privileged and may not be the subject matter or basis for any suit for slander or libel in any court of the state.

Section 354. Subsection (3) of section 443.051, Florida Statutes, is amended to read:

443.051 Benefits not alienable; exception, child support intercept.—

(3) EXCEPTION, SUPPORT INTERCEPT.—

(a) The Department of Revenue shall, at least biweekly, provide the Department of Economic Opportunity Agency for Workforce Innovation with a magnetic tape or other electronic data file disclosing the individuals who owe support obligations and the amount of any legally required deductions.

(b) For support obligations established on or after July 1, 2006, and for support obligations established before July 1, 2006, when the support order does not address the withholding of unemployment compensation, the ~~department Agency for Workforce Innovation~~ shall deduct and withhold 40 percent of the unemployment compensation otherwise payable to an individual disclosed under paragraph (a). If delinquencies, arrearages, or retroactive support are owed and repayment has not been ordered, the unpaid amounts are included in the support obligation and are subject to withholding. If the amount deducted exceeds the support obligation, the Department of Revenue shall promptly refund the amount of the excess deduction to the obligor. For support obligations in effect before July 1, 2006, if the support order addresses the withholding of unemployment compensation, the ~~department Agency for Workforce Innovation~~ shall deduct and withhold the amount ordered by the court or administrative agency that issued the support order as disclosed by the Department of Revenue.

(c) The ~~department Agency for Workforce Innovation~~ shall pay any amount deducted and withheld under paragraph (b) to the Department of Revenue.

(d) Any amount deducted and withheld under this subsection shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the Department of Revenue for support obligations.

(e) The Department of Revenue shall reimburse the department Agency ~~for Workforce Innovation~~ for the administrative costs incurred by the department agency under this subsection which are attributable to support obligations being enforced by the department.

Section 355. Subsections (3) and (4), paragraph (b) of subsection (5), and subsections (6) and (8) of section 443.071, Florida Statutes, are amended to read:

443.071 Penalties.—

(3) Any employing unit or any officer or agent of any employing unit or any other person who fails to furnish any reports required under this chapter or to produce or permit the inspection of or copying of records as required under this chapter, who fails or refuses, within 6 months after written demand by the Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider, to keep and maintain the payroll records required by this chapter or by rule of the department Agency for Workforce Innovation or the state agency providing tax collection services, or who willfully fails or refuses to make any contribution, reimbursement, or other payment required from an employer under this chapter commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who establishes a fictitious employing unit by submitting to the Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider fraudulent employing unit records or tax or wage reports by the introduction of fraudulent records into a computer system, the intentional or deliberate alteration or destruction of computerized information or files, or the theft of financial instruments, data, and other assets, for the purpose of enabling herself or himself or any other person to receive benefits under this chapter to which such person is not entitled, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) In any prosecution or action under this section, the entry into evidence of the signature of a person on a document, letter, or other writing constitutes prima facie evidence of the person's identity if the following conditions exist:

(b) The signature of the person is witnessed by an agent or employee of the Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider at the time the document, letter, or other writing is filed.

(6) The entry into evidence of an application for unemployment benefits initiated by the use of the Internet claims program or the interactive voice response system telephone claims program of the Department of Economic Opportunity Agency for Workforce Innovation constitutes prima facie evidence of the establishment of a personal benefit account by or for an

individual if the following information is provided: the applicant's name, residence address, date of birth, social security number, and present or former place of work.

(8) All records relating to investigations of unemployment compensation fraud in the custody of the Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider are available for examination by the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor in the prosecution of offenses under s. 817.568 or in proceedings brought under this chapter.

Section 356. Subsections (1) and (4) of section 443.091, Florida Statutes, are amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Department of Economic Opportunity Agency for Workforce Innovation finds that:

(a) She or he has made a claim for benefits for that week in accordance with the rules adopted by the department Agency for Workforce Innovation.

(b) She or he has registered with the department agency for work and subsequently reports to the one-stop career center as directed by the regional workforce board for reemployment services. This requirement does not apply to persons who are:

1. Non-Florida residents;
2. On a temporary layoff, ~~as defined in s. 443.036(42);~~
3. Union members who customarily obtain employment through a union hiring hall; or
4. Claiming benefits under an approved short-time compensation plan as provided in s. 443.1116.

(c) To make continued claims for benefits, she or he is reporting to the department agency in accordance with its rules. These rules may not conflict with s. 443.111(1)(b), including the requirement that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

(d) She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, the department agency shall develop criteria to determine a claimant's ability to work and availability for work. However:

1. Notwithstanding any other provision of this paragraph or paragraphs (b) and (e), an otherwise eligible individual may not be denied benefits for any

week because she or he is in training with the approval of the department agency, or by reason of s. 443.101(2) relating to failure to apply for, or refusal to accept, suitable work. Training may be approved by the department agency in accordance with criteria prescribed by rule. A claimant's eligibility during approved training is contingent upon satisfying eligibility conditions prescribed by rule.

2. Notwithstanding any other provision of this chapter, an otherwise eligible individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined ineligible or disqualified for benefits due to her or his enrollment in such training or because of leaving work that is not suitable employment to enter such training. As used in this subparagraph, the term "suitable employment" means work of a substantially equal or higher skill level than the worker's past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are at least 80 percent of the worker's average weekly wage as determined for purposes of the Trade Act of 1974, as amended.

3. Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week because she or he is before any state or federal court pursuant to a lawfully issued summons to appear for jury duty.

(e) She or he participates in reemployment services, such as job search assistance services, whenever the individual has been determined, by a profiling system established by the rules of the department agency rule, to be likely to exhaust regular benefits and to be in need of reemployment services.

(f) She or he has been unemployed for a waiting period of 1 week. A week may not be counted as a week of unemployment under this subsection:

1. Unless it occurs within the benefit year that includes the week for which she or he claims payment of benefits.

2. If benefits have been paid for that week.

3. Unless the individual was eligible for benefits for that week as provided in this section and s. 443.101, except for the requirements of this subsection and of s. 443.101(5).

(g) She or he has been paid wages for insured work equal to 1.5 times her or his high quarter wages during her or his base period, except that an unemployed individual is not eligible to receive benefits if the base period wages are less than \$3,400.

(h) She or he submitted to the department agency a valid social security number assigned to her or him. The department agency may verify the social security number with the United States Social Security Administration and may deny benefits if the department agency is unable to verify the individual's social security number, the social security number is invalid, or the social security number is not assigned to the individual.

(4) In the event of national emergency, in the course of which the Federal Emergency Unemployment Payment Plan is, at the request of the Governor, invoked for all or any part of the state, the emergency plan shall supersede the procedures prescribed by this chapter, and by rules adopted under this chapter, and the ~~department Agency for Workforce Innovation~~ shall act as the Florida agency for the United States Department of Labor in the administration of the plan.

Section 357. Subsections (1), (2), (4), (6), (7), and (9) of section 443.101, Florida Statutes, are amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left work without good cause attributable to his or her employing unit or in which the individual has been discharged by the employing unit for misconduct connected with his or her work, based on a finding by the Department of Economic Opportunity Agency for Workforce Innovation. As used in this paragraph, the term “work” means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after the individual has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term “good cause” includes only that cause attributable to the employing unit or which consists of the individual’s illness or disability requiring separation from his or her work. Any other disqualification may not be imposed. An individual is not disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6 calendar months. An individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military-connected spouse’s permanent change of station orders, activation orders, or unit deployment orders.

2. Disqualification for being discharged for misconduct connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual is reemployed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks that immediately follow that week, as determined by the ~~department~~ agency in each case according to the circumstances in each case or the seriousness of the misconduct, under the ~~department’s~~ agency’s rules adopted for determinations of disqualification for benefits for misconduct.

3. If an individual has provided notification to the employing unit of his or her intent to voluntarily leave work and the employing unit discharges the

individual for reasons other than misconduct before the date the voluntary quit was to take effect, the individual, if otherwise entitled, shall receive benefits from the date of the employer's discharge until the effective date of his or her voluntary quit.

4. If an individual is notified by the employing unit of the employer's intent to discharge the individual for reasons other than misconduct and the individual quits without good cause, as defined in this section, before the date the discharge was to take effect, the claimant is ineligible for benefits pursuant to s. 443.091(1)(d) for failing to be available for work for the week or weeks of unemployment occurring before the effective date of the discharge.

(b) For any week with respect to which the department Agency for Workforce Innovation finds that his or her unemployment is due to a suspension for misconduct connected with the individual's work.

(c) For any week with respect to which the department Agency for Workforce Innovation finds that his or her unemployment is due to a leave of absence, if the leave was voluntarily initiated by the individual.

(d) For any week with respect to which the department Agency for Workforce Innovation finds that his or her unemployment is due to a discharge for misconduct connected with the individual's work, consisting of drug use, as evidenced by a positive, confirmed drug test.

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

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

her customary occupation; and the distance of the available work from his or her residence.

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

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

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

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

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

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

(a)1. He or she is not participating in, financing, or directly interested in the labor dispute that is in active progress; however, the payment of regular union dues may not be construed as financing a labor dispute within the meaning of this section; and

2. He or she does not belong to a grade or class of workers of which immediately before the commencement of the labor dispute there were members employed at the premises at which the labor dispute occurs any of whom are participating in, financing, or directly interested in the dispute; if in any case separate branches of work are commonly conducted as separate businesses in separate premises, or are conducted in separate departments of the same premises, each department, for the purpose of this subsection, is deemed to be a separate factory, establishment, or other premise.

(b) His or her total or partial unemployment results from a lockout by his or her employer. As used in this section, the term "lockout" means a situation in which employees have not gone on strike, nor have employees notified the employer of a date certain for a strike, but in which employees have been denied entry to the factory, establishment, or other premises of employment by the employer. However, benefits are not payable under this paragraph if

the lockout action was taken in response to threats, actions, or other indications of impending damage to property and equipment or possible physical violence by employees or in response to actual damage or violence or a substantial reduction in production instigated or perpetrated by employees.

(6) For a period not to exceed 1 year from the date of the discovery by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ of the making of any false or fraudulent representation for the purpose of obtaining benefits contrary to this chapter, constituting a violation under s. 443.071. This disqualification may be appealed in the same manner as any other disqualification imposed under this section. A conviction by any court of competent jurisdiction in this state of the offense prohibited or punished by s. 443.071 is conclusive upon the appeals referee and the commission of the making of the false or fraudulent representation for which disqualification is imposed under this section.

(7) If the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ finds that the individual is an alien, unless the alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law, including an alien who is lawfully present in the United States as a result of the application of s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality Act, if any modifications to s. 3304(a)(14) of the Federal Unemployment Tax Act, as provided by Pub. L. No. 94-566, which specify other conditions or other effective dates than those stated under federal law for the denial of benefits based on services performed by aliens, and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, are deemed applicable under this section, if:

(a) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status is uniformly required from all applicants for benefits; and

(b) In the case of an individual whose application for benefits would otherwise be approved, a determination that benefits to such individual are not payable because of his or her alien status may not be made except by a preponderance of the evidence.

If the ~~department Agency for Workforce Innovation~~ finds that the individual has refused without good cause an offer of resettlement or relocation, which offer provides for suitable employment for the individual notwithstanding the distance of relocation, resettlement, or employment from the current location of the individual in this state, this disqualification continues for the week in which the failure occurred and for not more than 17 weeks immediately after that week, or a reduction by not more than 5 weeks from the duration of benefits, as determined by the ~~department Agency for Workforce Innovation~~ in each case.

(9) If the individual was terminated from his or her work for violation of any criminal law punishable by imprisonment, or for any dishonest act, in connection with his or her work, as follows:

(a) If the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or the Unemployment Appeals Commission finds that the individual was terminated from his or her work for violation of any criminal law punishable by imprisonment in connection with his or her work, and the individual was found guilty of the offense, made an admission of guilt in a court of law, or entered a plea of no contest, the individual is not entitled to unemployment benefits for up to 52 weeks, under rules adopted by the ~~department Agency for Workforce Innovation~~, and until he or she has earned income of at least 17 times his or her weekly benefit amount. If, before an adjudication of guilt, an admission of guilt, or a plea of no contest, the employer shows the ~~department Agency for Workforce Innovation~~ that the arrest was due to a crime against the employer or the employer's business and, after considering all the evidence, the ~~department Agency for Workforce Innovation~~ finds misconduct in connection with the individual's work, the individual is not entitled to unemployment benefits.

(b) If the ~~department Agency for Workforce Innovation~~ or the Unemployment Appeals Commission finds that the individual was terminated from work for any dishonest act in connection with his or her work, the individual is not entitled to unemployment benefits for up to 52 weeks, under rules adopted by the ~~department Agency for Workforce Innovation~~, and until he or she has earned income of at least 17 times his or her weekly benefit amount. In addition, if the employer terminates an individual as a result of a dishonest act in connection with his or her work and the ~~department Agency for Workforce Innovation~~ finds misconduct in connection with his or her work, the individual is not entitled to unemployment benefits.

With respect to an individual disqualified for benefits, the account of the terminating employer, if the employer is in the base period, is noncharged at the time the disqualification is imposed.

Section 358. Subsection (1) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits are payable from the fund in accordance with rules adopted by the Department of Economic Opportunity Agency for Workforce Innovation, subject to the following requirements:

(a) Benefits are payable by mail or electronically. The department ~~Notwithstanding s. 409.942(4), the agency~~ may develop a system for the payment of benefits by electronic funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of electronic payment that the department ~~agency~~ deems to be commercially viable or cost-effective. Commodities or services related to the development of such a

system shall be procured by competitive solicitation, unless they are purchased from a state term contract pursuant to s. 287.056. The department agency shall adopt rules necessary to administer this paragraph ~~the system~~.

(b) Each claimant must report in the manner prescribed by the department Agency for Workforce Innovation to certify for benefits that are paid and must continue to report at least biweekly to receive unemployment benefits and to attest to the fact that she or he is able and available for work, has not refused suitable work, is seeking work, and, if she or he has worked, to report earnings from that work. Each claimant must continue to report regardless of any appeal or pending appeal relating to her or his eligibility or disqualification for benefits.

Section 359. Subsections (1), (4), and (5) of section 443.1113, Florida Statutes, are amended to read:

443.1113 Unemployment Compensation Claims and Benefits Information System.—

(1) To the extent that funds are appropriated for each phase of the Unemployment Compensation Claims and Benefits Information System by the Legislature, the Department of Economic Opportunity Agency for Workforce Innovation shall replace and enhance the functionality provided in the following systems with an integrated Internet-based system that is known as the “Unemployment Compensation Claims and Benefits Information System”:

- (a) Claims and benefit mainframe system.
- (b) Florida unemployment Internet direct.
- (c) Florida continued claim Internet directory.
- (d) Call center interactive voice response system.
- (e) Benefit overpayment screening system.
- (f) Internet and Intranet appeals system.

(4) The project to implement the Unemployment Compensation Claims and Benefits Information System shall be comprised of the following phases and corresponding implementation timeframes:

(a) No later than the end of fiscal year 2009-2010 completion of the business re-engineering analysis and documentation of both the detailed system requirements and the overall system architecture.

(b) The Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems, the Call Center Interactive Voice Response System, the Benefit Overpayment Screening System, the Internet

and Intranet Appeals System, and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.

~~(b) The new Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems and shall be deployed to full production operational status no later than the end of fiscal year 2010-2011.~~

~~(c) The new Call Center Interactive Voice Response System and the Benefit Overpayment Screening System shall be deployed to full production operational status no later than the end of fiscal year 2011-2012.~~

~~(d) The new Internet and Intranet Appeals System and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.~~

(5) The Department of Economic Opportunity Agency for Workforce Innovation shall implement the following project governance structure until such time as the project is completed, suspended, or terminated:

(a) The project sponsor for the Unemployment Compensation Claims and Benefits Information System project is the department executive director of the Agency for Workforce Innovation.

(b) The project shall be governed by an executive steering committee composed of the following voting members or their designees:

1. The executive director of the department Agency for Workforce Innovation.
2. The executive director of the Department of Revenue.
3. The director of the Division of Workforce Services within the department Office of Unemployment Compensation within the Agency for Workforce Innovation.
4. The program director of the General Tax Administration Program Office within the Department of Revenue.
5. The chief information officer of the department Agency for Workforce Innovation.

(c) The executive steering committee has the overall responsibility for ensuring that the project meets its primary objectives and is specifically responsible for:

1. Providing management direction and support to the project management team.

2. Assessing the project's alignment with the strategic goals of the department ~~Agency for Workforce Innovation~~ for administering the unemployment compensation program.

3. Reviewing and approving or disapproving any changes to the project's scope, schedule, and costs.

4. Reviewing, approving or disapproving, and determining whether to proceed with any major project deliverables.

5. Recommending suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if it determines that the primary objectives cannot be achieved.

(d) The project management team shall work under the direction of the executive steering committee and shall be minimally comprised of senior managers and stakeholders from the department ~~Agency for Workforce Innovation~~ and the Department of Revenue. The project management team is responsible for:

1. Providing daily planning, management, and oversight of the project.

2. Submitting an operational work plan and providing quarterly updates to that plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.

3. Submitting written monthly project status reports to the executive steering committee which include:

a. Planned versus actual project costs;

b. An assessment of the status of major milestones and deliverables;

c. Identification of any issues requiring resolution, the proposed resolution for these issues, and information regarding the status of the resolution;

d. Identification of risks that must be managed; and

e. Identification of and recommendations regarding necessary changes in the project's scope, schedule, or costs. All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.

Section 360. Paragraph (d) of subsection (1), subsection (2), paragraphs (a) and (c) of subsection (3), and subsection (6) of section 443.1115, Florida Statutes, are amended to read:

443.1115 Extended benefits.—

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

(d) “Rate of insured unemployment” means the percentage derived by dividing the average weekly number of individuals filing claims for regular compensation in this state, excluding extended-benefit claimants for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the Department of Economic Opportunity Agency for Workforce Innovation on the basis of its reports to the United States Secretary of Labor, by the average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of that 13-week period.

(2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF, EXTENDED BENEFITS.—Except when the result is inconsistent with the other provisions of this section and as provided in the rules of the Department of Economic Opportunity Agency for Workforce Innovation, the provisions of this chapter applying to claims for, or the payment of, regular benefits apply to claims for, and the payment of, extended benefits. These extended benefits are charged to the employment records of employers to the extent that the share of those extended benefits paid from this state’s Unemployment Compensation Trust Fund is not eligible to be reimbursed from federal sources.

(3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

(a) An individual is eligible to receive extended benefits for any week of unemployment in her or his eligibility period only if the Department of Economic Opportunity Agency for Workforce Innovation finds that, for that week:

1. She or he is an exhaustee as defined in subsection (1).

2. She or he satisfies the requirements of this chapter for the receipt of regular benefits applicable to individuals claiming extended benefits, including not being subject to disqualification from the receipt of benefits. An individual disqualified from receiving regular benefits may not receive extended benefits after the disqualification period terminates if he or she was disqualified for voluntarily leaving work, being discharged from work for misconduct, or refusing suitable work. However, if the disqualification period for regular benefits terminates because the individual received the required amount of remuneration for services rendered as a common-law employee, she or he may receive extended benefits.

3. The individual was paid wages for insured work for the applicable benefit year equal to 1.5 times the high quarter earnings during the base period.

(c)1. An individual is disqualified from receiving extended benefits if the department Agency for Workforce Innovation finds that, during any week of unemployment in her or his eligibility period:

a. She or he failed to apply for suitable work or, if offered, failed to accept suitable work, unless the individual can furnish to the department agency satisfactory evidence that her or his prospects for obtaining work in her or his customary occupation within a reasonably short period are good. If this evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable for the individual shall be made in accordance with the definition of suitable work in s. 443.101(2). This disqualification begins with the week the failure occurred and continues until she or he is employed for at least 4 weeks and receives earned income of at least 17 times her or his weekly benefit amount.

b. She or he failed to furnish tangible evidence that she or he actively engaged in a systematic and sustained effort to find work. This disqualification begins with the week the failure occurred and continues until she or he is employed for at least 4 weeks and receives earned income of at least 4 times her or his weekly benefit amount.

2. Except as otherwise provided in sub-subparagraph 1.a., as used in this paragraph, the term “suitable work” means any work within the individual’s capabilities to perform, if:

a. The gross average weekly remuneration payable for the work exceeds the sum of the individual’s weekly benefit amount plus the amount, if any, of supplemental unemployment benefits, as defined in s. 501(c)(17)(D) of the Internal Revenue Code of 1954, as amended, payable to the individual for that week;

b. The wages payable for the work equal the higher of the minimum wages provided by s. 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption, or the state or local minimum wage; and

c. The work otherwise meets the definition of suitable work in s. 443.101(2) to the extent that the criteria for suitability are not inconsistent with this paragraph.

(6) COMPUTATIONS.—The Department of Economic Opportunity Agency for ~~Workforce Innovation~~ shall perform the computations required under paragraph (1)(d) in accordance with regulations of the United States Secretary of Labor.

Section 361. Subsection (2) and paragraphs (a) and (b) of subsection (5) of section 443.1116, Florida Statutes, are amended to read:

443.1116 Short-time compensation.—

(2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer wishing to participate in the short-time compensation program must submit a signed, written, short-time plan to the Department of Economic Opportunity director of the ~~Agency for Workforce Innovation~~ for approval. The director or his or her designee shall approve the plan if:

- (a) The plan applies to and identifies each specific affected unit;
- (b) The individuals in the affected unit are identified by name and social security number;
- (c) The normal weekly hours of work for individuals in the affected unit are reduced by at least 10 percent and by not more than 40 percent;
- (d) The plan includes a certified statement by the employer that the aggregate reduction in work hours is in lieu of temporary layoffs that would affect at least 10 percent of the employees in the affected unit and that would have resulted in an equivalent reduction in work hours;
- (e) The plan applies to at least 10 percent of the employees in the affected unit;
- (f) The plan is approved in writing by the collective bargaining agent for each collective bargaining agreement covering any individual in the affected unit;
- (g) The plan does not serve as a subsidy to seasonal employers during the off-season or as a subsidy to employers who traditionally use part-time employees; and
- (h) The plan certifies the manner in which the employer will treat fringe benefits of the individuals in the affected unit if the hours of the individuals are reduced to less than their normal weekly hours of work. As used in this paragraph, the term “fringe benefits” includes, but is not limited to, health insurance, retirement benefits under defined benefit pension plans as defined in subsection 35 of s. 1002 of the Employee Retirement Income Security Act of 1974, 29 U.S.C., paid vacation and holidays, and sick leave.

(5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION BENEFITS.—

(a) Except as provided in this subsection, an individual is eligible to receive short-time compensation benefits for any week only if she or he complies with this chapter and the Department of Economic Opportunity Agency for Workforce Innovation finds that:

1. The individual is employed as a member of an affected unit in an approved plan that was approved before the week and is in effect for the week;
2. The individual is able to work and is available for additional hours of work or for full-time work with the short-time employer; and
3. The normal weekly hours of work of the individual are reduced by at least 10 percent but not by more than 40 percent, with a corresponding reduction in wages.

(b) The ~~department Agency for Workforce Innovation~~ may not deny short-time compensation benefits to an individual who is otherwise eligible for these benefits for any week by reason of the application of any provision of this chapter relating to availability for work, active search for work, or refusal to apply for or accept work from other than the short-time compensation employer of that individual.

Section 362. Subsection (3) of section 443.1215, Florida Statutes, is amended to read:

443.1215 Employers.—

(3) An employing unit that fails to keep the records of employment required by this chapter and by the rules of the Department of Economic Opportunity Agency for Workforce Innovation and the state agency providing unemployment tax collection services is presumed to be an employer liable for the payment of contributions under this chapter, regardless of the number of individuals employed by the employing unit. However, the tax collection service provider shall make written demand that the employing unit keep and maintain required payroll records. The demand must be made at least 6 months before assessing contributions against an employing unit determined to be an employer that is subject to this chapter solely by reason of this subsection.

Section 363. Paragraphs (a) and (d) of subsection (1), subsection (12), and paragraph (p) of subsection (13) of section 443.1216, Florida Statutes, are amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment subject to this chapter includes a service performed, including a service performed in interstate commerce, by:

1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, whenever a client, as defined in s. 443.036(18), which would otherwise be designated as an employing unit has contracted with an employee leasing company to supply it with workers, those workers are considered employees of the employee leasing company. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the Internal Revenue Service. Employees of an employee leasing company must be reported under the employee leasing company's tax identification number and contribution rate for work performed for the employee leasing company.

a. In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within the Department of Economic Opportunity Agency for Workforce

~~Innovation~~ which includes each client establishment and each establishment of the employee leasing company, or as otherwise directed by the department agency. The report must include the following information for each establishment:

- (I) The trade or establishment name;
- (II) The former unemployment compensation account number, if available;
- (III) The former federal employer's identification number (FEIN), if available;
- (IV) The industry code recognized and published by the United States Office of Management and Budget, if available;
- (V) A description of the client's primary business activity in order to verify or assign an industry code;
- (VI) The address of the physical location;
- (VII) The number of full-time and part-time employees who worked during, or received pay that was subject to unemployment compensation taxes for, the pay period including the 12th of the month for each month of the quarter;
- (VIII) The total wages subject to unemployment compensation taxes paid during the calendar quarter;
- (IX) An internal identification code to uniquely identify each establishment of each client;
- (X) The month and year that the client entered into the contract for services; and
- (XI) The month and year that the client terminated the contract for services.

b. The report shall be submitted electronically or in a manner otherwise prescribed by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ in the format specified by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksites Report for Professional Employer Organizations. The report must be provided quarterly to the Labor Market Statistics Center within the department Agency for Workforce Innovation, or as otherwise directed by the department agency, and must be filed by the last day of the month immediately following the end of the calendar quarter. The information required in sub-sub-subparagraphs a.(X) and (XI) need be provided only in the quarter in which the contract to which it relates was entered into or terminated. The sum of the employment data and the sum of the wage data in this report must match the employment and wages reported in the unemployment compensation quarterly tax and

wage report. A report is not required for any calendar quarter preceding the third calendar quarter of 2010.

c. The ~~department~~ Agency for Workforce Innovation shall adopt rules as necessary to administer this subparagraph, and may administer, collect, enforce, and waive the penalty imposed by s. 443.141(1)(b) for the report required by this subparagraph.

d. For the purposes of this subparagraph, the term “establishment” means any location where business is conducted or where services or industrial operations are performed.

3. An individual other than an individual who is an employee under subparagraph 1. or subparagraph 2., who performs services for remuneration for any person:

a. As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, or laundry or drycleaning services for his or her principal.

b. As a traveling or city salesperson engaged on a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations. This sub-subparagraph does not apply to an agent-driver or a commission-driver and does not apply to sideline sales activities performed on behalf of a person other than the salesperson’s principal.

4. The services described in subparagraph 3. are employment subject to this chapter only if:

a. The contract of service contemplates that substantially all of the services are to be performed personally by the individual;

b. The individual does not have a substantial investment in facilities used in connection with the services, other than facilities used for transportation; and

c. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(d) If two or more related corporations concurrently employ the same individual and compensate the individual through a common paymaster, each related corporation is considered to have paid wages to the individual only in the amounts actually disbursed by that corporation to the individual and is not considered to have paid the wages actually disbursed to the individual by another of the related corporations. The ~~department~~ Agency for Workforce Innovation and the state agency providing unemployment tax collection services may adopt rules necessary to administer this paragraph.

1. As used in this paragraph, the term “common paymaster” means a member of a group of related corporations that disburses wages to concurrent employees on behalf of the related corporations and that is responsible for keeping payroll records for those concurrent employees. A common paymaster is not required to disburse wages to all the employees of the related corporations; however, this subparagraph does not apply to wages of concurrent employees which are not disbursed through a common paymaster. A common paymaster must pay concurrently employed individuals under this subparagraph by one combined paycheck.

2. As used in this paragraph, the term “concurrent employment” means the existence of simultaneous employment relationships between an individual and related corporations. Those relationships require the performance of services by the employee for the benefit of the related corporations, including the common paymaster, in exchange for wages that, if deductible for the purposes of federal income tax, are deductible by the related corporations.

3. Corporations are considered related corporations for an entire calendar quarter if they satisfy any one of the following tests at any time during the calendar quarter:

a. The corporations are members of a “controlled group of corporations” as defined in s. 1563 of the Internal Revenue Code of 1986 or would be members if s. 1563(a)(4) and (b) did not apply.

b. In the case of a corporation that does not issue stock, at least 50 percent of the members of the board of directors or other governing body of one corporation are members of the board of directors or other governing body of the other corporation or the holders of at least 50 percent of the voting power to select those members are concurrently the holders of at least 50 percent of the voting power to select those members of the other corporation.

c. At least 50 percent of the officers of one corporation are concurrently officers of the other corporation.

d. At least 30 percent of the employees of one corporation are concurrently employees of the other corporation.

4. The common paymaster must report to the tax collection service provider, as part of the unemployment compensation quarterly tax and wage report, the state unemployment compensation account number and name of each related corporation for which concurrent employees are being reported. Failure to timely report this information shall result in the related corporations being denied common paymaster status for that calendar quarter.

5. The common paymaster also has the primary responsibility for remitting contributions due under this chapter for the wages it disburses as the common paymaster. The common paymaster must compute these

contributions as though it were the sole employer of the concurrently employed individuals. If a common paymaster fails to timely remit these contributions or reports, in whole or in part, the common paymaster remains liable for the full amount of the unpaid portion of these contributions. In addition, each of the other related corporations using the common paymaster is jointly and severally liable for its appropriate share of these contributions. Each related corporation's share equals the greater of:

a. The liability of the common paymaster under this chapter, after taking into account any contributions made.

b. The liability under this chapter which, notwithstanding this section, would have existed for the wages from the other related corporations, reduced by an allocable portion of any contributions previously paid by the common paymaster for those wages.

(12) The employment subject to this chapter includes services covered by a reciprocal arrangement under s. 443.221 between the Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider and the agency charged with the administration of another state unemployment compensation law or a federal unemployment compensation law, under which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, if the ~~department Agency for Workforce Innovation~~ or its tax collection service provider approved an election of the employing unit in which all of the services performed by the individual during the period covered by the election are deemed to be insured work.

(13) The following are exempt from coverage under this chapter:

(p) Service covered by an arrangement between the Department of Economic Opportunity Agency for Workforce Innovation, or its tax collection service provider, and the agency charged with the administration of another state or federal unemployment compensation law under which all services performed by an individual for an employing unit during the period covered by the employing unit's duly approved election is deemed to be performed entirely within the other agency's state or under the federal law.

Section 364. Subsection (1) of section 443.1217, Florida Statutes, is amended to read:

443.1217 Wages.—

(1) The wages subject to this chapter include all remuneration for employment, including commissions, bonuses, back pay awards, and the cash value of all remuneration paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash must be estimated and determined in accordance with rules adopted by the Department of Economic Opportunity Agency for Workforce Innovation or the state agency providing tax collection services. The wages subject to this

chapter include tips or gratuities received while performing services that constitute employment and are included in a written statement furnished to the employer under s. 6053(a) of the Internal Revenue Code of 1954. As used in this section only, the term “employment” includes services constituting employment under any employment security law of another state or of the Federal Government.

Section 365. Subsection (1) and paragraphs (a), (g), and (i) of subsection (3) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are payable by each employer for each calendar quarter he or she is subject to this chapter for wages paid during each calendar quarter for employment. Contributions are due and payable by each employer to the tax collection service provider, in accordance with the rules adopted by the Department of Economic Opportunity Agency for Workforce Innovation or the state agency providing tax collection services. This subsection does not prohibit the tax collection service provider from allowing, at the request of the employer, employers of employees performing domestic services, as defined in s. 443.1216(6), to pay contributions or report wages at intervals other than quarterly when the nonquarterly payment or reporting assists the service provider and when nonquarterly payment and reporting is authorized under federal law. Employers of employees performing domestic services may report wages and pay contributions annually, with a due date of January 1 and a delinquency date of February 1. To qualify for this election, the employer must employ only employees performing domestic services, be eligible for a variation from the standard rate computed under subsection (3), apply to this program no later than December 1 of the preceding calendar year, and agree to provide the department Agency for Workforce Innovation or its tax collection service provider with any special reports that are requested, including copies of all federal employment tax forms. An employer who fails to timely furnish any wage information required by the department Agency for Workforce Innovation or its tax collection service provider loses the privilege to participate in this program, effective the calendar quarter immediately after the calendar quarter the failure occurred. The employer may reapply for annual reporting when a complete calendar year elapses after the employer’s disqualification if the employer timely furnished any requested wage information during the period in which annual reporting was denied. An employer may not deduct contributions, interests, penalties, fines, or fees required under this chapter from any part of the wages of his or her employees. A fractional part of a cent less than one-half cent shall be disregarded from the payment of contributions, but a fractional part of at least one-half cent shall be increased to 1 cent.

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(a) *Employment records.*—The regular and short-time compensation benefits paid to an eligible individual shall be charged to the employment record of each employer who paid the individual wages of at least \$100 during the individual’s base period in proportion to the total wages paid by all employers who paid the individual wages during the individual’s base period. Benefits may not be charged to the employment record of an employer who furnishes part-time work to an individual who, because of loss of employment with one or more other employers, is eligible for partial benefits while being furnished part-time work by the employer on substantially the same basis and in substantially the same amount as the individual’s employment during his or her base period, regardless of whether this part-time work is simultaneous or successive to the individual’s lost employment. Further, as provided in s. 443.151(3), benefits may not be charged to the employment record of an employer who furnishes the Department of Economic Opportunity Agency for Workforce Innovation with notice, as prescribed in agency rules of the department, that any of the following apply:

1. If an individual leaves his or her work without good cause attributable to the employer or is discharged by the employer for misconduct connected with his or her work, benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

2. If an individual is discharged by the employer for unsatisfactory performance during an initial employment probationary period, benefits subsequently paid to the individual based on wages paid during the probationary period by the employer before the separation may not be charged to the employer’s employment record. As used in this subparagraph, the term “initial employment probationary period” means an established probationary plan that applies to all employees or a specific group of employees and that does not exceed 90 calendar days following the first day a new employee begins work. The employee must be informed of the probationary period within the first 7 days of work. The employer must demonstrate by conclusive evidence that the individual was separated because of unsatisfactory work performance and not because of lack of work due to temporary, seasonal, casual, or other similar employment that is not of a regular, permanent, and year-round nature.

3. Benefits subsequently paid to an individual after his or her refusal without good cause to accept suitable work from an employer may not be charged to the employment record of the employer if any part of those benefits are based on wages paid by the employer before the individual’s refusal to accept suitable work. As used in this subparagraph, the term “good cause” does not include distance to employment caused by a change of residence by the individual. The ~~department~~ Agency for Workforce Innovation shall adopt rules prescribing for the payment of all benefits whether this subparagraph applies regardless of whether a disqualification under s. 443.101 applies to the claim.

4. If an individual is separated from work as a direct result of a natural disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

(g) *Transfer of unemployment experience upon transfer or acquisition of a business.*—Notwithstanding any other provision of law, upon transfer or acquisition of a business, the following conditions apply to the assignment of rates and to transfers of unemployment experience:

1.a. If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management, or control of the two employers, the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom the business is so transferred. The rates of both employers shall be recalculated and made effective as of the beginning of the calendar quarter immediately following the date of the transfer of the trade or business unless the transfer occurred on the first day of a calendar quarter, in which case the rate shall be recalculated as of that date.

b. If, following a transfer of experience under sub-subparagraph a., the ~~department Agency for Workforce Innovation~~ or the tax collection service provider determines that a substantial purpose of the transfer of trade or business was to obtain a reduced liability for contributions, the experience rating account of the employers involved shall be combined into a single account and a single rate assigned to the account.

2. Whenever a person who is not an employer under this chapter at the time it acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to the person if the ~~department Agency for Workforce Innovation~~ or the tax collection service provider finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, such person shall be assigned the new employer rate under paragraph (2)(a). In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the tax collection service provider shall consider, but not be limited to, the following factors:

a. Whether the person continued the business enterprise of the acquired business;

b. How long such business enterprise was continued; or

c. Whether a substantial number of new employees was hired for performance of duties unrelated to the business activity conducted before the acquisition.

3. If a person knowingly violates or attempts to violate subparagraph 1. or subparagraph 2. or any other provision of this chapter related to determining the assignment of a contribution rate, or if a person knowingly advises another person to violate the law, the person shall be subject to the following penalties:

a. If the person is an employer, the employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and for the 3 rate years immediately following this rate year. However, if the person's business is already at the highest rate for any year, or if the amount of increase in the person's rate would be less than 2 percent for such year, then a penalty rate of contribution of 2 percent of taxable wages shall be imposed for such year and the following 3 rate years.

b. If the person is not an employer, such person shall be subject to a civil money penalty of not more than \$5,000. The procedures for the assessment of a penalty shall be in accordance with the procedures set forth in s. 443.141(2), and the provisions of s. 443.141(3) shall apply to the collection of the penalty. Any such penalty shall be deposited in the penalty and interest account established under s. 443.211(2).

4. For purposes of this paragraph, the term:

a. "Knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

b. "Violates or attempts to violate" includes, but is not limited to, intent to evade, misrepresent, or willfully nondisclose.

5. In addition to the penalty imposed by subparagraph 3., any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6. The ~~department~~ Agency for Workforce Innovation and the tax collection service provider shall establish procedures to identify the transfer or acquisition of a business for the purposes of this paragraph and shall adopt any rules necessary to administer this paragraph.

7. For purposes of this paragraph:

a. "Person" has the meaning given to the term by s. 7701(a)(1) of the Internal Revenue Code of 1986.

b. "Trade or business" shall include the employer's workforce.

8. This paragraph shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

(i) *Notice of determinations of contribution rates; redeterminations.*—The state agency providing tax collection services:

1. Shall promptly notify each employer of his or her contribution rate as determined for any calendar year under this section. The determination is conclusive and binding on the employer unless within 20 days after mailing the notice of determination to the employer's last known address, or, in the absence of mailing, within 20 days after delivery of the notice, the employer files an application for review and redetermination setting forth the grounds for review. An employer may not, in any proceeding involving his or her contribution rate or liability for contributions, contest the chargeability to his or her employment record of any benefits paid in accordance with a determination, redetermination, or decision under s. 443.151, except on the ground that the benefits charged were not based on services performed in employment for him or her and then only if the employer was not a party to the determination, redetermination, or decision, or to any other proceeding under this chapter, in which the character of those services was determined.

2. Shall, upon discovery of an error in computation, reconsider any prior determination or redetermination of a contribution rate after the 20-day period has expired and issue a revised notice of contribution rate as redetermined. A redetermination is subject to review, and is conclusive and binding if review is not sought, in the same manner as review of a determination under subparagraph 1. A reconsideration may not be made after March 31 of the calendar year immediately after the calendar year for which the contribution rate is applicable, and interest may not accrue on any additional contributions found to be due until 30 days after the employer is mailed notice of his or her revised contribution rate.

3. May adopt rules providing for periodic notification to employers of benefits paid and charged to their employment records or of the status of those employment records. A notification, unless an application for redetermination is filed in the manner and within the time limits prescribed by the Department of Economic Opportunity Agency for Workforce Innovation, is conclusive and binding on the employer under this chapter. The redetermination, and the ~~Agency for Workforce Innovation's~~ finding of fact of the department in connection with the redetermination, may be introduced in any subsequent administrative or judicial proceeding involving the determination of the contribution rate of an employer for any calendar year. A redetermination becomes final in the same manner provided in this subsection for findings of fact made by the ~~department Agency for Workforce Innovation~~ in proceedings to redetermine the contribution rate of an employer. Pending a redetermination or an administrative or judicial proceeding, the employer must file reports and pay contributions in accordance with this section.

Section 366. Paragraph (d) of subsection (2) and paragraph (d) of subsection (3) of section 443.1312, Florida Statutes, are amended to read:

443.1312 Reimbursements; nonprofit organizations.—Benefits paid to employees of nonprofit organizations shall be financed in accordance with this section.

(2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF REIMBURSEMENT.—A nonprofit organization that is, or becomes, subject to this chapter under s. 443.1215(1)(c) or s. 443.121(3)(a) must pay contributions under s. 443.131 unless it elects, in accordance with this subsection, to reimburse the Unemployment Compensation Trust Fund for all of the regular benefits, short-time compensation benefits, and one-half of the extended benefits paid, which are attributable to service in the employ of the nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of the election.

(d) In accordance with rules adopted by the Department of Economic Opportunity Agency for Workforce Innovation or the state agency providing unemployment tax collection services, the tax collection service provider shall notify each nonprofit organization of any determination of the organization's status as an employer, the effective date of any election the organization makes, and the effective date of any termination of the election. Each determination is subject to reconsideration, appeal, and review under s. 443.141(2)(c).

(3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of contributions must be paid in accordance with this subsection.

(d) The amount due, as specified in any bill from the tax collection service provider, is conclusive, and the nonprofit organization is liable for payment of that amount unless, within 20 days after the bill is mailed to the organization's last known address or otherwise delivered to the organization, the organization files an application for redetermination by the Department of Economic Opportunity Agency for Workforce Innovation, setting forth the grounds for the application. The ~~department~~ Agency for Workforce Innovation shall promptly review and reconsider the amount due, as specified in the bill, and shall issue a redetermination in each case in which an application for redetermination is filed. The redetermination is conclusive and the nonprofit organization is liable for payment of the amount due, as specified in the redetermination, unless, within 20 days after the redetermination is mailed to the organization's last known address or otherwise delivered to the organization, the organization files a protest, setting forth the grounds for the appeal. Proceedings on the protest shall be conducted in accordance with s. 443.141(2).

Section 367. Paragraph (b) of subsection (1) of section 443.1313, Florida Statutes, is amended to read:

443.1313 Public employers; reimbursements; election to pay contributions.—Benefits paid to employees of a public employer, as defined in s. 443.036, based on service described in s. 443.1216(2) shall be financed in accordance with this section.

(1) PAYMENT OF REIMBURSEMENTS.—

(b) If a state agency is more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the tax collection service provider shall certify to the Chief Financial Officer the amount due and the Chief Financial Officer shall transfer the amount due to the Unemployment Compensation Trust Fund from the funds of the agency which legally may be used for that purpose. If a public employer other than a state agency is more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, upon request by the tax collection service provider after a hearing, the Department of Revenue or the Department of Financial Services, as applicable, shall deduct the amount owed by the public employer from any funds to be distributed by the applicable department to the public employer for further distribution to the trust fund in accordance with this chapter. If an employer for whom the municipal or county tax collector collects taxes fails to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the tax collection service provider and upon receipt of a certificate showing the amount owed by the employer, shall deduct the certified amount from any taxes collected for the employer and remit that amount to the tax collection service provider for further distribution to the trust fund in accordance with this chapter. This paragraph does not apply to amounts owed by a political subdivision of the state for benefits erroneously paid in which the claimant must repay to the Department of Economic Opportunity Agency for Workforce Innovation under s. 443.151(6)(a) or (b) any sum as benefits received.

Section 368. Paragraphs (b) and (c) of subsection (4) and subsection (7) of section 443.1315, Florida Statutes, are amended to read:

443.1315 Treatment of Indian tribes.—

(4)

(b)1. Services performed for an Indian tribe or tribal unit that fails to make required reimbursements, including assessments of interest and penalty, after all collection activities deemed necessary by the tax collection service provider, subject to approval by the Department of Economic Opportunity Agency for Workforce Innovation, are exhausted may not be treated as employment for purposes of paragraph (1)(b).

2. The tax collection service provider may determine that any Indian tribe that loses coverage under subparagraph 1. may have services performed for the tribe subsequently included as employment for purposes of paragraph (1)(b) if all contributions, reimbursements, penalties, and interest are paid.

(c) The ~~department~~ Agency for Workforce Innovation or its tax collection service provider shall immediately notify the United States Internal Revenue Service and the United States Department of Labor when an

Indian tribe fails to make reimbursements required under this section, including assessments of interest and penalty, within 90 days after a final notice of delinquency.

(7) The Department of Economic Opportunity Agency for Workforce Innovation and the state agency providing unemployment tax collection services shall adopt rules necessary to administer this section.

Section 369. Section 443.1316, Florida Statutes, is amended to read:

443.1316 Unemployment tax collection services; interagency agreement.

(1) The Department of Economic Opportunity Agency for Workforce Innovation shall contract with the Department of Revenue, through an interagency agreement, to perform the duties of the tax collection service provider and provide other unemployment tax collection services under this chapter. Under the interagency agreement, the tax collection service provider may only implement:

(a) The provisions of this chapter conferring duties upon the tax collection service provider.

(b) The provisions of law conferring duties upon the department Agency for Workforce Innovation which are specifically delegated to the tax collection service provider in the interagency agreement.

(2)(a) The Department of Revenue is considered to be administering a revenue law of this state when the department implements this chapter, or otherwise provides unemployment tax collection services, under contract with the department Agency for Workforce Innovation through the interagency agreement.

(b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21); 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055; 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25; 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37; 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and 213.757 apply to the collection of unemployment contributions and reimbursements by the Department of Revenue unless prohibited by federal law.

Section 370. Section 443.1317, Florida Statutes, is amended to read:

443.1317 Rulemaking authority; enforcement of rules.—

(1) DEPARTMENT OF ECONOMIC OPPORTUNITY AGENCY FOR WORKFORCE INNOVATION.—

(a) Except as otherwise provided in s. 443.012, the Department of Economic Opportunity Agency for Workforce Innovation has ultimate authority over the administration of the Unemployment Compensation Program.

(b) The ~~department Agency for Workforce Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this chapter conferring duties upon either the ~~department agency~~ or its tax collection service provider.

(2) TAX COLLECTION SERVICE PROVIDER.—The state agency providing unemployment tax collection services under contract with the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316 may adopt rules under ss. 120.536(1) and 120.54, subject to approval by the ~~department Agency for Workforce Innovation~~, to administer the provisions of law described in s. 443.1316(1)(a) and (b) which are within this chapter. These rules must not conflict with the rules adopted by the ~~department Agency for Workforce Innovation~~ or with the interagency agreement.

(3) ENFORCEMENT OF RULES.—The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ may enforce any rule adopted by the state agency providing unemployment tax collection services to administer this chapter. The tax collection service provider may enforce any rule adopted by the ~~department Agency for Workforce Innovation~~ to administer the provisions of law described in s. 443.1316(1)(a) and (b).

Section 371. Paragraphs (b), (c), and (f) of subsection (1), subsection (2), paragraphs (f) and (g) of subsection (3), and paragraph (c) of subsection (4) of section 443.141, Florida Statutes, are amended to read:

443.141 Collection of contributions and reimbursements.—

(1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT, ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.

(b) *Penalty for delinquent, erroneous, incomplete, or insufficient reports.*

1. An employing unit that fails to file any report required by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its tax collection service provider, in accordance with rules for administering this chapter, shall pay to the service provider for each delinquent report the sum of \$25 for each 30 days or fraction thereof that the employing unit is delinquent, unless the agency or its service provider, whichever required the report, finds that the employing unit has good reason for failing to file the report. The ~~department agency~~ or its service provider may assess penalties only through the date of the issuance of the final assessment notice. However, additional penalties accrue if the delinquent report is subsequently filed.

2.a. An employing unit that files an erroneous, incomplete, or insufficient report with the ~~department Agency for Workforce Innovation~~ or its tax collection service provider shall pay a penalty. The amount of the penalty is \$50 or 10 percent of any tax due, whichever is greater, but no more than \$300

per report. The penalty shall be added to any tax, penalty, or interest otherwise due.

b. The department agency or its tax collection service provider shall waive the penalty if the employing unit files an accurate, complete, and sufficient report within 30 days after a penalty notice is issued to the employing unit. The penalty may not be waived pursuant to this subparagraph more than one time during a 12-month period.

c. As used in this subsection, the term “erroneous, incomplete, or insufficient report” means a report so lacking in information, completeness, or arrangement that the report cannot be readily understood, verified, or reviewed. Such reports include, but are not limited to, reports having missing wage or employee information, missing or incorrect social security numbers, or illegible entries; reports submitted in a format that is not approved by the department agency or its tax collection service provider; and reports showing gross wages that do not equal the total of the wages of each employee. However, the term does not include a report that merely contains inaccurate data that was supplied to the employer by the employee, if the employer was unaware of the inaccuracy.

3. Penalties imposed pursuant to this paragraph shall be deposited in the Special Employment Security Administration Trust Fund.

4. The penalty and interest for a delinquent, erroneous, incomplete, or insufficient report may be waived if the penalty or interest is inequitable. The provisions of s. 213.24(1) apply to any penalty or interest that is imposed under this section.

(c) *Application of partial payments.*—If a delinquency exists in the employment record of an employer not in bankruptcy, a partial payment less than the total delinquency amount shall be applied to the employment record as the payor directs. In the absence of specific direction, the partial payment shall be applied to the payor’s employment record as prescribed in the rules of the department Agency for ~~Workforce Innovation~~ or the state agency providing tax collection services.

(f) *Adoption of rules.*—The department Agency for ~~Workforce Innovation~~ and the state agency providing unemployment tax collection services may adopt rules to administer this subsection.

(2) REPORTS, CONTRIBUTIONS, APPEALS.—

(a) *Failure to make reports and pay contributions.*—If an employing unit determined by the tax collection service provider to be an employer subject to this chapter fails to make and file any report as and when required by this chapter or by any rule of the Department of Economic Opportunity Agency for ~~Workforce Innovation~~ or the state agency providing tax collection services, for the purpose of determining the amount of contributions due by the employer under this chapter, or if any filed report is found by the

service provider to be incorrect or insufficient, and the employer, after being notified in writing by the service provider to file the report, or a corrected or sufficient report, as applicable, fails to file the report within 15 days after the date of the mailing of the notice, the tax collection service provider may:

1. Determine the amount of contributions due from the employer based on the information readily available to it, which determination is deemed to be prima facie correct;
2. Assess the employer the amount of contributions determined to be due; and
3. Immediately notify the employer by mail of the determination and assessment including penalties as provided in this chapter, if any, added and assessed, and demand payment together with interest on the amount of contributions from the date that amount was due and payable.

(b) *Hearings.*—The determination and assessment are final 15 days after the date the assessment is mailed unless the employer files with the tax collection service provider within the 15 days a written protest and petition for hearing specifying the objections thereto. The tax collection service provider shall promptly review each petition and may reconsider its determination and assessment in order to resolve the petitioner's objections. The tax collection service provider shall forward each petition remaining unresolved to the ~~department Agency for Workforce Innovation~~ for a hearing on the objections. Upon receipt of a petition, the ~~department Agency for Workforce Innovation~~ shall schedule a hearing and notify the petitioner of the time and place of the hearing. The ~~department Agency for Workforce Innovation~~ may appoint special deputies to conduct hearings and to submit their findings together with a transcript of the proceedings before them and their recommendations to the ~~department agency~~ for its final order. Special deputies are subject to the prohibition against ex parte communications in s. 120.66. At any hearing conducted by the ~~department Agency for Workforce Innovation~~ or its special deputy, evidence may be offered to support the determination and assessment or to prove it is incorrect. In order to prevail, however, the petitioner must either prove that the determination and assessment are incorrect or file full and complete corrected reports. Evidence may also be submitted at the hearing to rebut the determination by the tax collection service provider that the petitioner is an employer under this chapter. Upon evidence taken before it or upon the transcript submitted to it with the findings and recommendation of its special deputy, the ~~department Agency for Workforce Innovation~~ shall either set aside the tax collection service provider's determination that the petitioner is an employer under this chapter or reaffirm the determination. The amounts assessed under the final order, together with interest and penalties, must be paid within 15 days after notice of the final order is mailed to the employer, unless judicial review is instituted in a case of status determination. Amounts due when the status of the employer is in dispute are payable within 15 days after the entry of an order by the court affirming the determination. However, any determination that an employing unit is not an employer under this chapter does not affect

the benefit rights of any individual as determined by an appeals referee or the commission unless:

1. The individual is made a party to the proceedings before the special deputy; or

2. The decision of the appeals referee or the commission has not become final or the employing unit and the ~~department~~ Agency for Workforce Innovation were not made parties to the proceedings before the appeals referee or the commission.

(c) *Appeals.*—The ~~department~~ Agency for Workforce Innovation and the state agency providing unemployment tax collection services shall adopt rules prescribing the procedures for an employing unit determined to be an employer to file an appeal and be afforded an opportunity for a hearing on the determination. Pending a hearing, the employing unit must file reports and pay contributions in accordance with s. 443.131.

(3) COLLECTION PROCEEDINGS.—

(f) *Reproductions.*—In any proceedings in any court under this chapter, reproductions of the original records of the Department of Economic Opportunity Agency for Workforce Innovation, its tax collection service provider, ~~the former Agency for Workforce Innovation~~, the former Department of Labor and Employment Security, or the commission, including, but not limited to, photocopies or microfilm, are primary evidence in lieu of the original records or of the documents that were transcribed into those records.

(g) *Jeopardy assessment and warrant.*—If the tax collection service provider reasonably believes that the collection of contributions or reimbursements from an employer will be jeopardized by delay, the service provider may assess the contributions or reimbursements immediately, together with interest or penalties when due, regardless of whether the contributions or reimbursements accrued are due, and may immediately issue a notice of lien and jeopardy warrant upon which proceedings may be conducted as provided in this section for notice of lien and warrant of the service provider. Within 15 days after mailing the notice of lien by registered mail, the employer may protest the issuance of the lien in the same manner provided in paragraph (2)(a). The protest does not operate as a supersedeas or stay of enforcement unless the employer files with the sheriff seeking to enforce the warrant a good and sufficient surety bond in twice the amount demanded by the notice of lien or warrant. The bond must be conditioned upon payment of the amount subsequently found to be due from the employer to the tax collection service provider in the final order of the Department of Economic Opportunity Agency for Workforce Innovation upon protest of assessment. The jeopardy warrant and notice of lien are satisfied in the manner provided in this section upon payment of the amount finally determined to be due from the employer. If enforcement of the jeopardy warrant is not superseded as provided in this section, the employer is entitled to a refund from the fund of all amounts paid as contributions or reimbursements in excess of the amount

finally determined to be due by the employer upon application being made as provided in this chapter.

(4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF CONTRIBUTIONS AND REIMBURSEMENTS.—

(c) Any agent or employee designated by the Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider may administer an oath to any person for any return or report required by this chapter or by the rules of the ~~department Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services, and an oath made before the department agency or its service provider or any authorized agent or employee has the same effect as an oath made before any judicial officer or notary public of the state.

Section 372. Section 443.151, Florida Statutes, is amended to read:

443.151 Procedure concerning claims.—

(1) POSTING OF INFORMATION.—

(a) Each employer must post and maintain in places readily accessible to individuals in her or his employ printed statements concerning benefit rights, claims for benefits, and other matters relating to the administration of this chapter as the Department of Economic Opportunity Agency for Workforce Innovation may by rule prescribe. Each employer must supply to individuals copies of printed statements or other materials relating to claims for benefits as directed by the agency's rules of the department. The ~~department Agency for Workforce Innovation~~ shall supply these printed statements and other materials to each employer without cost to the employer.

(b)1. The ~~department Agency for Workforce Innovation~~ shall advise each individual filing a new claim for unemployment compensation, at the time of filing the claim, that:

- a. Unemployment compensation is subject to federal income tax.
- b. Requirements exist pertaining to estimated tax payments.
- c. The individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code.
- d. The individual is not permitted to change a previously elected withholding status more than twice per calendar year.

2. Amounts deducted and withheld from unemployment compensation must remain in the Unemployment Compensation Trust Fund until transferred to the federal taxing authority as payment of income tax.

3. The ~~department Agency for Workforce Innovation~~ shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

4. If more than one authorized request for deduction and withholding is made, amounts must be deducted and withheld in accordance with the following priorities:

- a. Unemployment overpayments have first priority;
- b. Child support payments have second priority; and
- c. Withholding under this subsection has third priority.

(2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF CLAIMANTS AND EMPLOYERS.—

(a) *In general.*—Claims for benefits must be made in accordance with the rules adopted by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~. The department agency must notify claimants and employers regarding monetary and nonmonetary determinations of eligibility. Investigations of issues raised in connection with a claimant which may affect a claimant's eligibility for benefits or charges to an employer's employment record shall be conducted by the department agency through written, telephonic, or electronic means as prescribed by rule.

(b) *Process.*—When the Unemployment Compensation Claims and Benefits Information System described in s. 443.1113 is fully operational, the process for filing claims must incorporate the process for registering for work with the workforce information systems established pursuant to s. 445.011. A claim for benefits may not be processed until the work registration requirement is satisfied. The ~~department Agency for Workforce Innovation~~ may adopt rules as necessary to administer the work registration requirement set forth in this paragraph.

(3) DETERMINATION OF ELIGIBILITY.—

(a) *Notices of claim.*—The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall promptly provide a notice of claim to the claimant's most recent employing unit and all employers whose employment records are liable for benefits under the monetary determination. The employer must respond to the notice of claim within 20 days after the mailing date of the notice, or in lieu of mailing, within 20 days after the delivery of the notice. If a contributing employer fails to timely respond to the notice of claim, the employer's account may not be relieved of benefit charges as provided in s. 443.131(3)(a), notwithstanding paragraph (5)(b). The department agency may adopt rules as necessary to implement the processes described in this paragraph relating to notices of claim.

(b) *Monetary determinations.*—In addition to the notice of claim, the department agency shall also promptly provide an initial monetary determination to the claimant and each base period employer whose account is subject to being charged for its respective share of benefits on the claim. The monetary determination must include a statement of whether and in what amount the claimant is entitled to benefits, and, in the event of a denial, must state the reasons for the denial. A monetary determination for the first week of a benefit year must also include a statement of whether the claimant was paid the wages required under s. 443.091(1)(g) and, if so, the first day of the benefit year, the claimant's weekly benefit amount, and the maximum total amount of benefits payable to the claimant for a benefit year. The monetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. The department agency may adopt rules as necessary to implement the processes described in this paragraph relating to notices of monetary determinations and the appeals or reconsideration requests filed in response to such notices.

(c) *Nonmonetary determinations.*—If the department agency receives information that may result in a denial of benefits, the department agency must complete an investigation of the claim required by subsection (2) and provide notice of a nonmonetary determination to the claimant and the employer from whom the claimant's reason for separation affects his or her entitlement to benefits. The determination must state the reason for the determination and whether the unemployment tax account of the contributing employer is charged for benefits paid on the claim. The nonmonetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. The department agency may adopt rules as necessary to implement the processes described in this paragraph relating to notices of nonmonetary determination and the appeals or reconsideration requests filed in response to such notices, and may adopt rules prescribing the manner and procedure by which employers within the base period of a claimant become entitled to notice of nonmonetary determination.

(d) *Determinations in labor dispute cases.*—Whenever any claim involves a labor dispute described in s. 443.101(4), the department Agency ~~for Workforce Innovation~~ shall promptly assign the claim to a special examiner who shall make a determination on the issues involving unemployment due to the labor dispute. The special examiner shall make the determination after an investigation, as necessary. The claimant or another party entitled to notice of the determination may appeal a determination under subsection (4).

(e) *Redeterminations.*—

1. The department ~~Agency for Workforce Innovation~~ may reconsider a determination if it finds an error or if new evidence or information pertinent to the determination is discovered after a prior determination or redetermination. A redetermination may not be made more than 1 year after the last day of the benefit year unless the disqualification for making a false or fraudulent representation under s. 443.101(6) is applicable, in which case the redetermination may be made within 2 years after the false or fraudulent representation. The department ~~agency~~ must promptly give notice of redetermination to the claimant and to any employers entitled to notice in the manner prescribed in this section for the notice of an initial determination.

2. If the amount of benefits is increased by the redetermination, an appeal of the redetermination based solely on the increase may be filed as provided in subsection (4). If the amount of benefits is decreased by the redetermination, the redetermination may be appealed by the claimant if a subsequent claim for benefits is affected in amount or duration by the redetermination. If the final decision on the determination or redetermination to be reconsidered was made by an appeals referee, the commission, or a court, the department ~~Agency for Workforce Innovation~~ may apply for a revised decision from the body or court that made the final decision.

3. If an appeal of an original determination is pending when a redetermination is issued, the appeal unless withdrawn is treated as an appeal from the redetermination.

(4) APPEALS.—

(a) *Appeals referees.*—The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall appoint one or more impartial salaried appeals referees in accordance with s. 443.171(3) to hear and decide appealed claims. A person may not participate on behalf of the department ~~Agency for Workforce Innovation~~ as an appeals referee in any case in which she or he is an interested party. The department ~~Agency for Workforce Innovation~~ may designate alternates to serve in the absence or disqualification of any appeals referee on a temporary basis. These alternates must have the same qualifications required of appeals referees. The department ~~Agency for Workforce Innovation~~ shall provide the commission and the appeals referees with proper facilities and assistance for the execution of their functions.

(b) *Filing and hearing.*—

1. The claimant or any other party entitled to notice of a determination may appeal an adverse determination to an appeals referee within 20 days after the date of mailing of the notice to her or his last known address or, if the notice is not mailed, within 20 days after the date of delivery of the notice.

2. Unless the appeal is untimely or withdrawn or review is initiated by the commission, the appeals referee, after mailing all parties and attorneys of record a notice of hearing at least 10 days before the date of hearing,

notwithstanding the 14-day notice requirement in s. 120.569(2)(b), may only affirm, modify, or reverse the determination. An appeal may not be withdrawn without the permission of the appeals referee.

3. However, when an appeal appears to have been filed after the permissible time limit, the Office of Appeals may issue an order to show cause to the appellant, requiring the appellant to show why the appeal should not be dismissed as untimely. If the appellant does not, within 15 days after the mailing date of the order to show cause, provide written evidence of timely filing or good cause for failure to appeal timely, the appeal shall be dismissed.

4. When an appeal involves a question of whether services were performed by a claimant in employment or for an employer, the referee must give special notice of the question and of the pendency of the appeal to the employing unit and to the ~~department~~ Agency for Workforce Innovation, both of which become parties to the proceeding.

5. The parties must be notified promptly of the referee's decision. The referee's decision is final unless further review is initiated under paragraph (c) within 20 days after the date of mailing notice of the decision to the party's last known address or, in lieu of mailing, within 20 days after the delivery of the notice.

(c) *Review by commission.*—The commission may, on its own motion, within the time limit in paragraph (b), initiate a review of the decision of an appeals referee. The commission may also allow the ~~department~~ Agency for Workforce Innovation or any adversely affected party entitled to notice of the decision to appeal the decision by filing an application within the time limit in paragraph (b). An adversely affected party has the right to appeal the decision if the ~~department's~~ Agency for Workforce Innovation's determination is not affirmed by the appeals referee. The commission may affirm, modify, or reverse the findings and conclusions of the appeals referee based on evidence previously submitted in the case or based on additional evidence taken at the direction of the commission. The commission may assume jurisdiction of or transfer to another appeals referee the proceedings on any claim pending before an appeals referee. Any proceeding in which the commission assumes jurisdiction before completion must be heard by the commission in accordance with the requirement of this subsection for proceedings before an appeals referee. When the commission denies an application to hear an appeal of an appeals referee's decision, the decision of the appeals referee is the decision of the commission for purposes of this paragraph and is subject to judicial review within the same time and manner as decisions of the commission, except that the time for initiating review runs from the date of notice of the commission's order denying the application to hear an appeal.

(d) *Procedure.*—The manner that appealed claims are presented must comply with the commission's rules. Witnesses subpoenaed under this section are allowed fees at the rate established by s. 92.142, and fees of

witnesses subpoenaed on behalf of the ~~department~~ Agency for Workforce Innovation or any claimant are deemed part of the expense of administering this chapter.

(e) *Judicial review.*—Orders of the commission entered under paragraph (c) are subject to review only by notice of appeal in the district court of appeal in the appellate district in which the issues involved were decided by an appeals referee. Notwithstanding chapter 120, the commission is a party respondent to every such proceeding. The ~~department~~ Agency for Workforce Innovation may initiate judicial review of orders in the same manner and to the same extent as any other party.

(5) PAYMENT OF BENEFITS.—

(a) The ~~Department of Economic Opportunity~~ Agency for Workforce Innovation shall promptly pay benefits in accordance with a determination or redetermination regardless of any appeal or pending appeal. Before payment of benefits to the claimant, however, each employer who is liable for reimbursements in lieu of contributions for payment of the benefits must be notified, at the address on file with the ~~department~~ Agency for Workforce Innovation or its tax collection service provider, of the initial determination of the claim and must be given 10 days to respond.

(b) The ~~department~~ Agency for Workforce Innovation shall promptly pay benefits, regardless of whether a determination is under appeal if the determination allowing benefits is affirmed in any amount by an appeals referee or is affirmed by the commission, or if a decision of an appeals referee allowing benefits is affirmed in any amount by the commission. In these instances, a court may not issue an injunction, supersedeas, stay, or other writ or process suspending payment of benefits. A contributing employer that responded to the notice of claim within the time limit provided in subsection (3) may not, however, be charged with benefits paid under an erroneous determination if the decision is ultimately reversed. Benefits are not paid for any subsequent weeks of unemployment involved in a reversal.

(c) The provisions of paragraph (b) relating to charging an employer liable for contributions do not apply to reimbursing employers.

(6) RECOVERY AND RECOUPMENT.—

(a) Any person who, by reason of her or his fraud, receives benefits under this chapter to which she or he is not entitled is liable for repaying those benefits to the ~~Department of Economic Opportunity~~ Agency for Workforce Innovation on behalf of the trust fund or, in the ~~agency's~~ discretion of the ~~department~~, to have those benefits deducted from future benefits payable to her or him under this chapter. To enforce this paragraph, the ~~department~~ agency must find the existence of fraud through a redetermination or decision under this section within 2 years after the fraud was committed. Any recovery or recoupment of benefits must be effected within 5 years after the redetermination or decision.

(b) Any person who, by reason other than her or his fraud, receives benefits under this chapter to which, under a redetermination or decision pursuant to this section, she or he is not entitled, is liable for repaying those benefits to the department ~~Agency for Workforce Innovation~~ on behalf of the trust fund or, in the ~~agency's~~ discretion of the department, to have those benefits deducted from any future benefits payable to her or him under this chapter. Any recovery or recoupment of benefits must be effected within 3 years after the redetermination or decision.

(c) Any person who, by reason other than fraud, receives benefits under this chapter to which she or he is not entitled as a result of an employer's failure to respond to a claim within the timeframe provided in subsection (3) is not liable for repaying those benefits to the department ~~Agency for Workforce Innovation~~ on behalf of the trust fund or to have those benefits deducted from any future benefits payable to her or him under this chapter.

(d) Recoupment from future benefits is not permitted if the benefits are received by any person without fault on the person's part and recoupment would defeat the purpose of this chapter or would be inequitable and against good conscience.

(e) The department ~~Agency for Workforce Innovation~~ shall collect the repayment of benefits without interest by the deduction of benefits through a redetermination or by a civil action.

(f) Notwithstanding any other provision of this chapter, any person who is determined by this state, a cooperating state agency, the United States Secretary of Labor, or a court to have received any payments under the Trade Act of 1974, as amended, to which the person was not entitled shall have those payments deducted from any regular benefits, as defined in s. 443.1115(1)(e), payable to her or him under this chapter. Each such deduction may not exceed 50 percent of the amount otherwise payable. The payments deducted shall be remitted to the agency that issued the payments under the Trade Act of 1974, as amended, for return to the United States Treasury. Except for overpayments determined by a court, a deduction may not be made under this paragraph until a determination by the state agency or the United States Secretary of Labor is final.

(7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any administrative proceeding conducted under this chapter, an employer or a claimant has the right, at his or her own expense, to be represented by counsel or by an authorized representative. Notwithstanding s. 120.62(2), the authorized representative need not be a qualified representative.

(8) BILINGUAL REQUIREMENTS.—

(a) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall provide printed bilingual instructional and educational materials in the appropriate language in those counties in which 5 percent or

more of the households in the county are classified as a single-language minority.

(b) The ~~department Agency for Workforce Innovation~~ shall ensure that one-stop career centers and appeals offices located in counties subject to the requirements of paragraph (c) prominently post notices in the appropriate languages and that translators are available in those centers and offices.

(c) As used in this subsection, the term “single-language minority” means households that speak the same non-English language and that do not contain an adult fluent in English. The ~~department Agency for Workforce Innovation~~ shall develop estimates of the percentages of single-language minority households for each county by using data from the United States Bureau of the Census.

Section 373. Subsection (1), paragraphs (a) and (c) of subsection (3), and subsection (4) of section 443.163, Florida Statutes, are amended to read:

443.163 Electronic reporting and remitting of contributions and reimbursements.—

(1) An employer may file any report and remit any contributions or reimbursements required under this chapter by electronic means. The Department of Economic Opportunity Agency for Workforce Innovation or the state agency providing unemployment tax collection services shall adopt rules prescribing the format and instructions necessary for electronically filing reports and remitting contributions and reimbursements to ensure a full collection of contributions and reimbursements due. The acceptable method of transfer, the method, form, and content of the electronic means, and the method, if any, by which the employer will be provided with an acknowledgment shall be prescribed by the ~~department Agency for Workforce Innovation~~ or its tax collection service provider. However, any employer who employed 10 or more employees in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for the current calendar year and remit the contributions and reimbursements due by electronic means approved by the tax collection service provider. A person who prepared and reported for 100 or more employers in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for each calendar quarter in the current calendar year, beginning with reports due for the second calendar quarter of 2003, by electronic means approved by the tax collection service provider.

(3) The tax collection service provider may waive the requirement to file an Employers Quarterly Report (UCT-6) by electronic means for employers that are unable to comply despite good faith efforts or due to circumstances beyond the employer’s reasonable control.

(a) As prescribed by the Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider, grounds for

approving the waiver include, but are not limited to, circumstances in which the employer does not:

1. Currently file information or data electronically with any business or government agency; or
2. Have a compatible computer that meets or exceeds the standards prescribed by the department ~~Agency for Workforce Innovation~~ or its tax collection service provider.

(c) The department ~~Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services may establish by rule the length of time a waiver is valid and may determine whether subsequent waivers will be authorized, based on this subsection.

(4) As used in this section, the term “electronic means” includes, but is not limited to, electronic data interchange; electronic funds transfer; and use of the Internet, telephone, or other technology specified by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ or its tax collection service provider.

Section 374. Section 443.171, Florida Statutes, is amended to read:

443.171 Department of Economic Opportunity ~~Agency for Workforce Innovation~~ and commission; powers and duties; records and reports; proceedings; state-federal cooperation.—

(1) POWERS AND DUTIES.—The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall administer this chapter. The department agency may employ those persons, make expenditures, require reports, conduct investigations, and take other action necessary or suitable to administer this chapter. The department ~~Agency for Workforce Innovation~~ shall annually submit information to Workforce Florida, Inc., covering the administration and operation of this chapter during the preceding calendar year for inclusion in the strategic plan under s. 445.006 and may make recommendations for amendment to this chapter.

(2) PUBLICATION OF ACTS AND RULES.—The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall cause to be printed and distributed to the public, or otherwise distributed to the public through the Internet or similar electronic means, the text of this chapter and of the rules for administering this chapter adopted by the department agency or the state agency providing unemployment tax collection services and any other matter relevant and suitable. The department ~~Agency for Workforce Innovation~~ shall furnish this information to any person upon request. However, any pamphlet, rules, circulars, or reports required by this chapter may not contain any matter except the actual data necessary to complete them or the actual language of the rule, together with the proper notices.

(3) PERSONNEL.—Subject to chapter 110 and the other provisions of this chapter, the Department of Economic Opportunity ~~Agency for Workforce~~

~~Innovation~~ may appoint, set the compensation of, and prescribe the duties and powers of employees, accountants, attorneys, experts, and other persons as necessary for the performance of the agency's duties of the department under this chapter. The department Agency for Workforce Innovation may delegate to any person its power and authority under this chapter as necessary for the effective administration of this chapter and may bond any person handling moneys or signing checks under this chapter. The cost of these bonds must be paid from the Employment Security Administration Trust Fund.

(4) EMPLOYMENT STABILIZATION.—The Department of Economic Opportunity Agency for Workforce Innovation, under the direction of Workforce Florida, Inc., shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of career training, retraining, and career guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of the unemployed workers throughout the state in every other way that may be feasible; to refer any claimant entitled to extended benefits to suitable work which meets the criteria of this chapter; and, to these ends, to carry on and publish the results of investigations and research studies.

(5) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing the information required by the Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider. These records must be open to inspection and are subject to being copied by the department Agency for Workforce Innovation or its tax collection service provider at any reasonable time and as often as necessary. The department Agency for Workforce Innovation or its tax collection service provider may require from any employing unit any sworn or unsworn reports, for persons employed by the employing unit, necessary for the effective administration of this chapter. However, a state or local governmental agency performing intelligence or counterintelligence functions need not report an employee if the head of that agency determines that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. Information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual through the administration of this chapter, is, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, confidential and exempt from s. 119.07(1). This confidential information is available only to public employees in the performance of their public duties. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission must be supplied with information from these records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission, any employee of the department Agency for Workforce

~~Innovation~~ or its tax collection service provider, or any other person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the ~~department~~ Agency for Workforce Innovation or its tax collection service provider may furnish to any employer copies of any report previously submitted by that employer, upon the request of the employer. The ~~department~~ Agency for Workforce Innovation or its tax collection service provider may charge a reasonable fee for copies of reports, which may not exceed the actual reasonable cost of the preparation of the copies as prescribed by rules adopted by the ~~department~~ Agency for Workforce Innovation or the state agency providing tax collection services. Fees received by the ~~department~~ Agency for Workforce Innovation or its tax collection service provider for copies furnished under this subsection must be deposited in the Employment Security Administration Trust Fund.

(6) OATHS AND WITNESSES.—In the discharge of the duties imposed by this chapter, the ~~Department of Economic Opportunity~~ Agency for Workforce Innovation, its tax collection service provider, the members of the commission, and any authorized representative of any of these entities may administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the administration of this chapter.

(7) SUBPOENAS.—If a person refuses to obey a subpoena issued to that person, any court of this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person is found, resides, or transacts business, upon application by the ~~Department of Economic Opportunity~~ Agency for Workforce Innovation, its tax collection service provider, the commission, or any authorized representative of any of these entities has jurisdiction to order the person to appear before the entity to produce evidence or give testimony on the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as contempt. Any person who fails or refuses without just cause to appear or testify; to answer any lawful inquiry; or to produce books, papers, correspondence, memoranda, and other records within her or his control as commanded in a subpoena of the ~~department~~ Agency for Workforce Innovation, its tax collection service provider, the commission, or any authorized representative of any of these entities commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day that a violation continues is a separate offense.

(8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not excused from appearing or testifying, or from producing books, papers, correspondence, memoranda, or other records, before the ~~Department of Economic Opportunity~~ Agency for Workforce Innovation, its tax collection service provider, the commission, or any authorized representative of any of these entities or as commanded in a subpoena of any of these entities in any proceeding before the ~~department~~ Agency for Workforce Innovation, the

commission, an appeals referee, or a special deputy on the ground that the testimony or evidence, documentary or otherwise, required of the person may incriminate her or him or subject her or him to a penalty or forfeiture. That person may not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which she or he is compelled, after having claimed her or his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the person testifying is not exempt from prosecution and punishment for perjury committed while testifying.

(9) STATE-FEDERAL COOPERATION.—

(a)1. In the administration of this chapter, the Department of Economic Opportunity Agency for Workforce Innovation and its tax collection service provider shall cooperate with the United States Department of Labor to the fullest extent consistent with this chapter and shall take those actions, through the adoption of appropriate rules, administrative methods, and standards, necessary to secure for this state all advantages available under the provisions of federal law relating to unemployment compensation.

2. In the administration of the provisions in s. 443.1115, which are enacted to conform with the Federal-State Extended Unemployment Compensation Act of 1970, the department Agency for Workforce Innovation shall take those actions necessary to ensure that those provisions are interpreted and applied to meet the requirements of the federal act as interpreted by the United States Department of Labor and to secure for this state the full reimbursement of the federal share of extended benefits paid under this chapter which is reimbursable under the federal act.

3. The department Agency for Workforce Innovation and its tax collection service provider shall comply with the regulations of the United States Department of Labor relating to the receipt or expenditure by this state of funds granted under federal law; shall submit the reports in the form and containing the information the United States Department of Labor requires; and shall comply with directions of the United States Department of Labor necessary to assure the correctness and verification of these reports.

(b) The department Agency for Workforce Innovation and its tax collection service provider may cooperate with every agency of the United States charged with administration of any unemployment insurance law.

(c) The department Agency for Workforce Innovation and its tax collection service provider shall cooperate with the agencies of other states, and shall make every proper effort within their means, to oppose and prevent any further action leading to the complete or substantial federalization of state unemployment compensation funds or state employment security programs. The department Agency for Workforce Innovation and its tax collection service provider may make, and may cooperate with other appropriate agencies in making, studies as to the practicability and probable

cost of possible new state-administered social security programs and the relative desirability of state, rather than federal, action in that field of study.

Section 375. Subsections (1) and (2) of section 443.1715, Florida Statutes, are amended to read:

443.1715 Disclosure of information; confidentiality.—

(1) RECORDS AND REPORTS.—Information revealing an employing unit's or individual's identity obtained from the employing unit or any individual under the administration of this chapter, and any determination revealing that information, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending or is receiving compensation benefits, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This confidential information may be released only to public employees in the performance of their public duties. Except as otherwise provided by law, public employees receiving this confidential information must maintain the confidentiality of the information. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission is entitled to information from these records to the extent necessary for the proper presentation of her or his claim. A person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider may, however, furnish to any employer copies of any report submitted by that employer upon the request of the employer and may furnish to any claimant copies of any report submitted by that claimant upon the request of the claimant. The department Agency for Workforce Innovation or its tax collection service provider may charge a reasonable fee for copies of these reports as prescribed by rule, which may not exceed the actual reasonable cost of the preparation of the copies. Fees received for copies under this subsection must be deposited in the Employment Security Administration Trust Fund.

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to restrictions the Department of Economic Opportunity Agency for Workforce Innovation or the state agency providing unemployment tax collection services adopts by rule, information declared confidential under this section is available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of the one-stop delivery system, or the Bureau of Internal Revenue of the United States Department of the Treasury, the Governor's Office of Tourism, Trade, and Economic Development, or the Florida Department of Revenue. Information obtained in connection with the administration of the one-stop delivery system may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. The department Agency for Workforce

~~Innovation~~ shall, on a quarterly basis, furnish the National Directory of New Hires with information concerning the wages and unemployment benefits paid to individuals, by the dates, in the format, and containing the information specified in the regulations of the United States Secretary of Health and Human Services. Upon request, the ~~department Agency for Workforce Innovation~~ shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of this information as provided in this section. The tax collection service provider may request the Comptroller of the Currency of the United States to examine the correctness of any return or report of any national banking association rendered under this chapter and may in connection with that request transmit any report or return for examination to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

(b) The employer or the employer's workers' compensation carrier against whom a claim for benefits under chapter 440 has been made, or a representative of either, may request from the ~~department Agency for Workforce Innovation~~ records of wages of the employee reported to the ~~department~~ agency by any employer for the quarter that includes the date of the accident that is the subject of such claim and for subsequent quarters.

1. The request must be made with the authorization or consent of the employee or any employer who paid wages to the employee after the date of the accident.

2. The employer or carrier shall make the request on a form prescribed by rule for such purpose by the agency. Such form shall contain a certification by the requesting party that it is a party entitled to the information requested.

3. The department agency shall provide the most current information readily available within 15 days after receiving the request.

Section 376. Section 443.181, Florida Statutes, is amended to read:

443.181 Public employment service.—

(1) The one-stop delivery system established under s. 445.009 is this state's public employment service as part of the national system of public employment offices under 29 U.S.C. s. 49. The Department of Economic Opportunity Agency for Workforce Innovation, under policy direction from Workforce Florida, Inc., shall cooperate with any official or agency of the United States having power or duties under 29 U.S.C. ss. 49-49l-1 and shall perform those duties necessary to secure to this state the funds provided under federal law for the promotion and maintenance of the state's public employment service. In accordance with 29 U.S.C. s. 49c, this state accepts 29

U.S.C. ss. 49-49l-1. The ~~department Agency for Workforce Innovation~~ is designated the state agency responsible for cooperating with the United States Secretary of Labor under 29 U.S.C. s. 49c. The ~~department Agency for Workforce Innovation~~ shall appoint sufficient employees to administer this section. The ~~department Agency for Workforce Innovation~~ may cooperate with or enter into agreements with the Railroad Retirement Board for the establishment, maintenance, and use of one-stop career centers.

(2) All funds received by this state under 29 U.S.C. ss. 49-49l-1 must be paid into the Employment Security Administration Trust Fund, and these funds are available to the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ for expenditure as provided by this chapter or by federal law. For the purpose of establishing and maintaining one-stop career centers, the ~~department Agency for Workforce Innovation~~ may enter into agreements with the Railroad Retirement Board or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this state, or with any private, nonprofit organization. As a part of any such agreement, the ~~department Agency for Workforce Innovation~~ may accept moneys, services, or quarters as a contribution to the Employment Security Administration Trust Fund.

Section 377. Subsections (1), (2), (3), and (4) of section 443.191, Florida Statutes, are amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(1) There is established, as a separate trust fund apart from all other public funds of this state, an Unemployment Compensation Trust Fund, which shall be administered by the Department of Economic Opportunity Agency for Workforce Innovation exclusively for the purposes of this chapter. The fund shall consist of:

- (a) All contributions and reimbursements collected under this chapter;
- (b) Interest earned on any moneys in the fund;
- (c) Any property or securities acquired through the use of moneys belonging to the fund;
- (d) All earnings of these properties or securities;
- (e) All money credited to this state's account in the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1103; and
- (f) Advances on the amount in the federal Unemployment Compensation Trust Fund credited to the state under 42 U.S.C. s. 1321, as requested by the Governor or the Governor's designee.

Except as otherwise provided in s. 443.1313(4), all moneys in the fund shall be mingled and undivided.

(2) The Chief Financial Officer is the ex officio treasurer and custodian of the fund and shall administer the fund in accordance with the directions of the Department of Economic Opportunity Agency for Workforce Innovation. All payments from the fund must be approved by the department Agency for Workforce Innovation or by an authorized agent. The Chief Financial Officer shall maintain within the fund three separate accounts:

- (a) A clearing account;
- (b) An Unemployment Compensation Trust Fund account; and
- (c) A benefit account.

All moneys payable to the fund, including moneys received from the United States as reimbursement for extended benefits paid by the Department of Economic Opportunity Agency for Workforce Innovation, must be forwarded to the Chief Financial Officer, who shall immediately deposit them in the clearing account. Refunds payable under s. 443.141 may be paid from the clearing account. After clearance, all other moneys in the clearing account must be immediately deposited with the Secretary of the Treasury of the United States to the credit of this state's account in the federal Unemployment Compensation Trust Fund notwithstanding any state law relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state. The benefit account consists of all moneys requisitioned from this state's account in the federal Unemployment Compensation Trust Fund. Except as otherwise provided by law, moneys in the clearing and benefit accounts may be deposited by the Chief Financial Officer, under the direction of the Department of Economic Opportunity Agency for Workforce Innovation, in any bank or public depository in which general funds of the state are deposited, but a public deposit insurance charge or premium may not be paid out of the fund. If any warrant issued against the clearing account or the benefit account is not presented for payment within 1 year after issuance, the Chief Financial Officer must cancel the warrant and credit without restriction the amount of the warrant to the account upon which it is drawn. When the payee or person entitled to a canceled warrant requests payment of the warrant, the Chief Financial Officer, upon direction of the Department of Economic Opportunity Agency for Workforce Innovation, must issue a new warrant, payable from the account against which the canceled warrant was drawn.

(3) Moneys may only be requisitioned from the state's account in the federal Unemployment Compensation Trust Fund solely for the payment of benefits and extended benefits and for payment in accordance with rules prescribed by the Department of Economic Opportunity Agency for Workforce Innovation, or for the repayment of advances made pursuant to 42 U.S.C. s. 1321, as authorized by the Governor or the Governor's designee, except that money credited to this state's account under 42 U.S.C. s. 1103

may only be used exclusively as provided in subsection (5). The Department of Economic Opportunity Agency for Workforce Innovation, through the Chief Financial Officer, shall requisition from the federal Unemployment Compensation Trust Fund amounts, not exceeding the amounts credited to this state's account in the fund, as necessary for the payment of benefits and extended benefits for a reasonable future period. Upon receipt of these amounts, the Chief Financial Officer shall deposit the moneys in the benefit account in the State Treasury and warrants for the payment of benefits and extended benefits shall be drawn upon the order of the Department of Economic Opportunity Agency for Workforce Innovation against the account. All warrants for benefits and extended benefits are payable directly to the ultimate beneficiary. Expenditures of these moneys in the benefit account and refunds from the clearing account are not subject to any law requiring specific appropriations or other formal release by state officers of money in their custody. All warrants issued for the payment of benefits and refunds must bear the signature of the Chief Financial Officer. Any balance of moneys requisitioned from this state's account in the federal Unemployment Compensation Trust Fund which remains unclaimed or unpaid in the benefit account after the period for which the moneys were requisitioned shall be deducted from estimates for, and may be used for the payment of, benefits and extended benefits during succeeding periods, or, in the discretion of the Department of Economic Opportunity Agency for Workforce Innovation, shall be redeposited with the Secretary of the Treasury of the United States, to the credit of this state's account in the federal Unemployment Compensation Trust Fund, as provided in subsection (2).

(4) Subsections (1), (2), and (3), to the extent they relate to the federal Unemployment Compensation Trust Fund, apply only while the fund continues to exist and while the Secretary of the Treasury of the United States continues to maintain for this state a separate account of all funds deposited by this state for the payment of benefits, together with this state's proportionate share of the earnings of the federal Unemployment Compensation Trust Fund, from which no other state is permitted to make withdrawals. If the federal Unemployment Compensation Trust Fund ceases to exist, or the separate account is no longer maintained, all moneys, properties, or securities belonging to this state's account in the federal Unemployment Compensation Trust Fund must be transferred to the treasurer of the Unemployment Compensation Trust Fund, who must hold, invest, transfer, sell, deposit, and release those moneys, properties, or securities in a manner approved by the Department of Economic Opportunity Agency for Workforce Innovation in accordance with this chapter. These moneys must, however, be invested in the following readily marketable classes of securities: bonds or other interest-bearing obligations of the United States or of the state. Further, the investment must at all times be made in a manner that allows all the assets of the fund to always be readily convertible into cash when needed for the payment of benefits. The treasurer may only dispose of securities or other properties belonging to the Unemployment Compensation Trust Fund under the direction of the Department of Economic Opportunity Agency for Workforce Innovation.

Section 378. Section 443.211, Florida Statutes, is amended to read:

443.211 Employment Security Administration Trust Fund; appropriation; reimbursement.—

(1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury the “Employment Security Administration Trust Fund.” All moneys deposited into this fund remain continuously available to the Department of Economic Opportunity Agency for Workforce Innovation for expenditure in accordance with this chapter and do not revert at any time and may not be transferred to any other fund. All moneys in this fund which are received from the Federal Government or any federal agency or which are appropriated by this state under ss. 443.171 and 443.181, except money received under s. 443.191(5)(c), must be expended solely for the purposes and in the amounts found necessary by the authorized cooperating federal agencies for the proper and efficient administration of this chapter. The fund consists of: all moneys appropriated by this state; all moneys received from the United States or any federal agency; all moneys received from any other source for the administration of this chapter; any funds collected for enhanced, specialized, or value-added labor market information services; any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to that agency; any amounts received from any surety bond or insurance policy or from other sources for losses sustained by the Employment Security Administration Trust Fund or by reason of damage to equipment or supplies purchased from moneys in the fund; and any proceeds from the sale or disposition of such equipment or supplies. All money requisitioned and deposited in this fund under s. 443.191(5)(c) remains part of the Unemployment Compensation Trust Fund and must be used only in accordance with s. 443.191(5). All moneys in this fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as provided by law for other trust funds in the State Treasury. These moneys must be secured by the depository in which they are held to the same extent and in the same manner as required by the general depository law of the state, and collateral pledged must be maintained in a separate custody account. All payments from the Employment Security Administration Trust Fund must be approved by the Department of Economic Opportunity Agency for Workforce Innovation or by an authorized agent and must be made by the Chief Financial Officer. Any balances in this fund do not revert at any time and must remain continuously available to the Department of Economic Opportunity Agency for Workforce Innovation for expenditure consistent with this chapter.

(2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury the “Special Employment Security Administration Trust Fund,” into which shall be deposited or transferred all interest on contributions and reimbursements, penalties, and fines or fees collected under this chapter. Interest on contributions and reimbursements, penalties, and fines or fees deposited during any calendar quarter in the clearing account in the Unemployment Compensation Trust

Fund shall, as soon as practicable after the close of that calendar quarter and upon certification of the Department of Economic Opportunity Agency for Workforce Innovation, be transferred to the Special Employment Security Administration Trust Fund. The amount certified by the Department of Economic Opportunity Agency for Workforce Innovation as required under this chapter to pay refunds of interest on contributions and reimbursements, penalties, and fines or fees collected and erroneously deposited into the clearing account in the Unemployment Compensation Trust Fund shall, however, be withheld from this transfer. The interest and penalties certified for transfer are deemed as being erroneously deposited in the clearing account, and their transfer to the Special Employment Security Administration Trust Fund is deemed to be a refund of the erroneous deposits. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same requirements as provided by law for other trust funds in the State Treasury. These moneys may not be expended or be available for expenditure in any manner that would permit their substitution for, or permit a corresponding reduction in, federal funds that would, in the absence of these moneys, be available to finance expenditures for the administration of this chapter. This section does not prevent these moneys from being used as a revolving fund to cover lawful expenditures for which federal funds are requested but not yet received, subject to the charging of the expenditures against the funds when received. The moneys in this fund, with the approval of the Executive Office of the Governor, shall be used by the Department of Economic Opportunity Agency for Workforce Innovation for paying administrative costs that are not chargeable against funds obtained from federal sources. All moneys in the Special Employment Security Administration Trust Fund shall be continuously available to the Department of Economic Opportunity Agency for Workforce Innovation for expenditure in accordance with this chapter and do not revert at any time. All payments from the Special Employment Security Administration Trust Fund must be approved by the Department of Economic Opportunity Agency for Workforce Innovation or by an authorized agent and shall be made by the Chief Financial Officer. The moneys in this fund are available to replace, as contemplated by subsection (3), expenditures from the Employment Security Administration Trust Fund which the United States Secretary of Labor, or other authorized federal agency or authority, finds are lost or improperly expended because of any action or contingency. The Chief Financial Officer is liable on her or his official bond for the faithful performance of her or his duties in connection with the Special Employment Security Administration Trust Fund.

(3) REIMBURSEMENT OF FUND.—If any moneys received from the United States Secretary of Labor under 42 U.S.C. ss. 501-504, any unencumbered balances in the Employment Security Administration Trust Fund, any moneys granted to this state under the Wagner-Peyser Act, or any moneys made available by this state or its political subdivisions and matched by the moneys granted to this state under the Wagner-Peyser Act, are after reasonable notice and opportunity for hearing, found by the United States Secretary of Labor, because of any action or contingency, to be

lost or expended for purposes other than, or in amounts in excess of, those allowed by the United States Secretary of Labor for the administration of this chapter, these moneys shall be replaced by moneys appropriated for that purpose from the General Revenue Fund to the Employment Security Administration Trust Fund for expenditure as provided in subsection (1). Upon receipt of notice of such a finding by the United States Secretary of Labor, the Department of Economic Opportunity Agency for Workforce Innovation shall promptly report the amount required for replacement to the Governor. The Governor shall, at the earliest opportunity, submit to the Legislature a request for the appropriation of the replacement funds.

(4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its duties under s. 443.181, the Department of Economic Opportunity Agency for Workforce Innovation is responsible for the deposit, requisition, expenditure, approval of payment, reimbursement, and reporting in regard to the trust funds established by this section.

Section 379. Section 443.221, Florida Statutes, is amended to read:

443.221 Reciprocal arrangements.—

(1)(a) The Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider may enter into reciprocal arrangements with other states or with the Federal Government, or both, for considering services performed by an individual for a single employing unit for which services are performed by the individual in more than one state as services performed entirely within any one of the states:

1. In which any part of the individual's service is performed;
2. In which the individual has her or his residence; or
3. In which the employing unit maintains a place of business.

(b) For services to be considered as performed within a state under a reciprocal agreement, the employing unit must have an election in effect for those services, which is approved by the agency charged with the administration of such state's unemployment compensation law, under which all the services performed by the individual for the employing unit are deemed to be performed entirely within that state.

(c) The department Agency for Workforce Innovation shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this chapter with her or his wages and employment covered under the unemployment compensation laws of other states, which are approved by the United States Secretary of Labor, in consultation with the state unemployment compensation agencies, as reasonably calculated to assure the prompt and full payment of compensation in those situations and which include provisions for:

1. Applying the base period of a single state law to a claim involving the combining of an individual’s wages and employment covered under two or more state unemployment compensation laws; and

2. Avoiding the duplicate use of wages and employment because of the combination.

(d) Contributions or reimbursements due under this chapter with respect to wages for insured work are, for the purposes of ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid to the fund as of the date payment was made as contributions or reimbursements therefor under another state or federal unemployment compensation law, but an arrangement may not be entered into unless it contains provisions for reimbursement to the fund of the contributions or reimbursements and the actual earnings thereon as the department Agency for Workforce Innovation or its tax collection service provider finds are fair and reasonable as to all affected interests.

(2) The Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider may make to other state or federal agencies and receive from these other state or federal agencies reimbursements from or to the fund, in accordance with arrangements entered into under subsection (1).

(3) The Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider may enter into reciprocal arrangements with other states or the Federal Government, or both, for exchanging services, determining and enforcing payment obligations, and making available facilities and information. The department Agency for Workforce Innovation or its tax collection service provider may conduct investigations, secure and transmit information, make available services and facilities, and exercise other powers provided under this chapter to facilitate the administration of any unemployment compensation or public employment service law and, in a similar manner, accept and use information, services, and facilities made available to this state by the agency charged with the administration of any other unemployment compensation or public employment service law.

(4) To the extent permissible under federal law, the Department of Economic Opportunity Agency for Workforce Innovation may enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the unemployment compensation law of any foreign government may be used for the taking of claims and the payment of benefits under the employment security law of the state or under a similar law of that government.

Section 380. Subsection (1) of section 445.002, Florida Statutes, is amended to read:

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

(1) “Department Agency” means the Department of Economic Opportunity Agency for Workforce Innovation.

Section 381. Paragraph (b) of subsection (3) of section 445.003, Florida Statutes, is amended to read:

445.003 Implementation of the federal Workforce Investment Act of 1998.—

(3) FUNDING.—

(b) The administrative entity for Title I, Workforce Investment Act of 1998 funds, and Rapid Response activities, shall be the Department of Economic Opportunity Agency for Workforce Innovation, which shall provide direction to regional workforce boards regarding Title I programs and Rapid Response activities pursuant to the direction of Workforce Florida, Inc.

Section 382. Subsection (1), paragraph (a) of subsection (3), and paragraphs (b), (c), (d), (e), and (g) of subsection (5) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(1) There is created a not-for-profit corporation, to be known as “Workforce Florida, Inc.,” which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government and shall be exempt from chapters 120 and 287. Workforce Florida, Inc., shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds. Workforce Florida, Inc., shall be administratively housed within the Department of Economic Opportunity Agency for Workforce Innovation; however, Workforce Florida, Inc., shall not be subject to control, supervision, or direction by the ~~department Agency for Workforce Innovation~~ in any manner. The Legislature determines, however, that public policy dictates that Workforce Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Workforce Florida, Inc., its board, councils, and any advisory committees or similar groups created by Workforce Florida, Inc., are subject to the provisions of chapter 119 relating to public records, and those provisions of chapter 286 relating to public meetings.

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), ~~and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s.~~

~~445.009(1), and five representatives of organized labor who shall be appointed by the Governor. Members described in Pub. L. No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board. The Governor, when in attendance, shall preside at all meetings of the board of directors.~~

(5) Workforce Florida, Inc., shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(b) Providing oversight and policy direction to ensure that the following programs are administered by the department ~~Agency for Workforce Innovation~~ in compliance with approved plans and under contract with Workforce Florida, Inc.:

1. Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, with the exception of programs funded directly by the United States Department of Labor under Title I, s. 167.

2. Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.

3. Activities authorized under Title II of the Trade Act of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade Adjustment Assistance Program.

4. Activities authorized under 38 U.S.C., chapter 41, including job counseling, training, and placement for veterans.

5. Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.

6. Welfare transition services funded by the Temporary Assistance for Needy Families Program, created under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403, of the Social Security Act, as amended.

7. Displaced homemaker programs, provided under s. 446.50.

8. The Florida Bonding Program, provided under Pub. L. No. 97-300, s. 164(a)(1).

9. The Food Assistance Employment and Training Program, provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss. 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198; and the Hunger Prevention Act, Pub. L. No. 100-435.

10. The Quick-Response Training Program, provided under ss. 288.046-288.047. Matching funds and in-kind contributions that are provided by clients of the Quick-Response Training Program shall count toward the requirements of s. ~~288.904~~ 288.90151(5)(d), pertaining to the return on investment from activities of Enterprise Florida, Inc.

11. The Work Opportunity Tax Credit, provided under the Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

12. Offender placement services, provided under ss. 944.707-944.708.

(c) The department ~~agency~~ may adopt rules necessary to administer the provisions of this chapter which relate to implementing and administering the programs listed in paragraph (b) as well as rules related to eligible training providers and auditing and monitoring subrecipients of the workforce system grant funds.

(d) Contracting with public and private entities as necessary to further the directives of this section. All contracts executed by Workforce Florida, Inc., must include specific performance expectations and deliverables. All Workforce Florida, Inc., contracts, including those solicited, managed, or paid by the ~~department Agency for Workforce Innovation~~ pursuant to s. ~~20.60(5)(c)~~ 20.50(2) are exempt from s. 112.061, but shall be governed by subsection (1).

(e) Notifying the Governor, the President of the Senate, and the Speaker of the House of Representatives of noncompliance by the department ~~Agency for Workforce Innovation~~ or other agencies or obstruction of the board's efforts by such agencies. Upon such notification, the Executive Office of the Governor shall assist agencies to bring them into compliance with board objectives.

(g) Establish a dispute resolution process for all memoranda of understanding or other contracts or agreements entered into between the department ~~agency~~ and regional workforce boards.

Section 383. Subsection (1) of section 445.007, Florida Statutes, is amended to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), ~~and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three~~

~~representatives of organized labor.~~ The board shall include one nonvoting representative from a military installation if a military installation is located within the region and the appropriate military command or organization authorizes such representation. It is the intent of the Legislature that membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in s. 445.009(1) or that such persons be included as ex officio members of the board or of committees organized by the board. The importance of minority and gender representation shall be considered when making appointments to the board. The board, its committees, subcommittees, and subdivisions, and other units of the workforce system, including units that may consist in whole or in part of local governmental units, may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of the telecommunications meeting and reasonable access to observe and, when appropriate, participate. Regional workforce boards are subject to chapters 119 and 286 and s. 24, Art. I of the State Constitution. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the ~~entire~~ board, a quorum having been established, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

Section 384. Subsections (3) and (9) of section 445.009, Florida Statutes, are amended to read:

445.009 One-stop delivery system.—

(3) ~~Beginning October 1, 2000,~~ Regional workforce boards shall enter into a memorandum of understanding with the Department of Economic Opportunity Agency for Workforce Innovation for the delivery of employment services authorized by the federal Wagner-Peyser Act. This memorandum of understanding must be performance based.

(a) Unless otherwise required by federal law, at least 90 percent of the Wagner-Peyser funding must go into direct customer service costs.

(b) Employment services must be provided through the one-stop delivery system, under the guidance of one-stop delivery system operators. One-stop delivery system operators shall have overall authority for directing the staff of the workforce system. Personnel matters shall remain under the ultimate authority of the department Agency for Workforce Innovation. However, the one-stop delivery system operator shall submit to the department agency information concerning the job performance of agency employees of the department who deliver employment services. The department agency shall consider any such information submitted by the one-stop delivery system operator in conducting performance appraisals of the employees.

(c) The department agency shall retain fiscal responsibility and accountability for the administration of funds allocated to the state under the Wagner-Peyser Act. An ~~agency~~ employee of the department who is providing services authorized under the Wagner-Peyser Act shall be paid using Wagner-Peyser Act funds.

(9)(a) Workforce Florida, Inc., working with the department ~~Agency for Workforce Innovation~~, shall coordinate among the agencies a plan for a One-Stop Electronic Network made up of one-stop delivery system centers and other partner agencies that are operated by authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support this electronic network for service delivery that includes Government Services Direct. If necessary, the plan shall identify additional funding needed to achieve the provisions of this subsection.

(b) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the one-stop delivery system:

1. The Unemployment Compensation Program under chapter 443 ~~of the Agency for Workforce Innovation~~.
2. The public employment service described in s. 443.181.
3. The FLORIDA System and the components related to temporary cash assistance, food assistance, and Medicaid eligibility.
4. The Student Financial Assistance System of the Department of Education.
5. Enrollment in the public postsecondary education system.
6. Other information systems determined appropriate by Workforce Florida, Inc.

Section 385. Subsection (5) of section 445.016, Florida Statutes, is amended to read:

445.016 Untried Worker Placement and Employment Incentive Act.—

(5) Incentives must be paid according to the incentive schedule developed by Workforce Florida, Inc., the Department of Economic Opportunity ~~Agency for Workforce Development~~, and the Department of Children and Family Services which costs the state less per placement than the state's 12-month expenditure on a welfare recipient.

Section 386. Subsection (1) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(1) WORK ACTIVITIES.—The Department of Economic Opportunity Agency for Workforce Innovation may develop activities under each of the following categories of work activities. The following categories of work activities, based on federal law and regulations, may be used individually or in combination to satisfy the work requirements for a participant in the temporary cash assistance program:

- (a) Unsubsidized employment.
- (b) Subsidized private sector employment.
- (c) Subsidized public sector employment.
- (d) On-the-job training.
- (e) Community service programs.
- (f) Work experience.
- (g) Job search and job readiness assistance.
- (h) Vocational educational training.
- (i) Job skills training directly related to employment.
- (j) Education directly related to employment.
- (k) Satisfactory attendance at a secondary school or in a course of study leading to a graduate equivalency diploma.
- (l) Providing child care services.

Section 387. Subsection (1) of section 445.0325, Florida Statutes, is amended to read:

445.0325 Welfare Transition Trust Fund.—

(1) The Welfare Transition Trust Fund is created in the State Treasury, to be administered by the Department of Economic Opportunity Agency for Workforce Innovation. Funds shall be credited to the trust fund to be used for the purposes of the welfare transition program set forth in ss. 445.017-445.032.

Section 388. Section 445.038, Florida Statutes, is amended to read:

445.038 Digital media; job training.—Workforce Florida, Inc., through the Department of Economic Opportunity Agency for Workforce Innovation,

may use funds dedicated for Incumbent Worker Training for the digital media industry. Training may be provided by public or private training providers for broadband digital media jobs listed on the targeted occupations list developed by the Workforce Estimating Conference or Workforce Florida, Inc. Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for funding.

Section 389. Subsection (2), paragraph (b) of subsection (4), and subsection (6) of section 445.045, Florida Statutes, are amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(2) Workforce Florida, Inc., shall coordinate with the Agency for Enterprise Information Technology and the Department of Economic Opportunity Agency for Workforce Innovation to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

(4)

(b) Workforce Florida, Inc., may enter into an agreement with the Agency for Enterprise Information Technology, the Department of Economic Opportunity Agency for Workforce Innovation, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

(6) In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the Department of Economic Opportunity Agency for Workforce Innovation. The department agency is authorized and directed to provide the services that Workforce Florida, Inc., and the department agency consider necessary to implement this section.

Section 390. Subsection (1), paragraph (b) of subsection (4), and subsection (5) of section 445.048, Florida Statutes, are amended to read:

445.048 Passport to Economic Progress program.—

(1) AUTHORIZATION.—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Department of Economic Opportunity Agency for Workforce Innovation, shall implement a Passport to Economic Progress program consistent with the provisions of this section. Workforce Florida, Inc., may designate regional workforce boards to participate in the program. Expenses for the program may come from appropriated revenues or from funds otherwise available to a regional workforce board which may be legally

used for such purposes. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the Department of Children and Family Services which serve the program areas and must encourage community input into the implementation process.

(4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Department of Economic Opportunity Agency for Workforce Innovation, shall offer performance-based incentive bonuses as a component of the Passport to Economic Progress program. The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan. If the funds appropriated for this purpose are insufficient to provide this financial incentive, the board of directors of Workforce Florida, Inc., may reduce or suspend the bonuses in order not to exceed the appropriation or may direct the regional boards to use resources otherwise given to the regional workforce to pay such bonuses if such payments comply with applicable state and federal laws.

(5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the Department of Economic Opportunity Agency for Workforce Innovation, and the regional workforce boards, shall conduct a comprehensive evaluation of the effectiveness of the program operated under this section. Evaluations and recommendations for the program shall be submitted by Workforce Florida, Inc., as part of its annual report to the Legislature.

Section 391. Subsection (2) of section 445.049, Florida Statutes, is amended to read:

445.049 Digital Divide Council.—

(2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is created in the Department of Education. The council shall consist of:

(a) A representative from the information technology industry in this state appointed by the Governor.

(b) The executive director of the Department of Economic Opportunity, or his or her designee ~~The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.~~

(c) The president of Workforce Florida, Inc.

~~(d) The director of the Agency for Workforce Innovation.~~

~~(d)~~(e) The chair of itflorida.com, Inc.

~~(e)~~(f) The Commissioner of Education.

(f)(g) A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.

(g)(h) A representative of the information technology industry in this state appointed by the President of the Senate.

(h)(i) Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(i)(j) Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

Section 392. Subsection (13) of section 445.051, Florida Statutes, is amended to read:

445.051 Individual development accounts.—

(13) Pursuant to policy direction by Workforce Florida, Inc., the Department of Economic Opportunity Agency for Workforce Innovation shall adopt such rules as are necessary to implement this act.

Section 393. Section 445.056, Florida Statutes, is amended to read:

445.056 Citizen Soldier Matching Grant Program.—The Department of Economic Opportunity Agency for Workforce Innovation shall implement the establish a matching grant program established by the former Agency for Workforce Innovation to award matching grants to private sector employers in this state which that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty. A grant may not be provided for federal active duty served before January 1, 2005. Each grant shall be awarded to reimburse the employer for not more than one-half of the monthly wages paid to an employee who is a resident of this state for the actual period of federal active duty. The monthly grant per employee may not exceed one-half of the difference between the amount of monthly wages paid by the employer to the employee at the level paid before the date the employee was called to federal active duty and the amount of the employee's active duty base pay, housing and variable allowances, and subsistence allowance. The Department of Economic Opportunity shall implement the plan administered by the former Agency for Workforce Innovation. The agency shall develop a plan by no later than October 1, 2005, subject to the notice, review, and objection procedures of s. 216.177, to administer the application and payment procedures for the matching grant program. The Agency for Workforce Innovation shall not award any matching grants prior to the approval of the plan.

Section 394. Section 450.261, Florida Statutes, is amended to read:

450.261 Interstate Migrant Labor Commission; Florida membership.— In selecting the Florida membership of the Interstate Migrant Labor Commission, the Governor may designate the secretary of the Department of ~~Economic Opportunity Community Affairs~~ as his or her representative. The two legislative members shall be chosen from among the members of the Legislative Commission on Migrant Labor, and at least one of the two members appointed by the Governor shall be chosen from among the members of the advisory committee to that commission.

Section 395. Section 446.41, Florida Statutes, is amended to read:

446.41 Legislative intent with respect to rural workforce training and development; establishment of Rural Workforce Services Program.—In order that the state may achieve its full economic and social potential, consideration must be given to rural workforce training and development to enable its rural citizens as well as urban citizens to develop their maximum capacities and participate productively in our society. It is, therefore, the policy of the state to make available those services needed to assist individuals and communities in rural areas to improve their quality of life. It is with a great sense of urgency that a Rural Workforce Services Program is established within the ~~Department of Economic Opportunity Agency for Workforce Innovation~~, under the direction of Workforce Florida, Inc., to provide equal access to all manpower training programs available to rural as well as urban areas.

Section 396. Section 446.50, Florida Statutes, is amended to read:

446.50 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(1) INTENT.—It is the intent of the Legislature to require the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ to enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

(2) DEFINITIONS.—For the purposes of this section, the term:

(a) “displaced homemaker” means an individual who:

~~(a)1.~~ Is 35 years of age or older;

~~(b)2.~~ Has worked in the home, providing unpaid household services for family members;

~~(c)3.~~ Is not adequately employed, as defined by rule of the agency;

~~(d)4.~~ Has had, or would have, difficulty in securing adequate employment; and

(e)5. Has been dependent on the income of another family member but is no longer supported by such income, or has been dependent on federal assistance.

(b)—“Agency” means the Agency for Workforce Innovation.

(3) AGENCY POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY.—

(a) The Department of Economic Opportunity agency, under plans established by Workforce Florida, Inc., shall establish, or contract for the establishment of, programs for displaced homemakers which shall include:

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

2. Job training and placement services, including:

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

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

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

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

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

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

(b)1. The department agency shall enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs for displaced homemakers under this section. Such grants and contracts shall be awarded pursuant to chapter 287 and based on criteria established in the state plan developed pursuant to this section. The department agency shall designate catchment areas ~~that~~ which together, shall ~~compose~~ comprise the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, the department

agency shall contract with, and make grants to, entities that which will serve entire catchment areas so that displaced homemaker service programs are available statewide. These catchment areas shall be coterminous with the state's workforce development regions. The department agency may give priority to existing displaced homemaker programs when evaluating bid responses to the agency's request for proposals.

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

3. The department agency shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to the department agency. Such data shall include, but shall not be limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with specific services and program administration, total program revenues by source and other appropriate financial data, and client followup information at specified intervals after the placement of a displaced homemaker in a job.

(c) The department agency shall consult and cooperate with the Commissioner of Education, the United States Commissioner of the Social Security Administration, and such other persons in the executive branch of the state government as the department agency considers appropriate to facilitate the coordination of multipurpose service programs established under this section with existing programs of a similar nature.

(d) Supervisory, technical, and administrative positions relating to programs established under this section shall, to the maximum extent practicable, be filled by displaced homemakers.

(e) The department agency shall adopt rules establishing minimum standards necessary for entities that provide displaced homemaker service programs to receive funds ~~from the agency~~ and any other rules necessary to administer this section.

(4) STATE PLAN.—

(a) The Department of Economic Opportunity Agency for Workforce Innovation shall develop a 3-year state plan for the displaced homemaker program which shall be updated annually. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any necessary service components for such programs in addition to those enumerated in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being

met, and recommendations for ways to address any unmet program goals. Any request for funds for program expansion must be based on the state plan.

(b) Each annual update must address any changes in the components of the 3-year state plan and a report that ~~which~~ must include, but need not be limited to, the following:

1. The scope of the incidence of displaced homemakers;
2. A compilation and report, by program, of data submitted to the department agency pursuant to subparagraph 3. by funded displaced homemaker service programs;
3. An identification and description of the programs in the state which ~~that~~ receive funding from the department agency, including funding information; and
4. An assessment of the effectiveness of each displaced homemaker service program based on outcome criteria established by rule of the department agency.

(c) The 3-year state plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on or before January 1, 2001, and annual updates of the plan must be submitted by January 1 of each subsequent year.

(5) **DISPLACED HOMEMAKER TRUST FUND.—**

(a) There is established within the State Treasury a Displaced Homemaker Trust Fund to be used by the Department of Economic Opportunity agency for its administration of the displaced homemaker program and to fund displaced homemaker service programs according to criteria established under this section.

(b) The trust fund shall receive funds generated from an additional fee on marriage license applications and dissolution of marriage filings as specified in ss. 741.01(3) and 28.101, respectively, and may receive funds from any other public or private source.

(c) Funds that are not expended by the department agency at the end of the budget cycle or through a supplemental budget approved by the department agency shall revert to the trust fund.

Section 397. Section 446.52, Florida Statutes, is amended to read:

446.52 Confidentiality of information.—Information about displaced homemakers who receive services under ss. 446.50 and 446.51 which is received through files, reports, inspections, or otherwise, by the Department of Economic Opportunity division ~~or by its~~ authorized employees ~~of the division~~, by persons who volunteer services, or by persons who provide services to displaced homemakers under ss. 446.50 and 446.51 through

contracts with the ~~department division~~ is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a displaced homemaker, unless such person or the person’s legal guardian provides written consent.

Section 398. Paragraph (a) of subsection (3) of section 448.109, Florida Statutes, is amended to read:

448.109 Notification of the state minimum wage.—

(3)(a) Each year the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall, on or before December 1, create and make available to employers a poster in English and in Spanish which reads substantially as follows:

NOTICE TO EMPLOYEES

The Florida minimum wage is \$...(amount)... per hour, with a minimum wage of at least \$...(amount)... per hour for tipped employees, in addition to tips, for January 1, ...(year)...., through December 31, ... (year)....

The rate of the minimum wage is recalculated yearly on September 30, based on the Consumer Price Index. Every year on January 1 the new Florida minimum wage takes effect.

An employer may not retaliate against an employee for exercising his or her right to receive the minimum wage. Rights protected by the State Constitution include the right to:

1. File a complaint about an employer’s alleged noncompliance with lawful minimum wage requirements.
2. Inform any person about an employer’s alleged noncompliance with lawful minimum wage requirements.
3. Inform any person of his or her potential rights under Section 24, Article X of the State Constitution and to assist him or her in asserting such rights.

An employee who has not received the lawful minimum wage after notifying his or her employer and giving the employer 15 days to resolve any claims for unpaid wages may bring a civil action in a court of law against an employer to recover back wages plus damages and attorney’s fees.

An employer found liable for intentionally violating minimum wage requirements is subject to a fine of \$1,000 per violation, payable to the state.

The Attorney General or other official designated by the Legislature may bring a civil action to enforce the minimum wage.

For details see Section 24, Article X of the State Constitution.

Section 399. Subsections (2), (4), and (11) of section 448.110, Florida Statutes, are amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.

(2) The purpose of this section is to provide measures appropriate for the implementation of s. 24, Art. X of the State Constitution, in accordance with authority granted to the Legislature pursuant to s. 24(f), Art. X of the State Constitution. To implement s. 24, Art. X of the State Constitution, the Department of Economic Opportunity is designated as the state Agency for Workforce Innovation.

(4)(a) Beginning September 30, 2005, and annually on September 30 thereafter, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall calculate an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. In calculating the adjusted state minimum wage, the Department of Economic Opportunity agency shall use the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for the South Region or a successor index as calculated by the United States Department of Labor. Each adjusted state minimum wage rate shall take effect on the following January 1, with the initial adjusted minimum wage rate to take effect on January 1, 2006.

(b) ~~The Agency for Workforce Innovation and the Department of Revenue and the Department of Economic Opportunity~~ shall annually publish the amount of the adjusted state minimum wage and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of the Department of Economic Opportunity agency and the Department of Revenue by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, the Department of Economic Opportunity agency shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all employers registered in the most current unemployment compensation database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the unemployment compensation database. ~~The Department of Economic Opportunity is agency shall not be responsible for failure to provide notice due to incorrect or incomplete address information in the database.~~ The Department of Economic Opportunity agency shall provide the Department of Revenue with the adjusted state minimum wage rate information and effective date in a timely manner.

(11) Except for calculating the adjusted state minimum wage and publishing the initial state minimum wage and any annual adjustments thereto, the authority of the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ in implementing s. 24, Art. X of the State

Constitution, pursuant to this section, shall be limited to that authority expressly granted by the Legislature.

Section 400. Section 450.161, Florida Statutes, is amended to read:

450.161 Chapter not to affect career education of children; other exceptions.—Nothing in this chapter shall prevent minors of any age from receiving career education furnished by the United States, this state, or any county or other political subdivision of this state and duly approved by the Department of Education or other duly constituted authority, nor any apprentice indentured under a plan approved by the Department of Economic Opportunity ~~Division of Jobs and Benefits~~, or prevent the employment of any minor 14 years of age or older when such employment is authorized as an integral part of, or supplement to, such a course in career education and is authorized by regulations of the district school board of the district in which such minor is employed, provided the employment is in compliance with the provisions of ss. 450.021(4) and 450.061. Exemptions for the employment of student learners 16 to 18 years of age are provided in s. 450.061. Such an exemption shall apply when:

(1) The student learner is enrolled in a youth vocational training program under a recognized state or local educational authority.

(2) Such student learner is employed under a written agreement that ~~which~~ provides:

(a) That the work of the student learner in the occupation declared particularly hazardous shall be incidental to the training.

(b) That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.

(c) That safety instructions shall be given by the school and correlated by the employer with on-the-job training.

(d) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Each such written agreement shall contain the name of the student learner and shall be signed by the employer, the school coordinator and principal, and the parent or legal guardian. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student learners may be revoked in any individual situation when it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which he or she has completed training as a student learner, as provided in this section, even though he or she is not yet 18 years of age.

Section 401. Paragraph (j) of subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(j) Cooperate with the Department of Economic Opportunity Agency ~~for Workforce Innovation~~ in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 402. Paragraph (e) of subsection (2) of section 450.31, Florida Statutes, is amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(2) The department may revoke, suspend, or refuse to issue or renew any certificate of registration when it is shown that the farm labor contractor has:

(e) Failed to pay unemployment compensation taxes as determined by the Department of Economic Opportunity Agency ~~for Workforce Innovation~~; or

Section 403. Subsection (3) of section 468.529, Florida Statutes, is amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(3) A licensed employee leasing company shall within 30 days after initiation or termination notify its workers' compensation insurance carrier, the Division of Workers' Compensation of the Department of Financial Services, and the state agency providing unemployment tax collection services under contract with the Department of Economic Opportunity Agency ~~for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316 of both the initiation or the termination of the company's relationship with any client company.

Section 404. Subsection (21) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(21) The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the department of ~~Community Affairs~~ showing compliance with the Florida Building Code.

Section 405. Subsection (3) of section 489.109, Florida Statutes, is amended to read:

489.109 Fees.—

(3) In addition to the fees provided in subsection (1) for application and renewal for certification and registration, all certificateholders and registrants must pay a fee of \$4 to the department at the time of application or renewal. The funds must be transferred at the end of each licensing period to the department of ~~Community Affairs~~ to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida, to be selected by the Florida Building Commission. The board shall, at the time the funds are transferred, advise the department of ~~Community Affairs~~ on the most needed areas of research or continuing education based on significant changes in the industry's practices or on changes in the state building code or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the department of ~~Community Affairs~~. The department of ~~Community Affairs~~ shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The department of ~~Community Affairs~~ shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects.

Section 406. Subsection (3) of section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(3) Four dollars of each fee under subsection (1) paid to the department at the time of application or renewal shall be transferred at the end of each licensing period to the department of ~~Community Affairs~~ to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are transferred, advise the department of ~~Community Affairs~~ on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the department of ~~Community Affairs~~. The department of ~~Community Affairs~~ shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The department of ~~Community Affairs~~ shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects.

Section 407. Subsection (2) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(2) The licensing authority shall adopt, by no later than July 1, 1999, rules establishing minimum standards for all newly constructed and significantly altered or renovated mausoleums and columbaria; however, in the case of significant alterations or renovations to existing structures, the rules shall apply only, when physically feasible, to the newly altered or renovated portion of such structures, except as specified in subsection (4). In developing and adopting such rules, the licensing authority may define different classes of structures or construction standards, and may provide for different rules to apply to each of said classes, if the designation of classes and the application of different rules is in the public interest and is supported by findings by the licensing authority based on evidence of industry practices, economic and physical feasibility, location, or intended uses; provided, that the rules shall provide minimum standards applicable to all construction. For example, and without limiting the generality of the foregoing, the licensing authority may determine that a small single-story ground level mausoleum does not require the same level of construction standards that a large multistory mausoleum might require; or that a mausoleum located in a low-lying area subject to frequent flooding or hurricane threats might require different standards than one located on high ground in an area not subject to frequent severe weather threats. The licensing authority shall develop the rules in cooperation with, and with technical assistance from, the Florida Building Commission ~~of the Department of Community Affairs~~, to ensure that the rules are in the proper form and content to be included as part of the Florida Building Code under part IV of chapter 553. If the Florida Building Commission advises that some of the standards proposed by the licensing authority are not appropriate for inclusion in such building codes, the licensing authority may choose to include those standards in a distinct chapter of its rules entitled "Non-Building-Code Standards for Mausoleums" or "Additional Standards for Mausoleums," or other terminology to that effect. If the licensing authority elects to divide the standards into two or more chapters, all such rules shall be binding on licensees and others subject to the jurisdiction of the licensing authority, but only the chapter containing provisions appropriate for building codes shall be transmitted to the Florida Building Commission pursuant to subsection (3). Such rules may be in the form of standards for design and construction; methods, materials, and specifications for construction; or other mechanisms. Such rules shall encompass, at a minimum, the following standards:

(a) No structure may be built or significantly altered for use for interment, entombment, or inurnment purposes unless constructed of such material and workmanship as will ensure its durability and permanence, as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.

(b) Such structure must be so arranged that the exterior of any vault, niche, or crypt may be readily examined at any time by any person authorized by law to do so.

(c) Such structure must contain adequate provision for drainage and ventilation. Private or family mausoleums with all crypts bordering an exterior wall must contain pressure relief ventilation from the crypts to the outside of the mausoleum through the exterior wall or roof.

(d) Such structure must be of fire-resistant construction. Notwithstanding the requirements of s. 553.895 and chapter 633, any mausoleum or columbarium constructed of noncombustible materials, as defined in the Standard Building Code, shall not require a sprinkler system.

(e) Such structure must be resistant to hurricane and other storm damage to the highest degree provided under applicable building codes for buildings of that class.

(f) Suitable provisions must be made for securely and permanently sealing each crypt with durable materials after the interment or entombment of human remains, so that no effluvia or odors may escape therefrom except as provided by design and sanitary engineering standards. Panels for permanent seals must be solid and constructed of materials of sufficient weight, permanence, density, imperviousness, and strength as to ensure their durability and continued functioning. Permanent crypt sealing panels must be securely installed and set in with high quality fire-resistant, resilient, and durable materials after the interment or entombment of human remains. The outer or exposed covering of each crypt must be of a durable, permanent, fire-resistant material; however, plastic, fiberglass, and wood are not acceptable materials for such outer or exposed coverings.

(g) Interior and exterior fastenings for hangers, clips, doors, and other objects must be of copper, copper-base alloy, aluminum, or stainless steel of adequate gauges, or other materials established by rule which provide equivalent or better strength and durability, and must be properly installed.

Section 408. Paragraph (a) of subsection (1) of section 526.144, Florida Statutes, is amended to read:

526.144 Florida Disaster Motor Fuel Supplier Program.—

(1)(a) There is created the Florida Disaster Motor Fuel Supplier Program within the Division of Emergency Management Department of Community Affairs.

Section 409. Paragraph (i) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(i) Create and file with the division a written policy for:

1. Creating opportunities to purchase from vendors in this state, including minority vendors.
2. Creating opportunities for employment of residents of this state, including minority residents.
3. Ensuring opportunities for construction services from minority contractors.
4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.
5. Training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118.
6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace.

The slot machine licensee shall use the Internet-based job-listing system of the Department of Economic Opportunity Agency for Workforce Innovation in advertising employment opportunities. Beginning in June 2007, each slot machine licensee shall provide an annual report to the division containing information indicating compliance with this paragraph in regard to minority persons.

Section 410. Subsection (7) of section 553.36, Florida Statutes, is amended to read:

553.36 Definitions.—The definitions contained in this section govern the construction of this part unless the context otherwise requires.

(7) “Department” means the Department of Business and Professional Regulation Community Affairs.

Section 411. Section 553.382, Florida Statutes, is amended to read:

553.382 Placement of certain housing.—Notwithstanding any other law or ordinance to the contrary, in order to expand the availability of affordable housing in this state, any residential manufactured building that is certified under this chapter by the department of ~~Community Affairs~~ may be placed on a mobile home lot in a mobile home park, recreational vehicle park, or mobile home condominium, cooperative, or subdivision. Any such housing unit placed on a mobile home lot is a mobile home for purposes of chapter 723 and, therefore, all rights, obligations, and duties under chapter 723 apply, including the specifics of the prospectus. However, a housing unit subject to this section may not be placed on a mobile home lot without the prior written approval of the park owner. Each housing unit subject to this section shall be taxed as a mobile home under s. 320.08(11) and is subject to payments to the Florida Mobile Home Relocation Fund under s. 723.06116.

Section 412. Subsection (2) of section 553.512, Florida Statutes, is amended to read:

553.512 Modifications and waivers; advisory council.—

(2) The Accessibility Advisory Council shall consist of the following seven members, who shall be knowledgeable in the area of accessibility for persons with disabilities. The Secretary of Business and Professional Regulation Community Affairs shall appoint the following: a representative from the Advocacy Center for Persons with Disabilities, Inc.; a representative from the Division of Blind Services; a representative from the Division of Vocational Rehabilitation; a representative from a statewide organization representing the physically handicapped; a representative from the hearing impaired; a representative from the President, Florida Council of Handicapped Organizations; and a representative of the Paralyzed Veterans of America. The terms for the first three council members appointed subsequent to October 1, 1991, shall be for 4 years, the terms for the next two council members appointed shall be for 3 years, and the terms for the next two members shall be for 2 years. Thereafter, all council member appointments shall be for terms of 4 years. No council member shall serve more than two 4-year terms subsequent to October 1, 1991. Any member of the council may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an individual waiver or modification may be granted by the commission so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

Section 413. Section 553.71, Florida Statutes, is amended to read:

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

(1) “Commission” means the Florida Building Commission created by this part.

(2) “Department” means the Department of Business and Professional Regulation Community Affairs.

~~(9)~~(3) “State enforcement agency” means the agency of state government with authority to make inspections of buildings and to enforce the codes, as required by this part, which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

~~(3)~~(4) “Housing code” means any code or rule intending postconstruction regulation of structures which would include, but not be limited to: standards of maintenance, condition of facilities, condition of systems and components, living conditions, occupancy, use, and room sizes.

(5) “Local enforcement agency” means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards

for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

(7)(6) “Secretary” means the Secretary of Business and Professional Regulation Community Affairs.

(11)(7) “Threshold building” means any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

(4)(8) “Load management control device” means any device installed by any electric utility or its contractors which temporarily interrupts electric service to major appliances, motors, or other electrical systems contained within the buildings or on the premises of consumers for the purpose of reducing the utility’s system demand as needed in order to prevent curtailment of electric service in whole or in part to consumers and thereby maintain the quality of service to consumers, provided the device is in compliance with a program approved by the Florida Public Service Commission.

(8)(9) “Special inspector” means a licensed architect or registered engineer who is certified under chapter 471 or chapter 481 to conduct inspections of threshold buildings.

(6)(10) “Prototype building” means a building constructed in accordance with architectural or engineering plans intended for replication on various sites and which will be updated to comply with the Florida Building Code and applicable laws relating to firesafety, health and sanitation, casualty safety, and requirements for persons with disabilities which are in effect at the time a construction contract is to be awarded.

(10)(11) “Temporary” includes, but is not limited to, buildings identified by, but not designated as permanent structures on, an approved development order.

Section 414. Section 553.721, Florida Statutes, is amended to read:

553.721 Surcharge.—In order for the Department of Business and Professional Regulation Community Affairs to administer and carry out the purposes of this part and related activities, there is hereby created a surcharge, to be assessed at the rate of 1.5 percent of the permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be \$2. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect such surcharge and electronically remit the funds collected to the department on a quarterly calendar basis beginning not later than December 31, 2010, for the preceding quarter,

and continuing each third month thereafter, and such unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. All funds remitted to the department pursuant to this section shall be deposited in the Professional Regulation Trust Fund Operating Trust Fund. Funds collected from such surcharge shall be used exclusively for the duties of the Florida Building Commission and the Department of Business and Professional Regulation Community Affairs under this chapter and shall not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges in accordance with chapter 120.

Section 415. Subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and ~~shall be~~ located within the Department of Business and Professional Regulation Community Affairs for administrative purposes. Members shall be appointed by the Governor subject to confirmation by the Senate. The commission shall be composed of 25 members, consisting of the following:

(a) One architect registered to practice in this state and actively engaged in the profession. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration.

(b) One structural engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(c) One air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession. The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, and the Mechanical Contractors Association of Florida are encouraged to recommend a list of candidates for consideration.

(d) One electrical contractor certified to do business in this state and actively engaged in the profession. The Florida Electrical Contractors Association and the National Electrical Contractors Association, Florida Chapter, are encouraged to recommend a list of candidates for consideration.

(e) One member from fire protection engineering or technology who is actively engaged in the profession. The Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors

Association are encouraged to recommend a list of candidates for consideration.

(f) One general contractor certified to do business in this state and actively engaged in the profession. The Associated Builders and Contractors of Florida, the Florida Associated General Contractors Council, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration.

(g) One plumbing contractor licensed to do business in this state and actively engaged in the profession. The Florida Association of Plumbing, Heating, and Cooling Contractors is encouraged to recommend a list of candidates for consideration.

(h) One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession. The Florida Roofing, Sheet Metal, and Air Conditioning Contractors Association and the Sheet Metal and Air Conditioning Contractors National Association are encouraged to recommend a list of candidates for consideration.

(i) One residential contractor licensed to do business in this state and actively engaged in the profession. The Florida Home Builders Association is encouraged to recommend a list of candidates for consideration.

(j) Three members who are municipal or district codes enforcement officials, one of whom is also a fire official. The Building Officials Association of Florida and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(k) One member who represents the Department of Financial Services.

(l) One member who is a county codes enforcement official. The Building Officials Association of Florida is encouraged to recommend a list of candidates for consideration.

(m) One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state.

(n) One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry. The Florida Manufactured Housing Association is encouraged to recommend a list of candidates for consideration.

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(p) One member who is a representative of a municipality or a charter county. The Florida League of Cities and the Florida Association of Counties are encouraged to recommend a list of candidates for consideration.

(q) One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry. The Florida Building Material Association, the Florida Concrete and Products Association, and the Fenestration Manufacturers Association are encouraged to recommend a list of candidates for consideration.

(r) One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management. The Building Owners and Managers Association is encouraged to recommend a list of candidates for consideration.

(s) One member who is a representative of the insurance industry. The Florida Insurance Council is encouraged to recommend a list of candidates for consideration.

(t) One member who is a representative of public education.

(u) One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession. The Florida Swimming Pool Association and the United Pool and Spa Association are encouraged to recommend a list of candidates for consideration.

(v) One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, or a LEED-accredited professional.

(w) One member who shall be the chair.

Any person serving on the commission under paragraph (c) or paragraph (h) on October 1, 2003, and who has served less than two full terms is eligible for reappointment to the commission regardless of whether he or she meets the new qualification.

Section 416. Subsections (2) and (5) of section 553.841, Florida Statutes, are amended to read:

553.841 Building code compliance and mitigation program.—

(2) The Department of Business and Professional Regulation ~~Community Affairs~~ shall administer a program, designated as the Florida Building Code Compliance and Mitigation Program, to develop, coordinate, and maintain education and outreach to persons required to comply with the Florida Building Code and ensure consistent education, training, and communication of the code's requirements, including, but not limited to, methods for mitigation of storm-related damage. The program shall also operate a clearinghouse through which design, construction, and building code enforcement licensees, suppliers, and consumers in this state may find others in order to exchange information relating to mitigation and facilitate repairs in the aftermath of a natural disaster.

(5) Each biennium, upon receipt of funds by the Department of Business and Professional Regulation ~~Community Affairs~~ from the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board provided under ss. 489.109(3) and 489.509(3), the department shall determine the amount of funds available for the Florida Building Code Compliance and Mitigation Program.

Section 417. Subsections (2) and (3) of section 553.896, Florida Statutes, are amended to read:

553.896 Mitigation grant program guideline.—

(2) Beginning with grant funds approved after July 1, 2005, the construction of new or retrofitted window or door coverings that is funded by a hazard-mitigation grant program or shelter-retrofit program must conform to design drawings that are signed, sealed, and inspected by a structural engineer who is registered in this state. Before the Division of Emergency Management ~~Department of Community Affairs~~ forwards payment to a recipient of the grant, an inspection report and attestation or a copy of the signed and sealed plans shall be provided to the department.

(3) If the construction is funded by a hazard mitigation grant or shelter retrofit program, the Division of Emergency Management ~~Department of Community Affairs~~ shall advise the county, municipality, or other entity applying for the grant that the cost or price of the project is not the sole criterion for selecting a vendor.

Section 418. Section 553.901, Florida Statutes, is amended to read:

553.901 Purpose of thermal efficiency code.—The Department of Business and Professional Regulation ~~Community Affairs~~ shall prepare a thermal efficiency code to provide for a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals, and to best provide for public safety, health, and general welfare. The Florida Building Commission shall adopt the Florida Energy Efficiency Code for Building Construction within the Florida Building Code, and shall modify, revise, update, and maintain the code to implement the provisions of this thermal efficiency code and amendments thereto, in accordance with the procedures of chapter 120. The department shall, at least triennially, determine the most cost-effective energy-saving equipment and techniques available and report its determinations to the commission, which shall update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than 6 months prior to code implementation. The term “cost-effective,” for the purposes of this part, shall be construed to mean cost-effective to the consumer.

Section 419. Section 553.9085, Florida Statutes, is amended to read:

553.9085 Energy performance disclosure for residential buildings.—The energy performance level resulting from compliance with the provisions of this part, for each new residential building, shall be disclosed at the request of the prospective purchaser. In conjunction with the normal responsibilities and duties of this part, the local building official shall require that a complete and accurate energy performance level display card be completed and certified by the builder as accurate and correct before final approval of the building for occupancy. The energy performance level display card shall be included as an addendum to each sales contract. The display card shall be uniform statewide and developed by the Department of Business and Professional Regulation ~~Community Affairs~~. At a minimum, the display card shall list information indicating the energy performance level of the dwelling unit resulting from compliance with the code, shall be signed by the builder, and shall list general information about the energy performance level and the code.

Section 420. Section 553.954, Florida Statutes, is amended to read:

553.954 Adoption of standards.—The Department of Business and Professional Regulation ~~Community Affairs~~ shall adopt, modify, revise, update, and maintain the Florida Energy Conservation Standards to implement the provisions of this part and amendments thereto in accordance with the procedures of chapter 120.

Section 421. Subsection (6) of section 553.955, Florida Statutes, is amended to read:

553.955 Definitions.—For purposes of this part:

(6) “Department” means the Department of Business and Professional Regulation ~~Community Affairs~~.

Section 422. Subsection (1) of section 553.973, Florida Statutes, is amended to read:

553.973 Enforcement and penalties.—

(1) The Department of Business and Professional Regulation ~~Community Affairs~~ shall investigate any complaints received concerning violations of this part and shall report the results of its investigation to the Attorney General or state attorney. The Attorney General or state attorney may institute proceedings to enjoin any person found to be violating the provisions of this part.

Section 423. Section 553.992, Florida Statutes, is amended to read:

553.992 Adoption of rating system.—The Department of Business and Professional Regulation ~~Community Affairs~~ shall adopt, update, and maintain a statewide uniform building energy-efficiency rating system to implement the provisions of this part and amendments thereto in accordance with the procedures of chapter 120 and shall, upon the request of any builder,

designer, rater, or owner of a building, issue nonbinding interpretations, clarifications, and opinions concerning the application and use of the building energy rating system under rules that the department adopts in accordance with chapter 120.

Section 424. Subsection (4) of section 553.995, Florida Statutes, is amended to read:

553.995 Energy-efficiency ratings for buildings.—

(4) The department shall develop a training and certification program to certify raters. In addition to the department, ratings may be conducted by any local government or private entity, provided that the appropriate persons have completed the necessary training and have been certified by the department. The Department of Management Services shall rate state-owned or state-leased buildings, provided that the appropriate persons have completed the necessary training and have been certified by the Department of Business and Professional Regulation Community Affairs. A state agency which has building construction regulation authority may rate its own buildings and those it is responsible for, if the appropriate persons have completed the necessary training and have been certified by the Department of Business and Professional Regulation Community Affairs. The Department of Business and Professional Regulation Community Affairs may charge a fee not to exceed the costs for the training and certification of raters. The department shall by rule set the appropriate charges for raters to charge for energy ratings, not to exceed the actual costs.

Section 425. Subsection (10) of section 570.71, Florida Statutes, is amended to read:

570.71 Conservation easements and agreements.—

(10) The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of Economic Opportunity Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in subsection (1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

Section 426. Section 570.96, Florida Statutes, is amended to read:

570.96 Agritourism.—The Department of Agriculture and Consumer Services may provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist the following in their agritourism initiatives: Enterprise Florida, Inc. ~~the Florida Commission on Tourism~~; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments.

In carrying out this responsibility, the department shall focus its agritourism efforts on rural and urban communities.

Section 427. Subsection (1) of section 597.006, Florida Statutes, is amended to read:

597.006 Aquaculture Interagency Coordinating Council.—

(1) CREATION.—The Legislature finds and declares that there is a need for interagency coordination with regard to aquaculture by the following agencies: the Department of Agriculture and Consumer Services; the Department of Economic Opportunity; the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs; the Department of Environmental Protection; the Department of Labor and Employment Security; the Fish and Wildlife Conservation Commission; the state-wide consortium of universities under the Florida Institute of Oceanography; Florida Agricultural and Mechanical University; the Institute of Food and Agricultural Sciences at the University of Florida; and the Florida Sea Grant Program. It is therefore the intent of the Legislature to hereby create an Aquaculture Interagency Coordinating Council to act as an advisory body as defined in s. 20.03(9).

Section 428. Subsection (2) of section 604.006, Florida Statutes, is amended to read:

604.006 Mapping and monitoring of agricultural lands.—

(2) The Department of Economic Opportunity ~~Community Affairs~~ shall develop a program for mapping and monitoring the agricultural lands in the state. The department has the power to adopt rules necessary to carry out the purposes of this section, and it may contract with other agencies for the provision of necessary mapping and information services.

Section 429. Paragraphs (d) and (e) of subsection (2), paragraph (a) of subsection (4), and subsection (5) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Community ~~pursuant to s. 20.18(6)~~. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph.

(e)1. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership

opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity, Office of Tourism, Trade, and Economic Development shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity, office shall grant the tax credits for those applications as follows:

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

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

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

(4) ADMINISTRATION.—

(a)1. The Department of Economic Opportunity ~~may~~ Office of Tourism, Trade, and Economic Development is authorized to adopt all rules necessary to administer this section, including rules for the approval or disapproval of proposals by insurers.

2. The decision of the director shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the insurer. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the insurer.

3. The Department of Economic Opportunity office shall monitor all projects periodically, in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less frequently than once every 2 years.

4. The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall, in consultation with the Department of Community Affairs, the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

(5) DEFINITIONS.—As used in For the purpose of this section, the term:

(a) “Community contribution” means the grant by an insurer of any of the following items:

1. Cash or other liquid assets.
2. Real property.
3. Goods or inventory.
4. Other physical resources which are identified by the department.

(b) “Director” means the director of the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.

(c) “Local government” means any county or incorporated municipality in the state.

~~(d) “Office” means the Office of Tourism, Trade, and Economic Development.~~

~~(d)(e)~~ “Project” means an activity as defined in s. 220.03(1)(t).

Section 430. Section 625.3255, Florida Statutes, is amended to read:

625.3255 Capital participation instrument.—An insurer may invest in any capital participation instrument or evidence of indebtedness issued by the Enterprise Florida, Inc., Florida Black Business Investment Board pursuant to the Florida Small and Minority Business Assistance Act.

Section 431. Paragraph (b) of subsection (2) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(2) COMMISSION CREATED.—

(b) The commission shall consist of the following 11 members:

1. The insurance consumer advocate.
2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.
3. The Executive Director of the Citizens Property Insurance Corporation.
4. The Director of the Division of Emergency Management of the Department of Community Affairs.
5. The actuary member of the Florida Hurricane Catastrophe Fund Advisory Council.
6. An employee of the office who is an actuary responsible for property insurance rate filings and who is appointed by the director of the office.
7. Five members appointed by the Chief Financial Officer, as follows:
 - a. An actuary who is employed full time by a property and casualty insurer ~~that which~~ was responsible for at least 1 percent of the aggregate statewide direct written premium for homeowner's insurance in the calendar year preceding the member's appointment to the commission.
 - b. An expert in insurance finance who is a full-time member of the faculty of the State University System and who has a background in actuarial science.
 - c. An expert in statistics who is a full-time member of the faculty of the State University System and who has a background in insurance.
 - d. An expert in computer system design who is a full-time member of the faculty of the State University System.
 - e. An expert in meteorology who is a full-time member of the faculty of the State University System and who specializes in hurricanes.

Section 432. Paragraph (b) of subsection (1) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(1)

~~(b) By February 1, 2011, the Office of Insurance Regulation, in consultation with the Department of Financial Services and the Department of Community Affairs, shall develop and make publicly available a proposed method for insurers to establish discounts, credits, or other rate differentials for hurricane mitigation measures which directly correlate to the numerical rating assigned to a structure pursuant to the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865, including any proposed changes to the uniform home grading scale. By~~

October 1, 2011, the commission shall adopt rules requiring insurers to make rate filings for residential property insurance which revise insurers' discounts, credits, or other rate differentials for hurricane mitigation measures so that such rate differentials correlate directly to the uniform home grading scale. The rules may include such changes to the uniform home grading scale as the commission determines are necessary, and may specify the minimum required discounts, credits, or other rate differentials. Such rate differentials must be consistent with generally accepted actuarial principles and wind-loss mitigation studies. The rules shall allow a period of at least 2 years after the effective date of the revised mitigation discounts, credits, or other rate differentials for a property owner to obtain an inspection or otherwise qualify for the revised credit, during which time the insurer shall continue to apply the mitigation credit that was applied immediately prior to the effective date of the revised credit. Discounts, credits, and other rate differentials established for rate filings under this paragraph shall supersede, after adoption, the discounts, credits, and other rate differentials included in rate filings under paragraph (a).

Section 433. Subsection (7) of section 627.3511, Florida Statutes, is amended to read:

627.3511 Depopulation of Citizens Property Insurance Corporation.—

(7) A minority business, which is at least 51 percent owned by minority persons as described in s. 288.703(3), desiring to operate or become licensed as a property and casualty insurer may exempt up to \$50 of the escrow requirements of the take-out bonus, as described in this section. Such minority business, which has applied for a certificate of authority to engage in business as a property and casualty insurer, may simultaneously file the business' proposed take-out plan, as described in this section, with the corporation.

Section 434. Subsection (1) of section 641.217, Florida Statutes, is amended to read:

641.217 Minority recruitment and retention plans required.—

(1) Any entity contracting with the Agency for Health Care Administration to provide health care services to Medicaid recipients or state employees on a prepaid or fixed-sum basis must submit to the Agency for Health Care Administration the entity's plan for recruitment and retention of health care practitioners who are minority persons ~~minorities~~ as defined in s. 288.703(3). The plan must demonstrate an ability to recruit and retain minority persons ~~minorities~~ which shall include, but is not limited to, the following efforts:

(a) Establishing and maintaining contacts with various organizations representing the interests and concerns of minority constituencies to seek advice and assistance.

(b) Identifying and recruiting at colleges and universities which primarily serve minority students.

(c) Reviewing and analyzing the organization's workforce as to minority representation.

(d) Other factors identified by the Agency for Health Care Administration by rule.

Section 435. Paragraph (b) of subsection (4) of section 657.042, Florida Statutes, is amended to read:

657.042 Investment powers and limitations.—A credit union may invest its funds subject to the following definitions, restrictions, and limitations:

(4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of the credit union may be invested in any of the following:

(b) Any capital participation instrument or evidence of indebtedness issued by Enterprise Florida, Inc., ~~the Florida Black Business Investment Board~~ pursuant to the Florida Small and Minority Business Assistance Act.

Section 436. Paragraph (g) of subsection (4) of section 658.67, Florida Statutes, is amended to read:

658.67 Investment powers and limitations.—A bank may invest its funds, and a trust company may invest its corporate funds, subject to the following definitions, restrictions, and limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR LESS OF CAPITAL ACCOUNTS.—

(g) Up to 10 percent of the capital accounts of a bank or trust company may be invested in any capital participation instrument or evidence of indebtedness issued by Enterprise Florida, Inc., ~~the Florida Black Business Investment Board~~ pursuant to the Florida Small and Minority Business Assistance Act.

Section 437. Subsection (2) of section 720.403, Florida Statutes, is amended to read:

720.403 Preservation of residential communities; revival of declaration of covenants.—

(2) In order to preserve a residential community and the associated infrastructure and common areas for the purposes described in this section, the parcel owners in a community that was previously subject to a declaration of covenants that has ceased to govern one or more parcels in the community may revive the declaration and the homeowners' association for the community upon approval by the parcel owners to be governed

thereby as provided in this act, and upon approval of the declaration and the other governing documents for the association by the Department of Economic Opportunity Community Affairs in a manner consistent with this act.

Section 438. Section 720.404, Florida Statutes, is amended to read:

720.404 Eligible residential communities; requirements for revival of declaration.—Parcel owners in a community are eligible to seek approval from the Department of Economic Opportunity Community Affairs to revive a declaration of covenants under this act if all of the following requirements are met:

- (1) All parcels to be governed by the revived declaration must have been once governed by a previous declaration that has ceased to govern some or all of the parcels in the community;
- (2) The revived declaration must be approved in the manner provided in s. 720.405(6); and
- (3) The revived declaration may not contain covenants that are more restrictive on the parcel owners than the covenants contained in the previous declaration, except that the declaration may:
 - (a) Have an effective term of longer duration than the term of the previous declaration;
 - (b) Omit restrictions contained in the previous declaration;
 - (c) Govern fewer than all of the parcels governed by the previous declaration;
 - (d) Provide for amendments to the declaration and other governing documents; and
 - (e) Contain provisions required by this chapter for new declarations that were not contained in the previous declaration.

Section 439. Subsection (1) of section 720.406, Florida Statutes, is amended to read:

720.406 Department of Economic Opportunity Community Affairs; submission; review and determination.—

- (1) No later than 60 days after the date the proposed revived declaration and other governing documents are approved by the affected parcel owners, the organizing committee or its designee must submit the proposed revived governing documents and supporting materials to the Department of Economic Opportunity Community Affairs to review and determine whether to approve or disapprove of the proposal to preserve the residential community. The submission to the department must include:

(a) The full text of the proposed revived declaration of covenants and articles of incorporation and bylaws of the homeowners' association;

(b) A verified copy of the previous declaration of covenants and other previous governing documents for the community, including any amendments thereto;

(c) The legal description of each parcel to be subject to the revived declaration and other governing documents and a plat or other graphic depiction of the affected properties in the community;

(d) A verified copy of the written consents of the requisite number of the affected parcel owners approving the revived declaration and other governing documents or, if approval was obtained by a vote at a meeting of affected parcel owners, verified copies of the notice of the meeting, attendance, and voting results;

(e) An affidavit by a current or former officer of the association or by a member of the organizing committee verifying that the requirements for the revived declaration set forth in s. 720.404 have been satisfied; and

(f) Such other documentation that the organizing committee believes is supportive of the policy of preserving the residential community and operating, managing, and maintaining the infrastructure, aesthetic character, and common areas serving the residential community.

Section 440. Subsection (4) of section 760.854, Florida Statutes, is amended to read:

760.854 Center for Environmental Equity and Justice.—

(4) The Center for Environmental Equity and Justice shall sponsor students to serve as interns at the Department of Health, the Department of Environmental Protection, ~~the Department of Community Affairs~~, and other relevant state agencies. The center may enter into a memorandum of understanding with these agencies to address environmental equity and justice issues.

Section 441. Paragraph (d) of subsection (2) of section 768.13, Florida Statutes, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)

(d) Any person whose acts or omissions are not otherwise covered by this section and who participates in emergency response activities under the direction of or in connection with a community emergency response team, local emergency management agencies, the Division of Emergency Management ~~of the Department of Community Affairs~~, or the Federal Emergency Management Agency is not liable for any civil damages as a result of care,

treatment, or services provided gratuitously in such capacity and resulting from any act or failure to act in such capacity in providing or arranging further care, treatment, or services, if such person acts as a reasonably prudent person would have acted under the same or similar circumstances.

Section 442. Section 943.03101, Florida Statutes, is amended to read:

943.03101 Counter-terrorism coordination.—The Legislature finds that with respect to counter-terrorism efforts and initial responses to acts of terrorism within or affecting this state, specialized efforts of emergency management ~~which that~~ are unique to such situations are required and that these efforts intrinsically involve very close coordination of federal, state, and local law enforcement agencies with the efforts of all others involved in emergency-response efforts. In order to best provide this specialized effort ~~with respect to counter-terrorism efforts and responses~~, the Legislature has determined that such efforts should be coordinated by and through the Department of Law Enforcement, working closely with the Division of Emergency Management and others involved in preparation against acts of terrorism in or affecting this state, and in the initial response to such acts, in accordance with the state comprehensive emergency management plan prepared pursuant to s. 252.35(2)(a).

Section 443. Subsection (7) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security; duties of the department with respect to domestic security.—

(7) As used in this section, the term “state agency” includes the Agency for Health Care Administration, ~~the Agency for Workforce Innovation~~, the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Children and Family Services, the Department of Citrus, the Department of Economic Opportunity Community Affairs, the Department of Corrections, the Department of Education, the Department of Elderly Affairs, ~~the Division of Emergency Management~~, the Department of Environmental Protection, the Department of Financial Services, the Department of Health, the Department of Highway Safety and Motor Vehicles, the Department of Juvenile Justice, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Management Services, the Department of Military Affairs, the Department of Revenue, the Department of State, the Department of the Lottery, the Department of Transportation, the Department of Veterans’ Affairs, the Fish and Wildlife Conservation Commission, the Parole Commission, the State Board of Administration, and the Executive Office of the Governor.

Section 444. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), and paragraphs (a) and (b) of subsection (4) of section 943.0313, Florida Statutes, are amended to read:

943.0313 Domestic Security Oversight Council.—The Legislature finds that there exists a need to provide executive direction and leadership with respect to terrorism prevention, preparation, protection, response, and recovery efforts by state and local agencies in this state. In recognition of this need, the Domestic Security Oversight Council is hereby created. The council shall serve as an advisory council pursuant to s. 20.03(7) to provide guidance to the state's regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and domestic security efforts.

(1) MEMBERSHIP.—

(a) The Domestic Security Oversight Council shall consist of the following voting members:

1. The executive director of the Department of Law Enforcement.
2. The director of the Division of Emergency Management ~~within the Department of Community Affairs.~~
3. The Attorney General.
4. The Commissioner of Agriculture.
5. The State Surgeon General.
6. The Commissioner of Education.
7. The State Fire Marshal.
8. The adjutant general of the Florida National Guard.
9. The state chief information officer.
10. Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).
11. Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.
12. Two representatives of the Florida Fire Chiefs Association.
13. One representative of the Florida Police Chiefs Association.
14. One representative of the Florida Prosecuting Attorneys Association.
15. The chair of the Statewide Domestic Security Intelligence Committee.
16. One representative of the Florida Hospital Association.

17. One representative of the Emergency Medical Services Advisory Council.

18. One representative of the Florida Emergency Preparedness Association.

19. One representative of the Florida Seaport Transportation and Economic Development Council.

(2) ORGANIZATION.—

(b) The executive director of the Department of Law Enforcement shall serve as chair of the council, and the director of the Division of Emergency Management ~~within the Department of Community Affairs~~ shall serve as vice chair of the council. In the absence of the chair, the vice chair shall serve as chair. In the absence of the vice chair, the chair may name any member of the council to perform the duties of the chair if such substitution does not extend beyond a defined meeting, duty, or period of time.

(4) EXECUTIVE COMMITTEE.—

(a) The council shall establish an executive committee consisting of the following members:

1. The executive director of the Department of Law Enforcement.
2. The director of the Division of Emergency Management ~~within the Department of Community Affairs~~.
3. The Attorney General.
4. The Commissioner of Agriculture.
5. The State Surgeon General.
6. The Commissioner of Education.
7. The State Fire Marshal.

(b) The executive director of the Department of Law Enforcement shall serve as the chair of the executive committee, and the director of the Division of Emergency Management ~~within the Department of Community Affairs~~ shall serve as the vice chair of the executive committee.

Section 445. Paragraph (h) of subsection (3) of section 944.801, Florida Statutes, is amended to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education Program shall be to:

(h) Develop a written procedure for selecting programs to add to or delete from the vocational curriculum. The procedure shall include labor market analyses that which demonstrate the projected demand for certain occupations and the projected supply of potential employees. In conducting these analyses, the department shall evaluate the feasibility of adding vocational education programs that which have been identified by the Department of Economic Opportunity, the Department of Education, the Agency for Workforce Innovation or a regional coordinating council as being in under-supply in this state. The department shall periodically reevaluate the vocational education programs in major institutions to determine which of the programs support and provide relevant skills to inmates who could be assigned to a correctional work program that is operated as a Prison Industry Enhancement Program.

Section 446. Paragraph (d) of subsection (3) of section 945.10, Florida Statutes, is amended to read:

945.10 Confidential information.—

(3) Due to substantial concerns regarding institutional security and unreasonable and excessive demands on personnel and resources if an inmate or an offender has unlimited or routine access to records of the Department of Corrections, an inmate or an offender who is under the jurisdiction of the department may not have unrestricted access to the department's records or to information contained in the department's records. However, except as to another inmate's or offender's records, the department may permit limited access to its records if an inmate or an offender makes a written request and demonstrates an exceptional need for information contained in the department's records and the information is otherwise unavailable. Exceptional circumstances include, but are not limited to:

(d) The requested records contain information required to process an application or claim by the inmate or offender with the Internal Revenue Service, the Social Security Administration, the Department of Economic Opportunity Agency for Workforce Innovation, or any other similar application or claim with a state agency or federal agency.

Section 447. Subsection (4) of section 985.601, Florida Statutes, is amended to read:

985.601 Administering the juvenile justice continuum.—

(4) The department shall maintain continuing cooperation with the Department of Education, the Department of Children and Family Services, the Department of Economic Opportunity Agency for Workforce Innovation, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in GED, vocational, and alternative education programs; and employment

training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

Section 448. Subsections (1) and (2) of section 1002.375, Florida Statutes, are amended to read:

1002.375 Alternative credit for high school courses; pilot project.—

(1) The Commissioner of Education shall implement a pilot project in up to three school districts beginning in the 2008-2009 school year which allows school districts to award alternative course credit for students enrolled in nationally or state-recognized industry certification programs, as defined by the former Agency for Workforce Innovation or the Department of Economic Opportunity, in accordance with the criteria described in s. 1003.492(2). The Commissioner of Education shall establish criteria for districts that participate in the pilot program. School districts interested in participating in the program must submit a letter of interest by July 15, 2008, to the Commissioner of Education identifying up to five nationally or state-recognized industry certification programs, as defined by the former Agency for Workforce Innovation or the Department of Economic Opportunity, in accordance with the criteria described in s. 1003.492(2), under which the district would like to award alternative credit for the eligible courses identified in subsection (2). The Commissioner of Education shall select up to three participating school districts by July 30, 2008. The Commissioner of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives identifying the number of students choosing to earn alternative credit, the number of students that received alternative credit, and legislative recommendations for expanding the use of alternative credit for core academic courses required for high school graduation. The report shall be submitted by January 1, 2010.

(2) For purposes of designing and implementing a successful pilot project, eligible alternative credit courses include Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology. Alternative credits shall be awarded for courses in which a student is not enrolled, but for which the student may earn academic credit by enrolling in another course or sequence of courses required to earn a nationally or state-recognized industry certificate, as defined by the former Agency for Workforce Innovation or the Department of Economic Opportunity, in accordance with the criteria described in s. 1003.492(2), of which the majority of the standards-based content in the course description is consistent with the alternative credit course description approved by the Department of Education.

Section 449. Paragraph (b) of subsection (4) and subsection (5) of section 1002.53, Florida Statutes, are amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(4)

(b) The application must be submitted on forms prescribed by the Office of Early Learning Agency for Workforce Innovation and must be accompanied by a certified copy of the child's birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b) 2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The Office of Early Learning Agency for Workforce Innovation may authorize alternative methods for submitting proof of the child's age in lieu of a certified copy of the child's birth certificate.

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the county where the child is being enrolled. The profiles shall be provided to parents in a format prescribed by the Office of Early Learning Agency for Workforce Innovation. The profiles must include, at a minimum, the following information about each provider and school:

(a) The provider's or school's services, curriculum, instructor credentials, and instructor-to-student ratio; and

(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.

Section 450. Paragraphs (e) and (h) of subsection (3) of section 1002.55, Florida Statutes, are amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(e) A private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. The Office of Early Learning Agency for Workforce Innovation shall adopt rules to implement this paragraph which shall include required qualifications of substitute instructors and the circumstances and time limits for which a private prekindergarten provider may assign a substitute instructor.

(h) The private prekindergarten provider must register with the early learning coalition on forms prescribed by the Office of Early Learning Agency for Workforce Innovation.

Section 451. Subsections (6) and (8) of section 1002.61, Florida Statutes, are amended to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(6) A public school or private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The Office of Early Learning Agency for Workforce Innovation shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school or private prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the summer prekindergarten program must also:

(a) Register with the early learning coalition on forms prescribed by the Office of Early Learning Agency for Workforce Innovation; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 452. Subsections (6) and (8) of section 1002.63, Florida Statutes, are amended to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(6) A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The Office of Early Learning Agency for Workforce Innovation shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the school-year prekindergarten program must:

(a) Register with the early learning coalition on forms prescribed by the Office of Early Learning Agency for Workforce Innovation; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 453. Subsections (1) and (3) of section 1002.67, Florida Statutes, are amended to read:

1002.67 Performance standards; curricula and accountability.—

(1) ~~By April 1, 2005,~~ The department shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

(a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and

(b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(3)(a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the Office of Early Learning Agency for Workforce Innovation shall require the early learning coalition to remove the provider, and the Department of Education shall require the school district to remove the school, from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part.

(c)1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan.

2. If a private prekindergarten provider or public school fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) for 2 consecutive years, the early learning coalition or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c) or a staff development plan to strengthen instruction in

language development and phonological awareness approved by the department.

3. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum or a staff development plan to strengthen instruction in language development and phonological awareness approved by the department, until the provider or school meets the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6).

4. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the department pursuant to s. 1002.69(7), the Office of Early Learning Agency for Workforce Innovation shall require the early learning coalition or the Department of Education shall require the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

(d) Each early learning coalition, the Office of Early Learning Agency for Workforce Innovation, and the department shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness programs under s. 411.01, and the licensing of providers under ss. 402.301-402.319.

Section 454. Paragraph (f) of subsection (7) of section 1002.69, Florida Statutes, is amended to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates.—

(7)

(f) The State Board of Education shall notify the Office of Early Learning Agency for Workforce Innovation of any good cause exemption granted to a private prekindergarten provider under this subsection. If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, the Office of Early Learning Agency for Workforce Innovation shall notify the early learning coalition of the good cause exemption and direct that the coalition, notwithstanding s. 1002.67(3)(c)4., not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

Section 455. Paragraph (c) of subsection (3), subsection (4), paragraph (b) of subsection (5), and subsections (6) and (7) of section 1002.71, Florida Statutes, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)

(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The Office of Early Learning Agency ~~for Workforce Innovation~~ shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the Office of Early Learning's agency's uniform attendance policy adopted pursuant to paragraph (6)(d).

(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll. The Office of Early Learning Agency ~~for Workforce Innovation~~ shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

(5)

(b) The Office of Early Learning Agency ~~for Workforce Innovation~~ shall adopt procedures for the payment of private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program. The procedures shall provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments in accordance with the uniform attendance policy adopted under paragraph (6)(d).

The procedures shall provide for the monthly distribution of funds by the Office of Early Learning Agency for Workforce Innovation to the early learning coalitions for payment by the coalitions to private prekindergarten providers and public schools. The department shall transfer to the Office of Early Learning Agency for Workforce Innovation at least once each quarter the funds available for payment to private prekindergarten providers and public schools in accordance with this paragraph from the funds appropriated for that purpose.

(6)(a) Each parent enrolling his or her child in the Voluntary Prekindergarten Education Program must agree to comply with the attendance policy of the private prekindergarten provider or district school board, as applicable. Upon enrollment of the child, the private prekindergarten provider or public school, as applicable, must provide the child’s parent with a copy of the provider’s or school district’s attendance policy, as applicable.

(b)1. Each private prekindergarten provider’s and district school board’s attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student’s attendance on the prior month’s certified student attendance.

2. The parent must submit the verification of the student’s attendance to the private prekindergarten provider or public school on forms prescribed by the Office of Early Learning Agency for Workforce Innovation. The forms must include, in addition to the verification of the student’s attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT’S ATTENDANCE
AND CERTIFICATION OF PARENTAL CHOICE

I, ...(Name of Parent)..., swear (or affirm) that my child, ...(Name of Student) ..., attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose ...(Name of Provider or School)... to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

...(Signature of Parent)...

...(Date)...

3. The private prekindergarten provider or public school must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, and each public school must permit the school district, to inspect the original signed forms during

normal business hours. The Office of Early Learning Agency for Workforce Innovation shall adopt procedures for early learning coalitions and school districts to review the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each early learning coalition and the school districts must comply with the review procedures.

(c) A private prekindergarten provider or school district, as applicable, may dismiss a student who does not comply with the provider's or district's attendance policy. A student dismissed under this paragraph is not removed from the Voluntary Prekindergarten Education Program and may continue in the program through reenrollment with another private prekindergarten provider or public school. Notwithstanding s. 1002.53(6)(b), a school district is not required to provide for the admission of a student dismissed under this paragraph.

(d) The Office of Early Learning Agency for Workforce Innovation shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must include at least the following provisions:

1. ~~Beginning with the 2009-2010 fiscal year for school-year programs,~~ A student's attendance may be reported on a pro rata basis as a fractional part of a full-time equivalent student.
2. At a maximum, 20 percent of the total payment made on behalf of a student to a private prekindergarten provider or a public school may be for hours a student is absent.
3. A private prekindergarten provider or public school may not receive payment for absences that occur before a student's first day of attendance or after a student's last day of attendance.

The uniform attendance policy shall be used only for funding purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).

(7) The Office of Early Learning Agency for Workforce Innovation shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In

addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Beginning with the 2010-2011 fiscal year, each early learning coalition may retain and expend no more than 4.5 percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 456. Subsection (1) of section 1002.72, Florida Statutes, is amended to read:

1002.72 Records of children in the Voluntary Prekindergarten Education Program.—

(1)(a) The records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Office of Early Learning Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent.

(b) This exemption applies to the records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Office of Early Learning Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider before, on, or after the effective date of this exemption.

Section 457. Subsections (1) and (5) of section 1002.77, Florida Statutes, are amended to read:

1002.77 Florida Early Learning Advisory Council.—

(1) There is created the Florida Early Learning Advisory Council within the Office of Early Learning Agency for Workforce Innovation. The purpose of the advisory council is to submit recommendations to the department ~~and the Agency for Workforce Innovation~~ on the early learning policy of this state, including recommendations relating to administration of the Voluntary Prekindergarten Education Program under this part and the school readiness programs under s. 411.01.

(5) The Office of Early Learning Agency for Workforce Innovation shall provide staff and administrative support for the advisory council.

Section 458. Subsection (2) of section 1002.79, Florida Statutes, is amended to read:

1002.79 Rulemaking authority.—

(2) The Office of Early Learning Agency for Workforce Innovation shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this part conferring duties upon the agency.

Section 459. Section 1002.75, Florida Statutes, is amended to read:

1002.75 Office of Early Learning Agency for Workforce Innovation; powers and duties; operational requirements.—

(1) The Office of Early Learning Agency for Workforce Innovation shall administer the operational requirements of the Voluntary Prekindergarten Education Program at the state level.

(2) The Office of Early Learning Agency for Workforce Innovation shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53.

(b) Providing parents with profiles of private prekindergarten providers and public schools under s. 1002.53.

(c) Registering private prekindergarten providers and public schools to deliver the program under ss. 1002.55, 1002.61, and 1002.63.

(d) Determining the eligibility of private prekindergarten providers to deliver the program under ss. 1002.55 and 1002.61.

(e) Verifying the compliance of private prekindergarten providers and public schools and removing providers or schools from eligibility to deliver the program due to noncompliance or misconduct as provided in s. 1002.67.

(f) Paying private prekindergarten providers and public schools under s. 1002.71.

(g) Documenting and certifying student enrollment and student attendance under s. 1002.71.

(h) Reconciling advance payments in accordance with the uniform attendance policy under s. 1002.71.

(i) Reenrolling students dismissed by a private prekindergarten provider or public school for noncompliance with the provider's or school district's attendance policy under s. 1002.71.

(3) The Office of Early Learning Agency for Workforce Innovation shall adopt, in consultation with and subject to approval by the department, procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.67.

(b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.67.

(c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider's or school's remaining on probation beyond the time permitted under s. 1002.67.

(d) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.66.

(e) Paying specialized instructional services providers under s. 1002.66.

(4) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall also adopt procedures for the agency's distribution of funds to early learning coalitions under s. 1002.71.

(5) Except as provided by law, the ~~Office of Early Learning Agency for Workforce Innovation~~ may not impose requirements on a private prekindergarten provider or public school that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.

Section 460. Subsections (2) and (3), paragraph (c) of subsection (4), and subsection (5) of section 1003.491, Florida Statutes, are amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(2) ~~Beginning with the 2007-2008 school year,~~ Each district school board shall develop, in collaboration with local workforce boards and postsecondary institutions approved to operate in the state, a strategic 5-year plan to address and meet local and regional workforce demands. If involvement of the local workforce board in the strategic plan development is not feasible, the local school board, with the approval of the Department of Economic Opportunity Agency for Workforce Innovation, shall collaborate with the most appropriate local business leadership board. Two or more school districts may collaborate in the development of the strategic plan and offer a career and professional academy as a joint venture. Such plans must describe in detail provisions for efficient transportation of students, maximum use of shared resources, and access to courses through the Florida Virtual School when appropriate. Each strategic plan shall ~~be completed no later than June 30, 2008, and shall~~ include provisions to have in place at least one operational career and professional academy, pursuant to s. 1003.492, ~~no later than the beginning of the 2008-2009 school year.~~

(3) The strategic 5-year plan developed jointly between the local school district, local workforce boards, and state-approved postsecondary institutions shall be constructed and based on:

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 5 years, using labor projections of the United States Department of Labor and the Department of Economic Opportunity Agency for Workforce Innovation;

(b) Strategies to develop and implement career academies based on those careers determined to be in high demand;

(c) Maximum use of private sector facilities and personnel;

(d) Strategies that ensure instruction by industry-certified faculty and standards and strategies to maintain current industry credentials and for recruiting and retaining faculty to meet those standards;

(e) Alignment to requirements for middle school career exploration and high school redesign;

(f) Provisions to ensure that courses offered through career and professional academies are academically rigorous, meet or exceed appropriate state-adopted subject area standards, result in attainment of industry certification, and, when appropriate, result in postsecondary credit;

(g) Establishment of student eligibility criteria in career and professional academies which include opportunities for students who have been unsuccessful in traditional classrooms but who show aptitude to participate in academies. School boards shall address the analysis of eighth grade student achievement data to provide opportunities for students who may be deemed as potential dropouts to participate in career and professional academies;

(h) Strategies to provide sufficient space within academies to meet workforce needs and to provide access to all interested and qualified students;

(i) Strategies to engage Department of Juvenile Justice students in career and professional academy training that leads to industry certification;

(j) Opportunities for high school students to earn weighted or dual enrollment credit for higher-level career and technical courses;

(k) Promotion of the benefits of the Gold Seal Bright Futures Scholarship;

(l) Strategies to ensure the review of district pupil-progression plans and to amend such plans to include career and professional courses and to include courses that may qualify as substitute courses for core graduation requirements and those that may be counted as elective courses; and

(m) Strategies to provide professional development for secondary guidance counselors on the benefits of career and professional academies.

(4) The State Board of Education shall establish a process for the continual and uninterrupted review of newly proposed core secondary courses and existing courses requested to be considered as core courses to ensure that sufficient rigor and relevance is provided for workforce skills and postsecondary education and aligned to state curriculum standards. The review of newly proposed core secondary courses shall be the responsibility of a curriculum review committee whose membership is approved by the Workforce Florida Board as described in s. 445.004, and shall include:

(c) Three workforce representatives recommended by the Department of Economic Opportunity Agency for Workforce Innovation.

(5) The submission and review of newly proposed core courses shall be conducted electronically, and each proposed core course shall be approved or denied within 60 days. All courses approved as core courses for high school graduation purposes shall be immediately added to the Course Code Directory. Approved core courses shall also be reviewed and considered for approval for dual enrollment credit. The Board of Governors and the Commissioner of Education shall jointly recommend an annual deadline for approval of new core courses to be included for purposes of postsecondary admissions and dual enrollment credit the following academic year. The State Board of Education shall establish an appeals process in the event that a proposed course is denied which shall require a consensus ruling by the Department of Economic Opportunity Agency for Workforce Innovation and the Commissioner of Education within 15 days. ~~The curriculum review committee must be established and operational no later than September 1, 2007.~~

Section 461. Subsections (2) and (3) of section 1003.492, Florida Statutes, are amended to read:

1003.492 Industry-certified career education programs.—

(2) The State Board of Education shall use the expertise of Workforce Florida, Inc., and ~~Enterprise Florida, Inc.~~, to develop and adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process. Industry certification shall be defined by the Department of Economic Opportunity Agency for Workforce Innovation, based upon the highest available national standards for specific industry certification, to ensure student skill proficiency and to address emerging labor market and industry trends. A regional workforce board or a career and professional academy may apply to Workforce Florida, Inc., to request additions to the approved list of industry certifications based on high-demand job requirements in the regional economy. The list of industry certifications approved by Workforce Florida, Inc., and the Department of Education shall be published and updated annually by a date certain, to be included in the adopted rule.

(3) The Department of Education shall collect student achievement and performance data in industry-certified career education programs and shall work with Workforce Florida, Inc., and ~~Enterprise Florida, Inc.~~, in the analysis of collected data. The data collection and analyses shall examine the performance of participating students over time. Performance factors shall include, but not be limited to, graduation rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, and employer satisfaction. The results of this study shall be submitted to the President of the Senate and the Speaker of the House of Representatives annually by December 31.

Section 462. Paragraphs (f), (j), and (k) of subsection (4) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies.—

(4) Each career and professional academy must:

(f) Provide instruction in careers designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or the Department of Economic Opportunity Agency for ~~Workforce Innovation~~.

(j) Provide opportunities for students to obtain the Florida Ready to Work Certification pursuant to s. 445.06 ~~s. 1004.99~~.

(k) Include an evaluation plan developed jointly with the Department of Education and the local workforce board. The evaluation plan must include an assessment tool based on national industry standards, such as the Career Academy National Standards of Practice, and outcome measures, including, but not limited to, achievement of national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, awards of postsecondary credit and scholarships, and student achievement levels and learning gains on statewide assessments administered under s. 1008.22(3)(c). The Department of Education shall use Workforce Florida, Inc., and ~~Enterprise Florida, Inc.~~, in identifying industry experts to participate in developing and implementing such assessments.

Section 463. Subsection (3) of section 1003.575, Florida Statutes, is amended to read:

1003.575 Assistive technology devices; findings; interagency agreements.—Accessibility, utilization, and coordination of appropriate assistive technology devices and services are essential as a young person with disabilities moves from early intervention to preschool, from preschool to school, from one school to another, and from school to employment or independent living. To ensure that an assistive technology device issued to a

young person as part of his or her individualized family support plan, individual support plan, or an individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices:

(3) The Voluntary Prekindergarten Education Program administered by the Department of Education and the Office of Early Learning Agency for Workforce Innovation.

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postschool.

Section 464. Subsection (4) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—Each standard high school diploma shall include, as applicable:

(4) A designation reflecting a Florida Ready to Work Credential in accordance with s. 445.06 ~~s. 1004.99~~.

Section 465. Paragraph (c) of subsection (5) of section 1004.226, Florida Statutes, is amended to read:

1004.226 The 21st Century Technology, Research, and Scholarship Enhancement Act.—

(5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—

(c) The board, in consultation with senior administrators of state universities, state university foundation directors, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, the board of directors of Enterprise Florida, Inc., and leading members of private industry, shall develop and recommend to the Board of Governors criteria for the 21st Century World Class Scholars Program. Such criteria shall address, at a minimum, the following:

1. The presence of distinguished faculty members, including whether the university has a substantial history of external funding, along with the strong potential for attracting a scholar of national or international eminence.

2. The presence of academically outstanding students, along with the promise and potential for attracting additional highly qualified students.

3. The presence of adequate research and scholarly support services.
4. The existence of an academic environment having appropriate infrastructure, including buildings, classrooms, libraries, laboratories, and specialized equipment, that is conducive to the conduct of the highest quality of scholarship and research.
5. The demonstration of concordance with Florida's strategic plan for economic development or an emphasis on one or more emerging sciences or technologies that could favorably impact the state's economic future.

Section 466. Paragraph (a) of subsection (4) of section 1004.435, Florida Statutes, is amended to read:

1004.435 Cancer control and research.—

(4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL; CREATION; COMPOSITION.—

(a) There is created within the H. Lee Moffitt Cancer Center and Research Institute, Inc., the Florida Cancer Control and Research Advisory Council. The council shall consist of 34 members, which includes the chairperson, all of whom must be residents of this state. All members, except those appointed by the Speaker of the House of Representatives and the President of the Senate, must be appointed by the Governor. At least one of the members appointed by the Governor must be 60 years of age or older. One member must be a representative of the American Cancer Society; one member must be a representative of the Florida Tumor Registrars Association; one member must be a representative of the Sylvester Comprehensive Cancer Center of the University of Miami; one member must be a representative of the Department of Health; one member must be a representative of the University of Florida Shands Cancer Center; one member must be a representative of the Agency for Health Care Administration; one member must be a representative of the Florida Nurses Association; one member must be a representative of the Florida Osteopathic Medical Association; one member must be a representative of the American College of Surgeons; one member must be a representative of the School of Medicine of the University of Miami; one member must be a representative of the College of Medicine of the University of Florida; one member must be a representative of NOVA Southeastern College of Osteopathic Medicine; one member must be a representative of the College of Medicine of the University of South Florida; one member must be a representative of the College of Public Health of the University of South Florida; one member must be a representative of the Florida Society of Clinical Oncology; one member must be a representative of the Florida Obstetric and Gynecologic Society who has had training in the specialty of gynecologic oncology; one member must be a representative of the Florida Medical Association; one member must be a member of the Florida Pediatric Society; one member must be a representative of the Florida Radiological Society; one member must be a representative of the Florida Society of Pathologists; one member must be a representative

of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; three members must be representatives of the general public acting as consumer advocates; one member must be a member of the House of Representatives appointed by the Speaker of the House of Representatives; one member must be a member of the Senate appointed by the President of the Senate; one member must be a representative of the Florida Dental Association; one member must be a representative of the Florida Hospital Association; one member must be a representative of the Association of Community Cancer Centers; one member shall be a representative from a statutory teaching hospital affiliated with a community-based cancer center; one member must be a representative of the Florida Association of Pediatric Tumor Programs, Inc.; one member must be a representative of the Cancer Information Service; one member must be a representative of the Florida Agricultural and Mechanical University Institute of Public Health; and one member must be a representative of the Florida Society of Oncology Social Workers. Of the members of the council appointed by the Governor, at least 10 must be individuals who are minority persons as defined by s. 288.703(3).

Section 467. Paragraph (g) of subsection (1) of section 1004.46, Florida Statutes, is amended to read:

1004.46 Multidisciplinary Center for Affordable Housing.—

(1) The Multidisciplinary Center for Affordable Housing is established within the School of Building Construction of the College of Architecture of the University of Florida with the collaboration of other related disciplines such as agriculture, business administration, engineering, law, and medicine. The center shall work in conjunction with other state universities. The Multidisciplinary Center for Affordable Housing shall:

(g) Establish a research agenda and general work plan in cooperation with the Department of Economic Opportunity Community Affairs, which is the state agency responsible for research and planning for affordable housing and for training and technical assistance for providers of affordable housing.

Section 468. Subsection (3) of section 1008.39, Florida Statutes, is amended to read:

1008.39 Florida Education and Training Placement Information Program.—

(3) The Florida Education and Training Placement Information Program must not make public any information that could identify an individual or the individual's employer. The Department of Education must ensure that the purpose of obtaining placement information is to evaluate and improve public programs or to conduct research for the purpose of improving services to the individuals whose social security numbers are used to identify their placement. If an agreement assures that this purpose will be served and that privacy will be protected, the Department of Education shall have access to the unemployment insurance wage reports maintained by the Department of

~~Economic Opportunity Agency for Workforce Innovation~~, the files of the Department of Children and Family Services that contain information about the distribution of public assistance, the files of the Department of Corrections that contain records of incarcerations, and the files of the Department of Business and Professional Regulation that contain the results of licensure examination.

Section 469. Subsection (3) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(3) Planning and evaluation of job-preparatory programs shall be based on standard sources of data and use standard occupational definitions and coding structures, including, but not limited to:

- (a) The Florida Occupational Information System;
- (b) The Florida Education and Training Placement Information Program;
- (c) The Department of Economic Opportunity Agency for Workforce Innovation;
- (d) The United States Department of Labor; and
- (e) Other sources of data developed using statistically valid procedures.

Section 470. Subsections (2), (3), (4), (5), and (6) of section 1011.76, Florida Statutes, are amended to read:

1011.76 Small School District Stabilization Program.—

(2) In order to participate in this program, a school district must be located in a rural area of critical economic concern designated by the Executive Office of the Governor, and the district school board must submit a resolution to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development requesting participation in the program. A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development concern or opportunity of regional impact. The resolution must be accompanied with documentation of the economic conditions in the community, provide information indicating the negative impact of these conditions on the school district's financial stability, and the school district must participate in a best financial management practices review to determine potential efficiencies that could be implemented to reduce program costs in the district.

(3) The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, in consultation with the Department of

Education, shall review the resolution and other information required by subsection (2) and determine whether the school district is eligible to participate in the program. Factors influencing the office's determination of the Department of Economic Opportunity may include, but are not limited to, reductions in the county tax roll resulting from business closures or other causes, or a reduction in student enrollment due to business closures or impacts in the local economy.

(4) ~~Effective July 1, 2000, and thereafter,~~ When the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development authorizes a school district to participate in the program, the Legislature may give priority to that district for a best financial management practices review in the school district, subject to approval pursuant to s. 1008.35(7), to the extent that funding is provided annually for such purpose in the General Appropriations Act. The scope of the review shall be as set forth in s. 1008.35.

(5) ~~Effective July 1, 2000, and thereafter,~~ The Department of Education may award the school district a stabilization grant intended to protect the district from continued financial reductions. The amount of the grant will be determined by the Department of Education and may be equivalent to the amount of the decline in revenues projected for the next fiscal year. In addition, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development may implement a rural economic development initiative to identify the economic factors that are negatively impacting the community and may consult with Enterprise Florida, Inc., in developing a plan to assist the county with its economic transition. The grant will be available to the school district for a period of up to 5 years to the extent that funding is provided for such purpose in the General Appropriations Act.

(6) Based on the availability of funds, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development or the Department of Education may enter into contracts or issue grants necessary to implement the program.

Section 471. Section 1012.2251, Florida Statutes, is amended to read:

1012.2251 End-of-course examinations for Merit Award Program.—~~Beginning with the 2007-2008 school year,~~ School districts that participate in the Merit Award Program under s. 1012.225 must be able to administer end-of-course examinations based on the Sunshine State Standards in order to measure a student's understanding and mastery of the entire course in all grade groupings and subjects for any year in which the districts participate in the program. The statewide standardized assessment, College Board Advanced Placement Examination, International Baccalaureate examination, Advanced International Certificate of Education examination, or examinations resulting in national or state industry certification recognized by the Department of Economic Opportunity Agency for Workforce Innovation satisfy the requirements of this section for the respective grade groupings and subjects assessed by these examinations and assessments.

Section 472. Paragraph (a) of subsection (1) of section 1013.37, Florida Statutes, is amended to read:

1013.37 State uniform building code for public educational facilities construction.—

(1) UNIFORM BUILDING CODE.—A uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees shall be adopted by the Florida Building Commission within the Florida Building Code, pursuant to s. 553.73. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. It is also the responsibility of the department to develop, as a part of the uniform building code, standards relating to:

(a) Prefabricated facilities or factory-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Business and Professional Regulation ~~Community Affairs~~ for factory inspections by certified building code inspectors to certify conformance with applicable law and rules. The standards must comply with the requirements of s. 1013.20 for relocatable facilities intended for long-term use as classroom space, and the relocatable facilities shall be designed subject to missile impact criteria of s. 423(24)(d)(1) of the Florida Building Code when located in the windborne debris region.

It is not a purpose of the Florida Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in recommending to the Florida Building Commission revisions to the code.

Section 473. Subsections (1) and (2) of section 1013.372, Florida Statutes, are amended to read:

1013.372 Education facilities as emergency shelters.—

(1) The Department of Education shall, in consultation with boards and county and state emergency management offices, include within the standards to be developed under this subsection public shelter design criteria to be incorporated into the Florida Building Code. The new criteria must be designed to ensure that appropriate new educational facilities can serve as public shelters for emergency management purposes. A facility, or an appropriate area within a facility, for which a design contract is entered into after the effective date of the inclusion of the public shelter criteria in the

code must be built in compliance with the amended code unless the facility or a part of it is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable board with the concurrence of the applicable local emergency management agency or the Division of Emergency Management ~~Department of Community Affairs~~. Any educational facility located or proposed to be located in an identified category 1, 2, or 3 evacuation zone is not subject to the requirements of this subsection. If the regional planning council region in which the county is located does not have a hurricane evacuation shelter deficit, as determined by the Division of Emergency Management ~~Department of Community Affairs~~, educational facilities within the planning council region are not required to incorporate the public shelter criteria.

(2) By January 31 of each even-numbered year, the Division of Emergency Management ~~Department of Community Affairs~~ shall prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval. The plan must identify the general location and square footage of existing shelters, by regional planning council region, and the general location and square footage of needed shelters, by regional planning council region, during the next 5 years. The plan must identify the types of public facilities that should be constructed to comply with emergency-shelter criteria and must recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within these public facilities. After the approval of the plan, a board may not be required to build more emergency-shelter space than identified as needed in the plan, and decisions pertaining to exemptions pursuant to subsection (1) must be guided by the plan.

Section 474. Subsection (4) of section 1013.74, Florida Statutes, is amended to read:

1013.74 University authorization for fixed capital outlay projects.—

(4) The university board of trustees shall, in consultation with local and state emergency management agencies, assess existing facilities to identify the extent to which each campus has public hurricane evacuation shelter space. The board shall submit to the Governor and the Legislature by August 1 of each year a 5-year capital improvements program that identifies new or retrofitted facilities that will incorporate enhanced hurricane resistance standards and that can be used as public hurricane evacuation shelters. Enhanced hurricane resistance standards include fixed passive protection for window and door applications to provide mitigation protection, security protection with egress, and energy efficiencies that meet standards required in the 130-mile-per-hour wind zone areas. The board must also submit proposed facility retrofit projects to the Division of Emergency Management ~~Department of Community Affairs~~ for assessment and inclusion in the annual report prepared in accordance with s. 252.385(3). Until a regional planning council region in which a campus is located has sufficient public hurricane evacuation shelter space, any campus building for which a design contract is entered into subsequent to July 1, 2001, and which has been

identified by the board, with the concurrence of the local emergency management agency or the Division of Emergency Management ~~Department of Community Affairs~~, to be appropriate for use as a public hurricane evacuation shelter, must be constructed in accordance with public shelter standards.

Section 475. Section 20.505, Florida Statutes, is transferred, renumbered as section 20.605, Florida Statutes, and amended to read:

20.605 ~~20.505~~ Administrative Trust Fund of the Department of Economic Opportunity Agency for Workforce Innovation.—

(1) The Administrative Trust Fund is created within the Department of Economic Opportunity Agency for Workforce Innovation.

(2) Funds shall be used for the purpose of supporting the administrative functions of the department agency as required by law, pursuant to legislative appropriation or an approved amendment to the department's agency's operating budget pursuant to the provisions of chapter 216.

(3) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

Section 476. Section 1004.99, Florida Statutes, is transferred, renumbered as section 445.06, Florida Statutes, and amended to read:

445.06 ~~1004.99~~ Florida Ready to Work Certification Program.—

(1) There is created the Florida Ready to Work Certification Program to enhance the workplace skills of Floridians ~~Florida's students~~ to better prepare them for successful employment in specific occupations.

(2) The Florida Ready to Work Certification Program may be conducted in public middle and high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers, and Department of Juvenile Justice educational facilities. The program may be made available to other entities that provide job training. The Department of Economic Opportunity, in coordination with the Department of Education, shall establish institutional readiness criteria for program implementation.

(3) The Florida Ready to Work Certification Program shall be composed of:

(a) A comprehensive identification of workplace skills for each occupation identified for inclusion in the program by the Department of Economic Opportunity Agency for Workforce Innovation and the Department of Education.

(b) A preinstructional assessment that delineates an individual's the student's mastery level on the specific workplace skills identified for that occupation.

(c) A targeted instructional program limited to those identified workplace skills in which the individual student is not proficient as measured by the preinstructional assessment. Instruction must utilize a web-based program and be customized to meet identified specific needs of local employers.

(d) A Florida Ready to Work Credential and portfolio awarded to individuals students upon successful completion of the instruction. Each portfolio must delineate the skills demonstrated by the individuals student as evidence of the individual's student's preparation for employment.

(4) A Florida Ready to Work Credential shall be awarded to an individual a student who successfully passes assessments in Reading for Information, Applied Mathematics, and Locating Information or any other assessments of comparable rigor. Each assessment shall be scored on a scale of 3 to 7. The level of the credential each individual student receives is based on the following:

(a) A bronze-level credential requires a minimum score of 3 or above on each of the assessments.

(b) A silver-level credential requires a minimum score of 4 or above on each of the assessments.

(c) A gold-level credential requires a minimum score of 5 or above on each of the assessments.

(5) The Department of Economic Opportunity State Board of Education, in consultation with the Department of Education Agency for Workforce Innovation, may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 477. Section 14.2015, Florida Statutes, is repealed.

Section 478. Section 20.18, Florida Statutes, is repealed.

Section 479. Section 20.50, Florida Statutes, is repealed.

Section 480. Subsection (2) of section 23.22, Florida Statutes, is repealed.

Section 481. Paragraph (6) of section 165.031, Florida Statutes, is repealed.

Section 482. Section 165.093, Florida Statutes, is repealed.

Section 483. Sections 216.235, 216.236, 216.237, and 216.238, Florida Statutes, are repealed.

Section 484. Section 287.115, Florida Statutes, is repealed.

Section 485. Sections 288.1221, 288.1222, 288.1223, 288.1224, 288.1227, and 288.1229, Florida Statutes, are repealed.

Section 486. Section 288.7011, Florida Statutes, is repealed.

Section 487. Sections 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, Florida Statutes, are repealed.

Section 488. Section 288.12295, Florida Statutes, is repealed.

Section 489. Section 288.90151, Florida Statutes, is repealed.

Section 490. Section 288.9415, Florida Statutes, is repealed.

Section 491. Sections 409.944, 409.945, and 409.946, Florida Statutes, are repealed.

Section 492. Section 943.402, Florida Statutes, is repealed.

Section 493. Section 42 of chapter 2005-71, Laws of Florida, and Section 1 of chapter 2005-261, Laws of Florida, are repealed.

Section 494. Section 252.363, Florida Statutes, is created to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.
2. The expiration of a building permit.
3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.
4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted pursuant to s. 380.06(19)(c).

(b) Within 90 days after the termination of the emergency declaration, the holder of the permit or other authorization shall notify the issuing authority of the intent to exercise the tolling and extension granted under paragraph (a). The notice must be in writing and identify the specific permit or other authorization qualifying for extension.

(c) If the permit or other authorization for a phased construction project is extended, the commencement and completion dates for any required mitigation are extended such that the mitigation activities occur in the same timeframe relative to the phase as originally permitted.

(d) This subsection does not apply to:

1. A permit or other authorization for a building, improvement, or development located outside the geographic area for which the declaration of a state of emergency applies.

2. A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

3. The holder of a permit or other authorization who is determined by the authorizing agency to be in significant noncompliance with the conditions of the permit or other authorization through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or an equivalent action.

4. A permit or other authorization that is subject to a court order specifying an expiration date or buildout date that would be in conflict with the extensions granted in this section.

(2) A permit or other authorization that is extended shall be governed by the laws, administrative rules, and ordinances in effect when the permit was issued, unless any party or the issuing authority demonstrates that operating under those laws, administrative rules, or ordinances will create an immediate threat to the public health or safety.

(3) This section does not restrict a county or municipality from requiring property to be maintained and secured in a safe and sanitary condition in compliance with applicable laws, administrative rules, or ordinances.

Section 495. Subsection (6) is added to section 253.02, Florida Statutes, to read:

253.02 Board of trustees; powers and duties.—

(6) The board of trustees shall report to the Legislature its recommendations as to whether any existing multistate compact for mutual aid should be modified or whether the state should enter into a new multistate compact to address the impacts of the Deepwater Horizon event or potentially similar future incidents. The report shall be submitted to the Legislature by February 1, 2012, and updated annually thereafter for 5 years.

Section 496. Commission on Oil Spill Response Coordination.—

(1) The Board of Trustees of the Internal Improvement Trust Fund shall appoint a commission consisting of a representative of the office of each board member, a representative of each state agency that directly and materially

responded to the Deepwater Horizon disaster, and the chair of the board of county commissioners of each of the following counties: Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, and Wakulla County. The Governor shall select the chair of the commission from among the appointees.

(2) The commission shall prepare a report for review and approval by the board of trustees which:

(a) Identifies potential changes to state and federal law and regulations which will improve the oversight and monitoring of offshore drilling activities and increase response capabilities to offshore oil spills.

(b) Identifies potential changes to state and federal law and regulations which will improve protections for public health and safety, occupational health and safety, and the environment and natural resources.

(c) Evaluates the merits of the establishment of a federal Gulf-wide disaster relief fund.

(d) Evaluates the need for a unified and uniform advocacy process for damage claims.

(e) Evaluates the need for changes to interstate coordination agreements in order to reduce the potential for damage claims and lawsuits.

(f) Addresses any other related issues as determined by the commission.

(3) The board of trustees shall deliver the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Environmental Protection, and the executive director of the Department of Economic Opportunity by September 1, 2012.

(4) This section expires September 30, 2012.

Section 497. (1) For purposes of this section, the term “Disproportionally Affected County” means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

(2) When the Department of Economic Opportunity determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may between July 1, 2011, and June 30, 2014, waive any or all job or wage eligibility requirements under s. 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 up to the cumulative amount of \$5 million of all state incentives received per project. Prior to granting such waiver, the executive director of the department shall file with the Governor a written statement of the conditions and circumstances constituting the reason for the waiver.

(3) When the Department of Economic Opportunity determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may between July 1, 2011, and June 30, 2014, waive any or all job or wage eligibility requirements under s. 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 for cumulative amounts in excess of \$5 million but less than \$10 million of all state incentives received per project. Prior to granting such waiver, the department shall file with the Governor, the President of the Senate, and the Speaker of the House of Representatives a written statement of the conditions and circumstances constituting the reason for the waiver, and requesting written concurrence within 5 business days to the Governor from the President of the Senate and the Speaker of the House of Representatives. Without such concurrence, the waiver shall not occur.

(4) The Department of Economic Opportunity is not authorized under this paragraph to waive job and wage eligibility requirements under s. 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 for cumulative amounts \$10 million or more in state incentives received per project.

Section 498. (1) For purposes of this section, the term “Disproportionally Affected County” means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

(2) There is appropriated for the 2011-2012, 2012-2013, and 2013-2014 fiscal years the sum of \$10 million each year in recurring funds from the General Revenue Fund to the Department of Economic Opportunity. The Department of Economic Opportunity shall use these funds to execute a contract for \$10 million annually, for a term not to exceed three years, with the Office of Economic Development and Engagement within the University of West Florida for the charitable purpose of developing and implementing an innovative economic development program for promoting research and development, commercialization of research, economic diversification, and job creation in a Disproportionally Affected County.

(3) The contract between the Department of Economic Opportunity and the Office of Economic Development and Engagement within the University of West Florida shall, at a minimum, require the Office of Economic Development and Engagement to report quarterly to the Department of Economic Opportunity and to collaborate with educational entities, economic development organizations, local governments, and relevant state agencies to create a program framework and strategy, including specific criteria governing the expenditure of funds. The criteria for the expenditure of funds shall, at a minimum, require a funding preference for any Disproportionally Affected County and any municipality within a Disproportionally Affected County which provides for expedited permitting in order to promote research and development, commercialization of research, economic diversification,

and job creation within their respective jurisdictions. The criteria for the expenditure of funds shall, at a minimum, also require a funding preference for any Disproportionally Affected County and any municipality within a Disproportionally Affected County which combines its permitting processes and expedites permitting in order to promote research and development, commercialization of research, economic diversification, and job creation within their respective jurisdictions.

(4) The funds appropriated in this section shall be placed in reserve by the Executive Office of the Governor, and may be released as authorized by law or the Legislative Budget Commission.

Section 499. (1) For purposes of this section, the term “Disproportionally Affected County” means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

(2) Any funds received by the state from any governmental or private entity for damages caused by the Deepwater Horizon oil spill shall be deposited into the applicable state trust funds and expended pursuant to state law or as approved by the Legislative Budget Commission.

(3) Seventy-five percent of such moneys may be used for:

(a) Scientific research into the impact of the oil spill on fisheries and coastal wildlife and vegetation along any Disproportionally Affected County’s shoreline and the development of strategies to implement restoration measures suggested by such research;

(b) Environmental restoration of coastal areas damaged by the oil spill in any Disproportionally Affected County;

(c) Economic incentives directed to any Disproportionally Affected County; and

(d) Initiatives to expand and diversify the economies of any Disproportionally Affected County.

(4) The remaining 25 percent of such moneys may be used for:

(a) Scientific research into the impact of the oil spill on fisheries and coastal wildlife and vegetation along any of the state’s shoreline that is not a Disproportionally Affected County’s shoreline, and the development of strategies to implement restoration measures suggested by such research;

(b) Environmental restoration of coastal areas damaged by the oil spill in any county other than a Disproportionally Affected County;

(c) Economic incentives directed to any county other than a Disproportionally Affected County; and

(d) Initiatives to expand and diversify the economies of any county other than a Disproportionally Affected County.

(5)(a) The Department of Environmental Protection is the lead agency for expending the funds designated for environmental restoration efforts.

(b) The Department of Economic Opportunity is the lead agency for expending the funds designated for economic incentives and diversification efforts.

Section 500. The powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Florida Energy and Climate Commission within the Executive Office of the Governor are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Agriculture and Consumer Services.

Section 501. Subsections (3), (4), (5), and (8) and paragraph (b) of subsection (6) of section 220.192, Florida Statutes, are amended to read:

220.192 Renewable energy technologies investment tax credit.—

(3) CORPORATE APPLICATION PROCESS.—Any corporation wishing to obtain tax credits available under this section must submit to the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~ an application for tax credit that includes a complete description of all eligible costs for which the corporation is seeking a credit and a description of the total amount of credits sought. The Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~ shall make a determination on the eligibility of the applicant for the credits sought and certify the determination to the applicant and the Department of Revenue. The corporation must attach the Department of Agriculture and Consumer Services’ ~~Florida Energy and Climate Commission’s~~ certification to the tax return on which the credit is claimed. The Department of Agriculture and Consumer Services ~~is Florida Energy and Climate Commission~~ shall be responsible for ensuring that the corporate income tax credits granted in each fiscal year do not exceed the limits provided for in this section. The Department of Agriculture and Consumer Services ~~may Florida Energy and Climate Commission~~ is authorized to adopt the necessary rules, guidelines, and forms ~~application materials~~ for the application process.

(4) TAXPAYER APPLICATION PROCESS.—To claim a credit under this section, each taxpayer must apply to the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~ for an allocation of each type of annual credit by the date established by the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~. The application form ~~adopted may be established~~ by the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~

~~Commission.~~ The form must include an affidavit from each taxpayer certifying that all information contained in the application, including all records of eligible costs claimed as the basis for the tax credit, are true and correct. Approval of the credits under this section ~~is shall be accomplished~~ on a first-come, first-served basis, based upon the date complete applications are received by the Department of Agriculture and Consumer Services Florida Energy and Climate Commission. A taxpayer ~~must shall~~ submit only one complete application based upon eligible costs incurred within a particular state fiscal year. Incomplete placeholder applications will not be accepted and will not secure a place in the first-come, first-served application line. If a taxpayer does not receive a tax credit allocation due to the exhaustion of the annual tax credit authorizations, then such taxpayer may reapply in the following year for those eligible costs and will have priority over other applicants for the allocation of credits.

(5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

(a) In addition to its existing audit and investigation authority, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, and records of the tax credit applicant, which are necessary to verify the eligible costs included in the tax credit return and to ensure compliance with this section. The Department of Agriculture and Consumer Services Florida Energy and Climate Commission shall provide technical assistance when requested by the Department of Revenue on any technical audits or examinations performed pursuant to this section.

(b) It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines, as a result of an audit or examination or from information received from the Department of Agriculture and Consumer Services Florida Energy and Climate Commission, that a taxpayer received tax credits pursuant to this section to which the taxpayer was not entitled. The taxpayer is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state.

(c) The Department of Agriculture and Consumer Services Florida Energy and Climate Commission may revoke or modify any written decision granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The Department of Agriculture and Consumer Services Florida Energy and Climate Commission shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the taxpayer must notify the Department of Revenue of any change in its tax credit claimed.

(d) The taxpayer shall file with the Department of Revenue an amended return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax and interest within 60 days after the taxpayer receives notification from the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~ that previously approved tax credits have been revoked or modified. If the revocation or modification order is contested, the taxpayer shall file an amended return or other report as provided in this paragraph within 60 days after a final order is issued after proceedings.

(e) A notice of deficiency may be issued by the Department of Revenue at any time within 3 years after the taxpayer receives formal notification from the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~ that previously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any changes to its tax credit claimed, a notice of deficiency may be issued at any time.

(6) TRANSFERABILITY OF CREDIT.—

(b) To perfect the transfer, the transferor shall provide the Department of Revenue with a written transfer statement notifying the Department of Revenue of the transferor's intent to transfer the tax credits to the transferee; the date the transfer is effective; the transferee's name, address, and federal taxpayer identification number; the tax period; and the amount of tax credits to be transferred. The Department of Revenue shall, upon receipt of a transfer statement conforming to the requirements of this section, provide the transferee with a certificate reflecting the tax credit amounts transferred. A copy of the certificate must be attached to each tax return for which the transferee seeks to apply such tax credits.

(8) PUBLICATION.—The Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~ shall determine and publish on a regular basis the amount of available tax credits remaining in each fiscal year.

Section 502. Subsection (9) of section 288.9607, Florida Statutes, is amended to read:

288.9607 Guaranty of bond issues.—

(9) The membership of the corporation is authorized and directed to conduct such investigation as it may deem necessary for promulgation of regulations to govern the operation of the guaranty program authorized by this section. The regulations may include such other additional provisions, restrictions, and conditions as the corporation, after its investigation referred to in this subsection, shall determine to be proper to achieve the most effective utilization of the guaranty program. This may include, without limitation, a detailing of the remedies that must be exhausted by bondholders, a trustee acting on their behalf, or other credit provided before

calling upon the corporation to perform under its guaranty agreement and the subrogation of other rights of the corporation with reference to the capital project and its operation or the financing in the event the corporation makes payment pursuant to the applicable guaranty agreement. The regulations promulgated by the corporation to govern the operation of the guaranty program may contain specific provisions with respect to the rights of the corporation to enter, take over, and manage all financed properties upon default. These regulations shall be submitted by the corporation to the Department of Agriculture and Consumer Services Florida Energy and Climate Commission for approval.

Section 503. Subsection (5) of section 366.82, Florida Statutes, is amended to read:

366.82 Definition; goals; plans; programs; annual reports; energy audits.

(5) The Department of Agriculture and Consumer Services Florida Energy and Climate Commission shall be a party in the proceedings to adopt goals and shall file with the commission comments on the proposed goals, including, but not limited to:

(a) An evaluation of utility load forecasts, including an assessment of alternative supply-side and demand-side resource options.

(b) An analysis of various policy options that can be implemented to achieve a least-cost strategy, including nonutility programs targeted at reducing and controlling the per capita use of electricity in the state.

(c) An analysis of the impact of state and local building codes and appliance efficiency standards on the need for utility-sponsored conservation and energy efficiency measures and programs.

Section 504. Subsection (3) of section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.—

(3) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the Department of Agriculture and Consumer Services Florida Energy and Climate Commission. The rule shall not be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009.

(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.

(b) The commission's rule:

1. Shall include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph shall supersede s. 366.91(3) and (4). However, nothing in this section shall alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.

2. Shall provide for appropriate compliance measures and the conditions under which noncompliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.

3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied or procured or indirectly obtained through the purchase of renewable energy credits.

4. Shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.

5. Shall provide for monitoring of compliance with and enforcement of the requirements of this section.

6. Shall ensure that energy credited toward compliance with the requirements of this section is not credited toward any other purpose.

7. Shall include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.

8. Shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.

(c) Beginning on April 1 of the year following final adoption of the commission's renewable portfolio standard rule, each provider shall submit a report to the commission describing the steps that have been taken in the

previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it will comply with the renewable portfolio standard in the upcoming year.

Section 505. Section 377.6015, Florida Statutes, is amended to read:

377.6015 Department of Agriculture and Consumer Services; powers and duties Florida Energy and Climate Commission.—

~~(1) The Florida Energy and Climate Commission is created within the Executive Office of the Governor. The commission shall be comprised of nine members appointed by the Governor, the Commissioner of Agriculture, and the Chief Financial Officer.~~

~~(a) The Governor shall appoint one member from three persons nominated by the Florida Public Service Commission Nominating Council, created in s. 350.031, to each of seven seats on the commission. The Commissioner of Agriculture shall appoint one member from three persons nominated by the council to one seat on the commission. The Chief Financial Officer shall appoint one member from three persons nominated by the council to one seat on the commission.~~

~~1. The council shall submit the recommendations to the Governor, the Commissioner of Agriculture, and the Chief Financial Officer by September 1 of those years in which the terms are to begin the following October or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer may proffer names of persons to be considered for nomination by the council.~~

~~2. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer shall fill a vacancy occurring on the commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Department of Law Enforcement.~~

~~3. Members shall be appointed to 3-year terms; however, in order to establish staggered terms, for the initial appointments, the Governor shall appoint four members to 3-year terms, two members to 2-year terms, and one member to a 1-year term, and the Commissioner of Agriculture and the Chief Financial Officer shall each appoint one member to a 3-year term and shall appoint a successor when that appointee's term expires in the same manner as the original appointment.~~

~~4. The Governor shall select from the membership of the commission one person to serve as chair.~~

~~5. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.~~

~~6. If the Governor, the Commissioner of Agriculture, or the Chief Financial Officer has not made an appointment within 30 consecutive calendar days after the receipt of the recommendations, the council shall initiate, in accordance with this section, the nominating process within 30 days.~~

~~7. Each appointment to the commission shall be subject to confirmation by the Senate during the next regular session after the vacancy occurs. If the Senate refuses to confirm or fails to consider the appointment of the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days.~~

~~8. The Governor or the Governor's successor may recall an appointee.~~

~~9. Notwithstanding subparagraph 7. and for the initial appointments to the commission only, each initial appointment to the commission is subject to confirmation by the Senate by the 2010 Regular Session. If the Senate refuses to confirm or fails to consider an appointment made by the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days after the Senate's refusal to confirm or failure to consider such appointment. This subparagraph expires July 1, 2010.~~

~~(b) Members must meet the following qualifications and restrictions:~~

~~1. A member must be an expert in one or more of the following fields: energy, natural resource conservation, economics, engineering, finance, law, transportation and land use, consumer protection, state energy policy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the fields specified in this subparagraph.~~

~~2. Each member shall, at the time of appointment and at each commission meeting during his or her term of office, disclose:~~

~~a. Whether he or she has any financial interest, other than ownership of shares in a mutual fund, in any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.~~

~~b. Whether he or she is employed by or is engaged in any business activity with any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.~~

~~(c) The chair may designate the following ex officio, nonvoting members to provide information and advice to the commission at the request of the chair:~~

~~1. The chair of the Florida Public Service Commission, or his or her designee.~~

~~2. The Public Counsel, or his or her designee.~~

~~3. A representative of the Department of Agriculture and Consumer Services.~~

~~4. A representative of the Department of Financial Services.~~

~~5. A representative of the Department of Environmental Protection.~~

~~6. A representative of the Department of Community Affairs.~~

~~7. A representative of the Board of Governors of the State University System.~~

~~8. A representative of the Department of Transportation.~~

~~(2) Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.~~

~~(3) Meetings of the commission may be held in various locations around the state and at the call of the chair; however, the commission must meet at least six times each year.~~

~~(1)(4) The department ~~commission~~ may:~~

~~(a) Employ staff and counsel as needed in the performance of its duties.~~

~~(b) Prosecute and defend legal actions in its own name.~~

~~(c) Form advisory groups consisting of members of the public to provide information on specific issues.~~

~~(2)(5) The department ~~commission~~ shall:~~

~~(a) Administer the Florida Renewable Energy and Energy-Efficient Technologies Grants Program pursuant to s. 377.804 to assure a robust grant portfolio.~~

~~(b) Develop policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant.~~

~~(c) Administer the Florida Green Government Grants Act pursuant to s. 377.808 and set annual priorities for grants.~~

~~(d) Administer the information gathering and reporting functions pursuant to ss. 377.601-377.608.~~

~~(e) Administer petroleum planning and emergency contingency planning pursuant to ss. 377.701, 377.703, and 377.704.~~

(e)(f) Represent Florida in the Southern States Energy Compact pursuant to ss. 377.71-377.712.

~~(g) Complete the annual assessment of the efficacy of Florida’s Energy and Climate Change Action Plan, upon completion by the Governor’s Action Team on Energy and Climate Change pursuant to the Governor’s Executive Order 2007-128, and provide specific recommendations to the Governor and the Legislature each year to improve results.~~

(f)(h) Administer the provisions of the Florida Energy and Climate Protection Act pursuant to ss. ~~377.801-377.807~~ 377.801-377.806.

(g)(i) Advocate for energy and climate change issues and provide educational outreach and technical assistance in cooperation with the state’s academic institutions.

(h)(j) Be a party in the proceedings to adopt goals and submit comments to the Public Service Commission pursuant to s. 366.82.

(i)(k) Adopt rules pursuant to chapter 120 in order to implement all powers and duties described in this section.

Section 506. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 377.602, Florida Statutes, are amended to read:

377.602 Definitions.—As used in ss. 377.601-377.608:

(1) ~~“Department” “Commission” means the Department of Agriculture and Consumer Services Florida Energy and Climate Commission.~~

(2) “Energy resources” includes, but shall not be limited to:

(a) Energy converted from solar radiation, wind, hydraulic potential, tidal movements, biomass, geothermal sources, and other energy resources the ~~department~~ commission determines to be important to the production or supply of energy.

(b) Propane, butane, motor gasoline, kerosene, home heating oil, diesel fuel, other middle distillates, aviation gasoline, kerosene-type jet fuel, naphtha-type jet fuel, residual fuels, crude oil, and other petroleum products and hydrocarbons as may be determined by the ~~department~~ commission to be of importance.

Section 507. Section 377.603, Florida Statutes, is amended to read:

377.603 Energy data collection; powers and duties of the ~~department~~ commission.—

(1) The ~~department~~ commission may collect data on the extraction, production, importation, exportation, refinement, transportation, transmission, conversion, storage, sale, or reserves of energy resources in this state in an efficient and expeditious manner.

(2) The department ~~commission~~ may prepare periodic reports of energy data it collects.

(3) The department ~~commission~~ may adopt and promulgate such rules and regulations as are necessary to carry out the provisions of ss. 377.601-377.608. Such rules shall be pursuant to chapter 120.

(4) The department ~~commission~~ shall maintain internal validation procedures to assure the accuracy of information received.

Section 508. Section 377.604, Florida Statutes, is amended to read:

377.604 Required reports.—Every person who produces, imports, exports, refines, transports, transmits, converts, stores, sells, or holds known reserves of any form of energy resources used as fuel shall report to the department ~~commission~~, at the request of and in a manner prescribed by the department ~~commission~~, on forms provided by the department ~~commission~~. Such forms shall be designed in such a manner as to indicate:

(1) The identity of the person or persons making the report.

(2) The quantity of energy resources extracted, produced, imported, exported, refined, transported, transmitted, converted, stored, or sold except at retail.

(3) The quantity of energy resources known to be held in reserve in the state.

(4) The identity of each refinery from which petroleum products have normally been obtained and the type and quantity of products secured from that refinery for sale or resale in this state.

(5) Any other information which the department ~~commission~~ deems proper pursuant to the intent of ss. 377.601-377.608.

Section 509. Section 377.605, Florida Statutes, is amended to read:

377.605 Use of existing information.—The department ~~commission~~ may utilize to the fullest extent possible any existing energy information already prepared for state or federal agencies. Every state, county, and municipal agency shall cooperate with the department ~~commission~~ and shall submit any information on energy to the department ~~commission~~ upon request.

Section 510. Section 377.606, Florida Statutes, is amended to read:

377.606 Records of the department ~~commission~~; limits of confidentiality. The information or records of individual persons, as defined in this section, obtained by the department ~~commission~~ as a result of a report, investigation, or verification required by the department ~~commission~~ shall be open to the public, except such information the disclosure of which would be likely to cause substantial harm to the competitive position of the person providing

such information and which is requested to be held confidential by the person providing such information. Such proprietary information is confidential and exempt from the provisions of s. 119.07(1). Information reported by entities other than the department ~~commission~~ in documents or reports open to public inspection shall under no circumstances be classified as confidential by the department ~~commission~~. Divulgence of proprietary information as is requested to be held confidential, except upon order of a court of competent jurisdiction or except to an officer of the state entitled to receive the same in his or her official capacity, shall be a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. ~~Nothing in~~ This section ~~does not shall be construed to~~ prohibit the publication or divulgence by other means of data so classified as to prevent identification of particular accounts or reports made to the department ~~commission~~ in compliance with s. 377.603 or to prohibit the disclosure of such information to properly qualified legislative committees. The department ~~commission~~ shall establish a system which permits reasonable access to information developed.

Section 511. Section 377.608, Florida Statutes, is amended to read:

377.608 Prosecution of cases by state attorney.—The state attorney shall prosecute all cases certified to him or her for prosecution by the department ~~commission~~ immediately upon receipt of the evidence transmitted by the department ~~commission~~, or as soon thereafter as practicable.

Section 512. Subsections (1), (2), and (3) of section 377.701, Florida Statutes, are amended to read:

377.701 Petroleum allocation.—

(1) The Division of Emergency Management ~~Florida Energy and Climate Commission~~ shall assume the state’s role in petroleum allocation and conservation, including the development of a fair and equitable petroleum plan. The Division of Emergency Management ~~commission~~ shall constitute the responsible state agency for performing the functions of any federal program delegated to the state, which relates to petroleum supply, demand, and allocation.

(2) The Division of Emergency Management ~~commission~~ shall, in addition to assuming the duties and responsibilities provided by subsection (1), perform the following:

(a) In projecting available supplies of petroleum, coordinate with the Department of Revenue to secure information necessary to assure the sufficiency and accuracy of data submitted by persons affected by any federal fuel allocation program.

(b) Require such periodic reports from public and private sources as may be necessary to the fulfillment of its responsibilities under this act. Such reports may include: petroleum use; all sales, including end-user sales,

except retail gasoline and retail fuel oil sales; inventories; expected supplies and allocations; and petroleum conservation measures.

(c) In cooperation with the Department of Revenue and other relevant state agencies, provide for long-range studies regarding the usage of petroleum in the state in order to:

1. Comprehend the consumption of petroleum resources.
2. Predict future petroleum demands in relation to available resources.
3. Report the results of such studies to the Legislature.

(3) For the purpose of determining accuracy of data, all state agencies shall timely provide the Division of Emergency Management ~~commission~~ with petroleum-use information in a format suitable to the needs of the allocation program.

Section 513. Section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~.—

(1) **LEGISLATIVE INTENT.**—Recognizing that energy supply and demand questions have become a major area of concern to the state which must be dealt with by effective and well-coordinated state action, it is the intent of the Legislature to promote the efficient, effective, and economical management of energy problems, centralize energy coordination responsibilities, pinpoint responsibility for conducting energy programs, and ensure the accountability of state agencies for the implementation of s. 377.601(2), the state energy policy. It is the specific intent of the Legislature that nothing in this act shall in any way change the powers, duties, and responsibilities assigned by the Florida Electrical Power Plant Siting Act, part II of chapter 403, or the powers, duties, and responsibilities of the Florida Public Service Commission.

(2) **FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.**—The ~~department~~ ~~commission~~ shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

(a) The Division of Emergency Management ~~is responsible for the commission~~ ~~shall assume the responsibility for~~ development of an energy emergency contingency plan to respond to serious shortages of primary and secondary energy sources. Upon a finding by the Governor, implementation of any emergency program shall be upon order of the Governor that a particular kind or type of fuel is, or that the occurrence of an event which is reasonably expected within 30 days will make the fuel, in short supply. The Division of Emergency Management ~~commission~~ shall then respond by instituting the appropriate measures of the contingency plan to meet the given emergency or energy shortage. The Governor may utilize the

provisions of s. 252.36(5) to carry out any emergency actions required by a serious shortage of energy sources.

(b) The ~~department is commission~~ shall be responsible for performing or coordinating the functions of any federal energy programs delegated to the state, including energy supply, demand, conservation, or allocation.

(c) The ~~department commission~~ shall analyze present and proposed federal energy programs and make recommendations regarding those programs to the Governor and the Legislature.

(d) The ~~department commission~~ shall coordinate efforts to seek federal support or other support for state energy activities, including energy conservation, research, or development, and ~~is shall be~~ responsible for the coordination of multiagency energy conservation programs and plans.

(e) The ~~department commission~~ shall analyze energy data collected and prepare long-range forecasts of energy supply and demand in coordination with the Florida Public Service Commission, which is responsible shall have responsibility for electricity and natural gas forecasts. To this end, the forecasts shall contain:

1. An analysis of the relationship of state economic growth and development to energy supply and demand, including the constraints to economic growth resulting from energy supply constraints.

2. Plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas, and an analysis of the extent to which renewable energy sources are being utilized in the state.

3. Consideration of alternative scenarios of statewide energy supply and demand for 5, 10, and 20 years to identify strategies for long-range action, including identification of potential social, economic, and environmental effects.

4. An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels, and an analysis of anticipated effects on the state's environment and social services resulting from energy resource development activities or from energy supply constraints, or both.

(f) The ~~department commission~~ shall submit an annual report to the Governor and the Legislature reflecting its activities and making recommendations of policies for improvement of the state's response to energy supply and demand and its effect on the health, safety, and welfare of the people of Florida. The report shall include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and underway in the past year and shall include recommendations for energy conservation programs for the state, including, but not limited to, the following factors:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy conservation.

3. Development and conduct of educational and training programs relating to energy conservation.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601(2), the state energy policy, and recommendations for better fulfilling this policy.

(g) The department ~~may~~ ~~commission~~ ~~has~~ ~~authority~~ to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act.

(h) The department ~~commission~~ shall promote the development and use of renewable energy resources, in conformance with the provisions of chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of solar energy in this state.

2. Aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center, Enterprise Florida, Inc., and any other federal, state, or local governmental agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

3. Identifying barriers to greater use of solar energy systems in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental Protection, the Department of Transportation, the Department of Community Affairs, Enterprise Florida, Inc., the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the National Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the department ~~commission~~ shall seek the assistance of the solar energy industry in this state and other interested parties and is authorized to enter into contracts,

retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

(i) The ~~department commission~~ shall promote energy conservation in all energy use sectors throughout the state and shall constitute the state agency primarily responsible for this function. ~~To this end, The Department of Management Services, in consultation with the department, commission~~ shall coordinate the energy conservation programs of all state agencies and review and comment on the energy conservation programs of all state agencies.

(j) The ~~department commission~~ shall serve as the state clearinghouse for indexing and gathering all information related to energy programs in state universities, in private universities, in federal, state, and local government agencies, and in private industry and shall prepare and distribute such information in any manner necessary to inform and advise the citizens of the state of such programs and activities. This shall include developing and maintaining a current index and profile of all research activities, which shall be identified by energy area and may include a summary of the project, the amount and sources of funding, anticipated completion dates, or, in case of completed research, conclusions, recommendations, and applicability to state government and private sector functions. The ~~department commission~~ shall coordinate, promote, and respond to efforts by all sectors of the economy to seek financial support for energy activities. The ~~department commission~~ shall provide information to consumers regarding the anticipated energy-use and energy-saving characteristics of products and services in coordination with any federal, state, or local governmental agencies as may provide such information to consumers.

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

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

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

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

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of

energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(l) The department ~~commission~~ shall develop, coordinate, and promote a comprehensive research plan for state programs. Such plan shall be consistent with state energy policy and shall be updated on a biennial basis.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by severe hurricanes, and the potential for such impacts caused by other natural disasters, the Division of Emergency Management ~~commission~~ shall include in its energy emergency contingency plan and provide to the Florida Building Commission for inclusion in the Florida Energy Efficiency Code for Building Construction specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

(3) The Department of Environmental Protection is ~~commission~~ shall be responsible for the administration of the Coastal Energy Impact Program provided for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

Section 514. Paragraph (h) of subsection (5) of section 377.711, Florida Statutes, is amended to read:

377.711 Florida party to Southern States Energy Compact.—The Southern States Energy Compact is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

(5) POWERS.—The board shall have the power to:

(h) Recommend such changes in, or amendments or additions to, the laws, codes, rules, regulations, administrative procedures and practices, or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made, in the case of Florida, through the Department of Agriculture and Consumer Services ~~Commerce~~.

Section 515. Section 377.801, Florida Statutes, is amended to read:

377.801 Short title.—Sections 377.801-377.807 ~~377.801-377.806~~ may be cited as the “Florida Energy and Climate Protection Act.”

Section 516. Section 377.803, Florida Statutes, is amended to read:

377.803 Definitions.—As used in ss. 377.801-377.807 ~~377.801-377.806~~, the term:

- (1) “Act” means the Florida Energy and Climate Protection Act.
- (2) “Department” “~~Commission~~” means the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~.
- (3) “Person” means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.
- (4) “Renewable energy” means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, as defined in s. 366.91, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.
- (5) “Renewable energy technology” means any technology that generates or utilizes a renewable energy resource.
- (6) “Solar energy system” means equipment that provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications that would normally require a conventional source of energy such as petroleum products, natural gas, or electricity that performs primarily with solar energy. In other systems in which solar energy is used in a supplemental way, only those components that collect and transfer solar energy shall be included in this definition.
- (7) “Solar photovoltaic system” means a device that converts incident sunlight into electrical current.
- (8) “Solar thermal system” means a device that traps heat from incident sunlight in order to heat water.

Section 517. Subsection (1), paragraph (f) of subsection (2), and subsections (3) through (6) of section 377.804, Florida Statutes, are amended to read:

377.804 Renewable Energy and Energy-Efficient Technologies Grants Program.—

(1) The Renewable Energy and Energy-Efficient Technologies Grants Program is established within the department ~~commission~~ to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies and innovative technologies that significantly increase energy efficiency for vehicles and commercial buildings.

(2) Matching grants for projects described in subsection (1) may be made to any of the following:

(f) Other qualified persons, as determined by the department ~~commission~~.

(3) The department ~~commission~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under this program.

(4) Factors the department ~~commission~~ shall consider in awarding grants include, but are not limited to:

(a) The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The department ~~commission~~ shall give greater preference to projects that provide such matching funds or other in-kind contributions.

(b) The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

(c) The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(d) The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

(e) The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

(f) The degree to which a project demonstrates efficient use of energy and material resources.

(g) The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

(h) The ability to administer a complete project.

(i) Project duration and timeline for expenditures.

(j) The geographic area in which the project is to be conducted in relation to other projects.

(k) The degree of public visibility and interaction.

(5) The department ~~commission~~ shall solicit the expertise of state agencies, Enterprise Florida, Inc., and state universities, and may solicit the expertise of other public and private entities it deems appropriate, in

evaluating project proposals. State agencies shall cooperate with the department commission and provide such assistance as requested.

(6) ~~The commission shall coordinate and actively consult with the Department of Agriculture and Consumer Services during the review and approval process of grants relating to bioenergy projects for renewable energy technology.~~ Factors for consideration in awarding grants relating to bioenergy projects may include, but are not limited to, the degree to which:

(a) The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

(b) The project produces bioenergy from Florida-grown crops or biomass.

(c) The project demonstrates efficient use of energy and material resources.

(d) The project fosters overall understanding and appreciation of bioenergy technologies.

(e) Matching funds and in-kind contributions from an applicant are available.

(f) The project duration and the timeline for expenditures are acceptable.

(g) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

(h) Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

Section 518. Subsections (1), (6), and (7) of section 377.806, Florida Statutes, are amended to read:

377.806 Solar Energy System Incentives Program.—

(1) PURPOSE.—The Solar Energy System Incentives Program is established within the Department of Agriculture and Consumer Services commission to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2010, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(6) REBATE AVAILABILITY.—The department commission shall determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued is subject to

the total amount of appropriations in any fiscal year for this program. If funds are insufficient during the current fiscal year, any requests for rebates received during that fiscal year may be processed during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year shall be given priority over requests for rebates received during the following fiscal year.

(7) RULES.—The department ~~commission~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to develop rebate applications and administer the issuance of rebates.

Section 519. Section 377.807, Florida Statutes, is amended to read:

377.807 Energy-efficient appliance rebate program.—

(1) The department may ~~Florida Energy and Climate Commission is authorized to~~ develop and administer a consumer rebate program for residential energy-efficient appliances, consistent with 42 U.S.C. s. 15821 and any federal agency guidance or regulations issued in furtherance of federal law.

(2) The department ~~commission~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 designating eligible appliances, rebate amounts, and the administration of the issuance of rebates. The rules shall be consistent with 42 U.S.C. s. 15821 and any subsequent implementing federal regulations or guidance.

(3) The department may ~~commission is authorized to~~ enter into contracts or memoranda of agreement with other agencies of the state, public-private partnerships, or other arrangements such that the most efficient means of administering consumer rebates can be achieved.

Section 520. Subsections (2) through (5) of section 377.808, Florida Statutes, are amended to read:

377.808 Florida Green Government Grants Act.—

(2) The department ~~Florida Energy and Climate Commission~~ shall use funds specifically appropriated to award grants under this section to assist local governments, including municipalities, counties, and school districts, in the development and implementation of programs that achieve green standards. Green standards shall be determined by the department ~~commission~~ and shall provide for cost-efficient solutions, reducing greenhouse gas emissions, improving quality of life, and strengthening the state's economy.

(3) The department ~~commission~~ shall adopt rules pursuant to chapter 120 to administer the grants provided for in this section. In accordance with the rules adopted by the department ~~commission~~ under this section, the department ~~commission~~ may provide grants from funds specifically appropriated for this purpose to local governments for the costs of achieving green

standards, including necessary administrative expenses. The rules of the department ~~commission~~ shall:

(a) Designate one or more suitable green government standards frameworks from which local governments may develop a greening government initiative and from which projects may be eligible for funding pursuant to this section.

(b) Require that projects that plan, design, construct, upgrade, or replace facilities reduce greenhouse gas emissions and be cost-effective, environmentally sound, permissible, and implementable.

(c) Require local governments to match state funds with direct project cost sharing or in-kind services.

(d) Provide for a scale of matching requirements for local governments on the basis of population in order to assist rural and undeveloped areas of the state with any financial burden of addressing climate change impacts.

(e) Require grant applications to be submitted on appropriate forms developed and adopted by the department ~~commission~~ with appropriate supporting documentation and require records to be maintained.

(f) Establish a system to determine the relative priority of grant applications. The system shall consider greenhouse gas reductions, energy savings and efficiencies, and proven technologies.

(g) Establish requirements for competitive procurement of engineering and construction services, materials, and equipment.

(h) Provide for termination of grants when program requirements are not met.

(4) Each local government is limited to not more than two grant applications during each application period announced by the department ~~commission~~. However, a local government may not have more than three active projects expending grant funds during any state fiscal year.

(5) The department ~~commission~~ shall perform an adequate overview of each grant, which may include technical review, site inspections, disbursement approvals, and auditing to successfully implement this section.

Section 521. Subsections (3) and (6) of section 403.44, Florida Statutes, are amended to read:

403.44 Florida Climate Protection Act.—

(3) The department may adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters. When developing the rules, the department shall consult with the Department of Agriculture and Consumer Services ~~Florida Energy and Climate~~

~~Commission~~ and the Florida Public Service Commission and may consult with the Governor's Action Team for Energy and Climate Change. The department shall not adopt rules until after January 1, 2010. The rules shall not become effective until ratified by the Legislature.

(6) Recognizing that the international, national, and neighboring state policies and the science of climate change will evolve, prior to submitting the proposed rules to the Legislature for consideration, the department shall submit the proposed rules to the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~, which shall review the proposed rules and submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the department. The report shall address:

(a) The overall cost-effectiveness of the proposed cap-and-trade system in combination with other policies and measures in meeting statewide targets.

(b) The administrative burden to the state of implementing, monitoring, and enforcing the program.

(c) The administrative burden on entities covered under the cap.

(d) The impacts on electricity prices for consumers.

(e) The specific benefits to the state's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.

(f) The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.

(g) The potential effects on leakage if economic activity relocates out of the state.

(h) The effectiveness of the combination of measures in meeting identified targets.

(i) The economic implications for near-term periods of short-term and long-term targets specified in the overall policy.

(j) The overall costs and benefits of a cap-and-trade system to the economy of the state.

(k) The impacts on low-income consumers that result from energy price increases.

(l) The consistency of the program with other state and possible federal efforts.

(m) The evaluation of the conditions under which the state should consider linking its trading system to the systems of other states or other

countries and how that might be affected by the potential inclusion in the rule of a safety valve.

(n) The timing and changes in the external environment, such as proposals by other states or implementation of a federal program that would spur reevaluation of the Florida program.

(o) The conditions and options for eliminating the Florida program if a federal program were to supplant it.

(p) The need for a regular reevaluation of the progress of other emitting regions of the country and of the world, and whether other regions are abating emissions in a commensurate manner.

(q) The desirability of and possibilities of broadening the scope of the state’s cap-and-trade system at a later date to include more emitting activities as well as sinks in Florida, the conditions that would need to be met to do so, and how the program would encourage these conditions to be met, including developing monitoring and measuring techniques for land use emissions and sinks, regulating sources upstream, and other considerations.

Section 522. Section 526.207, Florida Statutes, is amended to read:

526.207 Studies and reports.—

(1) The Department of Agriculture and Consumer Services Florida Energy and Climate Commission shall conduct a study to evaluate and recommend the life-cycle greenhouse gas emissions associated with all renewable fuels, including, but not limited to, biodiesel, renewable diesel, biobutanol, and ethanol derived from any source. In addition, the department commission shall evaluate and recommend a requirement that all renewable fuels introduced into commerce in the state, as a result of the renewable fuel standard, shall reduce the life-cycle greenhouse gas emissions by an average percentage. The department commission may also evaluate and recommend any benefits associated with the creation, banking, transfer, and sale of credits among fuel refiners, blenders, and importers.

(2) The Department of Agriculture and Consumer Services Florida Energy and Climate Commission shall submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2010.

Section 523. Subsection (3) of section 570.954, Florida Statutes, is amended to read:

570.954 Farm-to-fuel initiative.—

~~(3) The department shall coordinate with and solicit the expertise of the state energy office within the Department of Environmental Protection when developing and implementing this initiative.~~

Section 524. Section 570.074, Florida Statutes, is amended to read:

570.074 Department of Agriculture and Consumer Services; energy and water policy coordination.—The commissioner may create an Office of Energy and Water Coordination under the supervision of a senior manager exempt under s. 110.205 in the Senior Management Service. The commissioner may designate the bureaus and positions in the various organizational divisions of the department that report to this office relating to any matter over which the department has jurisdiction in matters relating to energy and water policy affecting agriculture, application of such policies, and coordination of such matters with state and federal agencies.

Section 525. Sections 1 and 2 of chapter 2010-282, Laws of Florida, are amended to read:

Section 1. (1) As provided in this section and section 2, a portion of the total amount appropriated in this act shall be used ~~utilized~~ by the Department of Agriculture and Consumer Services Florida Energy and Climate Commission to pay rebates to eligible applicants who submit an application pursuant to the Florida ENERGY STAR Residential HVAC Rebate Program administered by the department ~~commission~~, as approved by the United States Department of Energy. An applicant is eligible for a rebate under this section if:

(a) A complete application is submitted to the department ~~commission~~ on or before November 30, 2010.

(b) The central air conditioner, air source heat pump, or geothermal heat pump system replacement for which the applicant is seeking a rebate was purchased from or contracted for purchase with a Florida-licensed contractor after August 29, 2010, but before September 15, 2010, and fully installed prior to submission of the application for a rebate.

(c) The department ~~commission~~ determines that the application complies with this section and any existing agreement with the United States Department of Energy governing the Florida ENERGY STAR Residential HVAC Rebate Program.

(d) The applicant provides the following information to the department ~~commission~~ on or before November 30, 2010:

1.a. A copy of the sales receipt indicating a date of purchase after August 29, 2010, but before September 15, 2010, with the make and model number identified and circled along with the name and address of the Florida-licensed contractor who installed the system; or

b. A copy of the contract for the purchase and installation of the system indicating a contract date after August 29, 2010, but before September 15, 2010, and a copy of the sales receipt indicating a date of purchase after August 29, 2010, but on or before November 30, 2010, with the make and

model number identified and circled along with the name and address of the Florida-licensed contractor who installed the system.

2. A copy of the mechanical building permit issued by the county or municipality and pulled by the Florida-licensed contractor who installed the system for the residence.

3. A copy of the Air Distribution System Test Report results from a Florida-certified Class 1 energy gauge rater, a Florida-licensed mechanical contractor, or a recognized test and balance agent. The results from the test must indicate the home has no more than 15 percent leakage to the outside as measured by 0.10 Qn.out or less.

4. A copy of the summary of the Manual J program completed for the residence to indicate that the proper methodology for sizing the new system was completed.

(2) The Department of Agriculture and Consumer Services Florida Energy and Climate Commission shall pay a \$1,500 rebate to each consumer who submits an application pursuant to the Florida ENERGY STAR Residential HVAC Rebate Program if the application is approved by the department commission in accordance with this act. The department commission shall pay all rebates authorized in this section prior to paying any rebates authorized in section 2.

Section 2. Notwithstanding s. 377.806(6), Florida Statutes, the Department of Agriculture and Consumer Services Florida Energy and Climate Commission shall utilize up to \$28,902,623, less any amount in excess of \$2,467,244 used to pay rebates pursuant to section 1, to pay a percentage of each unpaid and approved rebate application submitted pursuant to the Solar Energy System Incentives Program established in s. 377.806, Florida Statutes. An applicant is eligible for a rebate under this section if the application submitted complies with s. 377.806, Florida Statutes. The percentage of each approved rebate to be paid shall be derived by dividing the remaining appropriation by the total dollar value of the backlog of final approved solar rebates, pursuant to the authorized limits provided in s. 377.806, Florida Statutes.

Section 526. Subsections (5), (11), (12), and (13) of section 1004.648, Florida Statutes, are amended to read:

1004.648 Florida Energy Systems Consortium.—

(5) The director, whose office ~~is shall be~~ located at the University of Florida, shall report to the Department of Agriculture and Consumer Services Florida Energy and Climate Commission created pursuant to s. 377.6015.

(11) The oversight board, in consultation with the Department of Agriculture and Consumer Services Florida Energy and Climate Commission, shall ensure that the consortium:

- (a) Maintains accurate records of any funds received by the consortium.
- (b) Meets financial and technical performance expectations, which may include external technical reviews as required.

(12) The steering committee shall consist of the university representatives included in the Centers of Excellence proposals for the Florida Energy Systems Consortium and the Center of Excellence in Ocean Energy Technology-Phase II which were reviewed during the 2007-2008 fiscal year by the Florida Technology, Research, and Scholarship Board created in s. 1004.226(4); a university representative appointed by the President of Florida International University; and a representative of the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~. The steering committee ~~is~~ shall be responsible for establishing and ensuring the success of the consortium's mission under subsection (9).

(13) By November 1 of each year, the consortium shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~ regarding its activities, including, but not limited to, education and research related to, and the development and deployment of, alternative energy technologies.

Section 527. For the 2011-2012 fiscal year only, notwithstanding s. 216.181(2)(b), Florida Statutes, the Department of Agriculture may submit an amendment to the Legislative Budget Commission for increased budget authority for a fixed capital outlay appropriation for federal energy grants. Any such amendment is subject to the review and notice procedures provided in s. 216.177, Florida Statutes.

Section 528. This act shall take effect July 1, 2011.

Approved by the Governor June 14, 2011.

Filed in Office Secretary of State June 14, 2011.